

State of Wisconsin



2009 Senate Bill 473

Date of enactment: **May 12, 2010**
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2009 WISCONSIN ACT 321

AN ACT *to repeal* 769.101 (7), 769.101 (19) (b), 769.301 (2) and 769.612 (2); *to renumber* 769.102, 769.103 and 769.308; *to renumber and amend* 769.201, 769.207 (3), 769.307 (3), 769.319 and 769.604 (1); *to consolidate, renumber and amend* 769.101 (19) (intro.) and (a); *to amend* 767.01 (2), 767.80 (5m), 769.101 (2), 769.101 (4), 769.101 (8), 769.101 (9), 769.101 (10), 769.101 (12) (a), 769.101 (12) (b), 769.101 (14), 769.101 (15), 769.101 (16), 769.101 (17), 769.101 (20) (intro.), 769.101 (20) (a), 769.101 (20) (b), 769.101 (20) (c), 769.101 (20) (d), 769.101 (21), 769.101 (22), 769.203, 769.204 (title), 769.204 (1) (intro.), 769.204 (1) (a), 769.204 (1) (b), 769.204 (2) (intro.), 769.204 (2) (a), 769.204 (2) (c), 769.207 (title), 769.207 (1m) (intro.), 769.207 (1m) (a), 769.207 (1m) (b), 769.207 (1m) (c), 769.207 (1r), 769.207 (2), 769.208, 769.209, 769.301 (3), 769.302, 769.304 (1), 769.304 (2), 769.305 (1), 769.305 (2) (intro.), 769.305 (2) (a), 769.305 (2) (b), 769.305 (2) (h), 769.306, 769.307 (2) (intro.), 769.307 (2) (a), 769.307 (2) (d), 769.307 (2) (e), 769.31 (2) (b), 769.31 (2) (c), 769.311 (1), 769.312, 769.313 (2), 769.314 (1), 769.314 (3), 769.316 (1), 769.316 (2), 769.316 (4), 769.316 (5), 769.316 (6), 769.317, 769.318 (1), 769.318 (2), subchapter IV (title) of chapter 769 [precedes 769.401], 769.401 (1) (intro.), 769.401 (1) (a), 769.401 (1) (b), subchapter V (title) of chapter 769 [precedes 769.501], 769.501, 769.505, 769.506 (1), 769.507 (1), subchapter VI (title) of chapter 769 [precedes 769.601], 769.601, 769.602 (1) (intro.), 769.602 (1) (c), 769.602 (2), 769.603 (1), 769.603 (2), 769.603 (3), 769.604 (2), 769.605 (1), 769.605 (2) (a), 769.605 (2) (b), 769.605 (2) (c), 769.605 (3), 769.606 (title), 769.606 (1), 769.606 (2), 769.606 (3), 769.607 (1) (intro.), 769.607 (2), 769.607 (3), 769.608, 769.609, 769.61, 769.611 (1) (intro.), 769.611 (1) (a) 1., 769.611 (1) (b), 769.611 (3), 769.612 (intro.), 769.612 (1), 769.612 (3), 769.612 (4), 769.613 (title), 769.613 (1), 769.613 (2), 769.802 (2), 769.901 and 769.903 (title); *to repeal and recreate* 769.102 (title), 769.202, 769.205, 769.206, 769.401 (2) and subchapter VII of chapter 769 [precedes 769.701]; and *to create* 769.101 (2c), 769.101 (3c), 769.101 (3g), 769.101 (3m), 769.101 (8m), 769.101 (12) (d), 769.101 (13) (d), 769.101 (13m), 769.101 (13r), 769.101 (20) (e), 769.102 (2), 769.103 (2), 769.105, 769.201 (2m), 769.207 (3) (b), 769.207 (3) (c), 769.207 (5), 769.210, 769.211, 769.305 (6), 769.307 (3m), 769.307 (4), 769.307 (5), 769.308 (2), 769.316 (10), 769.319 (2), 769.319 (3), 769.402, 769.602 (4), 769.602 (5), 769.604 (1) (c), 769.604 (3), 769.604 (4), 769.605 (2m), 769.607 (1) (h), 769.611 (3m), 769.611 (5), 769.615, 769.616 and 769.904 of the statutes; **relating to:** modifications to the Uniform Interstate Family Support Act.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 767.01 (2) of the statutes is amended to read:

767.01 (2) PATERNITY AND CHILD SUPPORT. In an action to establish paternity or to establish or enforce a child support obligation, in regard to a child who is the subject of the action, a person is subject to the jurisdiction

* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

of the courts of this state as provided in s. 769.201 (1m) or 801.05.

SECTION 2. 767.80 (5m) of the statutes is amended to read:

767.80 (5m) APPLICABLE PROCEDURE; EXCEPTIONS. Except as provided in ss. 767.805, 767.863 (3), 767.85, 767.893 (2) and (2m), and 769.401, unless a male is presumed the child's father under s. 891.41 (1), is adjudicated the child's father either under s. 767.89 or by final order or judgment of a court of competent jurisdiction in another state, or has acknowledged himself to be the child's father under s. 767.805 (1) or a substantially similar law of another state, no order or temporary order may be entered for child support, legal custody, or physical placement until the male is adjudicated the father using the procedure set forth in this subchapter, except s. 767.805. Except as provided in ss. 767.805, 767.85, and 769.401, the exclusive procedure for establishment of child support obligations, legal custody, or physical placement rights for a male who is not presumed the child's father under s. 891.41 (1), adjudicated the father, or acknowledged under s. 767.805 (1) or a substantially similar law of another state to be the father is by an action under this subchapter, except s. 767.805, or under s. ~~769.701~~ 769.402. No person may waive the use of this procedure. If a presumption under s. 891.41 (1) exists, a party denying paternity has the burden of rebutting the presumption.

SECTION 3. 769.101 (2) of the statutes is amended to read:

769.101 (2) "Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state or foreign country.

SECTION 4. 769.101 (2c) of the statutes is created to read:

769.101 (2c) "Convention" means the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, concluded at The Hague on November 23, 2007.

SECTION 5. 769.101 (3c) of the statutes is created to read:

769.101 (3c) "Foreign country" means a country, including a political subdivision of the country, other than the United States, that authorizes the issuance of support orders and to which any of the following applies:

(a) The country or political subdivision has been declared under the law of the United States to be a foreign reciprocating country.

(b) The country or political subdivision has established a reciprocal arrangement for child support with this state under s. 769.308 (2).

(c) The country or political subdivision has enacted a law or established procedures for the issuance and enforcement of support orders that are substantially similar to the procedures under this chapter.

(d) The country or political subdivision is one in which the convention is in force with respect to the United States.

SECTION 6. 769.101 (3g) of the statutes is created to read:

769.101 (3g) "Foreign support order" means a support order of a foreign tribunal.

SECTION 7. 769.101 (3m) of the statutes is created to read:

769.101 (3m) "Foreign tribunal" means a court, administrative agency, or quasi-judicial entity of a foreign country that is authorized to establish, enforce, or modify support orders or to determine parentage of a child. "Foreign tribunal" includes a competent authority under the convention.

SECTION 8. 769.101 (4) of the statutes is amended to read:

769.101 (4) "Home state" means the state or foreign country in which a child lived with a parent or a person acting as parent for at least 6 consecutive months immediately preceding the time of the filing of a petition or comparable pleading for support or, if a child is less than 6 months old, the state or foreign country in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the 6-month or other period.

SECTION 9. 769.101 (7) of the statutes is repealed.

SECTION 10. 769.101 (8) of the statutes is amended to read:

769.101 (8) "Initiating tribunal" means the ~~authorized tribunal in an initiating of a state or foreign country from which a petition or comparable pleading is forwarded or in which a petition or comparable pleading is filed for forwarding to another state or foreign country.~~

SECTION 11. 769.101 (8m) of the statutes is created to read:

769.101 (8m) "Issuing foreign country" means the foreign country in which a tribunal issues a support order or a judgment determining parentage of a child.

SECTION 12. 769.101 (9) of the statutes is amended to read:

769.101 (9) "Issuing state" means the state in which a tribunal issues a support order or ~~renders a judgment determining parentage~~ of a child.

SECTION 13. 769.101 (10) of the statutes is amended to read:

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

SECTION 14. 769.101 (12) (a) of the statutes is amended to read:

769.101 (12) (a) An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order ~~has been issued~~ or a judgment determining parentage of a child has been ~~rendered~~ issued.

SECTION 15. 769.101 (12) (b) of the statutes is amended to read:

769.101 (12) (b) A foreign country, state, or political subdivision of a state to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee in place of child support.

SECTION 16. 769.101 (12) (d) of the statutes is created to read:

769.101 (12) (d) A person that is a creditor in a proceeding under subch. VII.

SECTION 17. 769.101 (13) (d) of the statutes is created to read:

769.101 (13) (d) The individual or decedent is a debtor in a proceeding under subch. VII.

SECTION 18. 769.101 (13m) of the statutes is created to read:

769.101 (13m) “Outside this state” means a location in another state or a country other than the United States, whether or not the country is a foreign country.

SECTION 19. 769.101 (13r) of the statutes is created to read:

769.101 (13r) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in a perceivable form.

SECTION 20. 769.101 (14) of the statutes is amended to read:

769.101 (14) “Register” means to file in a tribunal of this state a support order or judgment determining parentage ~~with the clerk of court of a child issued in another state or a foreign country~~.

SECTION 21. 769.101 (15) of the statutes is amended to read:

769.101 (15) “Registering tribunal” means a tribunal in which a support order or judgment determining parentage of a child is registered.

SECTION 22. 769.101 (16) of the statutes is amended to read:

769.101 (16) “Responding state” means a state in which a proceeding petition or comparable pleading for support or to determine parentage of a child is filed or to which a proceeding petition or comparable pleading is forwarded for filing from ~~an initiating another state under this chapter or a law substantially similar to this chapter, or under a law or procedure substantially similar to the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act or a foreign country~~.

SECTION 23. 769.101 (17) of the statutes is amended to read:

769.101 (17) “Responding tribunal” means the authorized tribunal in a responding state or foreign country.

SECTION 24. 769.101 (19) (intro.) and (a) of the statutes are consolidated, renumbered 769.101 (19) and amended to read:

769.101 (19) “State” means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession subject to the jurisdiction of the United States. “State” includes ~~all of the following: (a) An~~ an Indian nation or tribe.

SECTION 25. 769.101 (19) (b) of the statutes is repealed.

SECTION 26. 769.101 (20) (intro.) of the statutes is amended to read:

769.101 (20) (intro.) “Support enforcement agency” means a public official, governmental entity, or private agency authorized to seek do any of the following:

SECTION 27. 769.101 (20) (a) of the statutes is amended to read:

769.101 (20) (a) ~~Enforcement~~ Seek enforcement of support orders or laws relating to the duty of support.

SECTION 28. 769.101 (20) (b) of the statutes is amended to read:

769.101 (20) (b) ~~Establishment~~ Seek establishment or modification of child support.

SECTION 29. 769.101 (20) (c) of the statutes is amended to read:

769.101 (20) (c) ~~Determination~~ Request determination of parentage of a child.

SECTION 30. 769.101 (20) (d) of the statutes is amended to read:

769.101 (20) (d) ~~Location of~~ Attempt to locate obligors or their assets.

SECTION 31. 769.101 (20) (e) of the statutes is created to read:

769.101 (20) (e) Request determination of the controlling child support order.

SECTION 32. 769.101 (21) of the statutes is amended to read:

769.101 (21) “Support order” means a judgment, decree ~~or~~ order, decision, or directive, whether temporary, final, or subject to modification, issued in a state or foreign country for the benefit of a child, a spouse, or a former spouse, that provides for monetary support, health care, arrearages, retroactive support, or reimbursement, ~~and that~~ for financial assistance provided to an individual obligee in place of child support. “Support order” may include related costs and fees, interest, income withholding, automatic adjustment, reasonable attorney fees, and other relief.

SECTION 33. 769.101 (22) of the statutes is amended to read:

769.101 (22) “Tribunal” means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine

parentage in this state or in an issuing or responding state of a child.

SECTION 34. 769.102 (title) of the statutes is repealed and recreated to read:

769.102 (title) State tribunal and support enforcement agency.

SECTION 35. 769.102 of the statutes is renumbered 769.102 (1).

SECTION 36. 769.102 (2) of the statutes is created to read:

769.102 (2) The department of children and families and county child support agencies under s. 59.53 (5) are the support enforcement agencies of this state.

SECTION 37. 769.103 of the statutes is renumbered 769.103 (1).

SECTION 38. 769.103 (2) of the statutes is created to read:

769.103 (2) This chapter does not do any of the following:

(a) Provide the exclusive method of establishing or enforcing a support order under the law of this state.

(b) Grant a tribunal of this state jurisdiction to render judgment or issue an order relating to legal custody or physical placement of a child in a proceeding under this chapter.

SECTION 39. 769.105 of the statutes is created to read:

769.105 Application of chapter to resident of foreign country and foreign support proceeding. (1) A tribunal of this state shall apply subchs. I to VI and, as applicable, subch. VII, to a support proceeding that involves any of the following:

(a) A foreign support order.

(b) A foreign tribunal.

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

(2) A tribunal of this state that is requested to recognize and enforce a support order on the basis of comity may apply the procedural and substantive provisions of subchs. I to VI.

(3) Subchapter VII applies only to a support proceeding under the convention. In such a proceeding, if a provision of subch. VII is inconsistent with subchs. I to VI, subch. VII controls.

SECTION 40. 769.201 of the statutes is renumbered 769.201 (1m), and 769.201 (1m) (intro.) and (g), as renumbered, are amended to read:

769.201 (1m) (intro.) In a proceeding under this chapter to establish, ~~or enforce or modify~~ a support order or to determine parentage of a child, a tribunal of this state may exercise personal jurisdiction over a nonresident individual, or the individual's guardian or conservator, if any of the following applies:

(g) The individual asserted parentage of a child in a declaration of paternal interest filed with the department of children and families under s. 48.025 or in a statement

acknowledging paternity filed with the state registrar under s. 69.15 (3) (b) 1. or 3.

SECTION 41. 769.201 (2m) of the statutes is created to read:

769.201 (2m) The bases of personal jurisdiction set forth in sub. (1m) or in any other law of this state may not be used to acquire personal jurisdiction for a tribunal of this state to modify a child support order of another state unless the requirements of s. 769.611 are met or, in the case of a foreign support order, unless the requirements of s. 769.615 are met.

SECTION 42. 769.202 of the statutes is repealed and recreated to read:

769.202 Duration of personal jurisdiction. Personal jurisdiction acquired by a tribunal of this state in a proceeding under this chapter or other law of this state relating to a support order continues as long as a tribunal of this state has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided by ss. 769.205, 769.206, and 769.211.

SECTION 43. 769.203 of the statutes is amended to read:

769.203 Initiating and responding tribunal of this state. Under this chapter, a tribunal of this state may serve as an initiating tribunal to forward proceedings to a tribunal of another state and as a responding tribunal for proceedings initiated in another state or a foreign country.

SECTION 44. 769.204 (title) of the statutes is amended to read:

769.204 (title) Simultaneous proceedings in another state.

SECTION 45. 769.204 (1) (intro.) of the statutes is amended to read:

769.204 (1) (intro.) A tribunal of this state may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a petition or comparable pleading is filed in another state or a foreign country only if all of the following apply:

SECTION 46. 769.204 (1) (a) of the statutes is amended to read:

769.204 (1) (a) The petition or comparable pleading in this state is filed before the expiration of the time allowed in the other state or the foreign country for filing a responsive pleading challenging the exercise of jurisdiction by the other state or the foreign country.

SECTION 47. 769.204 (1) (b) of the statutes is amended to read:

769.204 (1) (b) The contesting party timely challenges the exercise of jurisdiction in the other state or the foreign country.

SECTION 48. 769.204 (2) (intro.) of the statutes is amended to read:

769.204 (2) (intro.) A tribunal of this state may not exercise jurisdiction to establish a support order if the

petition or comparable pleading is filed before a petition or comparable pleading is filed in another state or a foreign country if all of the following apply:

SECTION 49. 769.204 (2) (a) of the statutes is amended to read:

769.204 (2) (a) The petition or comparable pleading in the other state or foreign country is filed before the expiration of the time allowed in this state for filing a responsive pleading challenging the exercise of jurisdiction by this state.

SECTION 50. 769.204 (2) (c) of the statutes is amended to read:

769.204 (2) (c) If relevant, the other state or foreign country is the home state of the child.

SECTION 51. 769.205 of the statutes is repealed and recreated to read:

769.205 Continuing, exclusive jurisdiction to modify child support order. (1) A tribunal of this state that has issued a child support order consistent with the law of this state has and shall exercise continuing, exclusive jurisdiction to modify its child support order if the order is the controlling order and any of the following applies:

(a) At the time of the filing of a request for modification this state is the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued.

(b) Even if this state is not the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued, the parties consent in a record or in open court that the tribunal of this state may continue to exercise jurisdiction to modify its order.

(2) A tribunal of this state that has issued a child support order consistent with the law of this state may not exercise continuing, exclusive jurisdiction to modify the order if any of the following applies:

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

(b) Its order is not the controlling order.

(3) If a tribunal of another state has issued a child support order pursuant to the Uniform Interstate Family Support Act or a law substantially similar to that act that modifies a child support order of a tribunal of this state, tribunals of this state shall recognize the continuing, exclusive jurisdiction of the tribunal of the other state.

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

(5) A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not

create continuing, exclusive jurisdiction in the issuing tribunal.

SECTION 52. 769.206 of the statutes is repealed and recreated to read:

769.206 Continuing jurisdiction to enforce child support order. (1) A tribunal of this state that has issued a child support order consistent with the law of this state may serve as an initiating tribunal to request a tribunal of another state to enforce any of the following:

(a) The order, if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction pursuant to the Uniform Interstate Family Support Act.

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

(2) A tribunal of this state having continuing jurisdiction over a support order may act as a responding tribunal to enforce the order.

SECTION 53. 769.207 (title) of the statutes is amended to read:

769.207 (title) Recognition Determination of controlling child support order.

SECTION 54. 769.207 (1m) (intro.) of the statutes is amended to read:

769.207 (1m) (intro.) If a proceeding is brought under this chapter, and 2 or more child support orders have been issued by tribunals of this state ~~or~~, another state, or a foreign country with regard to the same obligor and child, a tribunal of this state having personal jurisdiction over both the obligor and individual obligee shall apply the following rules ~~in determining and by order shall determine~~ which child support order ~~to recognize for purposes of continuing, exclusive jurisdiction controls and must be recognized~~:

SECTION 55. 769.207 (1m) (a) of the statutes is amended to read:

769.207 (1m) (a) If only one of the tribunals would have continuing, exclusive jurisdiction under this chapter, the child support order of that tribunal ~~is controlling and must be recognized~~ controls.

SECTION 56. 769.207 (1m) (b) of the statutes is amended to read:

769.207 (1m) (b) If more than one of the tribunals would have continuing, exclusive jurisdiction under this chapter, a child support order issued by a tribunal in the current home state of the child ~~must be recognized, but controls, or, if a child support order has not been issued in the current home state of the child, the child support order most recently issued is controlling and must be recognized~~ controls.

SECTION 57. 769.207 (1m) (c) of the statutes is amended to read:

769.207 (1m) (c) If none of the tribunals would have continuing, exclusive jurisdiction under this chapter, the

tribunal of this state ~~having jurisdiction over the parties must shall~~ issue a child support order, which is ~~controlling and must be recognized~~ controls.

SECTION 58. 769.207 (1r) of the statutes is amended to read:

769.207 (1r) If 2 or more child support orders have been issued for the same obligor and same child and if the obligor or the individual obligee resides in this state, a party may request a tribunal of this state to, upon the request of a party who is an individual or that is a support enforcement agency, a tribunal of this state having personal jurisdiction over both the obligor and the obligee who is an individual shall determine which child support order controls ~~and must be recognized~~ under sub. (1m). The request may be filed with a registration for enforcement or registration for modification under subch. VI, or may be filed as a separate proceeding.

(1t) A request to determine which is the controlling child support order must be accompanied by a certified copy of every child support order issued for the obligor and child that is in effect. Every and the applicable record of payments. The requesting party shall give each party whose rights may be affected by a determination of which child support order controls must be given notice of the request for that determination.

SECTION 59. 769.207 (2) of the statutes is amended to read:

769.207 (2) The tribunal that issued the order that is controlling ~~and must be recognized~~ under sub. (1c), (1m), or (1r) ~~is the tribunal that has continuing, exclusive jurisdiction in accordance with~~ to the extent provided in s. 769.205 or 769.206.

SECTION 60. 769.207 (3) of the statutes is renumbered 769.207 (3) (intro.) and amended to read:

769.207 (3) (intro.) A tribunal of this state that determines by order which child support order is controlling under sub. (1m) (a) or (b) or (1r), or that issues a new child support order that is controlling under sub. (1m) (c), shall include state in that order ~~the all of the following:~~

(a) The basis upon which the tribunal made its determination.

SECTION 61. 769.207 (3) (b) of the statutes is created to read:

769.207 (3) (b) The amount of prospective support, if any.

SECTION 62. 769.207 (3) (c) of the statutes is created to read:

769.207 (3) (c) The total amount of consolidated arrears and accrued interest, if any, under all of the orders after all payments made are credited as provided by s. 769.209.

SECTION 63. 769.207 (5) of the statutes is created to read:

769.207 (5) An order that has been determined to be the controlling child support order, or a judgment for consolidated arrears of support and interest, if any, made

under this section, must be recognized in proceedings under this chapter.

SECTION 64. 769.208 of the statutes is amended to read:

769.208 Multiple-child Child support orders for 2 or more obligees. In responding to multiple registrations or petitions for enforcement of 2 or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state or a foreign country, a tribunal of this state shall enforce those orders in the same manner as if the multiple orders had been issued by a tribunal of this state.

SECTION 65. 769.209 of the statutes is amended to read:

769.209 Credit for payments. Amounts A tribunal of this state shall credit amounts collected ~~and credited~~ for a particular period pursuant to ~~a~~ any child support order issued by a tribunal of another state ~~must be credited~~ against the amounts ~~accruing or accrued~~ owed for the same period under ~~a~~ any other child support order for support of the same child issued by ~~the a~~ a tribunal of this state, ~~another state, or a foreign country.~~

SECTION 66. 769.210 of the statutes is created to read:

769.210 Application of act to nonresident subject to personal jurisdiction. A tribunal of this state exercising personal jurisdiction over a nonresident in a proceeding under this chapter, under other law of this state relating to a support order, or recognizing a foreign support order may receive evidence from outside this state pursuant to s. 769.316, communicate with a tribunal outside this state pursuant to s. 769.317, and obtain discovery through a tribunal outside this state pursuant to s. 769.318. In all other respects, subchs. III to VI do not apply, and the tribunal shall apply the procedural and substantive law of this state.

SECTION 67. 769.211 of the statutes is created to read:

769.211 Continuing, exclusive jurisdiction to modify spousal support order. (1) A tribunal of this state issuing a spousal support order consistent with the law of this state has continuing, exclusive jurisdiction to modify the spousal support order throughout the existence of the support obligation.

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

(3) A tribunal of this state that has continuing, exclusive jurisdiction over a spousal support order may serve as any of the following:

(a) An initiating tribunal to request a tribunal of another state to enforce the spousal support order issued in this state.

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

SECTION 68. 769.301 (2) of the statutes is repealed.

SECTION 69. 769.301 (3) of the statutes is amended to read:

769.301 (3) An individual petitioner or a support enforcement agency may commence a proceeding authorized under this chapter by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state or a foreign country that has or can obtain personal jurisdiction over the respondent.

SECTION 70. 769.302 of the statutes is amended to read:

769.302 Action by minor parent. A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child. ~~Notwithstanding s. 767.407 (1) or 803.01 (3), the court may appoint a guardian ad litem for the minor's child, but the court need not appoint a guardian ad litem for a minor parent who maintains such a proceeding unless the proceeding is one for the determination of parentage, in which case the court or a circuit court commissioner shall appoint a guardian ad litem for a minor parent within this state who maintains such a proceeding or for a minor within this state who is alleged to be a parent, as provided in s. 767.82 (1).~~

SECTION 71. 769.304 (1) of the statutes is amended to read:

769.304 (1) Upon the filing of a petition authorized by this chapter, an initiating tribunal of this state shall forward ~~3 copies of~~ the petition and its accompanying documents to the responding tribunal or appropriate support enforcement agency in the responding state, or, if the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

SECTION 72. 769.304 (2) of the statutes is amended to read:

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

SECTION 73. 769.305 (1) of the statutes is amended to read:

769.305 (1) Whenever a responding tribunal of this state receives a petition or comparable pleading from an initiating tribunal or directly under s. 769.301 (3), it shall

cause the petition or pleading to be filed and notify the petitioner, ~~or if the petition was filed by a support enforcement agency, notify the support enforcement agency by any federally approved transmittal system,~~ where and when it was filed.

SECTION 74. 769.305 (2) (intro.) of the statutes is amended to read:

769.305 (2) (intro.) A responding tribunal of this state, to the extent ~~otherwise authorized~~ not prohibited by other law, may do any of the following:

SECTION 75. 769.305 (2) (a) of the statutes is amended to read:

769.305 (2) (a) ~~Issue~~ Establish or enforce a support order, modify a child support order, determine the controlling child support order, or ~~render a judgment to determine parentage of a child.~~

SECTION 76. 769.305 (2) (b) of the statutes is amended to read:

769.305 (2) (b) Order an obligor to comply with a support order, specifying the amount and the manner of compliance.

SECTION 77. 769.305 (2) (h) of the statutes is amended to read:

769.305 (2) (h) Order an obligor to keep the tribunal informed of the obligor's current residential address, electronic mail address, telephone number, employer, address of employment, and telephone number at the place of employment.

SECTION 78. 769.305 (6) of the statutes is created to read:

769.305 (6) If requested to enforce a support order, arrears, or judgment or modify a support order stated in a foreign currency, a responding tribunal of this state shall convert the amount stated in the foreign currency to the equivalent amount in dollars under the applicable official or market exchange rate as publicly reported.

SECTION 79. 769.306 of the statutes is amended to read:

769.306 Inappropriate tribunal. If a petition or comparable pleading is received by an inappropriate tribunal of this state, ~~it the tribunal~~ shall forward the pleading and accompanying documents to an appropriate tribunal ~~in of~~ this state or another state and notify the petitioner, ~~or if the petition was filed by a support enforcement agency, notify the support enforcement agency by any federally approved transmittal system,~~ where and when the pleading was sent.

SECTION 80. 769.307 (2) (intro.) of the statutes is amended to read:

769.307 (2) (intro.) A support enforcement agency of this state that is providing services to the petitioner shall do all of the following as appropriate:

SECTION 81. 769.307 (2) (a) of the statutes is amended to read:

769.307 (2) (a) Take all steps necessary to enable an appropriate tribunal ~~in of~~ this state ~~or,~~ another state, or a

foreign country to obtain jurisdiction over the respondent.

SECTION 82. 769.307 (2) (d) of the statutes is amended to read:

769.307 (2) (d) Within 40 ~~2~~ days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of ~~a written~~ notice in a record from an initiating, responding, or registering tribunal, send a copy of the notice to the petitioner.

SECTION 83. 769.307 (2) (e) of the statutes is amended to read:

769.307 (2) (e) Within 40 ~~2~~ days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of ~~a written~~ communication in a record from the respondent or the respondent's attorney, send a copy of the communication to the petitioner.

SECTION 84. 769.307 (3) of the statutes is renumbered 769.307 (6) and amended to read:

769.307 (6) This chapter does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency ~~nor does this chapter affect an attorney-client relationship or a fiduciary relationship that arises under other law.~~

SECTION 85. 769.307 (3m) of the statutes is created to read:

769.307 (3m) A support enforcement agency of this state that requests registration of a child support order in this state for enforcement or for modification shall make reasonable efforts to do either of the following:

(a) Ensure that the order to be registered is the controlling order.

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

SECTION 86. 769.307 (4) of the statutes is created to read:

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

SECTION 87. 769.307 (5) of the statutes is created to read:

769.307 (5) A support enforcement agency of this state shall issue or request a tribunal of this state to issue a child support order and an income-withholding order that redirect payment of current support, arrears, and interest if requested to do so by a support enforcement agency of another state under s. 769.319.

SECTION 88. 769.308 of the statutes is renumbered 769.308 (1).

SECTION 89. 769.308 (2) of the statutes is created to read:

769.308 (2) The attorney general may determine that a foreign country has established a reciprocal arrangement for child support with this state and take appropriate action for notification of the determination.

SECTION 90. 769.31 (2) (b) of the statutes is amended to read:

769.31 (2) (b) Maintain a register of names and addresses of tribunals and support enforcement agencies received from other states.

SECTION 91. 769.31 (2) (c) of the statutes is amended to read:

769.31 (2) (c) Forward to the appropriate tribunal in the place county in this state in which the ~~individual~~ obligee who is an individual or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this chapter received from ~~an initiating tribunal or the state information agency of the initiating~~ another state or a foreign country.

SECTION 92. 769.311 (1) of the statutes is amended to read:

769.311 (1) ~~A~~ In a proceeding under this chapter, a petitioner seeking to establish ~~or modify~~ a support order ~~or, to determine parentage in a proceeding under this chapter of a child, or to register and modify a support order of a tribunal of another state or a foreign country~~ must ~~verify the~~ file a petition. Unless otherwise ordered under s. 769.312, the petition or accompanying documents must provide, so far as known, the names, residential addresses, and social security numbers ~~and dates of birth~~ of the obligor and the obligee or the parent and alleged parent, and the name, sex, residential address, social security number, and date of birth of each child for ~~whom whose benefit support is sought. The or whose parentage is to be determined.~~ Unless filed at the time of registration, the petition must be accompanied by a certified copy of any support order ~~in effect~~ known to have been issued by another tribunal. The petition may include any other information that may assist in locating or identifying the respondent.

SECTION 93. 769.312 of the statutes is amended to read:

769.312 Nondisclosure of information in exceptional circumstances. Upon a finding, which may be made ~~ex parte~~, If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be ~~unreasonably put at risk~~ jeopardized by the disclosure of specific identifying information, ~~or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying that information~~ must be sealed and may not be disclosed in a pleading or other document filed in a proceeding under this chapter to the other party or the public. After a hearing in which a tribunal takes into consideration the health,

safety, or liberty of the party or child, the tribunal may order disclosure of information that the tribunal determines to be in the interest of justice.

SECTION 94. 769.313 (2) of the statutes is amended to read:

769.313 (2) If an obligee prevails, a responding tribunal of this state may assess against an obligor filing fees, reasonable attorney fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or the responding state or foreign country, except as provided by other law. Attorney fees may be taxed as costs and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs, and expenses.

SECTION 95. 769.314 (1) of the statutes is amended to read:

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

SECTION 96. 769.314 (3) of the statutes is amended to read:

769.314 (3) The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this chapter committed by a party while physically present in this state to participate in the proceeding.

SECTION 97. 769.316 (1) of the statutes is amended to read:

769.316 (1) The physical presence of ~~the petitioner~~ a nonresident party who is an individual in a responding tribunal of this state is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage of a child.

SECTION 98. 769.316 (2) of the statutes is amended to read:

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

SECTION 99. 769.316 (4) of the statutes is amended to read:

769.316 (4) Copies of bills for testing for parentage of a child, or for prenatal and postnatal health care of the mother and child, or copies of reports of medical assistance payments under subch. IV of ch. 49 for such testing or prenatal and postnatal health care, furnished to the

adverse party at least 10 days before trial, are admissible in evidence to prove the amount of the charges billed or the amount of the medical assistance paid and that the charges or payments were reasonable, necessary, and customary.

SECTION 100. 769.316 (5) of the statutes is amended to read:

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

SECTION 101. 769.316 (6) of the statutes is amended to read:

769.316 (6) In a proceeding under this chapter, a tribunal of this state may shall permit a party or witness residing ~~in another outside this~~ state to be deposed or to testify under penalty of perjury by telephone, audiovisual means, or other electronic means at a designated tribunal or other location ~~in that state~~. A tribunal of this state shall cooperate with other tribunals of ~~other states~~ in designating an appropriate location for the deposition or testimony.

SECTION 102. 769.316 (10) of the statutes is created to read:

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

SECTION 103. 769.317 of the statutes is amended to read:

769.317 Communications between tribunals. A tribunal of this state may communicate with a tribunal of ~~another outside this~~ state in writing, a record or by telephone, electronic mail, or other means, to obtain information concerning the laws of ~~that state~~, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding ~~in the other state~~. A tribunal of this state may furnish similar information by similar means to a tribunal of ~~another outside this~~ state.

SECTION 104. 769.318 (1) of the statutes is amended to read:

769.318 (1) Request a tribunal of ~~another outside this~~ state to assist in obtaining discovery.

SECTION 105. 769.318 (2) of the statutes is amended to read:

769.318 (2) Upon request, compel a person over ~~whom which~~ it has jurisdiction to respond to a discovery order issued by a tribunal of ~~another outside this~~ state.

SECTION 106. 769.319 of the statutes is renumbered 769.319 (1) and amended to read:

769.319 (1) A support enforcement agency, its designee, or a tribunal of this state shall disburse promptly any amounts received under a support order, as directed by the order. The agency, its designee, or the tribunal shall furnish to a requesting party or tribunal of another state

or a foreign country a certified statement by the custodian of the record of the amounts and dates of all payments received.

SECTION 107. 769.319 (2) of the statutes is created to read:

769.319 (2) If neither the obligor, nor the obligee who is an individual, nor the child resides in this state, upon request from the support enforcement agency of this state or another state, the support enforcement agency of this state or a tribunal of this state shall do all of the following:

(a) Direct that the support payment be made to the support enforcement agency in the state in which the obligee is receiving services.

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

SECTION 108. 769.319 (3) of the statutes is created to read:

769.319 (3) The support enforcement agency of this state receiving redirected payments from another state under a law similar to sub. (2) shall furnish to a requesting party or tribunal of the other state a certified statement by the custodian of the record of the amount and dates of all payments received.

SECTION 109. Subchapter IV (title) of chapter 769 [precedes 769.401] of the statutes is amended to read:

CHAPTER 769

SUBCHAPTER IV

ESTABLISHMENT OF SUPPORT ORDER OR DETERMINATION OF PARENTAGE

SECTION 110. 769.401 (1) (intro.) of the statutes is amended to read:

769.401 (1) (intro.) If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of this state with personal jurisdiction over the parties may issue a support order if any of the following applies:

SECTION 111. 769.401 (1) (a) of the statutes is amended to read:

769.401 (1) (a) The individual seeking the order resides ~~in another~~ outside this state.

SECTION 112. 769.401 (1) (b) of the statutes is amended to read:

769.401 (1) (b) The support enforcement agency seeking the order is located ~~in another~~ outside this state.

SECTION 113. 769.401 (2) of the statutes is repealed and recreated to read:

769.401 (2) The tribunal may issue a temporary child support order if the tribunal determines that such an order is appropriate and if the individual ordered to pay is any of the following:

(a) A presumed father of the child.

(b) An individual who is petitioning to have his paternity adjudicated.

(c) An individual who has been identified as the father of the child through genetic testing.

(d) An alleged father of the child who has declined to submit to genetic testing.

(e) An individual who has been shown by clear and convincing evidence to be the father of the child.

(f) An individual who has acknowledged paternity of the child under s. 767.805.

(g) The mother of the child.

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

SECTION 114. 769.402 of the statutes is created to read:

769.402 Proceeding to determine parentage. A tribunal of this state authorized to determine parentage of a child may serve as a responding tribunal in a proceeding to determine parentage of a child brought under this chapter or a law or procedure substantially similar to this chapter.

SECTION 115. Subchapter V (title) of chapter 769 [precedes 769.501] of the statutes is amended to read:

CHAPTER 769

SUBCHAPTER V

ENFORCEMENT OF SUPPORT ORDER OF ANOTHER STATE WITHOUT REGISTRATION

SECTION 116. 769.501 of the statutes is amended to read:

769.501 Employer's receipt of income-withholding order of another state. An income-withholding order issued in another state may be sent by or on behalf of the obligee, or by the support enforcement agency, to the obligor's employer without first filing a petition or comparable pleading or registering the income-withholding order with a tribunal of this state.

SECTION 117. 769.505 of the statutes is amended to read:

769.505 Penalties for noncompliance. An employer that willfully fails to comply with an income-withholding order issued by in another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an income-withholding order issued by a tribunal of this state.

SECTION 118. 769.506 (1) of the statutes is amended to read:

769.506 (1) An obligor may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer in this state by registering the order in a tribunal of this state and filing a contest to that order as provided in subch. VI, or otherwise contesting the order in the same manner as if the order had been issued by a tribunal of this state. Section 769.604 applies to the contest.

SECTION 119. 769.507 (1) of the statutes is amended to read:

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

SECTION 120. Subchapter VI (title) of chapter 769 [precedes 769.601] of the statutes is amended to read:

CHAPTER 769

SUBCHAPTER VI

ENFORCEMENT REGISTRATION,

**ENFORCEMENT, AND MODIFICATION OF
SUPPORT ORDER AFTER REGISTRATION**

SECTION 121. 769.601 of the statutes is amended to read:

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

SECTION 122. 769.602 (1) (intro.) of the statutes is amended to read:

769.602 (1) (intro.) ~~A~~ Except as provided in s. 769.706, a support order or income-withholding order of another state or a foreign support order may be registered in this state by sending all of the following ~~documents and information records~~ to the appropriate tribunal in this state:

SECTION 123. 769.602 (1) (c) of the statutes is amended to read:

769.602 (1) (c) A sworn statement by the ~~party seeking person requesting~~ registration or a certified statement by the custodian of the records showing the amount of any arrearage.

SECTION 124. 769.602 (2) of the statutes is amended to read:

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

SECTION 125. 769.602 (4) of the statutes is created to read:

769.602 (4) If 2 or more orders are in effect, the person requesting registration must do all of the following:

(a) Furnish to the tribunal a copy of every support order that is asserted to be in effect in addition to the documents specified in this section.

(b) Specify the order that is alleged to be the controlling order, if any.

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

SECTION 126. 769.602 (5) of the statutes is created to read:

769.602 (5) A request for a determination of which is the controlling order may be filed separately or with a request for registration and enforcement or for registra-

tion and modification. The person requesting registration shall give notice of the request to each party whose rights may be affected by the determination.

SECTION 127. 769.603 (1) of the statutes is amended to read:

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

SECTION 128. 769.603 (2) of the statutes is amended to read:

769.603 (2) A registered support order issued in another state or a foreign country is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this state.

SECTION 129. 769.603 (3) of the statutes is amended to read:

769.603 (3) Except as otherwise provided in this ~~subchapter chapter,~~ a tribunal of this state shall recognize and enforce, but may not modify, a registered support order if the issuing tribunal had jurisdiction.

SECTION 130. 769.604 (1) of the statutes is renumbered 769.604 (1) (intro.) and amended to read:

769.604 (1) (intro.) ~~The~~ Except as otherwise provided in sub. (4), the law of the issuing state or foreign country governs the all of the following:

(a) ~~The nature, extent, amount, and duration of current payments and other obligations of support and the under a registered support order.~~

(b) The computation and payment of arrearages and accrual of interest on the arrearages under the support order.

SECTION 131. 769.604 (1) (c) of the statutes is created to read:

769.604 (1) (c) The existence and satisfaction of other obligations under the support order.

SECTION 132. 769.604 (2) of the statutes is amended to read:

769.604 (2) In a proceeding for arrearages under a registered support order, the statute of limitations under the laws of this state or of the issuing state or foreign country, whichever is longer, applies.

SECTION 133. 769.604 (3) of the statutes is created to read:

769.604 (3) A responding tribunal of this state shall apply the procedures and remedies of this state to enforce current support and collect arrearages and interest due on a support order of another state or a foreign country that is registered in this state.

SECTION 134. 769.604 (4) of the statutes is created to read:

769.604 (4) After a tribunal of this state or another state determines which is the controlling order and issues an order consolidating arrearages, if any, a tribunal of this state shall prospectively apply the law of the state or foreign country issuing the controlling order, including its

law on interest on arrearages, on current and future support, and on consolidated arrearages.

SECTION 135. 769.605 (1) of the statutes is amended to read:

769.605 (1) Whenever a support order or income-withholding order issued in another state or a foreign support order is registered, the registering tribunal of this state shall notify the nonregistering party. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

SECTION 136. 769.605 (2) (a) of the statutes is amended to read:

769.605 (2) (a) That a registered support order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state.

SECTION 137. 769.605 (2) (b) of the statutes is amended to read:

769.605 (2) (b) That a hearing to contest the validity or enforcement of the registered order must be requested within 20 days after the date of mailing or personal service of the notice unless the registered order is under s. 769.707.

SECTION 138. 769.605 (2) (c) of the statutes is amended to read:

769.605 (2) (c) That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages ~~and precludes further contest of that order with respect to any matter that could have been asserted.~~

SECTION 139. 769.605 (2m) of the statutes is created to read:

769.605 (2m) If the registering party asserts that 2 or more orders are in effect, the notice must also do all of the following:

(a) Identify the 2 or more orders and the order alleged by the registering party to be the controlling order and the consolidated arrearages, if any.

(b) Notify the nonregistering party of the right to a determination of which is the controlling order.

(c) State that the procedures provided in sub. (2) apply to the determination of which is the controlling order.

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

SECTION 140. 769.605 (3) of the statutes is amended to read:

769.605 (3) Upon registration of an income-withholding order for enforcement, the support enforcement agency or the registering tribunal shall notify the obligor's employer under s. 767.75 (2r).

SECTION 141. 769.606 (title) of the statutes is amended to read:

769.606 (title) **Procedure to contest validity or enforcement of registered support order.**

SECTION 142. 769.606 (1) of the statutes is amended to read:

769.606 (1) A nonregistering party seeking to contest the validity or enforcement of a registered support order in this state shall request a hearing within ~~20 days after the date of mailing or personal service of notice of the registration~~ the time required by s. 769.605. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages as provided in s. 769.607.

SECTION 143. 769.606 (2) of the statutes is amended to read:

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

SECTION 144. 769.606 (3) of the statutes is amended to read:

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

SECTION 145. 769.607 (1) (intro.) of the statutes is amended to read:

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

SECTION 146. 769.607 (1) (h) of the statutes is created to read:

769.607 (1) (h) That the alleged controlling order is not the controlling order.

SECTION 147. 769.607 (2) of the statutes is amended to read:

769.607 (2) If a party presents evidence establishing a full or partial defense under sub. (1), a tribunal may stay enforcement of ~~the~~ a registered support order, continue the proceeding to permit production of additional relevant evidence, or issue other appropriate orders. An uncontested portion of the registered support order may be enforced by all remedies available under the law of this state.

SECTION 148. 769.607 (3) of the statutes is amended to read:

769.607 (3) If the contesting party does not establish a defense under sub. (1) to the validity or enforcement of ~~the~~ a registered support order, the registering tribunal shall issue an order confirming the order.

SECTION 149. 769.608 of the statutes is amended to read:

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

SECTION 150. 769.609 of the statutes is amended to read:

769.609 Procedure to register child support order of another state for modification. A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in this state in the same manner as provided in ss. 769.601 to ~~769.604~~ 769.608 if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification.

SECTION 151. 769.61 of the statutes is amended to read:

769.61 Effect of registration for modification. A tribunal of this state may enforce a child support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this state, but the registered support order may be modified only if the requirements of s. 769.611 or 769.613 have been met.

SECTION 152. 769.611 (1) (intro.) of the statutes is amended to read:

769.611 (1) (intro.) After a child support order issued in another state has been registered in this state, unless s. 769.613 applies ~~the responding a~~ a tribunal of this state may, upon petition, modify that child support order ~~only~~ if, after notice and hearing, it finds ~~at least one of the following:~~

SECTION 153. 769.611 (1) (a) 1. of the statutes is amended to read:

769.611 (1) (a) 1. The child, the ~~individual~~ obligee who is an individual, and the obligor do not reside in the issuing state.

SECTION 154. 769.611 (1) (b) of the statutes is amended to read:

769.611 (1) (b) That this state is the residence of the child, or a party who is an individual party or the child is subject to the personal jurisdiction of the tribunal of this state, and that all of the individual parties who are individuals have filed a written consent consents in a record in the issuing tribunal providing that a tribunal of this state may modify the child support order and assume continuing, exclusive jurisdiction ~~over the child support order. However, if the issuing state is a foreign jurisdiction that has not enacted this chapter, the written consent of the individual party residing in this state is not required for the tribunal to assume jurisdiction to modify the child support order.~~

SECTION 155. 769.611 (3) of the statutes is amended to read:

769.611 (3) A tribunal of this state may not modify any aspect of a child support order that may not be modified under the law of the issuing state, including the duration of the obligation of support. If 2 or more tribunals have issued child support orders for the same obligor and same child, the child support order that is controlling and must be recognized under s. 769.207 establishes the non-modifiable aspects of the support order.

SECTION 156. 769.611 (3m) of the statutes is created to read:

769.611 (3m) In a proceeding to modify a child support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of support. The obligor's fulfillment of the duty of support established by that order precludes the imposition of a further obligation of support by a tribunal of this state.

SECTION 157. 769.611 (5) of the statutes is created to read:

769.611 (5) Notwithstanding subs. (1) to (4) and s. 769.201 (2m), a tribunal of this state retains jurisdiction to modify an order issued by a tribunal of this state if one party resides in another state and the other party resides outside the United States.

SECTION 158. 769.612 (intro.) of the statutes is amended to read:

769.612 Recognition of order modified in another state. (intro.) ~~A tribunal of this state shall recognize a modification of its earlier~~ If a child support order issued by a tribunal of this state is modified by a tribunal of another state that assumed jurisdiction under ~~a law substantially similar to this chapter and, upon request, except as otherwise provided in this chapter, shall do~~ the Uniform Interstate Family Support Act, all of the following apply to a tribunal of this state:

SECTION 159. 769.612 (1) of the statutes is amended to read:

769.612 (1) ~~Enforce the~~ The tribunal may enforce its order that was modified only as to amounts arrearages and interest accruing before the modification.

SECTION 160. 769.612 (2) of the statutes is repealed.

SECTION 161. 769.612 (3) of the statutes is amended to read:

769.612 (3) ~~Provide other~~ The tribunal may provide appropriate relief ~~only~~ for violations of ~~that its~~ order that occurred before the effective date of the modification.

SECTION 162. 769.612 (4) of the statutes is amended to read:

769.612 (4) Recognize The tribunal shall recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

SECTION 163. 769.613 (title) of the statutes is amended to read:

769.613 (title) **Jurisdiction to modify child support order of another state when individual parties reside in this state.**

SECTION 164. 769.613 (1) of the statutes is amended to read:

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

SECTION 165. 769.613 (2) of the statutes is amended to read:

769.613 (2) A tribunal of this state exercising jurisdiction as provided in sub. (1) shall apply the provisions of this subchapter and subchs. I and II and the procedural and substantive law of this state to the enforcement or modification proceeding. Subchapters III to V, VII, and VIII do not apply, ~~and the tribunal shall apply the procedural and substantive law of this state.~~

SECTION 166. 769.615 of the statutes is created to read:

769.615 Jurisdiction to modify child support order of foreign country. (1) Except as provided in s. 769.711, if a foreign country lacks or refuses to exercise jurisdiction to modify its child support order under its laws, a tribunal of this state may assume jurisdiction to modify the child support order and bind all individuals who are subject to the personal jurisdiction of the tribunal whether the consent to modification of a child support order otherwise required of the individual under s. 769.611 has been given or whether the individual seeking modification is a resident of this state or of the foreign country.

(2) An order issued by a tribunal of this state modifying a foreign child support order under this section is the controlling order.

SECTION 167. 769.616 of the statutes is created to read:

769.616 Procedure to register child support order of foreign country for modification. A party or support enforcement agency seeking to modify, or to modify and enforce, a foreign child support order not under the convention may register that order in this state under ss. 769.601 to 769.608 if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or at another time. The petition must specify the grounds for modification.

SECTION 168. Subchapter VII of chapter 769 [precedes 769.701] of the statutes is repealed and recreated to read:

CHAPTER 769
SUBCHAPTER VII
SUPPORT PROCEEDING UNDER
CONVENTION

769.701 Definitions. In this subchapter:

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

(2) "Central authority" means the entity designated by the United States or a foreign country described in s. 769.101 (3c) (d) to perform the functions specified in the convention.

(3) "Convention support order" means a support order of a tribunal of a foreign country described in s. 769.101 (3c) (d).

(3m) "Department" means the department of children and families.

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

(5) "Foreign central authority" means the entity designated by a foreign country described in s. 769.101 (3c) (d) to perform the functions specified in the convention.

(6) (a) "Foreign support agreement" means an agreement for support in a record to which all of the following apply:

1. It is enforceable as a support order in the country of origin.

2. It has been either of the following:

a. Formally drawn up or registered as an authentic instrument by a foreign tribunal.

b. Authenticated by, or concluded, registered, or filed with a foreign tribunal.

3. It may be reviewed and modified by a foreign tribunal.

(b) "Foreign support agreement" includes a maintenance arrangement or authentic instrument under the convention.

(7) "United States central authority" means the secretary of the federal department of health and human services.

769.702 Applicability. This subchapter applies only to a support proceeding under the convention. In such a proceeding, if a provision of this subchapter is inconsistent with subchs. I to VI, this subchapter controls.

769.703 Relationship of governmental entity to United States central authority. The department is recognized as the agency designated by the United States central authority to perform specific functions under the convention.

769.704 Initiation by department of support proceeding under convention. (1) In a support proceeding under this subchapter, the department shall do all of the following:

(a) Transmit and receive applications.

(b) Initiate or facilitate the institution of a proceeding regarding an application in a tribunal of this state.

(2) All of the following support proceedings are available to an obligee under the convention:

(a) Recognition or recognition and enforcement of a foreign support order.

(b) Enforcement of a support order issued or recognized in this state.

(c) Establishment of a support order if there is no existing order, including, if necessary, determination of parentage of a child.

(d) Establishment of a support order if recognition of a foreign support order is refused under s. 769.708 (2) (b), (d), or (i).

(e) Modification of a support order of a tribunal of this state.

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

(3) All of the following support proceedings are available under the convention to an obligor against which there is an existing support order:

(a) Recognition of an order suspending or limiting enforcement of an existing support order of a tribunal of this state.

(b) Modification of a support order of a tribunal of this state.

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

(4) A tribunal of this state may not require security, bond, or deposit, however described, to guarantee the payment of costs and expenses in proceedings under the convention.

769.705 Direct request. (1) A petitioner may file a direct request seeking establishment or modification of a support order or determination of parentage of a child. In the proceeding, the law of this state applies.

(2) A petitioner may file a direct request seeking recognition and enforcement of a support order or support agreement. In the proceeding, ss. 769.706 to 769.713 apply.

(3) In a direct request for recognition and enforcement of a convention support order or foreign support agreement all of the following apply:

(a) A security, bond, or deposit is not required to guarantee the payment of costs and expenses.

(b) An obligee or obligor that in the issuing country has benefited from free legal assistance is entitled to benefit, at least to the same extent, from any free legal assistance provided for by the law of this state under the same circumstances.

(4) A petitioner filing a direct request is not entitled to assistance from the department.

(5) This subchapter does not prevent the application of laws of this state that provide simplified, more expeditious rules regarding a direct request for recognition and enforcement of a foreign support order or foreign support agreement.

769.706 Registration of convention support order.

(1) Except as otherwise provided in this subchapter, a party who is an individual or a support enforcement agency seeking recognition of a convention support order shall register the order in this state as provided in subch. VI.

(2) Notwithstanding s. 769.311 and 769.602 (1), a request for registration of a convention support order must be accompanied by all of the following:

(a) A complete text of the support order or an abstract or extract of the support order drawn up by the issuing foreign tribunal, which may be in the form recommended by the Hague Conference on Private International Law.

(b) A record stating that the support order is enforceable in the issuing country.

(c) If the respondent did not appear and was not represented in the proceedings in the issuing country, a record attesting, as appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard or that the respondent had proper notice of the support order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal.

(d) A record showing the amount of arrears, if any, and the date the amount was calculated.

(e) A record showing a requirement for automatic adjustment of the amount of support, if any, and the information necessary to make the appropriate calculations.

(f) If necessary, a record showing the extent to which the applicant received free legal assistance in the issuing country.

(3) A request for registration of a convention support order may seek recognition and partial enforcement of the order.

(4) A tribunal of this state may vacate the registration of a convention support order without the filing of a contest under s. 769.707 only if, acting on its own motion, the tribunal finds that recognition and enforcement of the order would be manifestly incompatible with public policy.

(5) The tribunal shall promptly notify the parties of the registration or the order vacating the registration of a convention support order.

767.707 Contest of registered convention support order. (1) Except as otherwise provided in this subchapter, ss. 769.605 to 769.608 apply to a contest of a registered convention support order.

(2) A party contesting a registered convention support order shall file a contest not later than 30 days after notice of the registration, but if the contesting party does not reside in the United States, the contest must be filed not later than 60 days after notice of the registration.

(3) If the nonregistering party fails to contest the registered convention support order by the time specified in sub. (2), the order is enforceable.

(4) A contest of a registered convention support order may be based only on grounds set forth in s. 769.708. The contesting party bears the burden of proof.

(5) In a contest of a registered convention support order, all of the following apply to a tribunal of this state:

(a) The tribunal is bound by the findings of fact on which the foreign tribunal based its jurisdiction.

(b) The tribunal may not review the merits of the order.

(6) A tribunal of this state deciding a contest of a registered convention support order shall promptly notify the parties of its decision.

(7) A challenge or appeal, if any, does not stay the enforcement of a convention support order unless there are exceptional circumstances.

769.708 Recognition and enforcement of registered convention support order. (1) Except as otherwise provided in sub. (2), a tribunal of this state shall recognize and enforce a registered convention support order.

(2) The following grounds are the only grounds on which a tribunal of this state may refuse recognition and enforcement of a registered convention support order:

(a) Recognition and enforcement of the order is manifestly incompatible with public policy, including the failure of the issuing tribunal to observe minimum standards of due process, which include notice and an opportunity to be heard.

(b) The issuing tribunal lacked personal jurisdiction consistent with s. 769.201.

(c) The order is not enforceable in the issuing country.

(d) The order was obtained by fraud in connection with a matter of procedure.

(e) A record transmitted in accordance with s. 769.706 lacks authenticity or integrity.

(f) A proceeding between the same parties and having the same purpose is pending before a tribunal of this state and that proceeding was the first to be filed.

(g) The order is incompatible with a more recent support order involving the same parties and having the same purpose, if the more recent support order is entitled to recognition and enforcement under this chapter in this state.

(h) Payment, to the extent alleged arrears have been paid in whole or in part.

(i) In a case in which the respondent neither appeared nor was represented in the proceeding in the issuing foreign country, if either of the following applies:

1. If the law of that country provides for prior notice of proceedings, the respondent did not have proper notice of the proceedings and an opportunity to be heard.

2. If the law of that country does not provide for prior notice of the proceedings, the respondent did not have proper notice of the order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal.

(j) The order was made in violation of s. 769.711.

(3) If a tribunal of this state does not recognize a convention support order under sub. (2) (b), (d), (f), or (i), both of the following apply:

(a) The tribunal may not dismiss the proceeding without allowing a reasonable time for a party to request the establishment of a new convention support order.

(b) The department shall take all appropriate measures to request a child support order for the obligee if the application for recognition and enforcement was received under s. 769.704.

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

769.710 Foreign support agreement. (1) Except as otherwise provided in subs. (3) and (4), a tribunal of this state shall recognize and enforce a foreign support agreement registered in this state.

(2) An application or direct request for recognition and enforcement of a foreign support agreement must be accompanied by all of the following:

(a) A complete text of the foreign support agreement.

(b) A record stating that the foreign support agreement is enforceable as a decision in the issuing country.

(3) A tribunal of this state may vacate the registration of the foreign support agreement only if, acting on its own motion, the tribunal finds that recognition and enforcement would be manifestly incompatible with public policy.

(4) In a contest of a foreign support agreement, a tribunal of this state may refuse recognition and enforcement of the agreement if it finds any of the following:

(a) Recognition and enforcement of the agreement is manifestly incompatible with public policy.

(b) The agreement was obtained by fraud or falsification.

(c) The agreement is incompatible with a support order involving the same parties and having the same purpose in this state, another state, or a foreign country, if the support order is entitled to recognition and enforcement under this chapter in this state.

(d) The record submitted under sub. (2) lacks authenticity or integrity.

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

769.711 Modification of convention child support order. (1) A tribunal of this state may not modify a convention child support order if the obligee remains a resident of the foreign country where the support order was issued, unless any of the following applies:

(a) The obligee submits to the jurisdiction of a tribunal of this state, either expressly or by defending on the

merits of the case without objecting to the jurisdiction at the first available opportunity.

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

(2) If a tribunal of this state does not modify a convention child support order because the order is not recognized in this state, s. 769.708 (3) applies:

769.712 Personal information; limit on use. Personal information gathered or transmitted under this subchapter may be used only for the purposes for which it was gathered or transmitted.

769.713 Record in original language; English translation. A record filed with a tribunal of this state under this subchapter must be in the original language and, if not in English, must be accompanied by an English translation.

SECTION 169. 769.802 (2) of the statutes is amended to read:

769.802 (2) If, under this chapter or a law substantially similar to this chapter, ~~the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act~~, the governor of another state makes a demand that the governor of this state surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

SECTION 170. 769.901 of the statutes is amended to read:

769.901 Uniformity of application and construction. ~~This In applying and construing this chapter shall be applied and construed to effectuate its general purpose to make uniform, consideration must be given to the need to promote uniformity of~~ the law with respect to the subject of this chapter among states enacting it.

SECTION 171. 769.903 (title) of the statutes is amended to read:

769.903 (title) **Severability clause.**

SECTION 171m. 769.904 of the statutes is created to read:

769.904 Notice of treaty ratification. As soon as possible after the United States deposits the instrument of ratification for The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance with the Hague Conference on Private International Law, the department of children and families shall publish a notice in the Wisconsin Administrative Register that states the date on which the instrument of ratification was deposited.

SECTION 172. Initial applicability.

(1) This act first applies to proceedings commenced on the effective date of this subsection to establish a support order or determine parentage of a child or to register, recognize, enforce, or modify a prior support order, determination, or agreement, whenever issued or entered.

SECTION 172m. Effective date.

(1c) This act takes effect on the date stated in the notice published in the Wisconsin Administrative Register under section 769.904 of the statutes, as created by this act.