DEPARTMENT OF HUMAN RESOURCES CHILD SUPPORT ENFORCEMENT DIVISION ADMINISTRATIVE CODE

CHAPTER 660-3-10
ALABAMA UNIFORM INTERSTATE FAMILY SUPPORT ACT

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660-3-10-.01 Purpose Of The Uniform Interstate Family Support Act (UIFSA).

UIFSA was created to identify ways to improve the efficiency and effectiveness of interstate child support enforcement by addressing interstate cases in a uniform manner. The Personal and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193), mandated that all states adopt the 1993 UIFSA Model Act, and the 1996 amendments adopted by the National Conference of Commissioners on Uniform State Laws. UIFSA 1996 with amendments became effective January 1, 1998 in this state. Until December 31, 1999, interstate proceedings starting prior to January 1, 1998, were governed by laws in effect prior to January 1, 1998. The Preventing Sex Trafficking and Strengthening Families Act of 2014 (P.L. 113-183) required each state to enact the 2008 amendments during its 2015 legislative session.
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660-3-10-.02 Definitions.

The following definitions shall apply to this chapter:

(a) Child - an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by

the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

(b) Child Support Order - 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.

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

(d) Duty of Support – an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

(e) Foreign Country – a country, including a political subdivision thereof, other than the United States, that authorizes the issuance of support orders, and:

1. Which has been declared under the law of the United States to be a foreign reciprocating country;

2. Which has established a reciprocal arrangement for child support with this state as provided in Code of Ala. 1975, as amended, Section 30-3D-308;

3. Which has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures under UIFSA; or

4. In which the Convention is in force with respect to the United States.

(f) Foreign Support Order – a support order of a foreign tribunal.

(g) Foreign Tribunal – a court, administrative agency, or quasi-judicial entity of a foreign country which is authorized to establish, enforce, or modify support orders or to determine parentage of a child. The term includes a competent authority under the Convention.

(h) Home State – the state or foreign country in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six 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 six-month or other period.

(i) Income includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this state.

(j) Income Withholding Order – an order or other legal process directed to an obligor's employer or other debtor, as defined by Code of Ala. 1975, as amended, by Sections 30-3-60 through 30-3-71, to withhold support from the income of the obligor.

(k) Initiating Tribunal – the tribunal 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.

(l) Issuing Foreign Country – the foreign country in which a tribunal issues a support order or a judgment determining parentage of a child.

(m) Issuing State – the state in which a tribunal issues a support order or a judgment determining parentage of a child.

(n) Issuing Tribunal – the tribunal of a state or foreign country that issues a support order or a judgment determining parentage of a child.

(o) Law includes decisional and statutory law and rules and regulation having the force of law.

(p) Obligee means:

1. An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order or a judgment determining parentage of a child has been issued;

2. 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 oblige; or in place of child support;

3. An individual seeking a judgment determining parentage of the individual's child; or

4. A person that is a creditor in a proceeding under Article 7 of UIFSA.

(q) Obligor means an individual or the estate of a decedent that:

1. Owes or is alleged to owe a duty of support;

2. Is alleged but has not been adjudicated to be a parent of a child;

3. Is liable under a support order; or

4. Is a debtor in a proceeding under Article 7 of UIFSA.

(r) Outside this State – a location in another state or a country other than the United States, whether or not the country is a foreign country.

(s) Person – an individual, corporation, business trust, estate trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(t) Record – information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(u) Register – to file in a tribunal of a state a support order or judgment determining parentage of a child issued in another state or foreign country.

(v) Registering Tribunal – a tribunal in which a support order or judgment determining parentage of a child is registered.

(w) Responding State – a state in which a petition or comparable pleading for support or to determine parentage of a child is filed or to which a petition or comparable pleading is forwarded for filing from another state or a foreign country.

(x) Responding Tribunal – the authorized tribunal in a responding state or foreign country.

(y) Spousal Support Order – a support order for a spouse or former spouse of the obligor.

(z) State – a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession under the jurisdiction of the United States. The term includes an Indian nation or tribe.

(aa) Support Enforcement Agency – a public official, governmental entity, or private agency authorized to:

1. Seek enforcement of support orders or laws relating to the duty of support;

2. Seek establishment or modification of child support;

3. Request determination of parentage of a child;

4. Attempt to locate obligors or their assets; or

5. Request determination of the controlling child support order.

(bb) Support Order – a judgment, decree, 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, which provides for monetary support, health care, arrearages, retroactive support, or reimbursement for financial assistance provided to an individual obligee in place of child support. The term may include related costs and fees, interest, income withholding, automatic adjustment, reasonable attorney's fees, and other relief.

(cc) Tribunal – a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage of a child.

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660-3-10-.03 Duties Of Support Enforcement Agency.

(1) The Department of Human Resources is the support enforcement agency in Alabama.

(2) Upon request, the Department will provide the following services to a petitioner in a UIFSA proceeding:

(a) take all steps necessary to enable an appropriate tribunal of this state, another state, or a foreign country to obtain jurisdiction over the respondent;

(b) request an appropriate tribunal to set a date, time, and place for a hearing;

(c) make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;

(d) Within seven days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of notice in a record from an initiating, responding or registering tribunal, send a copy of the notice to the petitioner;

(e) Within seven days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of communication in a record from the respondent or the respondent's attorney, send a copy of the communication to the petitioner; and

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

(3) 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:

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

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

(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.

(5) A support enforcement agency of this state shall 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 pursuant to Code of Ala. 1975, as amended, Section 30-3D-319.

(6) UIFSA 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.
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660-3-10-.04 State Information Agency For UIFSA Cases.

(1) Duties of the Department of Human Resources as the State Information Agency:

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

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

(c) Forward to the appropriate tribunal in the county in this state in which the 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 UIFSA received from another state or a foreign country; and

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

Author: Clifford Smith
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660-3-10-.05 Receipt And Disbursement Of Payment.

(a) The Department of Human Resources shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The Department of Human Resources 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.

(b) 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 or a tribunal of this state shall:

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

2. 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.

(c) The support enforcement agency of this state receiving redirected payments from another state shall furnish to a requesting party or tribunal of the other state a certified statement by the custodian of the record of the amounts and dates of all payments received.
Author: Clifford Smith
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660-3-10-.06 Contest By Obligor.

(a) 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 Article 6 of UIFSA, or otherwise contesting the order in the same manner as if the order had been issued by a tribunal of this state.

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

1. A support enforcement agency providing services to the obligee;

2. Each employer that has directly received an income withholding order relating to the obligor; and

3. The person designated to receive payments in the income withholding order or, if no person or agency is designated, to the obligee.

Author: Cifford Smith
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660-3-10-.07 Administrative Enforcement Of Orders.

(a) A party or support enforcement agency seeking to enforce a support order or an income withholding order, or both, issued 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.

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

Author: Clifford Smith
Statutory Authority: P.L. 104-193, §§321-325; Code of Ala. 1975, as amended, §§30-3D-101 through 30-3D-902.
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