

**CHILD SUPPORT ENFORCEMENT/MODIFICATION STATUTES
UPDATED PER SB77 as of October, 2007**

130.601. Registration or order for enforcement.

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

130.602. Procedure to register order for enforcement.

1. A support order or income-withholding order of another state may be registered in this state by sending the following records and information to the appropriate tribunal in this State:

- (a) A letter of transmittal requesting registration and enforcement;
- (b) Two copies, including one certified copy, of the order to be registered, including any modification of the order;
- (c) A sworn statement by the person requesting registration or a certified statement by the custodian of the records showing the amount of any arrearage;
- (d) The name of the obligor and, if known:
 - (1) The address and social security number of the obligor;
 - (2) The name and address of the employer of the obligor and any other source of income of the obligor; and
 - (3) A description and the location of property of the obligor in this state that is not exempt from execution; and
- (e) Except as otherwise provided in NRS 130.312, the name and address of the obligee and, if applicable, the person to whom support payments are to be remitted.

2. On receipt of a request for registration, the registering tribunal shall cause the order to be filed as a foreign judgment, together with one copy of the documents and information, regardless of their form.

3. A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of this state may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought.

4. If two or more orders are in effect, the person requesting registration shall:
- (a) Furnish to the tribunal a copy of every support order asserted to be in effect in addition to the documents specified in this section;
 - (b) Specify the order alleged to be the controlling order, if any; and
 - (c) Specify the amount of consolidated arrears, if any.

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

130.603. Effect of registration for enforcement.

1. A support order or income-withholding order issued in another state is registered when the order is filed in the registering tribunal of this state.
2. A registered order issued in another state is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this state.
3. Except as otherwise provided in NRS 130.601 to 130.614, inclusive, and section 6 of this act, a tribunal of this state shall recognize and enforce, but may not modify, a registered order if the issuing tribunal had jurisdiction.

130.604. Choice of law.

1. Except as otherwise provided in subsection 4, the law of the issuing state governs:
 - (a) The nature, extent, amount and duration of current payments under a registered support order;
 - (b) The computation and payment of arrearages and accrual of interest on the arrearages under the support order; and
 - (c) The existence and satisfaction of other obligations under the support order.
2. In a proceeding for arrears under a registered support order, the statute of limitation of this State or of the issuing state, whichever is longer, applies.
3. A responding tribunal of this State shall apply the procedures and remedies of this State to enforce current support and collect arrears and interest due on a support order of another state which is registered in this State.
4. After a tribunal of this State or another state determines which is the controlling order and issues an order consolidating arrears, if any, a tribunal of this State shall prospectively apply the law of the state issuing the controlling order, including its law on interest on arrears, on current and future support and on consolidated arrears.

130.605. Notice of registration of order.

1. When a support order or income-withholding order issued in another state is registered, the registering tribunal shall notify the nonregistering party and a support-enforcement agency of this state. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.
2. The notice must inform the nonregistering party:
 - (a) That a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state;
 - (b) That a hearing to contest the validity or enforcement of the registered order must be requested within 20 days after the notice;
 - (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; and
 - (d) Of the amount of any alleged arrearages.

3. If the registering party asserts that two or more orders are in effect, the notice must also:
 - (a) Identify the two or more orders and the order alleged by the registering party to be the controlling order and the consolidated arrears, 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 subsection 2 apply to the determination of which is the controlling order; and
 - (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.

4. Upon registration of an income-withholding order for enforcement, the registering tribunal shall cause appropriate notice of the order to be provided to the employer of the obligor in accordance with chapter 31A of NRS.

130.606. Procedure to contest validity or enforcement of registered order.

1. A nonregistering party seeking to contest the validity or enforcement of a registered order in this state shall request a hearing within 20 days after notice of the registration. 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 pursuant to NRS 130.607.

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

3. If a nonregistering party requests a hearing to contest the validity or enforcement of the registered 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.

History

1997, ch. 489, § 265, p. 2325.

130.607. Contest of registration or enforcement.

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

- (a) The issuing tribunal lacked personal jurisdiction over the contesting party;
- (b) The order was obtained by fraud;
- (c) The order has been vacated, suspended or modified by a later order;
- (d) The issuing tribunal has stayed the order pending appeal;
- (e) There is a defense under the law of this state to the remedy sought;
- (f) Full or partial payment has been made;
- (g) The statute of limitation applicable pursuant to NRS 130.604 precludes enforcement of some or all of the alleged arrearages; or
- (h) The alleged controlling order is not the controlling order.

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

3. If the contesting party does not establish a defense under subsection 1 to the validity or enforcement of the order, the registering tribunal shall issue an order confirming the order.

130.608. Confirmed order.

Confirmation of a registered 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.

History

1997, ch. 489, § 267, p. 2326.

130.609. 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 provided in NRS 130.601 to 130.604, inclusive, 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.

130.610. 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 order may be modified only if the requirements of NRS 130.611, 130.613 or section 6 of this act have been met.

130.611. Modification of child-support order of another state.

1. If NRS 130.613 does not apply, except as otherwise provided in section 6 of this act, upon petition a tribunal of this State may modify a child-support order issued in another state which is registered in this State if, after notice and hearing, the tribunal finds that:

(a) The following requirements are met:

(1) Neither the child, nor the obligee, who is a natural person, nor the obligor resides in the issuing state;

(2) A petitioner who is a nonresident of this state seeks modification; and

(3) The respondent is subject to the personal jurisdiction of the tribunal of this state;

or

(b) This State is the state of residence of the child, or a party who is a natural person is subject to the personal jurisdiction of the tribunal of this State, and all of the parties who are natural persons have filed consents in a record in the issuing tribunal for a tribunal of this State to modify the support order and assume continuing and exclusive jurisdiction.

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

3. Except as otherwise provided in section 6 of this act, 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 two or more tribunals have issued

child-support orders for the same obligor and child, the order that controls and must be so recognized under NRS 130.207 establishes the aspects of the support order which may not be modified.

4. 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.

5. On the issuance of an order by a tribunal of this State modifying a child-support order issued in another state, the tribunal of this state becomes the tribunal having continuing and exclusive jurisdiction.

130.612. Recognition of order modified in another state.

If a child-support order issued by a tribunal of this state is modified by a tribunal of another state which assumed jurisdiction pursuant to the Uniform Interstate Family Support Act a tribunal of this State:

1. May enforce the order that was modified only as to arrears and interest accruing before the modification;

2. May provide appropriate relief for violations of its order which occurred before the effective date of the modification; and

3. Shall recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

130.613. Jurisdiction to modify child-support order of another state when individual parties reside in this state.

1. If all of the parties who are natural persons 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 child-support order of the issuing state in a proceeding to register that order.

2. A tribunal of this state exercising jurisdiction under this section shall apply the provisions of NRS 130.0902 to 130.209, inclusive, and sections 4 and 5 of this act and 130.601 to 130.614, inclusive, and section 6 of this act and the procedural and substantive law of this state to the proceeding for enforcement or modification. The provisions of NRS 130.301 to 130.507, inclusive, and 130.701, 130.801 and 130.802 do not apply.

130.614. Notice to issuing tribunal of modification.

Within 90 days after the issuance of a modified child-support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal that had continuing and exclusive jurisdiction over the earlier order and in each tribunal in which the party knows the earlier order has been registered. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the modified order of the new tribunal having continuing and exclusive jurisdiction.