

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 454

To provide that a State court may not modify an order of another State court requiring the payment of child support unless the recipient of child support payments resides in the State in which the modification is sought, or consents to seeking the modification in such other State court.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1993

Mr. FRANK of Massachusetts introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To provide that a State court may not modify an order of another State court requiring the payment of child support unless the recipient of child support payments resides in the State in which the modification is sought, or consents to seeking the modification in such other State court.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Full Faith and Credit  
5 for Child Support Orders Act”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—The Congress finds that—

3 (1) there is a large and growing number of  
4 child support cases annually involving disputes be-  
5 tween parents who reside in different States;

6 (2) the laws by which the courts of these jurisdic-  
7 tions determine their authority to establish child  
8 support orders are not uniform;

9 (3) those laws, along with the limits imposed by  
10 the Federal system on the authority of each State to  
11 take certain actions outside its own boundaries—

12 (A) encourage noncustodial parents to relo-  
13 cate outside the States where their children and  
14 the custodial parents reside to avoid the jurisdic-  
15 tion of the courts of such States, resulting in  
16 an increase in the amount of interstate travel  
17 and communication required to establish and  
18 collect on child support orders and a burden on  
19 custodial parents that is expensive, time con-  
20 suming, and disruptive of occupations and com-  
21 mercial activity;

22 (B) contribute to the pressing problem of  
23 relatively low levels of child support payments  
24 in interstate cases and to inequities in child  
25 support payments levels which are based solely  
26 on the noncustodial parent's choice of residence;

1 (C) encourage a disregard of court orders  
2 resulting in massive arrearages nationwide;

3 (D) allow noncustodial parents to avoid the  
4 payment of regularly scheduled child support  
5 payments for extensive periods of time, result-  
6 ing in substantial hardship for the children for  
7 whom support is due and for their custodians;  
8 and

9 (E) lead to the excessive relitigation of  
10 cases and to the establishment of conflicting or-  
11 ders by the courts of various jurisdictions, re-  
12 sulting in confusion, waste of judicial resources,  
13 disrespect for the courts, and a diminution of  
14 public confidence in the rule of law; and

15 (4) among the results of these conditions is the  
16 failure of the courts of the States to give full faith  
17 and credit to the judicial proceedings of the other  
18 States, the deprivation of rights of liberty and prop-  
19 erty without due process of law, burdens on com-  
20 merce among the States, and harm to the welfare of  
21 children and their parents and other custodians.

22 (b) STATEMENT OF POLICY.—For the reasons set  
23 forth in subsection (a), it is necessary to establish national  
24 standards under which the courts of different States will  
25 determine their jurisdiction to issue a child support order

1 and the effect to be given by each State to child support  
2 orders issued by the courts of other States.

3 (c) PURPOSES.—The purposes of this Act are to—

4 (1) facilitate the enforcement of child support  
5 orders among the States;

6 (2) discourage continuing interstate controver-  
7 sies over child support in the interest of greater fi-  
8 nancial stability and secure family relationships for  
9 the child; and

10 (3) avoid jurisdictional competition and conflict  
11 among State courts in the establishment of child  
12 support orders.

13 **SEC. 3. FULL FAITH AND CREDIT GIVEN TO CHILD SUP-**  
14 **PORT ORDERS.**

15 (a) IN GENERAL.—Chapter 115 of title 28, United  
16 States Code, is amended by inserting after section 1738A  
17 the following new section:

18 **“§ 1738B. Full faith and credit given to child support**  
19 **orders**

20 “(a) GENERAL RULE.—The appropriate authorities  
21 of each State shall enforce according to its terms, and  
22 shall not modify except as provided in subsection (e), any  
23 child support order made consistently with the provisions  
24 of this section by a court of another State.

1       “(b) DEFINITIONS.—As used in this section, the  
2 term—

3           “(1) ‘child’ means any person under the 18  
4 years of age, and includes an individual 18 or more  
5 years of age for whom a child support order has  
6 been issued pursuant to the laws of a State;

7           “(2) ‘child’s State’ means the State in which a  
8 child currently resides;

9           “(3) ‘child support order’ means a judgment,  
10 decree, or order of a court requiring the payment of  
11 money, or the provision of a benefit, including health  
12 insurance, whether in periodic amounts or lump  
13 sum, for the support of a child and includes perma-  
14 nent and temporary orders, initial orders and modi-  
15 fications, ongoing support, and arrearages;

16           “(4) ‘child support’ means a payment of money  
17 or provision of a benefit described in paragraph (3)  
18 for the support of a child;

19           “(5) ‘contestant’ means a person, including a  
20 parent, who claims a right to receive child support  
21 or is under a child support order, and the term ‘con-  
22 testant’ includes States and political subdivisions to  
23 whom the right to obtain a child support order has  
24 been assigned;

1           “(6) ‘court’ means a court, administrative proc-  
2           ess, or quasi-judicial process of a State which is au-  
3           thorized by State law to establish the amount of  
4           child support payable by a contestant or modify the  
5           amount of child support payable by a contestant;

6           “(7) ‘modification’ and ‘modify’ refer to a  
7           change in a child support order which affects the  
8           amount, scope, or duration of such order and modi-  
9           fies, replaces, supersedes, or otherwise is made sub-  
10          sequent to such child support order, whether or not  
11          made by the same court as such child support order;  
12          and

13          “(8) ‘State’ means a State of the United  
14          States, the District of Columbia, the Commonwealth  
15          of Puerto Rico, the territories and possessions of the  
16          United States, and Indian country as defined in sec-  
17          tion 1151 of title 18.

18          “(c) REQUIREMENTS OF CHILD SUPPORT ORDERS.—  
19          A child support order made by a court of a State is con-  
20          sistent with the provisions of this section only if—

21                 “(1) such court, pursuant to the laws of the  
22                 State in which such court is located, had jurisdiction  
23                 to hear the matter and enter such an order and had  
24                 personal jurisdiction over the contestants; and

1           “(2) reasonable notice and opportunity to be  
2           heard was given to the contestants.

3           “(d) CONTINUING JURISDICTION.—A court of a  
4 State which has made a child support order consistently  
5 with the provisions of this section has continuing, exclusive  
6 jurisdiction of that order when such State is the child’s  
7 State or the residence of any contestant unless another  
8 State, acting in accordance with subsection (e), has modi-  
9 fied that order.

10          “(e) AUTHORITY TO MODIFY ORDERS.—A court of  
11 a State may modify a child support order with respect to  
12 a child that is made by a court of another State, if—

13           “(1) it has jurisdiction to make such a child  
14           support order; and

15           “(2) the court of the other State no longer has  
16           continuing, exclusive jurisdiction of the child support  
17           order because such State no longer is the child’s  
18           State or the residence of any contestant, or each  
19           contestant has filed written consent for the State to  
20           modify the order and assume continuing, exclusive  
21           jurisdiction of such order.

22          “(f) ENFORCEMENT OF PRIOR ORDERS.—A court of  
23 a State which no longer has continuing, exclusive jurisdic-  
24 tion of a child support order may enforce such order with  
25 respect to unsatisfied obligations which accrued before the

1 date on which a modification of such order is made under  
2 subsection (e).”.

3 (b) CONFORMING AMENDMENT.—The table of sec-  
4 tions at the beginning of chapter 115 of title 28, United  
5 States Code, is amended by inserting after the item relat-  
6 ing to section 1738A the following:

“1738B. Full faith and credit given to child support orders.”.

7 **SEC. 4. DEFINITION.**

8 As used in section 2, the term “State” has the mean-  
9 ing given that term in section 1738B(b) of title 28, United  
10 States Code, as added by section 3 of this Act.

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