

2017 -- H 5714

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO DOMESTIC RELATIONS -- UNIFORM INTERSTATE FAMILY SUPPORT
ACT -- GENERAL PROVISIONS

Introduced By: Representatives Keable, Solomon, Shanley, McEntee, and Craven

Date Introduced: March 01, 2017

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 15-23.1-703, 15-23.1-704 and 15-23.1-705 of the General Laws in
2 Chapter 15-23.1 entitled "Uniform Interstate Family Support Act" are hereby amended to read as
3 follows:

4 ~~**15-23.1-703. Relationship of the Rhode Island court to United States central**~~
5 ~~**authority.**~~ **Relationship of the state of Rhode Island office of child support services.**

6 The ~~court~~ department of human services - office of child support services of this state is
7 recognized as the agency designated by the United States central authority to perform specific
8 functions under the convention.

9 ~~**15-23.1-704. Initiation by the Rhode Island court of support proceeding under**~~
10 ~~**convention.**~~ **Initiation by the Rhode Island department of human services - office of child**
11 **support services.**

12 (a) In a support proceeding under this chapter, the ~~court~~ department of human services -
13 office of child support services of this state shall:

14 (1) Transmit and receive applications; and

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

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

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

- 1 (2) Enforcement of a support order issued or recognized in this state;
- 2 (3) Establishment of support order if there is no existing order, including, if necessary,
- 3 determination of parentage of a child;
- 4 (4) Establishment of support order if recognition of a foreign support order is refused
- 5 under subdivision 15-23.1-708(b)(2), (4) or (9);
- 6 (5) Modification of a support order of a tribunal of this state; and
- 7 (6) Modification of a support order of a tribunal of another state or a foreign country.

8 (c) The following support proceedings are available under the convention to an obligor

9 against which there is an existing support order:

10 (1) Recognition of an order suspending or limiting enforcement of an existing support

11 order of a tribunal of this state;

12 (2) Modification of a support order of a tribunal of this state; and

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

14 (d) A tribunal of this state may not require security, bond, or deposit, however described,

15 to guarantee the payment of costs and expenses in proceedings under the convention.

16 **15-23.1-705. Direct request.**

17 (a) A petitioner may file a direct request seeking establishment or modification of a

18 support order or determination of parentage of a child. In the proceeding, the law of this state

19 applies.

20 (b) A petitioner may file a direct request seeking recognition and enforcement of a

21 support order or support agreement. In the proceeding, §§ 15-23.1-706 -- 15-23.1-713 apply.

22 (c) In a direct request for recognition and enforcement of a convention support order or

23 foreign support agreement:

24 (1) A security, bond, or deposit is not required to guarantee the payment of costs and

25 expenses; and

26 (2) An obligee of obligor that in the issuing country has benefited from free legal

27 assistance is entitled to benefit, at least to the same extent, from any free legal assistance provide

28 for by the law of this state under the same circumstances.

29 (d) A petitioner filing a direct request is not entitled to assistance from the ~~court~~

30 [department of human services - office of child support services](#).

31 (e) This chapter does not prevent the application of laws of this state that provide

32 simplified, more expeditious rules regarding a direct request for recognition and enforcement of a

33 foreign support order or foreign support agreement.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO DOMESTIC RELATIONS -- UNIFORM INTERSTATE FAMILY SUPPORT
ACT -- GENERAL PROVISIONS

1 This act would make a technical correction to the uniform interstate family support act
2 regarding the Convention on the International Recovery of Child Support and Other Forms of
3 Family Maintenance, concluded at The Hague on November 23, 2007 and ratified by the United
4 States Senate, to ensure state law compliance with federal law on Title IV-D funding.

5 This act would take effect upon passage.

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