

Public Law 103-383
103d Congress

An Act

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

Oct. 20, 1994
 [S. 922]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Full Faith and
 Credit for Child
 Support Orders
 Act.
 28 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Full Faith and Credit for Child Support Orders Act".

SEC. 2. FINDINGS AND PURPOSES.

28 USC 1738B
 note.

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

(1) there is a large and growing number of child support cases annually involving disputes between parents who reside in different States;

(2) the laws by which the courts of different jurisdictions determine their authority to establish child support orders are not uniform;

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

(A) encourage noncustodial parents to relocate outside the States where their children and the custodial parents reside to avoid the jurisdiction of the courts of such States, resulting in an increase in the amount of interstate travel and communication required to establish and collect on child support orders and a burden on custodial parents that is expensive, time consuming, and disruptive of occupations and commercial activity;

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

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

(D) allow noncustodial parents to avoid the payment of regularly scheduled child support payments for extensive periods of time, resulting in substantial hardship for the children for whom support is due and for their custodians; and

(E) lead to the excessive relitigation of cases and to the establishment of conflicting orders by the courts of various jurisdictions, resulting in confusion, waste of judicial resources, disrespect for the courts, and a diminution of public confidence in the rule of law; and

(4) among the results of the conditions described in this subsection are—

(A) the failure of the courts of the States to give full faith and credit to the judicial proceedings of the other States;

(B) the deprivation of rights of liberty and property without due process of law;

(C) burdens on commerce among the States; and

(D) harm to the welfare of children and their parents and other custodians.

(b) STATEMENT OF POLICY.—In view of the findings made in subsection (a), it is necessary to establish national standards under which the courts of the various States shall determine their jurisdiction to issue a child support order and the effect to be given by each State to child support orders issued by the courts of other States.

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

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

(2) to discourage continuing interstate controversies over child support in the interest of greater financial stability and secure family relationships for the child; and

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

SEC. 3. FULL FAITH AND CREDIT FOR CHILD SUPPORT ORDERS.

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

“§ 1738B. Full faith and credit for child support orders

“(a) GENERAL RULE.—The appropriate authorities of each State—

“(1) shall enforce according to its terms a child support order made consistently with this section by a court of another State; and

“(2) shall not seek or make a modification of such an order except in accordance with subsection (e).

“(b) DEFINITIONS.—In this section:

“‘child’ means—

“(A) a person under 18 years of age; and

“(B) a person 18 or more years of age with respect to whom a child support order has been issued pursuant to the laws of a State.

“‘child’s State’ means the State in which a child resides.

“‘child support’ means a payment of money, continuing support, or arrearages or the provision of a benefit (including payment of health insurance, child care, and educational expenses) for the support of a child.

“‘child support order’—

“(A) means a judgment, decree, or order of a court requiring the payment of child support in periodic amounts or in a lump sum; and

“(B) includes—

“(i) a permanent or temporary order; and

“(ii) an initial order or a modification of an order.

“‘contestant’ means—

“(A) a person (including a parent) who—

“(i) claims a right to receive child support;

“(ii) is a party to a proceeding that may result in the issuance of a child support order; or

“(iii) is under a child support order; and

“(B) a State or political subdivision of a State to which the right to obtain child support has been assigned.

“‘court’ means a court or administrative agency of a State that is authorized by State law to establish the amount of child support payable by a contestant or make a modification of a child support order.

“‘modification’ means a change in a child support order that affects the amount, scope, or duration of the order and modifies, replaces, supersedes, or otherwise is made subsequent to the child support order.

“‘State’ means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions of the United States, and Indian country (as defined in section 1151 of title 18).

“(c) REQUIREMENTS OF CHILD SUPPORT ORDERS.—A child support order made is made consistently with this section if—

“(1) a court that makes the order, pursuant to the laws of the State in which the court is located—

“(A) has subject matter jurisdiction to hear the matter and enter such an order; and

“(B) has personal jurisdiction over the contestants; and

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

“(d) CONTINUING JURISDICTION.—A court of a State that has made a child support order consistently with this section has continuing, exclusive jurisdiction over the order if the State is the child’s State or the residence of any contestant unless the court of another State, acting in accordance with subsection (e), has made a modification of the order.

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

“(1) the court has jurisdiction to make such a child support order; and

“(2)(A) the court of the other State no longer has continuing, exclusive jurisdiction of the child support order because that State no longer is the child’s State or the residence of any contestant; or

“(B) each contestant has filed written consent to that court’s making the modification and assuming continuing, exclusive jurisdiction over the order.

“(f) ENFORCEMENT OF PRIOR ORDERS.—A court of a State that no longer has continuing, exclusive jurisdiction of a child support order may enforce the order with respect to nonmodifiable obliga-

tions and unsatisfied obligations that accrued before the date on which a modification of the order is made under subsection (e).

“(g) CHOICE OF LAW.—

“(1) IN GENERAL.—In a proceeding to establish, modify, or enforce a child support order, the forum State’s law shall apply except as provided in paragraphs (2) and (3).

“(2) LAW OF STATE OF ISSUANCE OF ORDER.—In interpreting a child support order, a court shall apply the law of the State of the court that issued the order.

“(3) PERIOD OF LIMITATION.—In an action to enforce a child support order, a court shall apply the statute of limitation of the forum State or the State of the court that issued the order, whichever statute provides the longer period of limitation.”.

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 115 of title 28, United States Code, is amended by inserting after the item relating to section 1738A the following new item:

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

Approved October 20, 1994.

LEGISLATIVE HISTORY—S. 922:

SENATE REPORTS: No. 103-361 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 140 (1994):

Sept. 27, considered and passed Senate.

Oct. 4, 5, considered and passed House.