

Senate Bill 193

By: Senators Cowsert of the 46th, McKoon of the 29th, Tippins of the 37th, Bethel of the 54th and Ligon, Jr. of the 3rd

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 11 of Title 19 of the Official Code of Georgia Annotated, relating to the  
2 enforcement of duty of support, so as to update the Uniform Interstate Family Support Act;  
3 to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Chapter 11 of Title 19 of the Official Code of Georgia Annotated, relating to the enforcement  
7 of duty of support, is amended by revising Article 3, relating to the Uniform Interstate  
8 Family Support Act, as follows:

9 style="text-align:center">"ARTICLE 3

10 style="text-align:center">Part 1

11 19-11-100.

12 This article shall be known and may be cited as the 'Uniform Interstate Family Support  
13 Act.'

14 19-11-101.

15 As used in this article, the term:

16 (1) 'Child' means an individual, whether over or under the age of majority, who is or is  
17 alleged to be owed a duty of support by the individual's parent or who is or is alleged to  
18 be the beneficiary of a support order directed to the parent.

19 (2) 'Child support order' means a support order for a child, including a child who has  
20 attained the age of majority under the law of the issuing state.

21 (3) 'Convention' means the Convention on the International Recovery of Child Support  
22 and Other Forms of Family Maintenance, concluded at The Hague on November 23,  
23 2007.

24 ~~(3)~~(4) 'Duty of support' means an obligation imposed or which may be imposed by law  
 25 to provide support for a child, spouse, or former spouse, including an unsatisfied  
 26 obligation to provide support.

27 (5) 'Foreign country' means a country, including a political subdivision thereof, other  
 28 than the United States, that authorizes the issuance of support orders and:

29 (A) Which has been declared under the law of the United States to be a foreign  
 30 reciprocating country;

31 (B) Which has established a reciprocal arrangement for child support with this state as  
 32 provided in Code Section 19-11-127;

33 (C) Which has enacted a law or established procedures for the issuance and  
 34 enforcement of support orders which are substantially similar to the procedures under  
 35 this article; or

36 (D) In which the convention is in force with respect to the United States.

37 (6) 'Foreign support order' means a support order of a foreign tribunal.

38 (7) 'Foreign tribunal' means a court, administrative agency, or quasi-judicial entity of a  
 39 foreign country which is authorized to establish, enforce, or modify support orders or to  
 40 determine parentage of a child. The term includes a competent authority under the  
 41 convention.

42 ~~(4)~~(8) 'Home state' means the state or foreign country in which a child lived with a parent  
 43 or a person acting as parent for at least six consecutive months immediately preceding the  
 44 time of filing of a petition or comparable pleading for support and, if a child is less than  
 45 six months old, the state or foreign country in which the child lived from birth with any  
 46 of them. A period of temporary absence of any of them is counted as part of the  
 47 six-month or other period.

48 ~~(5)~~(9) 'Income' includes earnings or other periodic entitlements to money from any  
 49 source and any other property subject to withholding for support under the law of  
 50 Georgia.

51 ~~(6)~~(10) 'Income-withholding order' means an order or other legal process directed to an  
 52 obligor's employer or other debtor, pursuant to Code Sections 19-6-31 through 19-6-33,  
 53 to withhold support from the income of the obligor.

54 ~~(7)~~ 'Initiating state' means ~~a state from which a proceeding is forwarded or in which a~~  
 55 ~~proceeding is filed for forwarding to a responding state under this article or a law~~  
 56 ~~substantially similar to this article or under a law or procedure substantially similar to the~~  
 57 ~~Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal~~  
 58 ~~Enforcement of Support Act.~~

59 ~~(8)~~(11) 'Initiating tribunal' means the ~~authorized tribunal in an initiating state~~ of a state  
 60 or foreign country from which a petition or comparable pleading is forwarded or in which

61 a petition or comparable pleading is filed for forwarding to another state or foreign  
 62 country.

63 (12) 'Issuing foreign country' means the foreign country in which a tribunal issues a  
 64 support order or a judgment determining parentage of a child.

65 ~~(9)~~(13) 'Issuing state' means the state in which a tribunal issues a support order or renders  
 66 a judgment determining parentage of a child.

67 ~~(10)~~(14) 'Issuing tribunal' means the tribunal of a state or foreign country that issues a  
 68 support order or renders a judgment determining parentage of a child.

69 ~~(11)~~(15) 'Law' includes decisional and statutory law and rules and regulations having the  
 70 force of law.

71 ~~(12)~~(16) 'Obligee' means:

72 (A) An individual to whom a duty of support is or is alleged to be owed or in whose  
 73 favor a support order ~~has been issued~~ or a judgment determining parentage of a child  
 74 has been rendered issued;

75 (B) A foreign country, state, or political subdivision of a state to which the rights under  
 76 a duty of support or support order have been assigned or which has independent claims  
 77 based on financial assistance provided to an individual obligee in place of child support;  
 78 or

79 (C) An individual seeking a judgment determining parentage of the individual's child;  
 80 or

81 (D) A person that is a creditor in a proceeding under Part 7 of this article.

82 ~~(13)~~(17) 'Obligor' means an individual or the estate of a decedent that:

83 (A) ~~Who owes~~ Owes or is alleged to owe a duty of support;

84 (B) ~~Who is~~ Is alleged but has not been adjudicated to be a parent of a child; ~~or~~

85 (C) ~~Who is~~ Is liable under a support order; or

86 (D) Is a debtor in a proceeding under Part 7 of this article.

87 (18) 'Outside this state' means a location in another state or a country other than the  
 88 United States, whether or not the country is a foreign country.

89 (19) 'Person' means an individual, corporation, business trust, estate, trust, partnership,  
 90 limited liability company, association, joint venture, public corporation, government or  
 91 governmental subdivision, agency, or instrumentality, or any other legal or commercial  
 92 entity.

93 (20) 'Record' means information that is inscribed on a tangible medium or that is stored  
 94 in an electronic or other medium and is retrievable in perceivable form.

95 ~~(14)~~(21) 'Register' means to record or file in a tribunal of this state a support order or  
 96 judgment determining parentage of a child issued in another state or a foreign country in

97 ~~the appropriate court for the recording or filing of foreign judgments generally or foreign~~  
 98 ~~support orders specifically.~~

99 ~~(15)(22)~~ 'Registering tribunal' means a tribunal in which a support order or judgment  
 100 determining parentage of a child is registered.

101 ~~(16)(23)~~ 'Responding state' means a state in which a proceeding petition or comparable  
 102 pleading for support or to determine parentage of a child is filed or to which a proceeding  
 103 petition or comparable pleading is forwarded for filing from an initiating another state or  
 104 foreign country under this article or a law or procedure substantially similar to this article,  
 105 the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal  
 106 Enforcement of Support Act.

107 ~~(17)(24)~~ 'Responding tribunal' means the authorized tribunal in a responding state or  
 108 foreign country.

109 ~~(18)(25)~~ 'Spousal support order' means a support order for a spouse or former spouse of  
 110 the obligor.

111 ~~(19)(26)~~ 'State' means a state of the United States, the District of Columbia, Puerto Rico,  
 112 the United States Virgin Islands, or any territory or insular possession subject to the under  
 113 the jurisdiction of the United States. The term includes:

114 ~~(A) An an Indian nation or tribe; and~~

115 ~~(B) A foreign jurisdiction that has enacted a law or established procedures for issuance~~  
 116 ~~and enforcement of support orders which are substantially similar to the procedures~~  
 117 ~~under this article, the Uniform Reciprocal Enforcement of Support Act, or the Revised~~  
 118 ~~Uniform Reciprocal Enforcement of Support Act.~~

119 ~~(20)(27)~~ 'Support enforcement agency' means a public official, governmental entity, or  
 120 private agency authorized to seek:

121 ~~(A) Enforcement~~ Seek enforcement of support orders or laws relating to the duty of  
 122 support;

123 ~~(B) Establishment~~ Seek establishment or modification of child support;

124 ~~(C) Determination~~ Request determination of parentage of a child; or

125 ~~(D) The location of~~ Attempt to locate obligors or their assets; or

126 ~~(E) Request determination of the controlling child support order.~~

127 ~~(21)(28)~~ 'Support order' means a judgment, decree, or order, decision, or directive,  
 128 whether temporary, final, or subject to modification, issued in a state or foreign country  
 129 for the benefit of a child, a spouse, or a former spouse, which provides for monetary  
 130 support, health care, arrearages, retroactive support, or reimbursement for financial  
 131 assistance provided to an individual obligee in place of child support. ~~and~~ The term may  
 132 include related costs and fees, interest, income withholding, automatic adjustment,  
 133 reasonable attorney's fees, and other relief.

134 ~~(22)~~(29) 'Tribunal' means a court, administrative agency, or quasi-judicial entity  
135 authorized to establish, enforce, or modify support orders or to determine parentage of  
136 a child.

137 19-11-102.

138 (a) The superior courts, the Office of State Administrative Hearings, and the Department  
139 of Human Services are the tribunals of Georgia for purposes of this article.

140 (b) The district attorney of each judicial circuit and the Attorney General are the support  
141 enforcement agencies of this state.

142 19-11-103.

143 (a) Remedies provided by this article are cumulative and do not affect the availability of  
144 remedies under other law or the recognition of a foreign support order on the basis of  
145 comity.

146 (b) This article does not:

147 (1) Provide the exclusive method of establishing or enforcing a support order under the  
148 law of Georgia; or

149 (2) Grant a tribunal of Georgia jurisdiction to render judgment or issue an order relating  
150 to child custody or visitation in the proceeding under this article.

151 19-11-104.

152 (a) A tribunal of Georgia shall apply Parts 1 through 6 and, as applicable, Part 7 of this  
153 article to a support proceeding involving:

154 (1) A foreign support order;

155 (2) A foreign tribunal; or

156 (3) An obligee, obligor, or child residing in a foreign country.

157 (b) A tribunal of Georgia that is requested to recognize and enforce a support order on the  
158 basis of comity may apply the procedural and substantive provisions of Parts 1 through 6  
159 of this article.

160 (c) Part 7 of this article applies only to a support proceeding under the convention. In such  
161 a proceeding, if a provision of Part 7 of this article is inconsistent with Parts 1 through 6  
162 of this article, Part 7 of this article controls.

163

## Part 2

164 19-11-110.

165 (a) In a proceeding to establish, ~~or enforce, or modify~~ a support order or to determine  
 166 parentage of a child, a tribunal of this state may exercise personal jurisdiction over a  
 167 nonresident individual or the individual's guardian or conservator if:

168 (1) The individual is personally served with process within Georgia;

169 (2) The individual submits to the jurisdiction of Georgia by consent, by entering a  
 170 general appearance, or by filing a responsive document having the effect of waiving any  
 171 contest to personal jurisdiction;

172 (3) The individual resided with the child in Georgia;

173 (4) The individual resided in Georgia and provided prenatal expenses or support for the  
 174 child;

175 (5) The child resides in Georgia as a result of the acts or directives of the individual;

176 (6) The individual engaged in sexual intercourse in Georgia and the child may have been  
 177 conceived by that act of intercourse;

178 (7) The individual asserted parentage of a child in the putative father registry maintained  
 179 in this state by the Department of Human Services; or

180 (8) There is any other basis consistent with the Constitutions of Georgia and the United  
 181 States for the exercise of personal jurisdiction.

182 (b) The bases of personal jurisdiction set forth in subsection (a) of this Code section or in  
 183 any other law of this state may not be used to acquire personal jurisdiction for a tribunal  
 184 of this state to modify a child support order of another state unless the requirements of  
 185 Code Section 19-11-170 are met, or, in the case of a foreign support order, unless the  
 186 requirements of Code Section 19-11-174 are met.

187 19-11-111.

188 ~~A tribunal of Georgia exercising personal jurisdiction over a nonresident under Code~~  
 189 ~~Section 19-11-110 may apply Code Section 19-11-135 to receive evidence from another~~  
 190 ~~state and Code Section 19-11-137 to obtain discovery through a tribunal of another state.~~

191 ~~In all other respects, Parts 3 through 7 of this article do not apply and the tribunal shall~~  
 192 ~~apply the procedural and substantive law of Georgia, including the rules on choice of law~~

193 ~~other than those established by this article~~ Personal jurisdiction acquired by a tribunal of  
 194 Georgia in a proceeding under this article or other law of Georgia relating to a support

195 order continues so long as a tribunal of Georgia has continuing, exclusive jurisdiction to  
 196 modify its order or continuing jurisdiction to enforce its order as provided by Code

197 Sections 19-11-114, 19-11-115, and 19-11-119.1.

198 19-11-112.

199 Under this article, a tribunal in Georgia may serve as an initiating tribunal to forward  
200 proceedings to a tribunal of another state and as a responding tribunal for proceedings  
201 initiated in another state or foreign country.

202 19-11-113.

203 (a) A tribunal in Georgia may exercise jurisdiction to establish a support order if the  
204 petition or comparable pleading is filed after a pleading is filed in another state or a foreign  
205 country only if:

206 (1) The petition or comparable pleading in Georgia is filed before the expiration of the  
207 time allowed in the other state or the foreign country for filing a responsive pleading  
208 challenging the exercise of jurisdiction by the other state or the foreign country;

209 (2) The contesting party timely challenges the exercise of jurisdiction in the other state  
210 or the foreign country; and

211 (3) If relevant, Georgia is the home state of the child.

212 (b) A tribunal in Georgia may not exercise jurisdiction to establish a support order if the  
213 petition or comparable pleading is filed before a petition or comparable pleading is filed  
214 in another state or a foreign country if:

215 (1) The petition or comparable pleading in the other state or foreign country is filed  
216 before the expiration of the time allowed in Georgia for filing a responsive pleading  
217 challenging the exercise of jurisdiction by Georgia;

218 (2) The contesting party timely challenges the exercise of jurisdiction in Georgia; and

219 (3) If relevant, the other state or foreign country is the home state of the child.

220 19-11-114.

221 (a) A tribunal in Georgia ~~issuing that has issued a child~~ support order consistent with the  
222 law of Georgia has and shall exercise continuing, exclusive jurisdiction ~~over a~~ to modify  
223 its child support order if the order is the controlling order and:

224 (1) ~~As long as~~ At the time of the filing of a request for modification Georgia ~~remains is~~  
225 the residence of the obligor, the individual obligee, or the child for whose benefit the  
226 support order is issued; or

227 (2) ~~Until all of the parties who are individuals have filed written consents with the~~  
228 ~~tribunal in Georgia for a tribunal of another state to modify the order and assume~~  
229 ~~continuing, exclusive jurisdiction~~ Even if Georgia is not the residence of the obligor, the  
230 individual obligee, or the child for whose benefit the support order is issued, the parties  
231 consent in a record or in open court that the tribunal of Georgia may continue to exercise  
232 jurisdiction to modify its order.

233 (b) A tribunal in Georgia ~~issuing that has issued~~ a child support order consistent with the  
 234 law of Georgia may not exercise ~~its~~ continuing, exclusive jurisdiction to modify the order  
 235 if: ~~the order has been modified by a tribunal of another state pursuant to this article or a law~~  
 236 ~~substantially similar to this article~~

237 (1) All of the parties who are individuals file consent in a record with the tribunal of  
 238 Georgia that a tribunal of another state that has jurisdiction over at least one of the parties  
 239 who is an individual or that is located in the state of residence of the child may modify  
 240 the order and assume continuing, exclusive jurisdiction; or

241 (2) Its order is not the controlling order.

242 ~~(c) If a child support order of Georgia is modified by a tribunal of another state pursuant~~  
 243 ~~to this article or a law substantially similar to this article, a tribunal in Georgia loses its~~  
 244 ~~continuing, exclusive jurisdiction with regard to prospective enforcement of the order~~  
 245 ~~issued in Georgia and may only:~~

246 ~~(1) Enforce the order that was modified as to amounts accruing before the modification;~~

247 ~~(2) Enforce nonmodifiable aspects of that order; and~~

248 ~~(3) Provide other appropriate relief for violations of that order which occurred before the~~  
 249 ~~effective date of the modification.~~

250 ~~(d)(c) A tribunal of Georgia shall recognize the continuing, exclusive jurisdiction of~~ If a  
 251 tribunal of another state which has issued a child support order pursuant to this article or  
 252 a law substantially similar to this article which modifies a child support order of a tribunal  
 253 of Georgia, tribunals of Georgia shall recognize the continuing, exclusive jurisdiction of  
 254 the tribunal of the other state.

255 (d) A tribunal of Georgia that lacks continuing, exclusive jurisdiction to modify a child  
 256 support order may serve as an initiating tribunal to request a tribunal of another state to  
 257 modify a support order issued in that state.

258 (e) A temporary support order issued ex parte or pending resolution of a jurisdictional  
 259 conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

260 ~~(f) A tribunal of Georgia issuing a support order consistent with the law of Georgia has~~  
 261 ~~continuing, exclusive jurisdiction over a spousal support order throughout the existence of~~  
 262 ~~the support obligation. A tribunal of Georgia may not modify a spousal support order~~  
 263 ~~issued by a tribunal of another state having continuing, exclusive jurisdiction over that~~  
 264 ~~order under the law of that state.~~

265 19-11-115.

266 (a) A tribunal in Georgia that has issued a child support order consistent with the law of  
 267 Georgia may serve as an initiating tribunal to request a tribunal of another state to enforce;  
 268 or modify a support order issued in that state

269 (1) The order if the order is the controlling order and has not been modified by a tribunal  
 270 of another state that assumed jurisdiction pursuant to this article; or

271 (2) A money judgment for arrears of support and interest on the order accrued before a  
 272 determination that an order of a tribunal of another state is the controlling order.

273 (b) A tribunal in Georgia having continuing, ~~exclusive~~ jurisdiction over a support order  
 274 may act as a responding tribunal to enforce ~~or modify~~ the order. ~~If a party subject to the~~  
 275 ~~continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in~~  
 276 ~~subsequent proceedings the tribunal may apply Code Section 19-11-135 to receive~~  
 277 ~~evidence from another state and Code Section 19-11-137 to obtain discovery through a~~  
 278 ~~tribunal of another state.~~

279 ~~(c) A tribunal in Georgia which lacks continuing, exclusive jurisdiction over a spousal~~  
 280 ~~support order may not serve as a responding tribunal to modify a spousal support order of~~  
 281 ~~another state.~~

282 19-11-116.

283 (a) If a proceeding is brought under this article and only one tribunal has issued a child  
 284 support order, the order of that tribunal controls and must be ~~so~~ recognized.

285 (b) If a proceeding is brought under this article and two or more child support orders have  
 286 been issued by tribunals of Georgia, ~~or another state, or a foreign country~~ with regard to  
 287 the same obligor and same child, a tribunal of Georgia having personal jurisdiction over  
 288 both the obligor and individual obligee shall apply the following rules ~~in determining and~~  
 289 by order shall determine which order ~~to recognize for purposes of continuing, exclusive~~  
 290 jurisdiction controls and must be recognized:

291 (1) If only one of the tribunals would have continuing, exclusive jurisdiction under this  
 292 article, the order of that tribunal controls ~~and must be so recognized;~~

293 (2) If more than one of the tribunals would have continuing, exclusive jurisdiction under  
 294 this article,;

295 (A) An ~~an~~ order issued by a tribunal in the current home state of the child controls; ~~and~~  
 296 ~~must be so recognized, but or~~

297 (B) If ~~if~~ an order has not been issued in the current home state of the child, the order  
 298 most recently issued controls ~~and must be so recognized;~~ or

299 (3) If none of the tribunals would have continuing, exclusive jurisdiction under this  
 300 article, the tribunal of Georgia ~~having jurisdiction over the parties~~ shall issue a child  
 301 support order, which controls ~~and must be so recognized.~~

302 (c) If two or more child support orders have been issued for the same obligor and same  
 303 child, and if the obligor or the individual obligee resides in Georgia, upon request of a party  
 304 who is an individual or that is a support enforcement agency, may request a tribunal in

305 Georgia having personal jurisdiction over both the obligor and the obligee who is an  
 306 individual shall to determine which order controls and ~~must be so recognized~~ under  
 307 subsection (b) of this Code section. ~~The request must be accompanied by a certified copy~~  
 308 ~~of every support order in effect. The requesting party shall give notice of the request to~~  
 309 ~~each party whose rights may be affected by the determination. The request may be filed~~  
 310 with a registration for enforcement or registration for modification pursuant to Part 6 of this  
 311 article or may be filed as a separate proceeding.

312 (d) A request to determine which is the controlling order must be accompanied by a copy  
 313 of every child support order in effect and the applicable record of payments. The  
 314 requesting party shall give notice of the request to each party whose rights may be affected  
 315 by the determination.

316 ~~(d)~~(e) The tribunal that issued the controlling order under subsection (a), (b), or (c) of this  
 317 Code section ~~is the tribunal that has continuing, exclusive jurisdiction under~~ to the extent  
 318 provided in Code Section Sections 19-11-114 and 19-11-115.

319 ~~(e)~~(f) A tribunal of Georgia ~~which that~~ determines by order ~~the identity of which is the~~  
 320 controlling order under paragraph (1) or (2) of subsection (b) or subsection (c) of this Code  
 321 section or ~~which that~~ issues a new controlling order under paragraph (3) of subsection (b)  
 322 of this Code section shall state in that order:

323 (1) The the basis upon which the tribunal made its determination;

324 (2) The amount of prospective support, if any; and

325 (3) The total amount of consolidated arrears and accrued interest, if any, under all of the  
 326 orders after all payments made are credited as provided by Code Section 19-11-118.

327 ~~(f)~~(g) Within 30 days after issuance of an order determining ~~the identity of which is the~~  
 328 controlling order, the party obtaining the order shall file a certified copy of it with in each  
 329 tribunal that issued or registered an earlier order of child support. A party ~~who obtains or~~  
 330 support enforcement agency obtaining the order and that fails to file a certified copy is  
 331 subject to appropriate sanctions by a tribunal in which the issue of failure to file arises.  
 332 The failure to file does not affect the validity or enforceability of the controlling order.

333 (h) An order that has been determined to be the controlling order, or a judgment for  
 334 consolidated arrears of support and interest, if any, made pursuant to this Code section  
 335 must be recognized in proceedings under this article.

336 19-11-117.

337 In responding to ~~multiple~~ registrations or petitions for enforcement of two or more child  
 338 support orders in effect at the same time with regard to the same obligor and different  
 339 individual obligees, at least one of which was issued by a tribunal of another state or a

340 foreign country, a tribunal of Georgia shall enforce those orders in the same manner as if  
 341 the ~~multiple~~ orders had been issued by a tribunal of Georgia.

342 19-11-118.

343 ~~Amounts~~ A tribunal of Georgia shall credit amounts collected ~~and credited~~ for a particular  
 344 period pursuant to ~~a support order~~ any child support order against the amounts owed for  
 345 the same period under any other child support order for support of the same child issued  
 346 by a tribunal of Georgia or another state, or a foreign country ~~must be credited against the~~  
 347 ~~amounts accruing or accrued for the same period under a support order issued by the~~  
 348 ~~tribunal of Georgia.~~

349 19-11-119.

350 A tribunal of Georgia exercising personal jurisdiction over a nonresident in a proceeding  
 351 under this article, under other law of Georgia relating to a support order, or recognizing a  
 352 foreign support order may receive evidence from outside this state pursuant to Code  
 353 Section 19-11-135, communicate with a tribunal outside this state pursuant to Code Section  
 354 19-11-136, and obtain discovery through a tribunal outside this state pursuant to Code  
 355 Section 19-11-137. In all other respects, Parts 3 through 6 of this article do not apply and  
 356 the tribunal shall apply the procedural and substantive law of Georgia.

357 19-11-119.1.

358 (a) A tribunal of Georgia issuing a spousal support order consistent with the law of  
 359 Georgia has continuing, exclusive jurisdiction to modify the spousal support order  
 360 throughout the existence of the support obligation.

361 (b) A tribunal of Georgia may not modify a spousal support order issued by a tribunal of  
 362 another state or a foreign country having continuing, exclusive jurisdiction over that order  
 363 under the law of that state or foreign country.

364 (c) A tribunal of Georgia that has continuing, exclusive jurisdiction over a spousal support  
 365 order may serve as:

366 (1) An initiating tribunal to request a tribunal of another state to enforce the spousal  
 367 support order issued in this state; or

368 (2) A responding tribunal to enforce or modify its own spousal support order.

369

## Part 3

370 19-11-120.

371 (a) Except as otherwise provided in this article, this part applies to all proceedings under  
372 this article.

373 (b) ~~This article provides for the following proceedings:~~

374 ~~(1) Establishment of an order for spousal support or child support pursuant to Part 4 of  
375 this article;~~

376 ~~(2) Enforcement of a support order and income-withholding order of another state  
377 without registration pursuant to Part 5 of this article;~~

378 ~~(3) Registration of an order for spousal support or child support of another state for  
379 enforcement pursuant to Part 6 of this article;~~

380 ~~(4) Modification of an order for child support or spousal support issued by a tribunal of  
381 Georgia pursuant to Code Sections 19-11-112 through 19-11-115;~~

382 ~~(5) Registration of an order for child support of another state for modification pursuant  
383 to Part 6 of this article;~~

384 ~~(6) Determination of parentage pursuant to Part 7 of this article; and~~

385 ~~(7) Assertion of jurisdiction over nonresidents pursuant to Code Sections 19-11-110 and  
386 19-11-111.~~

387 (c) An individual petitioner or a support enforcement agency may ~~commence~~ initiate a  
388 proceeding authorized under this article by filing a petition in an initiating tribunal for  
389 forwarding to a responding tribunal or by filing a petition or a comparable pleading directly  
390 in a tribunal of another state or a foreign country which has or can obtain personal  
391 jurisdiction over the respondent.

392 19-11-121.

393 A minor parent, or a guardian or other legal representative of a minor parent, may maintain  
394 a proceeding on behalf of or for the benefit of the minor's child.

395 19-11-122.

396 Except as otherwise provided by in this article, a responding tribunal of Georgia:

397 (1) Shall apply the procedural and substantive law, ~~including the rules on choice of law,~~  
398 generally applicable to similar proceedings originating in Georgia and may exercise all  
399 powers and provide all remedies available in those proceedings; and

400 (2) Shall determine the duty of support and the amount payable in accordance with the  
401 law and support guidelines of Georgia.

402 19-11-123.

403 (a) Upon the filing of a petition authorized by this article, an initiating tribunal of ~~this state~~  
404 Georgia shall forward ~~three copies of~~ the petition and its accompanying documents:

405 (1) To the responding tribunal or appropriate support enforcement agency in the  
406 responding state; or

407 (2) If the identity of the responding tribunal is unknown, to the state information agency  
408 of the responding state with a request that they be forwarded to the appropriate tribunal  
409 and that receipt be acknowledged.

410 (b) ~~If a responding state has not enacted this article or a law or procedure substantially~~  
411 ~~similar to this article, requested by the responding tribunal, a tribunal of Georgia may shall~~  
412 issue a certificate or other document and make findings required by the law of the  
413 responding state. If the responding ~~state tribunal is in~~ a foreign ~~jurisdiction, country, upon~~  
414 request the tribunal may of Georgia shall specify the amount of support sought, convert that  
415 amount into the equivalent amount in the foreign currency under applicable official or  
416 market exchange rate as publicly reported, and provide any other documents necessary to  
417 satisfy the requirements of the responding ~~state~~ foreign tribunal.

418 19-11-124.

419 (a) When a responding tribunal of Georgia receives a petition or comparable pleading from  
420 an initiating tribunal or directly pursuant to subsection ~~(c)~~ (b) of Code Section 19-11-120,  
421 it shall cause the petition or pleading to be filed and notify the petitioner where and when  
422 it was filed.

423 (b) A responding tribunal of Georgia, to the extent ~~otherwise authorized~~ not prohibited by  
424 other law, may do one or more of the following:

425 (1) ~~Issue~~ Establish or enforce a support order, modify a child support order, determine  
426 the controlling child support order, or render a judgment to determine parentage of a  
427 child;

428 (2) Order an obligor to comply with a support order, specifying the amount and the  
429 manner of compliance;

430 (3) Order income withholding;

431 (4) Determine the amount of any arrearages and specify a method of payment;

432 (5) Enforce orders by civil or criminal contempt, or both;

433 (6) Set aside property for satisfaction of the support order;

434 (7) Place liens and order execution on the obligor's property;

435 (8) Order an obligor to keep the tribunal informed of the obligor's current residential  
436 address, e-mail address, telephone number, employer, address of employment, and  
437 telephone number at the place of employment;

438 (9) Issue an order for the arrest of an obligor who has failed after proper notice to appear  
 439 at a hearing ordered by the tribunal and enter the arrest order in any local and state  
 440 computer systems for criminal warrants;

441 (10) Order the obligor to seek appropriate employment by specified methods;

442 (11) Award reasonable attorney's fees and other fees and costs; and

443 (12) Grant any other available remedy.

444 (c) A responding tribunal of Georgia shall include in a support order issued under this  
 445 article, or in the documents accompanying the order, the calculations on which the support  
 446 order is based.

447 (d) A responding tribunal of Georgia may not condition the payment of a support order  
 448 issued under this article upon compliance by a party with provisions for visitation.

449 (e) If a responding tribunal of Georgia issues an order under this article, the tribunal shall  
 450 send a copy of the order to the petitioner and the respondent and to the initiating tribunal,  
 451 if any.

452 (f) If requested to enforce a support order, arrears, or judgment or modify a support order  
 453 stated in a foreign currency, a responding tribunal of Georgia shall convert the amount  
 454 stated in the foreign currency to the equivalent amount in dollars under the applicable  
 455 official or market exchange rate as publicly reported.

456 19-11-125.

457 If a petition or comparable pleading is received by an inappropriate tribunal of this state,  
 458 it the tribunal shall forward the pleading and accompanying documents to an appropriate  
 459 tribunal in of this state or another state and notify the petitioner where and when the  
 460 pleading was sent.

461 19-11-126.

462 (a) A support enforcement agency of this state, upon request, shall provide services to a  
 463 petitioner in a proceeding under this article.

464 (b) A support enforcement agency of this state that is providing services to the petitioner  
 465 as appropriate shall:

466 (1) Take all steps necessary to enable an appropriate tribunal in Georgia or another state  
 467 of Georgia, another state, or a foreign country to obtain jurisdiction over the respondent;

468 (2) Request an appropriate tribunal to set a date, time, and place for a hearing;

469 (3) Make a reasonable effort to obtain all relevant information, including information as  
 470 to income and property of the parties;

471 (4) Within five days, exclusive of Saturdays, Sundays, and legal holidays, after receipt  
 472 of a written notice in a record from an initiating, responding, or registering tribunal, send  
 473 a copy of the notice to the petitioner or other appropriate agency;

474 (5) Within five days, exclusive of Saturdays, Sundays, and legal holidays, after receipt  
 475 of a written communication in a record from the respondent or the respondent's attorney,  
 476 send a copy of the communication to the petitioner; and

477 (6) Notify the petitioner if jurisdiction over the respondent cannot be obtained.

478 (c) A support enforcement agency of this state that requests registration of a child support  
 479 order in this state for enforcement or for modification shall make reasonable efforts:

480 (1) To ensure that the order to be registered is the controlling order; or

481 (2) If two or more child support orders exist and the identity of the controlling order has  
 482 not been determined, to ensure that a request for such a determination is made in a  
 483 tribunal having jurisdiction to do so.

484 (d) A support enforcement agency of this state that requests registration and enforcement  
 485 of a support order, arrears, or judgment stated in a foreign currency shall convert the  
 486 amounts stated in the foreign currency into the equivalent amounts in dollars under the  
 487 applicable official or market exchange rate as publicly reported.

488 (e) A support enforcement agency of this state shall issue or request a tribunal of Georgia  
 489 to issue a child support order and an income withholding order that redirect payment of  
 490 current support, arrears, and interest if requested to do so by a support enforcement agency  
 491 of another state pursuant to Code Section 19-11-138.

492 (e)(f) This article does not create a relationship of attorney-client or other fiduciary  
 493 relationship between a support enforcement agency or the attorney for the agency and the  
 494 individual being assisted by the agency.

495 19-11-127.

496 ~~(a) The district attorney of each judicial circuit shall be authorized to represent the~~  
 497 ~~Department of Human Services in any proceeding under this article; otherwise, at the~~  
 498 ~~option of the district attorney, actions under this article on behalf of the department shall~~  
 499 ~~be brought by attorneys appointed by the Attorney General. Written delegation of such~~  
 500 ~~duties previously executed by a district attorney pursuant to Article 2 of this chapter, the~~  
 501 ~~'Uniform Reciprocal Enforcement of Support Act,' particularly Code Section 19-11-53,~~  
 502 ~~shall constitute a delegation of such representation to the Attorney General for purposes~~  
 503 ~~of this article. In all actions brought or maintained by the Department of Human Services,~~  
 504 ~~the department shall be regarded as the sole client of such attorney, and no attorney-client~~  
 505 ~~relationship shall be created between such attorney and any individual seeking or receiving~~  
 506 ~~services under this article through the Department of Human Services. The department~~

507 ~~may require a completed application for services pursuant to Title IV-D of the federal~~  
 508 ~~Social Security Act as a condition of providing any services under this article.~~

509 ~~(b) Where a support order is established pursuant to Code Section 19-11-140 incident to~~  
 510 ~~representation of the department by the district attorney, there shall be paid to the county~~  
 511 ~~in which the petition is handled the sum of \$50.00 for each such support order established,~~  
 512 ~~whether this state is the initiating or responding jurisdiction.~~

513 ~~(c)(a)~~ If the Attorney General determines that the support enforcement agency is  
 514 neglecting or refusing to provide services to an individual, the Attorney General may  
 515 provide those services directly to the individual.

516 (b) The Attorney General may determine that a foreign country has established a  
 517 reciprocal arrangement for child support with this state and take appropriate action for  
 518 notification of the determination.

519 19-11-128.

520 An individual may employ private counsel to represent the individual in proceedings  
 521 authorized by this article.

522 19-11-129.

523 (a) The Department of Human Services is the state information agency under this article.

524 (b) The state information agency shall:

525 (1) Compile and maintain a current list, including addresses, of the tribunals in this state  
 526 which have jurisdiction under this article and any support enforcement agencies in this  
 527 state and transmit a copy to the state information agency of every other state;

528 (2) Maintain a register of names and addresses of tribunals and support enforcement  
 529 agencies received from other states;

530 (3) Forward to the appropriate tribunal in the ~~place~~ county in Georgia in which the  
 531 ~~individual~~ obligee who is an individual or the obligor resides, or in which the obligor's  
 532 property is believed to be located, all documents concerning a proceeding under this  
 533 article received from ~~an initiating tribunal or the state information agency of the initiating~~  
 534 another state or a foreign country; and

535 (4) Obtain information concerning the location of the obligor and the obligor's property  
 536 within this state not exempt from execution, by such means as postal verification and  
 537 federal or state locator services, examination of telephone directories, requests for the  
 538 obligor's address from employers, and examination of governmental records, including,  
 539 to the extent not prohibited by other law, those relating to real property, vital statistics,  
 540 law enforcement, taxation, motor vehicles, ~~driver's~~ drivers' licenses, and social security.

541 19-11-130.

542 (a) ~~A~~ In a proceeding under this article, a petitioner seeking to establish or modify a  
 543 support order, or to determine parentage of a child, in a proceeding under this article or to  
 544 register and modify a support order of a tribunal of another state or a foreign country must  
 545 ~~verify the~~ file a petition. Unless otherwise ordered under Code Section 19-11-131, the  
 546 petition or accompanying documents must provide, so far as known, the name, residential  
 547 address, and social security numbers of the obligor and the obligee or the parent and  
 548 alleged parent and the name, sex, residential address, social security number, and date of  
 549 birth of each child for ~~whom~~ whose benefit support is sought or whose parentage is to be  
 550 determined. ~~The~~ Unless filed at the time of registration, the petition must be accompanied  
 551 by a ~~certified~~ copy of any support order ~~in effect~~ known to have been issued by another  
 552 tribunal. The petition may include any other information that may assist in locating or  
 553 identifying the respondent.

554 (b) The petition must specify the relief sought. The petition and accompanying documents  
 555 must conform substantially with the requirements imposed by the forms mandated by  
 556 federal law for use in cases filed by a support enforcement agency.

557 19-11-131.

558 ~~Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party~~  
 559 ~~or child would be unreasonably put at risk by the disclosure of identifying information, or~~  
 560 ~~if an existing order so provides, a tribunal shall order that the address of the child or party~~  
 561 ~~or other identifying information not be disclosed in a pleading or other document filed in~~  
 562 ~~a proceeding under this article. If a party alleges in an affidavit or a pleading under oath~~  
 563 ~~that the health, safety, or liberty of a party or child would be jeopardized by disclosure of~~  
 564 ~~specific identifying information, that information must be sealed and may not be disclosed~~  
 565 ~~to the other party or the public. After a hearing in which a tribunal takes into consideration~~  
 566 ~~the health, safety, or liberty of the party or child, the tribunal may order disclosure of~~  
 567 ~~information that the tribunal determines to be in the interest of justice.~~

568 19-11-132.

569 (a) The petitioner may not be required to pay a filing fee or other costs.

570 (b) If an obligee prevails, a responding tribunal of Georgia may assess against an obligor  
 571 filing fees, reasonable attorney's fees, other costs, and necessary travel and other reasonable  
 572 expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess  
 573 fees, costs, or expenses against the obligee or the support enforcement agency of either the  
 574 initiating or the responding state or foreign country, except as provided by other law.  
 575 Attorney's fees may be taxed as costs and may be ordered paid directly to the attorney, who

576 may enforce the order in the attorney's own name. Payment of support owed to the obligee  
577 has priority over fees, costs, and expenses.

578 (c) The tribunal shall order the payment of costs and reasonable attorney's fees if it  
579 determines that a hearing was requested primarily for delay. In a proceeding under Part 6  
580 of this article, a hearing is presumed to have been requested primarily for delay if a  
581 registered support order is confirmed or enforced without change.

582 19-11-133.

583 (a) Participation by a petitioner in a proceeding under this article before a responding  
584 tribunal, whether in person, by private attorney, or through services provided by the  
585 support enforcement agency, does not confer personal jurisdiction over the petitioner in  
586 another proceeding.

587 (b) A petitioner is not amenable to service of civil process while physically present in this  
588 state to participate in a proceeding under this article.

589 (c) The immunity granted by this Code section does not extend to civil litigation based on  
590 acts unrelated to a proceeding under this article committed by a party while physically  
591 present in Georgia to participate in the proceeding.

592 19-11-134.

593 A party whose parentage of a child has been previously determined by or pursuant to law  
594 may not plead nonparentage as a defense to a proceeding under this article.

595 19-11-135.

596 (a) The physical presence of ~~the petitioner~~ a nonresident party who is an individual in a  
597 ~~responding~~ tribunal of Georgia is not required for the establishment, enforcement, or  
598 modification of a support order or the rendition of a judgment determining parentage of a  
599 child.

600 (b) ~~A verified petition;~~ An affidavit, a document substantially complying with federally  
601 mandated forms, and or a document incorporated by reference in any of them, which would  
602 not be excluded under the hearsay rule if given in person, is admissible in evidence if given  
603 under oath penalty of perjury by a party or witness residing in another outside this state.

604 (c) A copy of the record of child support payments certified as a true copy of the original  
605 by the custodian of the record may be forwarded to a responding tribunal. The copy is  
606 evidence of facts asserted in it and is admissible to show whether payments were made.

607 (d) Copies of bills for testing for parentage of a child, and for prenatal and postnatal health  
608 care of the mother and child, furnished to the adverse party at least ten days before trial,

609 are admissible in evidence to prove the amount of the charges billed and that the charges  
610 were reasonable, necessary, and customary.

611 (e) Documentary evidence transmitted from ~~another~~ outside this state to a tribunal of  
612 Georgia by telephone, telecopier, or other electronic means that do not provide an original  
613 writing record may not be excluded from evidence on an objection based on the means of  
614 transmission.

615 (f) In a proceeding under this article, a tribunal of Georgia ~~may~~ shall permit a party or  
616 witness residing in ~~another~~ outside this state to be deposed or to testify by telephone,  
617 audiovisual means, or other electronic means at a designated tribunal or other location in  
618 ~~that state~~. A tribunal of ~~this state~~ Georgia shall cooperate with other tribunals of ~~other~~  
619 ~~states~~ in designating an appropriate location for the deposition or testimony.

620 (g) If a party called to testify at a civil hearing refuses to answer on the ground that the  
621 testimony may be self-incriminating, the trier of fact may draw an adverse inference from  
622 the refusal.

623 (h) A privilege against disclosure of communications between spouses does not apply in  
624 a proceeding under this article.

625 (i) The defense of immunity based on the relationship of husband and wife or parent and  
626 child does not apply in a proceeding under this article.

627 (j) A voluntary acknowledgment of paternity, certified as a true copy, is admissible to  
628 establish parentage of the child.

629 19-11-136.

630 A tribunal in Georgia may communicate with a tribunal ~~of another~~ outside this state in  
631 writing a record, or by telephone, e-mail, or other means, to obtain information concerning  
632 the laws ~~of that state~~, the legal effect of a judgment, decree, or order of that tribunal, and  
633 the status of a proceeding ~~in the other state~~. A tribunal in Georgia may furnish similar  
634 information by similar means to a tribunal ~~of another~~ outside this state.

635 19-11-137.

636 A tribunal of this state may:

- 637 (1) Request a tribunal ~~of another~~ outside this state to assist in obtaining discovery; and  
638 (2) Upon request, compel a person over ~~whom~~ which it has jurisdiction to respond to a  
639 discovery order issued by a tribunal ~~of another~~ outside this state.

640 19-11-138.

641 (a) A support enforcement agency or tribunal in Georgia shall disburse promptly any  
642 amounts received pursuant to a support order, as directed by the order. The agency or

643 tribunal shall furnish to a requesting party or tribunal of another state or a foreign country  
 644 a certified statement by the custodian of the record of the amounts and dates of all  
 645 payments received.

646 (b) If neither the obligor, nor the obligee who is an individual, nor the child resides in this  
 647 state, upon request from the support enforcement agency of Georgia or another state, the  
 648 support enforcement agency of this state or a tribunal of this state shall:

649 (1) Direct that the support payment be made to the support enforcement agency in the  
 650 state in which the obligee is receiving services; and

651 (2) Issue and send to the obligor's employer a conforming income withholding order or  
 652 an administrative notice of change of payee, reflecting the redirected payments.

653 (c) The support enforcement agency of this state receiving redirected payments from  
 654 another state pursuant to a law similar to subsection (b) of this Code section shall furnish  
 655 to a requesting party or tribunal of the other state a certified statement by the custodian of  
 656 the record of the amount and dates of all payments received.

657 Part 4

658 19-11-140.

659 (a) If a support order entitled to recognition under this article has not been issued, a  
 660 responding tribunal of this state with personal jurisdiction over the parties may issue a  
 661 support order if:

662 (1) The individual seeking the order resides in ~~another~~ outside this state; or

663 (2) The support enforcement agency seeking the order is located ~~in another~~ outside this  
 664 state.

665 (b) The tribunal may issue a temporary child support order if the tribunal determines that  
 666 such an order is appropriate and the individual ordered to pay is:

667 ~~The respondent has signed a verified statement acknowledging parentage~~ A presumed  
 668 father of the child;

669 ~~The respondent has been determined by or pursuant to law to be the parent~~  
 670 Petitioning to have his paternity adjudicated; or

671 ~~There is other clear and convincing evidence that the respondent is the child's parent~~  
 672 Identified as the father of the child through genetic testing;

673 (4) An alleged father who has declined to submit to genetic testing;

674 (5) Shown by clear and convincing evidence to be the father of the child;

675 (6) An acknowledged father as provided by applicable state law;

676 (7) The mother of the child; or

677 (8) An individual who has been ordered to pay child support in a previous proceeding  
 678 and the order has not been reversed or vacated.

679 (c) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of  
 680 support, the tribunal shall issue a support order directed to the obligor and may issue other  
 681 orders pursuant to Code Section 19-11-124.

682 19-11-141.

683 A tribunal of Georgia authorized to determine parentage of a child may serve as a  
 684 responding tribunal in a proceeding to determine parentage of a child brought under this  
 685 article or a law or procedure substantially similar to this article.

686 Part 5

687 19-11-150.

688 An income-withholding order issued in another state may be sent by or on behalf of the  
 689 obligee, or by the support enforcement agency, to the person or entity defined as the  
 690 obligor's employer pursuant to Code Sections 19-6-31 through 19-6-33 without first filing  
 691 a petition or comparable pleading or registering the order with a tribunal of this state.

692 19-11-151.

693 (a) Upon receipt of an income-withholding order, the obligor's employer shall immediately  
 694 provide a copy of the order to the obligor.

695 (b) The employer shall treat an income-withholding order issued in another state which  
 696 appears regular on its face as if it had been issued by a tribunal of Georgia.

697 (c) Except as otherwise provided by subsection (d) of this Code section and Code Section  
 698 19-11-152, the employer shall withhold and distribute the funds as directed in the  
 699 withholding order by complying with the terms of the order which specify:

700 (1) The duration and the amount of periodic payments of current child support, stated as  
 701 a sum certain;

702 (2) The ~~person or agency~~ designated to receive payments and the address to which the  
 703 payments are to be forwarded;

704 (3) Medical support, whether in the form of periodic cash payment, stated as a sum  
 705 certain, or ordering the obligor to provide health insurance coverage for the child under  
 706 a policy available through the obligor's employment;

707 (4) The amount of periodic payments of fees and costs for a support enforcement agency,  
 708 the issuing tribunal, and the obligee's attorney, stated as sums certain; and

709 (5) The amount of periodic payments of arrearages and interest on arrearages, stated as  
710 sums certain.

711 (d) An employer shall comply with the law of the state of the obligor's principal place of  
712 employment for withholding from income with respect to:

713 (1) The employer's fee for processing an income-withholding order;

714 (2) The maximum amount permitted to be withheld from the obligor's income; and

715 (3) The time periods within which the employer must implement the withholding order  
716 and forward the child support payment.

717 19-11-152.

718 If an obligor's employer receives ~~multiple~~ two or more income-withholding orders with  
719 respect to the earnings of the same obligor, the employer satisfies the terms of the ~~multiple~~  
720 orders if the employer complies with the law of the state of the obligor's principal place of  
721 employment to establish the priorities for withholding and allocating income withheld for  
722 ~~multiple~~ two or more child support obligees.

723 19-11-153.

724 An employer ~~who~~ that complies with an income-withholding order issued in another state  
725 in accordance with this article is not subject to civil liability to an individual or agency with  
726 regard to the employer's withholding of child support from the obligor's income.

727 19-11-154.

728 An employer ~~who~~ that willfully fails to comply with an income-withholding order issued  
729 ~~by~~ in another state and received for enforcement is subject to the same penalties that may  
730 be imposed for noncompliance with an order issued by a tribunal in Georgia.

731 19-11-155.

732 (a) An obligor may contest the validity or enforcement of an income-withholding order  
733 issued in another state and received directly by an employer in Georgia by registering the  
734 order in a tribunal of Georgia and filing a contest to that order as provided in Part 6 of this  
735 article, or otherwise contesting the order in the same manner as if the order had been issued  
736 by a tribunal of Georgia. ~~Code Section 19-11-163 applies to the contest.~~

737 (b) The obligor shall give notice of the contest to:

738 (1) Any support enforcement agency providing services to the obligee;

739 (2) Each employer that has directly received an income-withholding order relating to the  
740 obligor; and

741 (3) The person ~~or agency~~ designated to receive payments in the income-withholding  
742 order or, if no person ~~or agency~~ is designated, to the obligee.

743 19-11-156.

744 (a) A party or support enforcement agency seeking to enforce a support order or an  
745 income-withholding order, or both, issued ~~by a tribunal of in~~ another state or a foreign  
746 support order may send the documents required for registering the order to a support  
747 enforcement agency of Georgia.

748 (b) Upon receipt of the documents, the support enforcement agency, without initially  
749 seeking to register the order, shall consider and, if appropriate, use any administrative  
750 procedure authorized by the law of Georgia to enforce a support order or an  
751 income-withholding order, or both. If the obligor does not contest administrative  
752 enforcement, the order need not be registered. If the obligor contests the validity or  
753 administrative enforcement of the order, the support enforcement agency shall register the  
754 order pursuant to this article.

755 Part 6

756 19-11-160.

757 A support order or an income-withholding order issued ~~by a tribunal of in~~ another state or  
758 a foreign support order may be registered in Georgia for enforcement.

759 19-11-161.

760 (a) Except as otherwise provided in Code Section 19-11-184.1, a ~~A~~ support order or  
761 income-withholding order of another state or a foreign support order may be registered in  
762 Georgia by sending the following ~~documents and information~~ records to the appropriate  
763 tribunal in Georgia:

764 (1) A letter of transmittal to the tribunal requesting registration and enforcement;

765 (2) Two copies, including one certified copy, of ~~all orders~~ the order to be registered,  
766 including any modification of ~~an~~ the order;

767 (3) A sworn statement by the ~~party seeking~~ person requesting registration or a certified  
768 statement by the custodian of the records showing the amount of any arrearage;

769 (4) The name of the obligor and, if known:

770 (A) The obligor's address and social security number;

771 (B) The name and address of the obligor's employer and any other source of income  
772 of the obligor; and

773 (C) A description and the location of property of the obligor in Georgia not exempt  
774 from execution; and

775 (5) Except as otherwise provided in Code Section 19-11-131, the The name and address  
776 of the obligee and, if applicable, the agency or person to whom support payments are to  
777 be remitted.

778 (b) On receipt of a request for registration, the registering tribunal shall cause the order to  
779 be filed as ~~a foreign judgment~~ an order of a tribunal of another state or a foreign support  
780 order, together with one copy of the documents and information, regardless of their form.

781 (c) A petition, motion, or comparable filing seeking a remedy that must be affirmatively  
782 sought under other laws of this state, and discovery incident thereto, may be filed at the  
783 same time as the request for registration or later. The pleading, motion, or other filing must  
784 specify the grounds for the remedy sought. For purposes of this subsection, remedies  
785 sought may include, but are not limited to, a rule for contempt or a petition for entry of an  
786 income deduction order.

787 (d) If two or more orders are in effect, the person requesting registration shall:

788 (1) Furnish to the tribunal a copy of every support order asserted to be in effect in  
789 addition to the documents specified in this Code section;

790 (2) Specify the order alleged to be the controlling order, if any; and

791 (3) Specify the amount of consolidated arrears, if any.

792 (e) A request for a determination of which is the controlling order may be filed separately  
793 or with a request for registration and enforcement or for registration and modification. The  
794 person requesting registration shall give notice of the request to each party whose rights  
795 may be affected by the determination.

796 19-11-162.

797 (a) A support order or income-withholding order issued in another state or a foreign  
798 support order is registered when the order is filed in the registering tribunal of Georgia.

799 (b) A registered support order issued in another state or a foreign country is enforceable  
800 in the same manner and is subject to the same procedures as an order issued by a tribunal  
801 in Georgia.

802 (c) Except as otherwise provided in this part, a tribunal in Georgia shall recognize and  
803 enforce, but may not modify, a registered support order if the issuing tribunal had  
804 jurisdiction.

805 19-11-163.

806 (a) Except as otherwise provided in subsection (d) of this Code section, the The law of the  
807 issuing state or foreign country governs ~~the~~:

808 (1) The nature, extent, amount, and duration of current payments and other obligations  
 809 of support and the under a registered support order;

810 (2) The computation and payment of arrearages and accrual of interest on the arrearages  
 811 under the support order; and

812 (3) The existence and satisfaction of other obligations under the support order.

813 (b) In a proceeding for ~~arrearages~~ arrears under a registered support order, the statute of  
 814 limitation ~~under the laws of Georgia or of the issuing state~~ or foreign country, whichever  
 815 is longer, applies.

816 (c) A responding tribunal of Georgia shall apply the procedures and remedies of this state  
 817 to enforce current support and collect arrears and interest due on a support order of another  
 818 state or a foreign country registered in Georgia.

819 (d) After a tribunal of Georgia or another state determines which is the controlling order  
 820 and issues an order consolidating arrears, if any, a tribunal of Georgia shall prospectively  
 821 apply the law of the state or foreign country issuing the controlling order, including its law  
 822 on interest on arrears, on current and future support, and on consolidated arrears.

823 19-11-164.

824 (a) When a support order or income-withholding order issued in another state or a foreign  
 825 support order is registered, the registering tribunal of Georgia shall notify the  
 826 nonregistering party. The notice must be accompanied by a copy of the registered order  
 827 and the documents and relevant information accompanying the order.

828 (b) ~~The~~ A notice must inform the nonregistering party:

829 (1) That a registered order is enforceable as of the date of registration in the same  
 830 manner as an order issued by a tribunal of Georgia;

831 (2) That a hearing to contest the validity or enforcement of the registered order must be  
 832 requested within 20 days after notice unless the registered order is under Code Section  
 833 19-11-184.2;

834 (3) That failure to contest the validity or enforcement of the registered order in a timely  
 835 manner will result in confirmation of the order and enforcement of the order and the  
 836 alleged arrearages and precludes further contest of that order with respect to any matter  
 837 that could have been asserted; and

838 (4) Of the amount of any alleged arrearages.

839 (c) If the registering party asserts that two or more orders are in effect, a notice must also:

840 (1) Identify the two or more orders and the order alleged by the registering party to be  
 841 the controlling order and the consolidated arrears, if any;

842 (2) Notify the nonregistering party of the right to a determination of which is the  
 843 controlling order;

844 (3) State that the procedures provided in subsection (b) of this Code section apply to the  
 845 determination of which is the controlling order; and

846 (4) State that failure to contest the validity or enforcement of the order alleged to be the  
 847 controlling order in a timely manner may result in confirmation that the order is the  
 848 controlling order.

849 ~~(c)~~(d) Upon registration of an income-withholding order for enforcement, the support  
 850 enforcement agency or the registering tribunal shall notify the obligor's employer pursuant  
 851 to Code Sections 19-6-31 through 19-6-33.

852 19-11-165.

853 (a) A nonregistering party seeking to contest the validity or enforcement of a registered  
 854 order in Georgia shall request a hearing within ~~20 days after notice of the registration~~ the  
 855 time required by Code Section 19-11-164. The nonregistering party may seek to vacate the  
 856 registration, to assert any defense to an allegation of noncompliance with the registered  
 857 order, or to contest the remedies being sought or the amount of any alleged arrearages  
 858 pursuant to Code Section 19-11-166.

859 (b) If the nonregistering party fails to contest the validity or enforcement of the registered  
 860 support order in a timely manner, the order is confirmed by operation of law.

861 (c) If a nonregistering party requests a hearing to contest the validity or enforcement of the  
 862 registered order, the registering tribunal shall schedule the matter for hearing and give  
 863 notice to the parties of the date, time, and place of the hearing.

864 19-11-166.

865 (a) A party contesting the validity or enforcement of a registered support order or seeking  
 866 to vacate the registration has the burden of proving one or more of the following defenses:

867 (1) The issuing tribunal lacked personal jurisdiction over the contesting party;

868 (2) The order was obtained by fraud;

869 (3) The order has been vacated, suspended, or modified by a later order;

870 (4) The issuing tribunal has stayed the order pending appeal;

871 (5) There is a defense under the law of Georgia to the remedy sought;

872 (6) Full or partial payment has been made; ~~or~~

873 (7) The statute of limitation under Code Section 19-11-163 precludes enforcement of  
 874 some or all of the alleged arrearages; or

875 (8) The alleged controlling order is not the controlling order.

876 (b) If a party presents evidence establishing a full or partial defense under subsection (a)  
 877 of this Code section, a tribunal may stay enforcement of ~~the~~ a registered support order,  
 878 continue the proceeding to permit production of additional relevant evidence, and issue

879 temporary or other appropriate orders. Any portion of the registered support order which  
 880 is not in dispute may be enforced by all remedies available under the laws of Georgia.

881 (c) If the contesting party does not establish a defense under subsection (a) of this Code  
 882 section to the validity or enforcement of ~~the~~ a registered support order, the registering  
 883 tribunal shall issue an order confirming the order.

884 19-11-167.

885 Confirmation of a registered support order, whether by operation of law or after notice and  
 886 hearing, precludes further contest of the order with respect to any matter that could have  
 887 been asserted at the time of registration.

888 19-11-168.

889 A party or support enforcement agency seeking to modify, or to modify and enforce, a  
 890 child support order issued in another state shall register that order in Georgia in the same  
 891 manner provided in Code Sections 19-11-160 through ~~19-11-163~~ 19-11-167 if the order has  
 892 not been registered. A petition for modification may be filed at the same time as a request  
 893 for registration, or later. The pleading must specify the grounds for modification.

894 19-11-169.

895 A tribunal of Georgia may enforce a child support order of another state registered for  
 896 purposes of modification in the same manner as if the order had been issued by a tribunal  
 897 of Georgia, but the registered support order may be modified only if the requirements of  
 898 Code Section 19-11-170 or 19-11-172 have been met.

899 19-11-170.

900 (a) ~~After~~ If Code Section 19-11-172 does not apply, upon petition a tribunal of Georgia  
 901 may modify a child support order issued in another state ~~has been~~ which is registered in  
 902 Georgia, ~~the responding tribunal of Georgia may modify that order only if Code Section~~  
 903 ~~19-11-172 does not apply and, if, after notice and hearing, it~~ the tribunal finds that:

904 (1) The following requirements are met:

905 (A) ~~The~~ Neither the child, nor the individual obligee who is an individual, and nor the  
 906 obligor ~~do not reside~~ resides in the issuing state;

907 (B) A petitioner who is a nonresident of Georgia seeks modification; and

908 (C) The respondent is subject to the personal jurisdiction of the tribunal of Georgia; or

909 (2) This state is the residence of the ~~The~~ child, or a party who is an individual, is subject  
 910 to the personal jurisdiction of the tribunal of Georgia and all of the parties who are  
 911 individuals have filed ~~written~~ consents in a record in the issuing tribunal for a tribunal of

912 this state to modify the support order and assume continuing, exclusive jurisdiction ~~over~~  
 913 ~~the order. However, if the issuing state is a foreign jurisdiction that has not enacted a law~~  
 914 ~~or established procedures substantially similar to the procedures under this article, the~~  
 915 ~~consent otherwise required of an individual residing in this state is not required for the~~  
 916 ~~tribunal to assume jurisdiction to modify the child support order.~~

917 (b) Modification of a registered child support order is subject to the same requirements,  
 918 procedures, and defenses that apply to the modification of an order issued by a tribunal of  
 919 this state, and the order may be enforced and satisfied in the same manner.

920 (c) A tribunal in Georgia may not modify any aspect of a child support order that may not  
 921 be modified under the law of the issuing state, including the duration of the obligation of  
 922 support. If two or more tribunals have issued child support orders for the same obligor and  
 923 same child, the order that controls and must be so recognized under the provisions of Code  
 924 Section 19-11-116 establishes the aspects of the support order which are nonmodifiable.

925 (d) In a proceeding to modify a child support order, the law of the state that is determined  
 926 to have issued the initial controlling order governs the duration of the obligation of support.  
 927 The obligor's fulfillment of the duty of support established by that order precludes  
 928 imposition of a further obligation of support by a tribunal of Georgia.

929 ~~(d)~~(e) On issuance of an order by a tribunal of Georgia modifying a child support order  
 930 issued in another state, ~~a~~ the tribunal of Georgia becomes the tribunal having continuing,  
 931 exclusive jurisdiction.

932 (f) Notwithstanding subsections (a) through (e) of this Code section and subsection (b) of  
 933 Code Section 19-11-110, a tribunal of Georgia retains jurisdiction to modify an order  
 934 issued by a tribunal of Georgia if:

- 935 (1) One party resides in another state; and  
 936 (2) The other party resides outside the United States.

937 19-11-171.

938 ~~If a child support order issued by a~~ A tribunal in Georgia shall recognize a modification of  
 939 ~~its earlier child support order is modified~~ by a tribunal of another state which assumed  
 940 ~~jurisdiction pursuant to this article, a tribunal of Georgia or a law substantially similar to~~  
 941 ~~this article and, upon request, except as otherwise provided in this article, shall:~~

- 942 ~~(1) May enforce its~~ Enforce the order that was modified only as to ~~amounts~~ arrears and  
 943 interest accruing before the modification;  
 944 ~~(2) Enforce only nonmodifiable aspects of that order;~~  
 945 ~~(3) Provide other~~ May provide appropriate relief ~~only~~ for violations of ~~that~~ its order  
 946 which occurred before the effective date of the modification; and

947 ~~(4)(3)~~ Shall recognize ~~Recognize~~ the modifying order of the other state, upon  
 948 registration, for the purpose of enforcement.

949 19-11-172.

950 (a) If all of the parties who are individuals reside in Georgia and the child does not reside  
 951 in the issuing state, a tribunal in Georgia has jurisdiction to enforce and to modify the  
 952 issuing state's child support order in a proceeding to register that order.

953 (b) A tribunal in Georgia exercising jurisdiction as provided in this Code section shall  
 954 apply the provisions of Parts 1 and 2 of this article and the procedural and substantive law  
 955 of Georgia to the proceeding for enforcement or modification. Parts 3, 4, 5, 7, and 8 of this  
 956 article do not apply.

957 19-11-173.

958 Within 30 days after issuance of a modified child support order, the party obtaining the  
 959 modification shall file a certified copy of the order with the issuing tribunal that had  
 960 continuing, exclusive jurisdiction over the earlier order and in each tribunal in which the  
 961 party knows the earlier order has been registered. A party who obtains the order and fails  
 962 to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue  
 963 of failure to file arises. The failure to file does not affect the validity or enforceability of  
 964 the modified order of the new tribunal having continuing, exclusive jurisdiction.

965 19-11-174.

966 (a) Except as otherwise provided in Code Section 19-11-184.6, if a foreign country lacks  
 967 or refuses to exercise jurisdiction to modify its child support order pursuant to its laws, a  
 968 tribunal of Georgia may assume jurisdiction to modify the child support order and bind all  
 969 individuals subject to the personal jurisdiction of the tribunal whether the consent to  
 970 modification of a child support order otherwise required of the individual pursuant to Code  
 971 Section 19-11-170 has been given or whether the individual seeking modification is a  
 972 resident of this state or of the foreign country.

973 (b) An order issued by a tribunal of this state modifying a foreign child support order  
 974 pursuant to this Code section is the controlling order.

975 19-11-175.

976 A party or support enforcement agency seeking to modify, or to modify and enforce, a  
 977 foreign child support order not under the convention may register that order in this state  
 978 under Code Sections 19-11-160 through 19-11-167 if the order has not been registered. A

979 petition for modification may be filed at the same time as a request for registration, or at  
 980 another time. The petition must specify the grounds for modification.

981 Part 7

982 19-11-180.

983 ~~(a) A tribunal of this state may serve as an initiating or responding tribunal in a proceeding~~  
 984 ~~brought under this article or a law substantially similar to this article, or the Uniform~~  
 985 ~~Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement~~  
 986 ~~of Support Act to determine that the petitioner is a parent of a particular child or to~~  
 987 ~~determine that a respondent is a parent of that child.~~

988 ~~(b) In a proceeding to determine parentage, a responding tribunal in Georgia shall apply~~  
 989 ~~the procedural and substantive law of this state and the rules of this state on choice of law.~~

990 As used in this part, the term:

991 (1) 'Application' means a request under the convention by an obligee or obligor, or on  
 992 behalf of a child, made through a central authority for assistance from another central  
 993 authority.

994 (2) 'Central authority' means the entity designated by the United States or a foreign  
 995 country described in subparagraph (D) of paragraph (5) of Code Section 19-11-101 to  
 996 perform the functions specified in the convention.

997 (3) 'Convention support order' means a support order of a tribunal of a foreign country  
 998 described in subparagraph (D) of paragraph (5) of Code Section 19-11-101.

999 (4) 'Direct request' means a petition filed by an individual in a tribunal of Georgia in a  
 1000 proceeding involving an obligee, obligor, or child residing outside the United States.

1001 (5) 'Foreign central authority' means the entity designated by a foreign country described  
 1002 in subparagraph (D) of paragraph (5) of Code Section 19-11-101 to perform the functions  
 1003 specified in the convention.

1004 (6) 'Foreign support agreement':

1005 (A) Means an agreement for support in a record that:

1006 (i) Is enforceable as a support order in the country of origin;

1007 (ii) Has been:

1008 (I) Formally drawn up or registered as an authentic instrument by a foreign  
 1009 tribunal; or

1010 (II) Authenticated by, or concluded, registered, or filed with, a foreign tribunal; and

1011 (iii) May be reviewed and modified by a foreign tribunal; and

1012 (B) Includes a maintenance arrangement or authentic instrument under the convention.

1013 (7) 'United States central authority' means the secretary of the United States Department  
 1014 of Health and Human Services.

1015 19-11-181.

1016 This part applies only to a support proceeding under the convention. In such a proceeding,  
 1017 if a provision of this part is inconsistent with Parts 1 through 6 of this article, this part  
 1018 controls.

1019 19-11-182.

1020 The Department of Human Services is recognized as the agency designated by the United  
 1021 States central authority to perform specific functions under the convention.

1022 19-11-183.

1023 (a) In a support proceeding under this part, the Department of Human Services shall:

1024 (1) Transmit and receive applications; and

1025 (2) Initiate or facilitate the institution of a proceeding regarding an application in a  
 1026 tribunal of Georgia.

1027 (b) The following support proceedings are available to an obligee under the convention:

1028 (1) Recognition or recognition and enforcement of a foreign support order;

1029 (2) Enforcement of a support order issued or recognized in Georgia;

1030 (3) Establishment of a support order if there is no existing order, including, if necessary,  
 1031 determination of parentage of a child;

1032 (4) Establishment of a support order if recognition of a foreign support order is refused  
 1033 under paragraph (2), (4), or (9) of subsection (b) of Code Section 19-11-184.3;

1034 (5) Modification of a support order of a tribunal of Georgia; and

1035 (6) Modification of a support order of a tribunal of another state or a foreign country.

1036 (c) The following support proceedings are available under the convention to an obligor  
 1037 against which there is an existing support order:

1038 (1) Recognition of an order suspending or limiting enforcement of an existing support  
 1039 order of a tribunal of Georgia;

1040 (2) Modification of a support order of a tribunal of Georgia; and

1041 (3) Modification of a support order of a tribunal of another state or a foreign country.

1042 (d) A tribunal of Georgia may not require security, bond, or deposit, however described,  
 1043 to guarantee the payment of costs and expenses in proceedings under the convention.

- 1044 19-11-184.
- 1045 (a) A petitioner may file a direct request seeking establishment or modification of a  
 1046 support order or determination of parentage of a child. In the proceeding, the law of  
 1047 Georgia applies.
- 1048 (b) A petitioner may file a direct request seeking recognition and enforcement of a support  
 1049 order or support agreement. In the proceeding, Code Sections 19-11-184.1 through  
 1050 19-11-184.8 apply.
- 1051 (c) In a direct request for recognition and enforcement of a convention support order or  
 1052 foreign support agreement:
- 1053 (1) A security, bond, or deposit is not required to guarantee the payment of costs and  
 1054 expenses; and
- 1055 (2) An obligee or obligor that in the issuing country has benefited from free legal  
 1056 assistance is entitled to benefit, at least to the same extent, from any free legal assistance  
 1057 provided for by the law of Georgia under the same circumstances.
- 1058 (d) A petitioner filing a direct request is not entitled to assistance from the Department of  
 1059 Human Services.
- 1060 (e) This part does not prevent the application of laws of Georgia that provide simplified,  
 1061 more expeditious rules regarding a direct request for recognition and enforcement of a  
 1062 foreign support order or foreign support agreement.
- 1063 19-11-184.1.
- 1064 (a) Except as otherwise provided in this part, a party who is an individual or a support  
 1065 enforcement agency seeking recognition of a convention support order shall register the  
 1066 order in this state as provided in Part 6 of this article.
- 1067 (b) Notwithstanding Code Sections 19-11-130 and subsection (a) of Code Section  
 1068 19-11-161, a request for registration of a convention support order must be accompanied  
 1069 by:
- 1070 (1) A complete text of the support order or an abstract or extract of the support order  
 1071 drawn up by the issuing foreign tribunal, which may be in the form recommended by the  
 1072 Hague Conference on Private International Law;
- 1073 (2) A record stating that the support order is enforceable in the issuing country;
- 1074 (3) If the respondent did not appear and was not represented in the proceedings in the  
 1075 issuing country, a record attesting, as appropriate, either that the respondent had proper  
 1076 notice of the proceedings and an opportunity to be heard or that the respondent had  
 1077 proper notice of the support order and an opportunity to be heard in a challenge or appeal  
 1078 on fact or law before a tribunal;

- 1079 (4) A record showing the amount of arrears, if any, and the date the amount was  
1080 calculated;
- 1081 (5) A record showing a requirement for automatic adjustment of the amount of support,  
1082 if any, and the information necessary to make the appropriate calculations; and
- 1083 (6) If necessary, a record showing the extent to which the applicant received free legal  
1084 assistance in the issuing country.
- 1085 (c) A request for registration of a convention support order may seek recognition and  
1086 partial enforcement of the order.
- 1087 (d) A tribunal of Georgia may vacate the registration of a convention support order without  
1088 the filing of a contest under Code Section 19-11-184.2 only if, acting on its own motion,  
1089 the tribunal finds that recognition and enforcement of the order would be manifestly  
1090 incompatible with public policy.
- 1091 (e) The tribunal shall promptly notify the parties of the registration or the order vacating  
1092 the registration of a convention support order.
- 1093 19-11-184.2.
- 1094 (a) Except as otherwise provided in this part, Code Sections 19-11-164 through 19-11-167  
1095 apply to a contest of a registered convention support order.
- 1096 (b) A party contesting a registered convention support order shall file a contest not later  
1097 than 30 days after notice of the registration, but if the contesting party does not reside in  
1098 the United States, the contest must be filed not later than 60 days after notice of the  
1099 registration.
- 1100 (c) If the nonregistering party fails to contest the registered convention support order by  
1101 the time specified in subsection (b) of this Code section, the order is enforceable.
- 1102 (d) A contest of a registered convention support order may be based only on grounds set  
1103 forth in Code Section 19-11-184.3. The contesting party bears the burden of proof.
- 1104 (e) In a contest of a registered convention support order, a tribunal of Georgia:
- 1105 (1) Is bound by the findings of fact on which the foreign tribunal based its jurisdiction;  
1106 and
- 1107 (2) May not review the merits of the order.
- 1108 (f) A tribunal of Georgia deciding a contest of a registered convention support order shall  
1109 promptly notify the parties of its decision.
- 1110 (g) A challenge or appeal, if any, does not stay the enforcement of a convention support  
1111 order unless there are exceptional circumstances.

- 1112 19-11-184.3.
- 1113 (a) Except as otherwise provided in subsection (b) of this Code section, a tribunal of  
1114 Georgia shall recognize and enforce a registered convention support order.
- 1115 (b) The following grounds are the only grounds on which a tribunal of Georgia may refuse  
1116 recognition and enforcement of a registered convention support order:
- 1117 (1) Recognition and enforcement of the order is manifestly incompatible with public  
1118 policy, including the failure of the issuing tribunal to observe minimum standards of due  
1119 process, which include notice and an opportunity to be heard;
- 1120 (2) The issuing tribunal lacked personal jurisdiction consistent with Code Section  
1121 19-11-110;
- 1122 (3) The order is not enforceable in the issuing country;
- 1123 (4) The order was obtained by fraud in connection with a matter of procedure;
- 1124 (5) A record transmitted in accordance with Code Section 19-11-184.1 lacks authenticity  
1125 or integrity;
- 1126 (6) A proceeding between the same parties and having the same purpose is pending  
1127 before a tribunal of Georgia and that proceeding was the first to be filed;
- 1128 (7) The order is incompatible with a more recent support order involving the same  
1129 parties and having the same purpose if the more recent support order is entitled to  
1130 recognition and enforcement under this article in Georgia;
- 1131 (8) Payment, to the extent alleged arrears have been paid in whole or in part;
- 1132 (9) In a case in which the respondent neither appeared nor was represented in the  
1133 proceeding in the issuing foreign country:
- 1134 (A) If the law of that country provides for prior notice of proceedings, the respondent  
1135 did not have proper notice of the proceedings and an opportunity to be heard; or
- 1136 (B) If the law of that country does not provide for prior notice of the proceedings, the  
1137 respondent did not have proper notice of the order and an opportunity to be heard in a  
1138 challenge or appeal on fact or law before a tribunal; or
- 1139 (10) The order was made in violation of Code Section 19-11-184.6.
- 1140 (c) If a tribunal of Georgia does not recognize a convention support order under paragraph  
1141 (2), (4), or (9) of subsection (b) of this Code section:
- 1142 (1) The tribunal may not dismiss the proceeding without allowing a reasonable time for  
1143 a party to request the establishment of a new convention support order; and
- 1144 (2) The Department of Human Services shall take all appropriate measures to request a  
1145 child support order for the obligee if the application for recognition and enforcement was  
1146 received under Code Section 19-11-183.

1147 19-11-184.4.

1148 If a tribunal of Georgia does not recognize and enforce a convention support order in its  
1149 entirety, it shall enforce any severable part of the order. An application or direct request  
1150 may seek recognition and partial enforcement of a convention support order.

1151 19-11-184.5.

1152 (a) Except as otherwise provided in subsections (c) and (d) of this Code section, a tribunal  
1153 of Georgia shall recognize and enforce a foreign support agreement registered in this state.

1154 (b) An application or direct request for recognition and enforcement of a foreign support  
1155 agreement must be accompanied by:

1156 (1) A complete text of the foreign support agreement; and

1157 (2) A record stating that the foreign support agreement is enforceable as an order of  
1158 support in the issuing country.

1159 (c) A tribunal of Georgia may vacate the registration of a foreign support agreement only  
1160 if, acting on its own motion, the tribunal finds that recognition and enforcement would be  
1161 manifestly incompatible with public policy.

1162 (d) In a contest of a foreign support agreement, a tribunal of Georgia may refuse  
1163 recognition and enforcement of the agreement if it finds:

1164 (1) Recognition and enforcement of the agreement is manifestly incompatible with  
1165 public policy;

1166 (2) The agreement was obtained by fraud or falsification;

1167 (3) The agreement is incompatible with a support order involving the same parties and  
1168 having the same purpose in this state, another state, or a foreign country if the support  
1169 order is entitled to recognition and enforcement under this article in Georgia; or

1170 (4) The record submitted under subsection (b) of this Code section lacks authenticity or  
1171 integrity.

1172 (e) A proceeding for recognition and enforcement of a foreign support agreement must be  
1173 suspended during the pendency of a challenge to or appeal of the agreement before a  
1174 tribunal of another state or a foreign country.

1175 19-11-184.6.

1176 (a) A tribunal of Georgia may not modify a convention child support order if the obligee  
1177 remains a resident of the foreign country where the support order was issued unless:

1178 (1) The obligee submits to the jurisdiction of a tribunal of Georgia, either expressly or  
1179 by defending on the merits of the case without objecting to the jurisdiction at the first  
1180 available opportunity; or

1181 (2) The foreign tribunal lacks or refuses to exercise jurisdiction to modify its support  
 1182 order or issue a new support order.

1183 (b) If a tribunal of Georgia does not modify a convention child support order because the  
 1184 order is not recognized in this state, subsection (c) of Code Section 19-11-184.3 applies.

1185 19-11-184.7.

1186 Personal information gathered or transmitted under this part may be used only for the  
 1187 purposes for which it was gathered or transmitted.

1188 19-11-184.8.

1189 A record filed with a tribunal of Georgia under this part must be in the original language  
 1190 and, if not in English, must be accompanied by an English translation.

1191 Part 8

1192 19-11-185.

1193 (a) For purposes of this part, the term 'governor' includes an individual performing the  
 1194 functions of governor or the executive authority of a state covered by this article.

1195 (b) The Governor of this state may:

1196 (1) Demand that the governor of another state surrender an individual found in the other  
 1197 state who is charged criminally in this state with having failed to provide for the support  
 1198 of an obligee; or

1199 (2) On the demand by of the governor of another state, surrender an individual found in  
 1200 this state who is charged criminally in the other state with having failed to provide for the  
 1201 support of an obligee.

1202 (c) A provision for extradition of individuals not inconsistent with this article applies to  
 1203 the demand even if the individual whose surrender is demanded was not in the demanding  
 1204 state when the crime was allegedly committed and has not fled therefrom.

1205 19-11-186.

1206 (a) Before making a demand that the governor of another state surrender an individual  
 1207 charged criminally in this state with having failed to provide for the support of an obligee,  
 1208 the Governor of this state may require a prosecutor of this state to demonstrate that at least  
 1209 90 days previously the obligee had initiated proceedings for support pursuant to this article  
 1210 or that the proceeding would be of no avail.

1211 (b) If, under this article or a law substantially similar to this article, ~~the Uniform~~  
 1212 ~~Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement~~

1213 ~~of Support Act~~, the governor of another state makes a demand that the Governor of this  
 1214 state surrender an individual charged criminally in that state with having failed to provide  
 1215 for the support of a child or other individual to whom a duty of support is owed, the  
 1216 Governor of this state may require a prosecutor to investigate the demand and report  
 1217 whether a proceeding for support has been initiated or would be effective. If it appears that  
 1218 a proceeding would be effective but has not been initiated, the Governor of this state may  
 1219 delay honoring the demand for a reasonable time to permit the initiation of a proceeding.  
 1220 (c) If a proceeding for support has been initiated and the individual whose rendition is  
 1221 demanded prevails, the Governor of this state may decline to honor the demand. If the  
 1222 petitioner prevails and the individual whose rendition is demanded is subject to a support  
 1223 order, the Governor of this state may decline to honor the demand if the individual is  
 1224 complying with the support order.

1225 Part 9

1226 19-11-190.

1227 ~~This article shall be applied and construed to effectuate its general purpose to make~~  
 1228 ~~uniform~~ In applying and construing this article, consideration must be given to the need to  
 1229 promote uniformity of the law with respect to the its subject of the article matter among  
 1230 states ~~enacting that enact~~ it.

1231 19-11-190.1.

1232 This article applies to proceedings begun on or after the effective date of this Code section  
 1233 to establish a support order or determine parentage of a child or to register, recognize,  
 1234 enforce, or modify a prior support order, determination, or agreement, whenever issued or  
 1235 entered.

1236 19-11-191.

1237 If any provision of this article or its application to any person or circumstance is held  
 1238 invalid, the invalidity does not affect other provisions or applications of this article which  
 1239 can be given effect without the invalid provision or application, and to this end the  
 1240 provisions of this article are severable."

1241 **SECTION 2.**

1242 All laws and parts of laws in conflict with this Act are repealed.