

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 1

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT; AMENDING SECTION  
2 7-1002, IDAHO CODE, TO REVISE DEFINITIONS, TO DEFINE TERMS AND TO PRO-  
3 VIDE CONSISTENT LANGUAGE; AMENDING SECTION 7-1003, IDAHO CODE, TO  
4 REVISE TERMINOLOGY AND TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND WEL-  
5 FARE IS THE SUPPORT ENFORCEMENT AGENCY; AMENDING SECTION 7-1004, IDAHO  
6 CODE, TO REVISE TERMINOLOGY; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE,  
7 BY THE ADDITION OF A NEW SECTION 7-1004A, IDAHO CODE, TO PROVIDE FOR THE  
8 APPLICATION OF THE CHAPTER TO RESIDENT OF FOREIGN COUNTRY AND FOREIGN  
9 SUPPORT PROCEEDINGS; AMENDING SECTION 7-1005, IDAHO CODE, TO REVISE  
10 TERMINOLOGY, TO REVISE A CODE REFERENCE AND TO PROVIDE CONSISTENT LAN-  
11 GUAGE; AMENDING SECTION 7-1007, IDAHO CODE, TO REVISE TERMINOLOGY AND  
12 TO PROVIDE REFERENCE TO A FOREIGN COUNTRY; AMENDING SECTION 7-1008,  
13 IDAHO CODE, TO PROVIDE REFERENCE TO A FOREIGN COUNTRY; AMENDING SECTION  
14 7-1010, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE CONSISTENT  
15 LANGUAGE; AMENDING SECTION 7-1011, IDAHO CODE, TO REVISE TERMINOLOGY,  
16 TO PROVIDE REFERENCE TO A FOREIGN COUNTRY, TO REVISE A PROVISION RELAT-  
17 ING TO RECOGNITION OF A CHILD-SUPPORT ORDER, TO REVISE A CODE REFERENCE,  
18 TO PROVIDE CONSISTENT LANGUAGE AND TO MAKE A TECHNICAL CORRECTION;  
19 AMENDING SECTION 7-1012, IDAHO CODE, TO PROVIDE REFERENCE TO A FOREIGN  
20 COUNTRY AND TO PROVIDE CONSISTENT LANGUAGE; AMENDING SECTION 7-1013,  
21 IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE REFERENCE TO A FOREIGN  
22 COUNTRY AND TO PROVIDE CONSISTENT LANGUAGE; AMENDING SECTION 7-1014,  
23 IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 7-1015, IDAHO CODE,  
24 TO PROVIDE REFERENCE TO A FOREIGN COUNTRY; AMENDING SECTION 7-1016,  
25 IDAHO CODE, TO PROVIDE REFERENCE TO A FOREIGN COUNTRY; AMENDING SECTION  
26 7-1019, IDAHO CODE, TO REVISE TERMINOLOGY AND TO REMOVE REFERENCE TO A  
27 POLITICAL SUBDIVISION; AMENDING SECTION 7-1020, IDAHO CODE, TO REVISE  
28 TERMINOLOGY, TO PROVIDE REFERENCE TO ELECTRONIC MAIL AND TO PROVIDE  
29 CONSISTENT LANGUAGE; AMENDING SECTION 7-1021, IDAHO CODE, TO REVISE  
30 TERMINOLOGY; AMENDING SECTION 7-1022, IDAHO CODE, TO REVISE TERMINOL-  
31 OGY, TO PROVIDE REFERENCE TO A FOREIGN COUNTRY AND TO PROVIDE CONSISTENT  
32 LANGUAGE; AMENDING SECTION 7-1023, IDAHO CODE, TO REMOVE REFERENCE TO A  
33 POLITICAL SUBDIVISION; AMENDING SECTION 7-1025, IDAHO CODE, TO REVISE  
34 TERMINOLOGY AND TO PROVIDE REFERENCE TO A FOREIGN COUNTRY; AMENDING  
35 SECTION 7-1026, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE REF-  
36ERENCE TO A FOREIGN COUNTRY; AMENDING SECTION 7-1028, IDAHO CODE, TO  
37REVISE TERMINOLOGY, TO PROVIDE REFERENCE TO A FOREIGN COUNTRY AND TO  
38REVISE A CODE REFERENCE; AMENDING SECTION 7-1031, IDAHO CODE, TO RE-  
39VISE TERMINOLOGY, TO PROVIDE REFERENCE TO ELECTRONIC COMMUNICATION AND  
40TO PROVIDE CONSISTENT LANGUAGE; AMENDING SECTION 7-1032, IDAHO CODE,  
41TO REVISE TERMINOLOGY AND TO PROVIDE REFERENCE TO ELECTRONIC COMMUNI-  
42CATION; AMENDING SECTION 7-1033, IDAHO CODE, TO REVISE TERMINOLOGY;  
43AMENDING SECTION 7-1034, IDAHO CODE, TO PROVIDE REFERENCE TO A FOREIGN  
44COUNTRY; AMENDING SECTION 7-1035, IDAHO CODE, TO PROVIDE FOR PERSONAL  
45

1 JURISDICTION OVER THE PARTIES WHEN A TRIBUNAL ESTABLISHES A SUPPORT  
2 ORDER IN THIS STATE, TO PROVIDE A CODE REFERENCE, TO REVISE TERMINOLOGY  
3 AND TO PROVIDE CONSISTENT LANGUAGE; AMENDING CHAPTER 10, TITLE 7, IDAHO  
4 CODE, BY THE ADDITION OF A NEW SECTION 7-1035A, IDAHO CODE, TO PROVIDE  
5 FOR A PROCEEDING TO DETERMINE PARENTAGE; AMENDING SECTION 7-1039, IDAHO  
6 CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 7-1040, IDAHO CODE, TO  
7 REVISE TERMINOLOGY; AMENDING SECTION 7-1042, IDAHO CODE, TO REVISE TER-  
8 MINOLOGY AND TO PROVIDE REFERENCE TO A FOREIGN SUPPORT ORDER; AMENDING  
9 SECTION 7-1043, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE REFER-  
10 ENCE TO A FOREIGN SUPPORT ORDER; AMENDING SECTION 7-1044, IDAHO CODE, TO  
11 PROVIDE A CODE REFERENCE, TO PROVIDE REFERENCE TO A FOREIGN SUPPORT OR-  
12 DER, TO REVISE TERMINOLOGY AND TO PROVIDE CONSISTENT LANGUAGE; AMENDING  
13 SECTION 7-1045, IDAHO CODE, TO PROVIDE REFERENCE TO A FOREIGN SUPPORT  
14 ORDER AND A FOREIGN COUNTRY, TO REVISE TERMINOLOGY AND TO PROVIDE A COR-  
15 RECT CODE REFERENCE; AMENDING SECTION 7-1046, IDAHO CODE, TO PROVIDE  
16 REFERENCE TO A FOREIGN COUNTRY; AMENDING SECTION 7-1047, IDAHO CODE, TO  
17 PROVIDE REFERENCE TO A FOREIGN SUPPORT ORDER, TO REVISE TERMINOLOGY,  
18 TO PROVIDE A CODE REFERENCE, TO PROVIDE THAT THE SUPPORT ENFORCEMENT  
19 AGENCY SHALL NOTIFY AN OBLIGOR'S EMPLOYER UPON REGISTRATION OF AN IN-  
20 COME-WITHHOLDING ORDER AND TO PROVIDE CONSISTENT LANGUAGE; AMENDING  
21 SECTION 7-1048, IDAHO CODE, TO REVISE TERMINOLOGY, TO REMOVE REFERENCE  
22 TO A DEADLINE AND TO PROVIDE A CODE REFERENCE; AMENDING SECTION 7-1049,  
23 IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE CONSISTENT LANGUAGE;  
24 AMENDING SECTION 7-1050, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING  
25 SECTION 7-1051, IDAHO CODE, TO REVISE A CODE REFERENCE AND TO PROVIDE  
26 CONSISTENT LANGUAGE; AMENDING SECTION 7-1052, IDAHO CODE, TO REVISE  
27 TERMINOLOGY, TO REVISE A CODE REFERENCE AND TO PROVIDE CONSISTENT LAN-  
28 GUAGE; AMENDING SECTION 7-1053, IDAHO CODE, TO REMOVE CODE REFERENCES,  
29 TO REVISE TERMINOLOGY, TO PROVIDE THAT A TRIBUNAL OF THIS STATE RE-  
30 TAINS JURISDICTION TO MODIFY AN ORDER UNDER CERTAIN CONDITIONS AND TO  
31 PROVIDE CONSISTENT LANGUAGE; AMENDING SECTION 7-1055, IDAHO CODE, TO  
32 PROVIDE A CORRECT CODE REFERENCE AND TO PROVIDE CONSISTENT LANGUAGE;  
33 AMENDING SECTION 7-1057, IDAHO CODE, TO REMOVE REFERENCE TO POLITICAL  
34 SUBDIVISIONS, TO PROVIDE A CODE REFERENCE, TO REVISE LANGUAGE REGARD-  
35 ING A FOREIGN COUNTRY THAT DOES NOT MODIFY ITS CHILD-SUPPORT ORDER, TO  
36 CLARIFY LANGUAGE REGARDING AN ORDER ISSUED AND TO PROVIDE CONSISTENT  
37 LANGUAGE; REPEALING SECTION 7-1058, IDAHO CODE, RELATING TO PROCEEDING  
38 TO DETERMINE PARENTAGE; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE  
39 ADDITION OF A NEW SECTION 7-1058, IDAHO CODE, TO PROVIDE A PROCEDURE TO  
40 REGISTER A CHILD-SUPPORT ORDER OF A FOREIGN COUNTRY FOR MODIFICATION;  
41 AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SEC-  
42 TION 7-1059, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 10, TITLE  
43 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1060, IDAHO CODE, TO  
44 PROVIDE FOR APPLICABILITY; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE,  
45 BY THE ADDITION OF A NEW SECTION 7-1061, IDAHO CODE, TO PROVIDE FOR  
46 THE RELATIONSHIP OF THE DEPARTMENT OF HEALTH AND WELFARE TO THE UNITED  
47 STATES CENTRAL AUTHORITY; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY  
48 THE ADDITION OF A NEW SECTION 7-1062, IDAHO CODE, TO PROVIDE FOR AN INI-  
49 TIATION OF A SUPPORT PROCEEDING BY THE DEPARTMENT OF HEALTH AND WELFARE  
50 UNDER THE CONVENTION; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE

1 ADDITION OF A NEW SECTION 7-1063, IDAHO CODE, TO PROVIDE FOR A DIRECT  
2 REQUEST REGARDING SUPPORT ORDERS, SUPPORT AGREEMENTS OR DETERMINATION  
3 OF PARENTAGE; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION  
4 OF A NEW SECTION 7-1064, IDAHO CODE, TO PROVIDE FOR THE REGISTRATION OF  
5 A CONVENTION SUPPORT ORDER; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE,  
6 BY THE ADDITION OF A NEW SECTION 7-1065, IDAHO CODE, TO PROVIDE FOR THE  
7 CONTEST OF A REGISTERED CONVENTION SUPPORT ORDER; AMENDING CHAPTER  
8 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1066, IDAHO  
9 CODE, TO PROVIDE FOR THE RECOGNITION AND ENFORCEMENT OF A REGISTERED  
10 CONVENTION SUPPORT ORDER; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY  
11 THE ADDITION OF A NEW SECTION 7-1067, IDAHO CODE, TO PROVIDE FOR PARTIAL  
12 ENFORCEMENT OF A CONVENTION SUPPORT ORDER; AMENDING CHAPTER 10, TITLE  
13 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1068, IDAHO CODE, TO  
14 PROVIDE FOR FOREIGN SUPPORT AGREEMENTS; AMENDING CHAPTER 10, TITLE  
15 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1069, IDAHO CODE,  
16 TO PROVIDE FOR THE MODIFICATION OF A CONVENTION SUPPORT ORDER; AMEND-  
17 ING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION  
18 7-1070, IDAHO CODE, TO PROVIDE A LIMITATION ON THE USE OF PERSONAL IN-  
19 FORMATION; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF  
20 A NEW SECTION 7-1071, IDAHO CODE, TO PROVIDE FOR THE ORIGINAL LANGUAGE  
21 AND ENGLISH TRANSLATION FOR CERTAIN RECORDS; AMENDING SECTION 7-1059,  
22 IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE CORRECT CODE REF-  
23 ERENCES; AMENDING SECTION 7-1060, IDAHO CODE, TO REDESIGNATE THE SEC-  
24 TION AND TO PROVIDE CONSISTENT LANGUAGE; AMENDING SECTION 7-1061, IDAHO  
25 CODE, TO REDESIGNATE THE SECTION AND TO REVISE TERMINOLOGY; AMENDING  
26 CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1075,  
27 IDAHO CODE, TO PROVIDE A TRANSITIONAL PROVISION; AMENDING SECTION  
28 7-1062, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING CHAPTER 13,  
29 TITLE 10, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 10-1309, IDAHO  
30 CODE, TO PROVIDE THAT CERTAIN ORDERS SHALL NOT BE RECOGNIZED, ENFORCED  
31 OR THE BASIS OF A RULING, TO PROVIDE THAT A COURT MAY LIMIT ENFORCEMENT  
32 OF AN ORDER TO ELIMINATE CONFLICTS WITH PUBLIC POLICY, TO PROVIDE THAT  
33 RECIPROCAL AGREEMENTS SHALL NOT BE ENTERED INTO WITH CERTAIN COUNTRIES  
34 AND TO ESTABLISH STANDARDS BY WHICH TO DETERMINE WHETHER ORDERS OR  
35 LAWS ARE MANIFESTLY INCOMPATIBLE WITH PUBLIC POLICY; AMENDING CHAP-  
36 TER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-203F,  
37 IDAHO CODE, TO PROVIDE THAT CERTAIN ORDERS SHALL BE REGISTERED PRIOR  
38 TO ENFORCEMENT; AMENDING SECTION 56-1003, IDAHO CODE, TO PROVIDE THAT  
39 THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE SHALL ESTABLISH  
40 SAFEGUARDS TO ENSURE THE SECURITY OF CERTAIN INFORMATION; PROVIDING  
41 LEGISLATIVE INTENT; PROVIDING FOR A CERTAIN REPORT UPON REQUEST AND  
42 PROVIDING LEGISLATIVE INTENT REGARDING POSSIBLE DENUNCIATION OF A CER-  
43 TAIN CONVENTION; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

44 Be It Enacted by the Legislature of the State of Idaho:

45 SECTION 1. That Section 7-1002, Idaho Code, be, and the same is hereby  
46 amended to read as follows:

1 7-1002. DEFINITIONS. In this chapter:

2 (1) "Child" means an individual, whether over or under the age of major-  
3 ity, who is or is alleged to be owed a duty of support by the individual's par-  
4 ent or who is or is alleged to be the beneficiary of a support order directed  
5 to the parent.

6 (2) "Child-support order" means a support order for a child, includ-  
7 ing a child who has attained the age of majority under the law of the issuing  
8 state or foreign country.

9 (3) "Convention" means the Convention on the International Recovery of  
10 Child Support and Other Forms of Family Maintenance, concluded at The Hague  
11 on November 23, 2007.

12 (4) "Duty of support" means an obligation imposed or imposable by law to  
13 provide support for a child, spouse, or former spouse, including an unsatis-  
14 fied obligation to provide support.

15 (5) "Foreign country" means a country, including a political subdivi-  
16 sion thereof, other than the United States, that authorizes the issuance of  
17 support orders and:

18 (a) Which has been declared under the law of the United States to be a  
19 foreign reciprocating country;

20 (b) Which has established a reciprocal arrangement for child support  
21 with this state as provided in section 7-1023, Idaho Code;

22 (c) Which has enacted a law or established procedures for the issuance  
23 and enforcement of support orders which are substantially similar to  
24 the procedures under this chapter; or

25 (d) In which the convention is in force with respect to the United  
26 States.

27 (6) "Foreign support order" means a support order of a foreign tri-  
28 bunal.

29 (7) "Foreign tribunal" means a court, administrative agency or quasi-  
30 judicial entity of a foreign country which is authorized to establish, en-  
31 force or modify support orders or to determine parentage of a child. The term  
32 includes a competent authority under the convention.

33 (48) "Home state" means the state or foreign country in which a child  
34 lived with a parent or a person acting as parent for at least six (6) consec-  
35 utive months immediately preceding the time of filing of a petition or com-  
36 parable pleading for support and, if a child is less than six (6) months old,  
37 the state or foreign country in which the child lived from birth with any of  
38 them. A period of temporary absence of any of them is counted as part of the  
39 six (6) month or other period.

40 (59) "Income" includes earnings or other periodic entitlements to  
41 money from any source and any other property subject to withholding for sup-  
42 port under the law of this state.

43 (610) "Income-withholding order" means an order or other legal process  
44 directed to an obligor's employer or other debtor, as defined by chapter 12,  
45 title 32, Idaho Code, to withhold support from the income of the obligor.

46 ~~(7) "Initiating state" means a state from which a proceeding is for-~~  
47 ~~warded or in which a proceeding is filed for forwarding to a responding state~~  
48 ~~under this chapter or a law or procedure substantially similar to this chap-~~  
49 ~~ter.~~

1           (811) "Initiating tribunal" means the ~~authorized tribunal in an ini-~~  
 2 ~~tiating of a state or foreign country from which a petition or comparable~~  
 3 ~~pleading is forwarded or in which a petition or comparable pleading is filed~~  
 4 ~~for forwarding to another state or foreign country.~~

5           (12) "Issuing foreign country" means the foreign country in which a tri-  
 6 bunal issues a support order or a judgment determining parentage of a child.

7           (913) "Issuing state" means the state in which a tribunal issues a sup-  
 8 port order or ~~renders~~ a judgment determining parentage of a child.

9           (104) "Issuing tribunal" means the tribunal of a state or foreign coun-  
 10 try that issues a support order or ~~renders~~ a judgment determining parentage  
 11 of a child.

12           (115) "Law" includes decisional and statutory law and rules and regula-  
 13 tions having the force of law.

14           (126) "Obligee" means:

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

18           (b) A foreign country, state or political subdivision of a state to  
 19 which the rights under a duty of support or support order have been as-  
 20 signed or which has independent claims based on financial assistance  
 21 provided to an individual obligee in place of child support; or

22           (c) An individual seeking a judgment determining parentage of the indi-  
 23 vidual's child; or

24           (d) A person that is a creditor in a proceeding under sections 7-1058  
 25 through 7-1071, Idaho Code.

26           (137) "Obligor" means an individual, or the estate of a decedent that:

27           (a) ~~Who o~~W~~wes~~ or is alleged to owe a duty of support;

28           (b) ~~Who i~~Is alleged but has not been adjudicated to be a parent of a  
 29 child; or

30           (c) ~~Who i~~Is liable under a support order; or

31           (d) Is a debtor in a proceeding under sections 7-1058 through 7-1071,  
 32 Idaho Code.

33           (18) "Outside this state" means a location in another state or a country  
 34 other than the United States, whether or not the country is a foreign coun-  
 35 try.

36           (149) "Person" means an individual, corporation, business trust, es-  
 37 tate, trust, partnership, limited liability company, association, joint  
 38 venture, public corporation, government, or governmental subdivision,  
 39 agency, or instrumentality, public corporation, or any other legal or com-  
 40 mercial entity.

41           (1520) "Record" means information that is inscribed on a tangible  
 42 medium or that is stored in an electronic or other medium and is retrievable  
 43 in perceivable form.

44           (1621) "Register" means to record in a tribunal of this state a support  
 45 order or judgment determining parentage in the district court of a child is-  
 46 ssued in another state or a foreign country.

47           (1722) "Registering tribunal" means a tribunal in which a support order  
 48 or judgment determining parentage of a child is registered.

49           (1823) "Responding state" means a state in which a proceeding petition  
 50 or comparable pleading for support or to determine parentage of a child is

1 filed or to which a ~~proceeding~~ petition or comparable pleading is forwarded  
 2 for filing from an ~~initiating~~ another state under this chapter or a law or  
 3 ~~procedure substantially similar to this chapter~~ or a foreign country.

4 (1924) "Responding tribunal" means the authorized tribunal in a re-  
 5 sponding state or foreign country.

6 (205) "Spousal-support order" means a support order for a spouse or for-  
 7 mer spouse of the obligor.

8 (216) "State" means a state of the United States, the District of Colum-  
 9 bia, Puerto Rico, the United States Virgin Islands, or any territory or in-  
 10 sular possession ~~subject to~~ under the jurisdiction of the United States. The  
 11 term "state" includes:

12 (a) ~~An Indian nation or tribe; and~~

13 (b) ~~A foreign country or political subdivision that:~~

14 (i) ~~Has been declared to be a foreign reciprocating country or~~  
 15 ~~political subdivision under federal law;~~

16 (ii) ~~Has established a reciprocal arrangement for child support~~  
 17 ~~with this state as provided in section 7-1023, Idaho Code; or~~

18 (iii) ~~Has enacted a law or established procedures for the issuance~~  
 19 ~~and enforcement of support orders which are substantially similar~~  
 20 ~~to the procedures under this chapter.~~

21 (227) "Support enforcement agency" means a public official, governmen-  
 22 tal entity or private agency authorized to seek:

23 (a) ~~Seek e~~Enforcement of support orders or laws relating to the duty of  
 24 support;

25 (b) ~~Seek e~~Establishment or modification of child support;

26 (c) ~~Request d~~Determination of parentage of a child;

27 (d) ~~Locate of~~ Attempt to locate obligors or their assets; or

28 (e) ~~Request d~~Determination of the controlling child-support order.

29 (238) "Support order" means a judgment, decree, order, decision or di-  
 30 rective, whether temporary, final, or subject to modification, issued by a  
 31 ~~tribunal~~ in a state or foreign country for the benefit of a child, a spouse,  
 32 or a former spouse, which provides for monetary support, health care,  
 33 arrearages, retroactive support or reimbursement, and for financial assis-  
 34 tance provided to an individual obligee in place of child support. The term  
 35 may include related costs and fees, interest, income withholding, automatic  
 36 adjustment, reasonable attorney's fees, and other relief.

37 (249) "Tribunal" means a court, administrative agency, or quasi-judi-  
 38 cial entity authorized to establish, enforce, or modify support orders or to  
 39 determine parentage of a child.

40 SECTION 2. That Section 7-1003, Idaho Code, be, and the same is hereby  
 41 amended to read as follows:

42 7-1003. STATE TRIBUNALS OF THIS STATE AND SUPPORT ENFORCEMENT  
 43 AGENCY. (1) The district courts are the tribunals of this state.

44 (2) The Idaho department of health and welfare is the support enforce-  
 45 ment agency of this state.

1 SECTION 3. That Section 7-1004, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 7-1004. REMEDIES CUMULATIVE. (1) Remedies provided by this chapter  
4 are cumulative and do not affect the availability of remedies under other  
5 law, ~~including or~~ the recognition of a foreign support order ~~of a foreign~~  
6 ~~country or political subdivision~~ on the basis of comity.

7 (2) This chapter does not:

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

10 (b) Grant a tribunal of this state jurisdiction to render judgment or  
11 issue an order relating to child custody or visitation in a proceeding  
12 under this chapter.

13 SECTION 4. That Chapter 10, Title 7, Idaho Code, be, and the same is  
14 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
15 ignated as Section 7-1004A, Idaho Code, and to read as follows:

16 7-1004A. APPLICATION OF CHAPTER TO RESIDENT OF FOREIGN COUNTRY AND  
17 FOREIGN SUPPORT PROCEEDING. (1) A tribunal of this state shall apply sec-  
18 tions 7-1001 through 7-1058, Idaho Code, and, as applicable, sections 7-1059  
19 through 7-1071, Idaho Code, to a support proceeding involving:

20 (a) A foreign support order;

21 (b) A foreign tribunal; or

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

23 (2) A tribunal of this state that is requested to recognize and enforce  
24 a support order on the basis of comity may apply the procedural and substan-  
25 tive provisions of sections 7-1001 through 7-1058, Idaho Code.

26 (3) Sections 7-1059 through 7-1071, Idaho Code, apply only to a support  
27 proceeding under the convention. In such a proceeding, if a provision of  
28 sections 7-1059 through 7-1071, Idaho Code, is inconsistent with sections  
29 7-1001 through 7-1058, Idaho Code, then sections 7-1059 through 7-1071,  
30 Idaho Code, control.

31 SECTION 5. That Section 7-1005, Idaho Code, be, and the same is hereby  
32 amended to read as follows:

33 7-1005. BASES FOR JURISDICTION OVER NONRESIDENT. (1) In a proceeding  
34 to establish or enforce a support order or to determine parentage of a child,  
35 a tribunal of this state may exercise personal jurisdiction over a nonresi-  
36 dent individual or the individual's guardian or conservator if:

37 (a) The individual is personally served with notice within this state;

38 (b) The individual submits to the jurisdiction of this state by consent  
39 in a record, by entering a general appearance, or by filing a responsive  
40 document having the effect of waiving any contest to personal jurisdic-  
41 tion;

42 (c) The individual resided with the child in this state;

43 (d) The individual resided in this state and provided prenatal expenses  
44 or support for the child;

45 (e) The child resides in this state as a result of the acts or directives  
46 of the individual;

1 (f) The individual engaged in sexual intercourse in this state and the  
2 child may have been conceived by that act of intercourse;

3 (g) The individual asserted parentage of a child in the registry main-  
4 tained in this state by the vital statistics unit of the department of  
5 health and welfare provided in section 16-1513, Idaho Code; or

6 (h) There is any other basis consistent with the constitutions of this  
7 state and the United States for the exercise of personal jurisdiction.

8 (2) The bases of personal jurisdiction set forth in subsection (1) of  
9 this section or in any other law of this state may not be used to acquire per-  
10 sonal jurisdiction for a tribunal of the state to modify a child-support or-  
11 der of another state unless the requirements of section 7-1053 ~~or 7-1057~~,  
12 Idaho Code, are met, or in the case of a foreign support order, unless the re-  
13 quirements of section 7-1057, Idaho Code, are met.

14 SECTION 6. That Section 7-1007, Idaho Code, be, and the same is hereby  
15 amended to read as follows:

16 7-1007. INITIATING AND RESPONDING TRIBUNAL OF ~~THIS~~ STATE. Under this  
17 chapter, a tribunal of this state may serve as an initiating tribunal to for-  
18 ward proceedings to a tribunal of another state and as a responding tribunal  
19 for proceedings initiated in another state or foreign country.

20 SECTION 7. That Section 7-1008, Idaho Code, be, and the same is hereby  
21 amended to read as follows:

22 7-1008. SIMULTANEOUS PROCEEDINGS. (1) A tribunal of this state may ex-  
23 ercise jurisdiction to establish a support order if the petition or compar-  
24 able pleading is filed after a pleading is filed in another state or a foreign  
25 country only if:

26 (a) The petition or comparable pleading in this state is filed before  
27 the expiration of the time allowed in the other state or the foreign  
28 country for filing a responsive pleading challenging the exercise of  
29 jurisdiction by the other state or the foreign country;

30 (b) The contesting party timely challenges the exercise of jurisdic-  
31 tion in the other state or the foreign country; and

32 (c) If relevant, this state is the home state of the child.

33 (2) A tribunal of this state may not exercise jurisdiction to establish  
34 a support order if the petition or comparable pleading is filed before a pe-  
35 tition or comparable pleading is filed in another state or a foreign country  
36 if:

37 (a) The petition or comparable pleading in the other state or foreign  
38 country is filed before the expiration of the time allowed in this state  
39 for filing a responsive pleading challenging the exercise of jurisdic-  
40 tion by this state;

41 (b) The contesting party timely challenges the exercise of jurisdic-  
42 tion in this state; and

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



1 SECTION 8. That Section 7-1010, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 7-1010. CONTINUING JURISDICTION TO ENFORCE CHILD-SUPPORT ORDER. (1) A  
4 tribunal of this state that has issued a child-support order consistent with  
5 the law of this state may serve as an initiating tribunal to request a tri-  
6 bunal of another state to enforce:

7 (a) The order if the order is the controlling order and has not been mod-  
8 ified by a tribunal of another state that assumed jurisdiction pursuant  
9 to ~~this chapter~~ the uniform interstate family support act; or

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

13 (2) A tribunal of this state having continuing jurisdiction over a sup-  
14 port order may act as a responding tribunal to enforce the order.

15 SECTION 9. That Section 7-1011, Idaho Code, be, and the same is hereby  
16 amended to read as follows:

17 7-1011. DETERMINATION OF CONTROLLING CHILD-SUPPORT ORDER. (1) If a  
18 proceeding is brought under this chapter and only one ~~(1)~~ tribunal has issued  
19 a child-support order, the order of that tribunal controls and must be ~~so~~  
20 recognized.

21 (2) If a proceeding is brought under this chapter, and two ~~(2)~~ or more  
22 child-support orders have been issued by tribunals of this state, ~~or~~ another  
23 state or a foreign country with regard to the same obligor and same child,  
24 a tribunal of this state having personal jurisdiction over both the obligor  
25 and individual obligee shall apply the following rules and by order shall de-  
26 termine which order controls and must be recognized:

27 (a) If only one ~~(1)~~ of the tribunals would have continuing, exclusive  
28 jurisdiction under this chapter, the order of that tribunal controls  
29 ~~and must be so recognized~~;

30 (b) If more than one ~~(1)~~ of the tribunals would have continuing, exclu-  
31 sive jurisdiction under this chapter:

32 (i) An order issued by a tribunal in the current home state of the  
33 child controls, ~~but~~; or

34 (ii) If an order has not been issued in the current home state of  
35 the child, the order most recently issued controls;

36 (c) If none of the tribunals would have continuing, exclusive jurisdic-  
37 tion under this chapter, the tribunal of this state shall issue a child-  
38 support order, which controls.

39 (3) If two ~~(2)~~ or more child-support orders have been issued for the  
40 same obligor and same child, upon request of a party who is an individual or  
41 that is a support enforcement agency, a tribunal of this state having per-  
42 sonal jurisdiction over both the obligor and the obligee who is an individual  
43 shall determine which order controls under subsection (2) of this section.  
44 The request may be filed with a registration for enforcement or registration  
45 for modification pursuant to sections 7-1043 through 7-10578, Idaho Code, or  
46 may be filed as a separate proceeding.

47 (4) A request to determine which is the controlling order must be ac-  
48 companied by a copy of every child-support order in effect and the applicable

1 record of payments. The requesting party shall give notice of the request to  
2 each party whose rights may be affected by the determination.

3 (5) The tribunal that issued the controlling order under subsection  
4 (1), (2) or (3) of this section has continuing jurisdiction to the extent  
5 provided in section 7-1009 or 7-1010, Idaho Code.

6 (6) A tribunal of this state that determines by order which is the con-  
7 trolling order under subsections (2) (a) or (2) (b) or (3) of this section or  
8 that issues a new controlling order under subsection (2) (c) of this section,  
9 shall state in that order:

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

11 (b) The amount of prospective support, if any; and

12 (c) The total amount of consolidated arrears and accrued interest, if  
13 any, under all of the orders after all payments made are credited as pro-  
14 vided in section 7-1013, Idaho Code.

15 (7) Within ~~thirty~~ (30) days after issuance of an order determining  
16 which is the controlling order, the party obtaining the order shall file a  
17 certified copy of it in each tribunal that issued or registered an earlier  
18 order of child support. A party or support enforcement agency obtaining the  
19 order that fails to file a certified copy is subject to appropriate sanctions  
20 by a tribunal in which the issue of failure to file arises. The failure to  
21 file does not affect the validity or enforceability of the controlling or-  
22 der.

23 (8) An order that has been determined to be the controlling order, or a  
24 judgment for consolidated arrears of support and interest, if any, made pur-  
25 suant to this section must be recognized in proceedings under this chapter.

26 SECTION 10. That Section 7-1012, Idaho Code, be, and the same is hereby  
27 amended to read as follows:

28 7-1012. CHILD-SUPPORT ORDERS FOR TWO OR MORE OBLIGEES. In responding  
29 to registrations or petitions for enforcement of two ~~(2)~~ or more child-sup-  
30 port orders in effect at the same time with regard to the same obligor and  
31 different individual obligees, at least one ~~(1)~~ of which was issued by a tri-  
32 bunal of another state or a foreign country, a tribunal of this state shall  
33 enforce those orders in the same manner as if the orders had been issued by a  
34 tribunal of this state.

35 SECTION 11. That Section 7-1013, Idaho Code, be, and the same is hereby  
36 amended to read as follows:

37 7-1013. CREDIT FOR PAYMENTS. A tribunal of this state shall credit  
38 amounts collected for a particular period pursuant to any child-support  
39 order against the amounts owed for the same period under any other child-sup-  
40 port order for support of the same child issued by a tribunal of this ~~or~~  
41 state, another state or a foreign country.

42 SECTION 12. That Section 7-1014, Idaho Code, be, and the same is hereby  
43 amended to read as follows:

44 7-1014. APPLICATION OF CHAPTER TO NONRESIDENT SUBJECT TO PERSONAL JU-  
45 RISDICTION. A tribunal of this state exercising personal jurisdiction over

1 a nonresident in a proceeding under this chapter, under other law of this  
 2 state relating to a support order, or recognizing a foreign support order  
 3 ~~of a foreign country or political subdivision on the basis of comity~~ may re-  
 4 ceive evidence from ~~another~~ outside this state pursuant to section 7-1031,  
 5 Idaho Code, communicate with a tribunal ~~of another~~ outside this state pur-  
 6 suant to section 7-1032, Idaho Code, and obtain discovery through a tribunal  
 7 ~~of another~~ outside this state pursuant to section 7-1033, Idaho Code. In all  
 8 other respects, sections 7-1016 through 7-1058, Idaho Code, do not apply and  
 9 the tribunal shall apply the procedural and substantive law of this state.

10 SECTION 13. That Section 7-1015, Idaho Code, be, and the same is hereby  
 11 amended to read as follows:

12 7-1015. CONTINUING, EXCLUSIVE JURISDICTION TO MODIFY SPOUSAL SUPPORT  
 13 ORDER. (1) A tribunal of this state issuing a spousal support order consis-  
 14 tent with the law of this state has continuing, exclusive jurisdiction to  
 15 modify the spousal support order throughout the existence of the support  
 16 obligation.

17 (2) A tribunal of this state may not modify a spousal support order is-  
 18 sued by a tribunal of another state or a foreign country having continuing,  
 19 exclusive jurisdiction over that order under the law of that state or foreign  
 20 country.

21 (3) A tribunal of this state that has continuing, exclusive jurisdic-  
 22 tion over a spousal support order may serve as:

23 (a) An initiating tribunal to request a tribunal of another state to en-  
 24 force the spousal support order issued in this state; or

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

27 SECTION 14. That Section 7-1016, Idaho Code, be, and the same is hereby  
 28 amended to read as follows:

29 7-1016. PROCEEDINGS UNDER THIS CHAPTER. (1) Except as otherwise pro-  
 30 vided in this chapter, sections 7-1016 through 7-1034, Idaho Code, apply to  
 31 all proceedings under the provisions of this chapter.

32 (2) An individual petitioner or a support enforcement agency may ini-  
 33 tiate a proceeding authorized under this chapter by filing a petition in an  
 34 initiating tribunal for forwarding to a responding tribunal or by filing a  
 35 petition or a comparable pleading directly in a tribunal of another state or  
 36 a foreign country which has or can obtain personal jurisdiction over the re-  
 37 spondent.

38 SECTION 15. That Section 7-1019, Idaho Code, be, and the same is hereby  
 39 amended to read as follows:

40 7-1019. DUTIES OF INITIATING TRIBUNAL. (1) Upon the filing of a peti-  
 41 tion authorized by this chapter, an initiating tribunal of this state shall  
 42 forward the petition and its accompanying documents:

43 (a) To the responding tribunal or appropriate support enforcement  
 44 agency in the responding state; or

1 (b) If the identity of the responding tribunal is unknown, to the state  
 2 information agency of the responding state with a request that they be  
 3 forwarded to the appropriate tribunal and that receipt be acknowledged.

4 (2) If requested by the responding tribunal, a tribunal of this state  
 5 shall issue a certificate or other document and make findings required by  
 6 the law of the responding state. If the responding ~~state~~ tribunal is in a  
 7 foreign country ~~or political subdivision~~, upon request the tribunal of this  
 8 state shall specify the amount of support sought, convert that amount into  
 9 the equivalent amount in the foreign currency under applicable official or  
 10 market exchange rate as publicly reported, and provide any other documents  
 11 necessary to satisfy the requirements of the responding ~~state~~ foreign tri-  
 12 bunal.

13 SECTION 16. That Section 7-1020, Idaho Code, be, and the same is hereby  
 14 amended to read as follows:

15 7-1020. DUTIES AND POWERS OF RESPONDING TRIBUNAL. (1) When a respond-  
 16 ing tribunal of this state receives a petition or comparable pleading from an  
 17 initiating tribunal or directly pursuant to section 7-1016(2), Idaho Code,  
 18 it shall cause the petition or pleading to be filed and notify the petitioner  
 19 where and when it was filed.

20 (2) A responding tribunal of this state, to the extent not prohibited by  
 21 other law, may do one ~~(1)~~ or more of the following:

22 (a) ~~Issue~~ Establish or enforce a support order, modify a child-support  
 23 order, determine the controlling child-support order, or ~~to~~ determine  
 24 parentage of a child;

25 (b) Order an obligor to comply with a support order, specifying the  
 26 amount and the manner of compliance;

27 (c) Order income withholding;

28 (d) Determine the amount of any arrearages, and specify a method of pay-  
 29 ment;

30 (e) Enforce orders by civil or criminal contempt, or both;

31 (f) Set aside property for satisfaction of the support order;

32 (g) Place liens and order execution on the obligor's property;

33 (h) Order an obligor to keep the tribunal informed of the obligor's cur-  
 34 rent residential address, electronic mail address, telephone number,  
 35 employer, address of employment, and telephone number at the place of  
 36 employment;

37 (i) Issue a bench warrant for an obligor who has failed after proper no-  
 38 tice to appear at a hearing ordered by the tribunal and enter the bench  
 39 warrant in any local and state computer systems for criminal warrants;

40 (j) Order the obligor to seek appropriate employment by specified meth-  
 41 ods;

42 (k) Award reasonable attorney's fees and other fees and costs; and

43 (l) Grant any other available remedy.

44 (3) A responding tribunal of this state shall include in a support order  
 45 issued under this chapter, or in the documents accompanying the order, the  
 46 calculations on which the support order is based.

47 (4) A responding tribunal of this state may not condition the payment  
 48 of a support order issued under this chapter upon compliance by a party with  
 49 provisions for visitation.

1 (5) If a responding tribunal of this state issues an order under this  
2 chapter, the tribunal shall send a copy of the order to the petitioner and the  
3 respondent and to the initiating tribunal, if any.

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

9 SECTION 17. That Section 7-1021, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 7-1021. INAPPROPRIATE TRIBUNAL. If a petition or comparable pleading  
12 is received by an inappropriate tribunal of this state, the tribunal shall  
13 forward the pleading and accompanying documents to an appropriate tribunal  
14 ~~in~~ of this state or another state and notify the petitioner where and when the  
15 pleading was sent.

16 SECTION 18. That Section 7-1022, Idaho Code, be, and the same is hereby  
17 amended to read as follows:

18 7-1022. DUTIES OF SUPPORT ENFORCEMENT AGENCY. (1) A support enforce-  
19 ment agency of this state, upon request, shall provide services to a peti-  
20 tioner in a proceeding under this chapter.

21 (2) A support enforcement agency of this state that is providing ser-  
22 vices to the petitioner shall:

23 (a) Take all steps necessary to enable an appropriate tribunal ~~in~~ of  
24 this state, ~~or~~ another state or a foreign country to obtain jurisdiction  
25 over the respondent;

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

28 (c) Make a reasonable effort to obtain all relevant information, in-  
29 cluding information as to income and property of the parties;

30 (d) Within two ~~(2)~~ days, exclusive of Saturdays, Sundays, and legal  
31 holidays, after receipt of notice in a record from an initiating, re-  
32 sponding, or registering tribunal, send a copy of the notice to the pe-  
33 titioner;

34 (e) Within two ~~(2)~~ days, exclusive of Saturdays, Sundays, and legal  
35 holidays, after receipt of communication in a record from the respon-  
36 dent or the respondent's attorney, send a copy of the communication to  
37 the petitioner; and

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

40 (3) A support enforcement agency of this state that requests registra-  
41 tion of a child-support order in this state for enforcement or for modifica-  
42 tion shall make reasonable efforts:

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

45 (b) If two ~~(2)~~ or more child-support orders exist and the identity of  
46 the controlling order has not been determined, to ensure that a request

1 for such a determination is made in a tribunal having jurisdiction to do  
2 so.

3 (4) A support enforcement agency of this state that requests registra-  
4 tion and enforcement of a support order, arrears, or judgment stated in a  
5 foreign currency shall convert the amounts stated in the foreign currency  
6 into the equivalent amounts in dollars under the applicable official or mar-  
7 ket exchange rate as publicly reported.

8 (5) A support enforcement agency of this state shall issue or request  
9 a tribunal of this state to issue a child-support order and an income-with-  
10 holding order that redirect payment of current support, arrears, and inter-  
11 est if requested to do so by a support enforcement agency of another state  
12 pursuant to section 7-1034, Idaho Code.

13 (6) This chapter does not create or negate a relationship of attorney  
14 and client or other fiduciary relationship between a support enforcement  
15 agency or the attorney for the agency and the individual being assisted by  
16 the agency.

17 SECTION 19. That Section 7-1023, Idaho Code, be, and the same is hereby  
18 amended to read as follows:

19 7-1023. DUTY OF ATTORNEY GENERAL. (1) If the attorney general deter-  
20 mines that the support enforcement agency is neglecting or refusing to pro-  
21 vide services to an individual, the attorney general may order the agency to  
22 perform its duties under this chapter or may provide those services directly  
23 to the individual.

24 (2) The attorney general may determine that a foreign country ~~or polit-~~  
25 ~~ical subdivision~~ has established a reciprocal arrangement for child support  
26 with this state and take appropriate action for notification of the determi-  
27 nation.

28 SECTION 20. That Section 7-1025, Idaho Code, be, and the same is hereby  
29 amended to read as follows:

30 7-1025. DUTIES OF STATE INFORMATION AGENCY. (1) The central registry  
31 in the bureau of child support of the department of health and welfare is the  
32 state information agency under this chapter.

33 (2) The state information agency shall:

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

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

40 (c) Forward to the appropriate tribunal in the county in this state in  
41 which the obligee who is an individual or the obligor resides, or in  
42 which the obligor's property is believed to be located, all documents  
43 concerning a proceeding under this chapter received from ~~an initiat-~~  
44 ~~ing tribunal or the state information agency of the initiating~~ another  
45 state or a foreign country; and

46 (d) Obtain information concerning the location of the obligor and the  
47 obligor's property within this state not exempt from execution, by such

1 means as postal verification and federal or state locator services, ex-  
2 amination of telephone directories, requests for the obligor's address  
3 from employers, and examination of governmental records, including, to  
4 the extent not prohibited by other law, those relating to real property,  
5 vital statistics, law enforcement, taxation, motor vehicles, driver's  
6 licenses, and social security.

7 SECTION 21. That Section 7-1026, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 7-1026. PLEADINGS AND ACCOMPANYING DOCUMENTS. (1) In a proceeding un-  
10 der this chapter, a petitioner seeking to establish a support order, to de-  
11 termine parentage of a child, or to register and modify a support order of a  
12 tribunal of another state or a foreign country must file a petition. Unless  
13 otherwise ordered under section 7-1027, Idaho Code, the petition or accompa-  
14 nying documents must provide, so far as known, the name, residential address  
15 and social security numbers of the obligor and the obligee or the parent and  
16 alleged parent, and the name, sex, residential address, social security num-  
17 ber and date of birth of each child for whose benefit support is sought or  
18 whose parentage is to be determined. Unless filed at the time of registra-  
19 tion, the petition must be accompanied by a copy of any support order known to  
20 have been issued by another tribunal. The petition may include any other in-  
21 formation that may assist in locating or identifying the respondent.

22 (2) The petition must specify the relief sought. The petition and ac-  
23 companying documents must conform substantially with the requirements im-  
24 posed by the forms mandated by federal law for use in cases filed by a support  
25 enforcement agency.

26 SECTION 22. That Section 7-1028, Idaho Code, be, and the same is hereby  
27 amended to read as follows:

28 7-1028. COSTS AND FEES. (1) The petitioner may not be required to pay a  
29 filing fee or other costs.

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

40 (3) The tribunal shall order the payment of costs and reasonable attor-  
41 ney's fees if it determines that a hearing was requested primarily for delay.  
42 In a proceeding under sections 7-1043 through 7-1057~~8~~, Idaho Code, a hearing  
43 is presumed to have been requested primarily for delay if a registered sup-  
44 port order is confirmed or enforced without change.

1 SECTION 23. That Section 7-1031, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 7-1031. SPECIAL RULES OF EVIDENCE AND PROCEDURE. (1) The physical  
4 presence of a nonresident party who is an individual in a tribunal of this  
5 state is not required for the establishment, enforcement, or modification  
6 of a support order or the rendition of a judgment determining parentage of a  
7 child.

8 (2) An affidavit, a document substantially complying with federally  
9 mandated forms, or a document incorporated by reference in any of them, which  
10 would not be excluded under the hearsay rule if given in person, is admis-  
11 sible in evidence if given under penalty of perjury by a party or witness  
12 residing ~~in another~~ outside this state.

13 (3) A copy of the record of child-support payments certified as a true  
14 copy of the original by the custodian of the record may be forwarded to a re-  
15 sponding tribunal. The copy is evidence of facts asserted in it, and is ad-  
16 missible to show whether payments were made.

17 (4) Copies of bills for testing for parentage of a child, and for prena-  
18 tal and postnatal health care of the mother and child, furnished to the ad-  
19 verse party at least ten (10) days before trial, are admissible in evidence  
20 to prove the amount of the charges billed and that the charges were reason-  
21 able, necessary, and customary.

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

26 (6) In a proceeding under this chapter, a tribunal of this state shall  
27 permit a party or witness residing ~~in another~~ outside this state to be de-  
28 posed or to testify under penalty of perjury by telephone, audiovisual  
29 means, or other electronic means at a designated tribunal or other location  
30 ~~in that state~~. A tribunal of this state shall cooperate with other tribunals  
31 ~~of other states~~ in designating an appropriate location for the deposition or  
32 testimony.

33 (7) If a party called to testify at a civil hearing refuses to answer on  
34 the ground that the testimony may be self-incriminating, the trier of fact  
35 may draw an adverse inference from the refusal.

36 (8) A privilege against disclosure of communications between spouses  
37 does not apply in a proceeding under this chapter.

38 (9) The defense of immunity based upon the relationship of husband and  
39 wife or parent and child does not apply in a proceeding under this chapter.

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

42 SECTION 24. That Section 7-1032, Idaho Code, be, and the same is hereby  
43 amended to read as follows:

44 7-1032. COMMUNICATIONS BETWEEN TRIBUNALS. A tribunal of this state  
45 may communicate with a tribunal ~~of another~~ outside this state ~~or foreign~~  
46 ~~country or political subdivision~~ in a record, or by telephone, electronic  
47 mail or other means, to obtain information concerning the laws, the legal  
48 effect of a judgment, decree, or order of that tribunal, and the status of a



1 ~~proceeding in the other state or foreign country or political subdivision.~~  
2 A tribunal of this state may furnish similar information by similar means  
3 to a tribunal ~~of another~~ outside this state ~~or foreign country or political~~  
4 ~~subdivision.~~

5 SECTION 25. That Section 7-1033, Idaho Code, be, and the same is hereby  
6 amended to read as follows:

7 7-1033. ASSISTANCE WITH DISCOVERY. A tribunal of this state may:  
8 (1) Request a tribunal ~~of another~~ outside this state to assist in ob-  
9 taining discovery; and  
10 (2) Upon request, compel a person over ~~whom~~ which it has jurisdiction  
11 to respond to a discovery order issued by a tribunal ~~of another~~ outside this  
12 state.

13 SECTION 26. That Section 7-1034, Idaho Code, be, and the same is hereby  
14 amended to read as follows:

15 7-1034. RECEIPT AND DISBURSEMENT OF PAYMENTS. (1) A support enforce-  
16 ment agency or tribunal of this state shall disburse promptly any amounts re-  
17 ceived pursuant to a support order, as directed by the order. The agency or  
18 tribunal shall furnish to a requesting party or tribunal of another state or  
19 a foreign country a certified statement by the custodian of the record of the  
20 amounts and dates of all payments received.

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

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

27 (b) Issue and send to the obligor's employer a conforming income-with-  
28 holding order or an administrative notice of change of payee, reflect-  
29 ing the redirected payments.

30 (3) The support enforcement agency of this state receiving redirected  
31 payments from another state pursuant to a law similar to subsection (2) of  
32 this section shall furnish to a requesting party or tribunal of the other  
33 state a certified statement by the custodian of the record of the amount and  
34 dates of all payments received.

35 SECTION 27. That Section 7-1035, Idaho Code, be, and the same is hereby  
36 amended to read as follows:

37 7-1035. ~~PETITION TO ESTABLISHMENT OF~~ SUPPORT ORDER. (1) If a support  
38 order entitled to recognition under this chapter has not been issued, a re-  
39 sponding tribunal of this state with personal jurisdiction over the parties  
40 may issue a support order if:

41 (a) The individual seeking the order resides ~~in another~~ outside this  
42 state; or

43 (b) The support enforcement agency seeking the order is located ~~in an-~~  
44 ~~other~~ outside this state.

1 (2) The tribunal may issue a temporary child-support order if the tri-  
2 bunal determines that such an order is appropriate and the individual or-  
3 dered to pay is:

4 (a) A presumed father of the child;

5 (b) Petitioning to have his paternity adjudicated;

6 (c) Identified as the father of the child through genetic testing;

7 (d) An alleged father who has declined to submit to genetic testing;

8 (e) Shown by clear and convincing evidence to be the father of the  
9 child;

10 (f) An acknowledged father as provided by ~~applicable state law~~ section  
11 7-1106, Idaho Code;

12 (g) The mother of the child; or

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

15 (3) Upon finding, after notice and opportunity to be heard, that an  
16 obligor owes a duty of support, the tribunal shall issue a support order di-  
17 rected to the obligor and may issue other orders pursuant to section 7-1020,  
18 Idaho Code.

19 SECTION 28. That Chapter 10, Title 7, Idaho Code, be, and the same is  
20 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
21 ignated as Section 7-1035A, Idaho Code, and to read as follows:

22 7-1035A. PROCEEDING TO DETERMINE PARENTAGE. A tribunal of this state  
23 authorized to determine parentage of a child may serve as a responding tri-  
24 bunal in a proceeding to determine parentage of a child brought under this  
25 act or a law or procedure substantially similar to this act.

26 SECTION 29. That Section 7-1039, Idaho Code, be, and the same is hereby  
27 amended to read as follows:

28 7-1039. IMMUNITY FROM CIVIL LIABILITY. An employer ~~who~~ that complies  
29 with an income-withholding order issued in another state in accordance with  
30 sections 7-1036 through 7-1042, Idaho Code, is not subject to civil liabil-  
31 ity to an individual or agency with regard to the employer's withholding of  
32 child support from the obligor's income.

33 SECTION 30. That Section 7-1040, Idaho Code, be, and the same is hereby  
34 amended to read as follows:

35 7-1040. PENALTIES FOR NONCOMPLIANCE. An employer ~~who~~ that willfully  
36 fails to comply with an income-withholding order issued by in another state  
37 and received for enforcement is subject to the same penalties that may be im-  
38 posed for noncompliance with an order issued by a tribunal of this state.

39 SECTION 31. That Section 7-1042, Idaho Code, be, and the same is hereby  
40 amended to read as follows:

41 7-1042. ADMINISTRATIVE ENFORCEMENT OF ORDERS. (1) A party or support  
42 enforcement agency seeking to enforce a support order or an income-withhold-  
43 ing order, or both, issued ~~by a tribunal of~~ in another state or a foreign

1 support order may send the documents required for registering the order to a  
2 support enforcement agency of this state.

3 (2) Upon receipt of the documents, the support enforcement agency,  
4 without initially seeking to register the order, shall consider and, if  
5 appropriate, use any administrative procedure authorized by the law of this  
6 state to enforce a support order or an income-withholding order, or both.  
7 If the obligor does not contest administrative enforcement, the order need  
8 not be registered. If the obligor contests the validity or administrative  
9 enforcement of the order, the support enforcement agency shall register the  
10 order pursuant to this chapter.

11 SECTION 32. That Section 7-1043, Idaho Code, be, and the same is hereby  
12 amended to read as follows:

13 7-1043. REGISTRATION OF ORDER FOR ENFORCEMENT. A support order or in-  
14 come-withholding order issued ~~by a tribunal of~~ in another state or a foreign  
15 support order may be registered in this state for enforcement.

16 SECTION 33. That Section 7-1044, Idaho Code, be, and the same is hereby  
17 amended to read as follows:

18 7-1044. PROCEDURE TO REGISTER ORDER FOR ENFORCEMENT. (1) Except as  
19 otherwise provided in section 7-1064, Idaho Code, a support order or in-  
20 come-withholding order of another state or a foreign support order may be  
21 registered in this state by sending the following records ~~and information~~ to  
22 the district court in this state:

23 (a) A letter of transmittal to the tribunal requesting registration and  
24 enforcement;

25 (b) Two ~~(2)~~ copies, including one ~~(1)~~ certified copy, of the order to be  
26 registered, including any modification of the order;

27 (c) A sworn statement by the person requesting registration or a certi-  
28 fied statement by the custodian of the records showing the amount of any  
29 arrearage;

30 (d) The name of the obligor and, if known:

31 (i) The obligor's address and social security number;

32 (ii) The name and address of the obligor's employer and any other  
33 source of income of the obligor; and

34 (iii) A description and the location of property of the obligor in  
35 this state not exempt from execution; and

36 (e) Except as otherwise provided in section 7-1027, Idaho Code, the  
37 name and address of the obligee and, if applicable, the person to whom  
38 support payments are to be remitted.

39 (2) On receipt of a request for registration, the registering tribunal  
40 shall cause the order to be filed as ~~a foreign judgment~~ an order of a tribunal  
41 of another state or a foreign support order, together with one ~~(1)~~ copy of the  
42 documents and information, regardless of their form.

43 (3) A petition or comparable pleading seeking a remedy that must be af-  
44 firmatively sought under other law of this state may be filed at the same  
45 time as the request for registration or later. The pleading must specify the  
46 grounds for the remedy sought.

1 (4) If two ~~(2)~~ or more orders are in effect, the person requesting reg-  
2 istration shall:

3 (a) Furnish to the tribunal a copy of every support order asserted to be  
4 in effect in addition to the documents specified in this section;

5 (b) Specify the order alleged to be the controlling order, if any; and

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

7 (5) A request for determination of which is the controlling order may be  
8 filed separately or with a request for registration and enforcement or for  
9 registration and modification. The person requesting registration shall  
10 give notice of the request to each party whose rights may be affected by the  
11 determination.

12 SECTION 34. That Section 7-1045, Idaho Code, be, and the same is hereby  
13 amended to read as follows:

14 7-1045. EFFECT OF REGISTRATION FOR ENFORCEMENT. (1) A support order or  
15 income-withholding order issued in another state or a foreign support or-  
16 der is registered when the order is filed in the registering tribunal of this  
17 state.

18 (2) A registered support order issued in another state or a foreign  
19 country is enforceable in the same manner and is subject to the same proce-  
20 dures as an order issued by a tribunal of this state.

21 (3) Except as otherwise provided in ~~sections 7-1043 through 7-1057,~~  
22 ~~Idaho Code~~ this chapter, a tribunal of this state shall recognize and en-  
23 force, but may not modify, a registered support order if the issuing tribunal  
24 had jurisdiction.

25 SECTION 35. That Section 7-1046, Idaho Code, be, and the same is hereby  
26 amended to read as follows:

27 7-1046. CHOICE OF LAW. (1) Except as otherwise provided in subsection  
28 (4) of this section, the law of the issuing state or foreign country governs:

29 (a) The nature, extent, amount, and duration of current payments under  
30 a registered support order;

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

33 (c) The existence and satisfaction of other obligations under the sup-  
34 port order.

35 (2) In a proceeding for arrears under a registered support order, the  
36 statute of limitation of this state or of the issuing state or foreign coun-  
37 try, whichever is longer, applies.

38 (3) A responding tribunal of this state shall apply the procedures and  
39 remedies of this state to enforce current support and collect arrears and in-  
40 terest due on a support order of another state or a foreign country regis-  
41 tered in this state.

42 (4) After a tribunal of this or another state determines which is the  
43 controlling order and issues an order consolidating arrears, if any, a tri-  
44 bunal of this state shall prospectively apply the law of the state or foreign  
45 country issuing the controlling order, including its law on interest on ar-  
46 rears, on current and future support, and on consolidated arrears.

1 SECTION 36. That Section 7-1047, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 7-1047. NOTICE OF REGISTRATION OF ORDER. (1) When a support order or  
4 income-withholding order issued in another state or a foreign support order  
5 is registered, the registering tribunal of this state shall notify the non-  
6 registering party. The notice must be accompanied by a copy of the regis-  
7 tered order and the documents and relevant information accompanying the or-  
8 der.

9 (2) A notice must inform the nonregistering party:

10 (a) That a registered order is enforceable as of the date of registra-  
11 tion in the same manner as an order issued by a tribunal of this state;

12 (b) That a hearing to contest the validity or enforcement of the reg-  
13 istered order must be requested within ~~twenty (20)~~ days after notice  
14 unless the registered order is under section 7-1065, Idaho Code;

15 (c) That failure to contest the validity or enforcement of the regis-  
16 tered order in a timely manner will result in confirmation of the order  
17 and enforcement of the order and the alleged arrearages; and

18 (d) Of the amount of any alleged arrearages.

19 (3) If the registering party asserts that two ~~(2)~~ or more orders are in  
20 effect, a notice must also:

21 (a) Identify the two ~~(2)~~ or more orders and the order alleged by the reg-  
22 istering ~~person party~~ to be the controlling order and the consolidated  
23 arrears, if any;

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

26 (c) State that the procedures provided in subsection (2) of this sec-  
27 tion apply to the determination of which is the controlling order; and

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

31 (4) Upon registration of an income-withholding order for enforcement,  
32 the support enforcement agency or the registering tribunal shall notify the  
33 obligor's employer pursuant to the provisions of chapter 12, title 32, Idaho  
34 Code.

35 SECTION 37. That Section 7-1048, Idaho Code, be, and the same is hereby  
36 amended to read as follows:

37 7-1048. PROCEDURE TO CONTEST VALIDITY OR ENFORCEMENT OF REGISTERED  
38 SUPPORT ORDER. (1) A nonregistering party seeking to contest the validity  
39 or enforcement of a registered support order in this state shall request a  
40 hearing within ~~twenty (20) days after notice of the registration the time~~  
41 required by section 7-1047, Idaho Code. The nonregistering party may seek to  
42 vacate the registration, to assert any defense to an allegation of noncom-  
43 pliance with the registered order, or to contest the remedies being sought or  
44 the amount of any alleged arrearages pursuant to section 7-1049, Idaho Code.

45 (2) If the nonregistering party fails to contest the validity or en-  
46 forcement of the registered support order in a timely manner, the order is  
47 confirmed by operation of law.

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

5 SECTION 38. That Section 7-1049, Idaho Code, be, and the same is hereby  
6 amended to read as follows:

7 7-1049. CONTEST OF REGISTRATION OR ENFORCEMENT. (1) A party contest-  
8 ing the validity or enforcement of a registered support order or seeking to  
9 vacate the registration has the burden of proving one ~~(1)~~ or more of the fol-  
10 lowing defenses:

11 (a) The issuing tribunal lacked personal jurisdiction over the con-  
12 testing party;

13 (b) The order was obtained by fraud;

14 (c) The order has been vacated, suspended, or modified by a later order;

15 (d) The issuing tribunal has stayed the order pending appeal;

16 (e) There is a defense under the law of this state to the remedy sought;

17 (f) Full or partial payment has been made;

18 (g) The statute of limitation under section 7-1046, Idaho Code, pre-  
19 cludes enforcement of some or all of the alleged arrearages; or

20 (h) The alleged controlling order is not the controlling order.

21 (2) If a party presents evidence establishing a full or partial defense  
22 under subsection (1) of this section, a tribunal may stay enforcement of ~~the~~  
23 a registered support order, continue the proceeding to permit production of  
24 additional relevant evidence, and issue other appropriate orders. An uncon-  
25 tested portion of the registered support order may be enforced by all reme-  
26 dies available under the law of this state.

27 (3) If the contesting party does not establish a defense under subsec-  
28 tion (1) of this section to the validity or enforcement of ~~the a registered~~  
29 support order, the registering tribunal shall issue an order confirming the  
30 order.

31 SECTION 39. That Section 7-1050, Idaho Code, be, and the same is hereby  
32 amended to read as follows:

33 7-1050. CONFIRMED ORDER. Confirmation of a registered support order,  
34 whether by operation of law or after notice and hearing, precludes further  
35 contest of the order with respect to any matter that could have been asserted  
36 at the time of registration.

37 SECTION 40. That Section 7-1051, Idaho Code, be, and the same is hereby  
38 amended to read as follows:

39 7-1051. PROCEDURE TO REGISTER CHILD-SUPPORT ORDER OF ANOTHER STATE  
40 FOR MODIFICATION. A party or support enforcement agency seeking to modify,  
41 or to modify and enforce, a child-support order issued in another state shall  
42 register that order in this state in the same manner provided in sections  
43 7-1043 through 7-1046~~50~~, Idaho Code, if the order has not been registered.  
44 A petition for modification may be filed at the same time as a request for

1 registration, or later. The pleading must specify the grounds for modifi-  
2 cation.

3 SECTION 41. That Section 7-1052, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5 7-1052. EFFECT OF REGISTRATION FOR MODIFICATION. A tribunal of this  
6 state may enforce a child-support order of another state registered for pur-  
7 poses of modification, in the same manner as if the order had been issued by a  
8 tribunal of this state, but the registered support order may be modified only  
9 if the requirements of section 7-1053, or 7-1055 ~~or 7-1057~~, Idaho Code, have  
10 been met.

11 SECTION 42. That Section 7-1053, Idaho Code, be, and the same is hereby  
12 amended to read as follows:

13 7-1053. MODIFICATION OF CHILD-SUPPORT ORDER OF ANOTHER STATE. (1) If  
14 section 7-1055, Idaho Code, does not apply, ~~except as otherwise provided in~~  
15 ~~section 7-1057, Idaho Code,~~ upon petition a tribunal of this state may mod-  
16 ify a child-support order issued in another state which is registered in this  
17 state if, after notice and hearing, the tribunal finds that:

- 18 (a) The following requirements are met:  
19 (i) Neither the child, nor the obligee who is an individual, nor  
20 the obligor resides in the issuing state;  
21 (ii) A petitioner who is a nonresident of this state seeks modifi-  
22 cation; and  
23 (iii) The respondent is subject to the personal jurisdiction of  
24 the tribunal of this state; or  
25 (b) This state is the ~~state of~~ residence of the child, or a party who is  
26 an individual is subject to the personal jurisdiction of the tribunal of  
27 this state, and all of the parties who are individuals have filed con-  
28 sents in a record in the issuing tribunal for a tribunal of this state  
29 to modify the support order and assume continuing, exclusive jurisdic-  
30 tion.

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

35 (3) ~~Except as otherwise provided in section 7-1057, Idaho Code,~~ a A tri-  
36 bunal of this state may not modify any aspect of a child-support order that  
37 may not be modified under the law of the issuing state, including the dura-  
38 tion of the obligation ~~to~~ of support. If two ~~(2)~~ or more tribunals have is-  
39 sued child-support orders for the same obligor and same child, the order that  
40 controls and must be so recognized under section 7-1011, Idaho Code, estab-  
41 lishes the aspects of the support order which are nonmodifiable.

42 (4) In a proceeding to modify a child-support order, the law of the  
43 state that is determined to have issued the initial controlling order gov-  
44 erns the duration of the obligation of support. The obligor's fulfillment  
45 of the duty of support established by that order precludes imposition of a  
46 further obligation of support by a tribunal of this state.

1 (5) On the issuance of an order by a tribunal of this state modifying a  
 2 child-support order issued in another state, the tribunal of this state be-  
 3 comes the tribunal having continuing, exclusive jurisdiction.

4 (6) Notwithstanding subsections (1) through (5) of this section and  
 5 section 7-1005(1) (b), Idaho Code, a tribunal of this state retains jurisdic-  
 6 tion to modify an order issued by a tribunal of this state if:

7 (a) One party resides in another state; and

8 (b) The other party resides outside the United States.

9 SECTION 43. That Section 7-1055, Idaho Code, be, and the same is hereby  
 10 amended to read as follows:

11 7-1055. JURISDICTION TO MODIFY SUPPORT ORDER OF ANOTHER STATE WHEN IN-  
 12 DIVIDUAL PARTIES RESIDE IN THIS STATE. (1) If all of the parties who are in-  
 13 dividuals reside in this state and the child does not reside in the issuing  
 14 state, a tribunal of this state has jurisdiction to enforce and to modify the  
 15 issuing state's child-support order in a proceeding to register that order.

16 (2) A tribunal of this state exercising jurisdiction under this sec-  
 17 tion shall apply the provisions of sections 7-1001 through 7-1015 and sec-  
 18 tions 7-1043 through 7-1057, Idaho Code, and the procedural and substantive  
 19 law of this state to the proceeding for enforcement or modification. Sec-  
 20 tions 7-1016 through 7-1042, Idaho Code, and sections 7-1058 ~~72~~ through and  
 21 ~~7-1060~~ 73, Idaho Code, do not apply.

22 SECTION 44. That Section 7-1057, Idaho Code, be, and the same is hereby  
 23 amended to read as follows:

24 7-1057. JURISDICTION TO MODIFY CHILD-SUPPORT ORDER OF FOREIGN COUN-  
 25 TRY ~~OR POLITICAL SUBDIVISION~~. (1) Except as otherwise provided in section  
 26 7-1069, Idaho Code, if a foreign country or political subdivision that is a  
 27 state will not or may not modify its order lacks or refuses to exercise juris-  
 28 isdiction to modify its child-support order pursuant to its laws, a tribunal  
 29 of this state may assume jurisdiction to modify the child-support order and  
 30 bind all individuals subject to the personal jurisdiction of the tribunal  
 31 whether or not the consent to modification of a child-support order other-  
 32 wise required of the individual pursuant to section 7-1053, Idaho Code, has  
 33 been given or whether the individual seeking modification is a resident of  
 34 this state or of the foreign country or political subdivision.

35 (2) An order issued by a tribunal of this state modifying a foreign  
 36 child-support order pursuant to this section is the controlling order.

37 SECTION 45. That Section 7-1058, Idaho Code, be, and the same is hereby  
 38 repealed.

39 SECTION 46. That Chapter 10, Title 7, Idaho Code, be, and the same is  
 40 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
 41 ignated as Section 7-1058, Idaho Code, and to read as follows:

42 7-1058. PROCEDURE TO REGISTER CHILD-SUPPORT ORDER OF FOREIGN COUNTRY  
 43 FOR MODIFICATION. A party or support enforcement agency seeking to modify,  
 44 or to modify and enforce, a foreign child-support order not under the con-



1 vention may register that order in this state under sections 7-1043 through  
2 7-1050, Idaho Code, if the order has not been registered. A petition for mod-  
3 ification may be filed at the same time as a request for registration, or at  
4 another time. The petition must specify the grounds for modification.

5 SECTION 47. That Chapter 10, Title 7, Idaho Code, be, and the same is  
6 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
7 ignated as Section 7-1059, Idaho Code, and to read as follows:

8 7-1059. DEFINITIONS. As used in sections 7-1059 through 7-1071, Idaho  
9 Code:

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

13 (2) "Central authority" means the entity designated by the United  
14 States or a foreign country described in section 7-1002(5)(d), Idaho Code,  
15 to perform the functions specified in the convention.

16 (3) "Convention support order" means a support order of a tribunal of a  
17 foreign country described in section 7-1002(5)(d), Idaho Code.

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

21 (5) "Foreign central authority" means the entity designated by a for-  
22 eign country described in section 7-1002(5)(d), Idaho Code, to perform the  
23 functions specified in the convention.

24 (6) "Foreign support agreement" means:

25 (a) An agreement for support in a record that:

26 (i) Is enforceable as a support order in the country of origin;

27 (ii) Has been:

28 1. Formally drawn up or registered as an authentic instru-  
29 ment by a foreign tribunal; or

30 2. Authenticated by, or concluded, registered or filed with  
31 a foreign tribunal; and

32 (iii) May be reviewed and modified by a foreign tribunal; and

33 (b) Includes a maintenance arrangement or authentic instrument under  
34 the convention.

35 (7) "United States central authority" means the Secretary of the United  
36 States Department of Health and Human Services.

37 SECTION 48. That Chapter 10, Title 7, Idaho Code, be, and the same is  
38 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
39 ignated as Section 7-1060, Idaho Code, and to read as follows:

40 7-1060. APPLICABILITY. Sections 7-1059 through 7-1071, Idaho Code,  
41 apply only to a support proceeding under the convention. In such a pro-  
42 ceeding, if a provision of sections 7-1059 through 7-1071, Idaho Code, is  
43 inconsistent with sections 7-1001 through 7-1058, Idaho Code, sections  
44 7-1059 through 7-1071, Idaho Code, control.

1 SECTION 49. That Chapter 10, Title 7, Idaho Code, be, and the same is  
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
3 ignated as Section 7-1061, Idaho Code, and to read as follows:

4 7-1061. RELATIONSHIP OF DEPARTMENT OF HEALTH AND WELFARE TO UNITED  
5 STATES CENTRAL AUTHORITY. The Idaho department of health and welfare is rec-  
6 ognized as the agency designated by the United States central authority to  
7 perform specific functions under the convention.

8 SECTION 50. That Chapter 10, Title 7, Idaho Code, be, and the same is  
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
10 ignated as Section 7-1062, Idaho Code, and to read as follows:

11 7-1062. INITIATION BY DEPARTMENT OF HEALTH AND WELFARE OF SUPPORT PRO-  
12 CEEDING UNDER CONVENTION. (1) In a support proceeding under sections 7-1059  
13 through 7-1071, Idaho Code, the department of health and welfare shall:

14 (a) Transmit and receive applications; and  
15 (b) Initiate or facilitate the institution of a proceeding regarding an  
16 application in a tribunal of this state.

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

19 (a) Recognition or recognition and enforcement of a foreign support or-  
20 der;

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

22 (c) Establishment of a support order if there is no existing order, in-  
23 cluding, if necessary, determination of parentage of a child;

24 (d) Establishment of a support order if recognition of a foreign sup-  
25 port order is refused under section 7-1066(2)(b), (d) or (i), Idaho  
26 Code;

27 (e) Modification of a support order of a tribunal of this state; and

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

30 (3) The following support proceedings are available under the conven-  
31 tion to an obligor against which there is an existing support order:

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

34 (b) Modification of a support order of a tribunal of this state; and

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

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

40 SECTION 51. That Chapter 10, Title 7, Idaho Code, be, and the same is  
41 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
42 ignated as Section 7-1063, Idaho Code, and to read as follows:

43 7-1063. DIRECT REQUEST. (1) A petitioner may file a direct request  
44 seeking establishment or modification of a support order or determination of  
45 parentage of a child. In the proceeding, the law of this state applies.

1 (2) A petitioner may file a direct request seeking recognition and en-  
2 forcement of a support order or support agreement. In the proceeding, sec-  
3 tions 7-1064 through 7-1071, Idaho Code, apply.

4 (3) In a direct request for recognition and enforcement of a convention  
5 support order or foreign support agreement:

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

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

12 (4) A petitioner filing a direct request is not entitled to assistance  
13 from the department of health and welfare.

14 (5) Sections 7-1059 through 7-1071, Idaho Code, do not prevent the ap-  
15 plication of laws of this state that provide simplified, more expeditious  
16 rules regarding a direct request for recognition and enforcement of a for-  
17 eign support order or foreign support agreement.

18 SECTION 52. That Chapter 10, Title 7, Idaho Code, be, and the same is  
19 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
20 ignated as Section 7-1064, Idaho Code, and to read as follows:

21 7-1064. REGISTRATION OF CONVENTION SUPPORT ORDER. (1) Except as oth-  
22 erwise provided in sections 7-1059 through 7-1071, Idaho Code, a party who is  
23 an individual or a support enforcement agency seeking recognition of a con-  
24 vention support order shall register the order in this state as provided in  
25 sections 7-1043 through 7-1058, Idaho Code.

26 (2) Notwithstanding sections 7-1026 and 7-1044(1), Idaho Code, a re-  
27 quest for registration of a convention support order must be accompanied by:

28 (a) A complete text of the support order or an abstract or extract of the  
29 support order drawn up by the issuing foreign tribunal, which may be in  
30 the form recommended by The Hague conference on private international  
31 law;

32 (b) A record stating that the support order is enforceable in the issu-  
33 ing country;

34 (c) If the respondent did not appear and was not represented in the pro-  
35 ceedings in the issuing country, a record attesting, as appropriate,  
36 either that the respondent had proper notice of the proceedings and an  
37 opportunity to be heard or that the respondent had proper notice of the  
38 support order and an opportunity to be heard in a challenge or appeal on  
39 fact or law before a tribunal;

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

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

45 (f) If necessary, a record showing the extent to which the applicant re-  
46 ceived free legal assistance in the issuing country.

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

1 (4) A tribunal of this state may vacate the registration of a convention  
2 support order without the filing of a contest under section 7-1065, Idaho  
3 Code, only if, acting on its own motion, the tribunal finds that recognition  
4 and enforcement of the order would be manifestly incompatible with public  
5 policy.

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

8 SECTION 53. That Chapter 10, Title 7, Idaho Code, be, and the same is  
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
10 ignated as Section 7-1065, Idaho Code, and to read as follows:

11 7-1065. CONTEST OF REGISTERED CONVENTION SUPPORT ORDER. (1) Except as  
12 otherwise provided in sections 7-1059 through 7-1071, Idaho Code, sections  
13 7-1047 through 7-1050, Idaho Code, apply to a contest of a registered conven-  
14 tion support order.

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

19 (3) If the nonregistering party fails to contest the registered conven-  
20 tion support order by the time specified in subsection (2) of this section,  
21 the order is enforceable.

22 (4) A contest of a registered convention support order may be based only  
23 on grounds set forth in section 7-1066, Idaho Code. The contesting party  
24 bears the burden of proof.

25 (5) In a contest of a registered convention support order, a tribunal of  
26 this state:

27 (a) Is bound by the findings of fact on which the foreign tribunal based  
28 its jurisdiction; and

29 (b) May not review the merits of the order.

30 (6) A tribunal of this state deciding a contest of a registered conven-  
31 tion support order shall promptly notify the parties of its decision.

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

34 SECTION 54. That Chapter 10, Title 7, Idaho Code, be, and the same is  
35 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
36 ignated as Section 7-1066, Idaho Code, and to read as follows:

37 7-1066. RECOGNITION AND ENFORCEMENT OF REGISTERED CONVENTION SUPPORT  
38 ORDER. (1) Except as otherwise provided in subsection (2) of this section, a  
39 tribunal of this state shall recognize and enforce a registered convention  
40 support order.

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

44 (a) Recognition and enforcement of the order is manifestly incompati-  
45 ble with public policy, including the failure of the issuing tribunal  
46 to observe minimum standards of due process, which include notice and an  
47 opportunity to be heard;

1 (b) The issuing tribunal lacked personal jurisdiction consistent with  
2 section 7-1005, Idaho Code;

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

4 (d) The order was obtained by fraud in connection with a matter of pro-  
5 cedure;

6 (e) A record transmitted in accordance with section 7-1064, Idaho Code,  
7 lacks authenticity or integrity;

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

11 (g) The order is incompatible with a more recent support order involv-  
12 ing the same parties and having the same purpose if the more recent sup-  
13 port order is entitled to recognition and enforcement under this chap-  
14 ter in this state;

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

17 (i) In a case in which the respondent neither appeared nor was repre-  
18 sented in the proceeding in the issuing foreign country:

19 (i) If the law of that country provides for prior notice of pro-  
20 ceedings, the respondent did not have proper notice of the pro-  
21 ceedings and an opportunity to be heard; or

22 (ii) If the law of that country does not provide for prior notice  
23 of the proceedings, the respondent did not have proper notice of  
24 the order and an opportunity to be heard in a challenge or appeal on  
25 fact or law before a tribunal; or

26 (j) The order was made in violation of section 7-1069, Idaho Code.

27 (3) If a tribunal of this state does not recognize a convention support  
28 order under subsection (2) (b), (d), or (i) of this section:

29 (a) The tribunal may not dismiss the proceeding without allowing a rea-  
30 sonable time for a party to request the establishment of a new conven-  
31 tion support order; and

32 (b) The department of health and welfare shall take all appropriate  
33 measures to request a child-support order for the obligee if the ap-  
34 plication for recognition and enforcement was received under section  
35 7-1062, Idaho Code.

36 SECTION 55. That Chapter 10, Title 7, Idaho Code, be, and the same is  
37 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
38 ignated as Section 7-1067, Idaho Code, and to read as follows:

39 7-1067. PARTIAL ENFORCEMENT. If a tribunal of this state does not rec-  
40 ognize and enforce a convention support order in its entirety, it shall en-  
41 force any severable part of the order. An application or direct request may  
42 seek recognition and partial enforcement of a convention support order.

43 SECTION 56. That Chapter 10, Title 7, Idaho Code, be, and the same is  
44 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
45 ignated as Section 7-1068, Idaho Code, and to read as follows:

1           7-1068. FOREIGN SUPPORT AGREEMENT. (1) Except as otherwise provided  
2 in subsections (3) and (4) of this section, a tribunal of this state shall  
3 recognize and enforce a foreign support agreement registered in this state.

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

6           (a) A complete text of the foreign support agreement; and

7           (b) A record stating that the foreign support agreement is enforceable  
8 as an order of support in the issuing country.

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

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

15           (a) Recognition and enforcement of the agreement is manifestly incom-  
16 patible with public policy;

17           (b) The agreement was obtained by fraud or falsification;

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

22           (d) The record submitted under subsection (2) of this section lacks au-  
23 thenticity or integrity.

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

27           SECTION 57. That Chapter 10, Title 7, Idaho Code, be, and the same is  
28 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
29 ignated as Section 7-1069, Idaho Code, and to read as follows:

30           7-1069. MODIFICATION OF CONVENTION CHILD-SUPPORT ORDER. (1) A tri-  
31 bunal of this state may not modify a convention child-support order if the  
32 obligee remains a resident of the foreign country where the support order was  
33 issued unless:

34           (a) The obligee submits to the jurisdiction of a tribunal of this state,  
35 either expressly or by defending on the merits of the case without ob-  
36 jecting to the jurisdiction at the first available opportunity; or

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

39           (2) If a tribunal of this state does not modify a convention child-sup-  
40 port order because the order is not recognized in this state, section  
41 7-1066(3), Idaho Code, applies.

42           SECTION 58. That Chapter 10, Title 7, Idaho Code, be, and the same is  
43 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
44 ignated as Section 7-1070, Idaho Code, and to read as follows:

45           7-1070. PERSONAL INFORMATION -- LIMIT ON USE. Personal information  
46 gathered or transmitted under this chapter may be used only for the purposes  
47 for which it was gathered or transmitted.

1 SECTION 59. That Chapter 10, Title 7, Idaho Code, be, and the same is  
 2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
 3 ignated as Section 7-1071, Idaho Code, and to read as follows:

4 7-1071. RECORD IN ORIGINAL LANGUAGE -- ENGLISH TRANSLATION. A record  
 5 filed with a tribunal of this state under sections 7-1059 through 7-1071,  
 6 Idaho Code, must be in the original language and, if not in English, must be  
 7 accompanied by an English translation.

8 SECTION 60. That Section 7-1059, Idaho Code, be, and the same is hereby  
 9 amended to read as follows:

10 7-105972. GROUNDS FOR RENDITION. (1) For purposes of sections  
 11 7-105972 and 7-106073, Idaho Code, "governor" includes an individual per-  
 12 forming the functions of governor or the executive authority of a state  
 13 covered by this chapter.

14 (2) The governor of this state may:

15 (a) Demand that the governor of another state surrender an individual  
 16 found in the other state who is charged criminally in this state with  
 17 having failed to provide for the support of an obligee; or

18 (b) On the demand of the governor of another state, surrender an indi-  
 19 vidual found in this state who is charged criminally in the other state  
 20 with having failed to provide for the support of an obligee.

21 (3) A provision for extradition of individuals not inconsistent with  
 22 this chapter applies to the demand even if the individual whose surrender is  
 23 demanded was not in the demanding state when the crime was allegedly commit-  
 24 ted and has not fled therefrom.

25 SECTION 61. That Section 7-1060, Idaho Code, be, and the same is hereby  
 26 amended to read as follows:

27 7-106073. CONDITIONS OF RENDITION. (1) Before making a demand that the  
 28 governor of another state surrender an individual charged criminally in this  
 29 state with having failed to provide for the support of an obligee, the gover-  
 30 nor of this state may require a prosecutor of this state to demonstrate that  
 31 at least ~~sixty~~-(60) days previously the obligee had initiated proceedings  
 32 for support pursuant to this chapter or that the proceeding would be of no  
 33 avail.

34 (2) If, under this chapter or a law substantially similar to this chap-  
 35 ter, the governor of another state makes a demand that the governor of this  
 36 state surrender an individual charged criminally in that state with having  
 37 failed to provide for the support of a child or other individual to whom a  
 38 duty of support is owed, the governor may require a prosecutor to investigate  
 39 the demand and report whether a proceeding for support has been initiated or  
 40 would be effective. If it appears that a proceeding would be effective but  
 41 has not been initiated, the governor may delay honoring the demand for a rea-  
 42 sonable time to permit the initiation of a proceeding.

43 (3) If a proceeding for support has been initiated and the individual  
 44 whose rendition is demanded prevails, the governor may decline to honor the  
 45 demand. If the petitioner prevails and the individual whose rendition is de-

1 manded is subject to a support order, the governor may decline to honor the  
2 demand if the individual is complying with the support order.

3 SECTION 62. That Section 7-1061, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5 7-1061~~74~~<sup>74</sup>. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and  
6 construing this ~~chapter~~ uniform act consideration must be given to the need  
7 to promote uniformity of the law with respect to its subject matter among  
8 states that enact it.

9 SECTION 63. That Chapter 10, Title 7, Idaho Code, be, and the same is  
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
11 ignated as Section 7-1075, Idaho Code, and to read as follows:

12 7-1075. TRANSITIONAL PROVISION. This chapter applies to proceedings  
13 begun on or after July 1, 2015, to establish a support order or determine  
14 parentage of a child or to register, recognize, enforce or modify a prior  
15 support order, determination or agreement, whenever issued or entered.

16 SECTION 64. That Section 7-1062, Idaho Code, be, and the same is hereby  
17 amended to read as follows:

18 7-1062~~76~~<sup>76</sup>. SEVERABILITY. If any provision of this chapter or its appli-  
19 cation to any person or circumstance is held invalid, the invalidity does not  
20 affect other provisions or applications of this chapter which can be given  
21 effect without the invalid provision or application, and to this end the pro-  
22 visions of this chapter are severable.

23 SECTION 65. That Chapter 13, Title 10, Idaho Code, be, and the same is  
24 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
25 ignated as Section 10-1309, Idaho Code, and to read as follows:

26 10-1309. FOREIGN ORDERS -- RECIPROCAL AGREEMENTS -- PUBLIC POL-  
27 ICY. (1) No court, agency or tribunal of this state shall recognize, base a  
28 ruling on, or enforce an order issued under the law of another country, which  
29 order is manifestly incompatible with the public policy of this state.

30 (2) If an order issued under the law of another country is manifestly  
31 incompatible with the public policy of this state, a court may limit the en-  
32 forcement of the order to the extent necessary to eliminate the conflict with  
33 public policy.

34 (3) No reciprocal agreement shall be entered into by this state with an-  
35 other country if the applicable laws of that country are manifestly incom-  
36 patible with the public policy of this state.

37 (4) For purposes of this section:

38 (a) An order is manifestly incompatible with public policy if that or-  
39 der was issued in violation of the right of due process substantially  
40 similar to that guaranteed by the constitutions of the United States and  
41 the state of Idaho.

42 (b) A law of another country is manifestly incompatible with public  
43 policy if it fails to grant the parties the right of due process substan-



1 tially similar to that guaranteed by the constitutions of the United  
2 States and the state of Idaho.

3 SECTION 66. That Chapter 2, Title 56, Idaho Code, be, and the same is  
4 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
5 ignated as Section 56-203F, Idaho Code, and to read as follows:

6 56-203F. REGISTRATION OF FOREIGN SUPPORT ORDERS. Notwithstanding any  
7 other provision of law, the state department of health and welfare shall reg-  
8 ister a family support order or family support agreement originating in a  
9 foreign country prior to taking enforcement action on the resulting family  
10 support obligation. A foreign support order or foreign support agreement  
11 shall be registered pursuant to the provisions of chapter 10, title 7, Idaho  
12 Code.

13 SECTION 67. That Section 56-1003, Idaho Code, be, and the same is hereby  
14 amended to read as follows:

15 56-1003. POWERS AND DUTIES OF THE DIRECTOR. The director shall have  
16 the following powers and duties:

17 (1) All of the powers and duties of the department of public health, the  
18 department of health, the board of health and all nonenvironmental protec-  
19 tion duties of the department of health and welfare are hereby vested to the  
20 director of the department of health and welfare. Provided however, that  
21 oversight of the department and rulemaking and hearing functions relating  
22 to public health and licensure and certification standards shall be vested  
23 in the board of health and welfare. Except when the authority is vested in  
24 the board of health and welfare under law, the director shall have all such  
25 powers and duties as may have been or could have been exercised by his pre-  
26 decessors in law, including the authority to adopt, promulgate, and enforce  
27 rules, and shall be the successor in law to all contractual obligations en-  
28 tered into by predecessors in law. All rulemaking proceedings and hearings  
29 of the director shall be governed by the provisions of chapter 52, title 67,  
30 Idaho Code.

31 (2) The director shall, pursuant and subject to the provisions of the  
32 Idaho Code, and the provisions of this chapter, formulate and recommend to  
33 the board rules, codes and standards, as may be necessary to deal with prob-  
34 lems related to personal health, and licensure and certification require-  
35 ments pertinent thereto, which shall, upon adoption by the board, have the  
36 force of law relating to any purpose which may be necessary and feasible for  
37 enforcing the provisions of this chapter including, but not limited to, the  
38 maintenance and protection of personal health. Any such rule or standard may  
39 be of general application throughout the state or may be limited as to times,  
40 places, circumstances or conditions in order to make due allowance for vari-  
41 ations therein.

42 (3) The director, under the rules, codes or standards adopted by him,  
43 shall have the general supervision of the promotion and protection of the  
44 life, health and mental health of the people of this state. The powers and  
45 duties of the director shall include, but not be limited to, the following:

46 (a) The issuance of licenses and permits as prescribed by law and by the  
47 rules of the board;

1 (b) The supervision and administration of laboratories and the super-  
2 vision and administration of standards of tests for environmental pol-  
3 lution, chemical analyses and communicable diseases. The director may  
4 require that laboratories operated by any city, county, institution,  
5 person, firm or corporation for health or environmental purposes con-  
6 form to standards set by the board of health and welfare and the board of  
7 environmental quality;

8 (c) The supervision and administration of a mental health program,  
9 which shall include services for the evaluation, screening, custody and  
10 treatment of the mentally ill and those persons suffering from a mental  
11 defect, or mental defects;

12 (d) The enforcement of minimum standards of health, safety and sanita-  
13 tion for all public swimming pools within the state;

14 (e) The supervision and administration of the various schools, hos-  
15 pitals and institutions that were the responsibility of the board of  
16 health;

17 (f) The supervision and administration of services dealing with the  
18 problems of alcoholism including, but not limited to, the care and reha-  
19 bilitation of persons suffering from alcoholism;

20 (g) The establishment of liaison with other governmental departments,  
21 agencies and boards in order to effectively assist other governmental  
22 entities with the planning for the control of or abatement of health  
23 problems. All of the rules and standards adopted by the board shall  
24 apply to state institutions;

25 (h) The supervision and administration of an emergency medical service  
26 program including, but not limited to, assisting other governmental  
27 agencies and local governmental units, in providing first aid emergency  
28 medical services and for transportation of the sick and injured;

29 (i) The supervision and administration of administrative units whose  
30 responsibility shall be to assist and encourage counties, cities, other  
31 governmental units, and industries in the control of and/or abatement  
32 of health problems;

33 (j) The enforcement of all laws, rules, codes and standards relating to  
34 health.

35 (4) The director, when so designated by the governor, shall have the  
36 power to apply for, receive on behalf of the state, and utilize any federal  
37 aid, grants, gifts, gratuities, or moneys made available through the federal  
38 government.

39 (5) The director shall have the power to enter into and make contracts  
40 and agreements with any public agencies or municipal corporations for fa-  
41 cilities, land, and equipment when such use will have a beneficial, recre-  
42 ational, or therapeutic effect or be in the best interest in carrying out the  
43 duties imposed upon the department.

44 The director shall also have the power to enter into contracts for the  
45 expenditure of state matching funds for local purposes. This subsection  
46 will constitute the authority for public agencies or municipal corporations  
47 to enter into such contracts and expend money for the purposes delineated in  
48 such contracts.

49 (6) The director is authorized to adopt an official seal to be used on  
50 appropriate occasions, in connection with the functions of the department or

1 the board, and such seal shall be judicially noticed. Copies of any books,  
2 records, papers and other documents in the department shall be admitted in  
3 evidence equally with the originals thereof when authenticated under such  
4 seal.

5 (7) The director, under rules adopted by the board of health and wel-  
6 fare, shall have the power to impose and enforce orders of isolation and  
7 quarantine to protect the public from the spread of infectious or communi-  
8 cable diseases or from contamination from chemical or biological agents,  
9 whether naturally occurring or propagated by criminal or terrorist act.

10 (a) An order of isolation or quarantine issued pursuant to this section  
11 shall be a final agency action for purposes of judicial review. How-  
12 ever, this shall not prevent the director from reconsidering, amend-  
13 ing or withdrawing the order. Judicial review of orders of isolation or  
14 quarantine shall be de novo. The court may affirm, reverse or modify the  
15 order and shall affirm the order if it appears by a preponderance of the  
16 evidence that the order is reasonably necessary to protect the public  
17 from a substantial and immediate danger of the spread of an infectious  
18 or communicable disease or from contamination by a chemical or biologi-  
19 cal agent.

20 (b) If the director has reasonable cause to believe a chemical or bi-  
21 ological agent has been released in an identifiable place, including a  
22 building or structure, an order of quarantine may be imposed to prevent  
23 the movement of persons into or out of that place, for a limited period  
24 of time, for the purpose of determining whether a person or persons at  
25 that place have been contaminated with a chemical or biological agent  
26 which may create a substantial and immediate danger to the public.

27 (c) Any person who violates an order of isolation or quarantine shall be  
28 guilty of a misdemeanor.

29 (8) The director shall develop safeguards necessary to ensure the se-  
30 curity of nonpublic personal information in the department's possession and  
31 to prevent undue disclosure of such information. The director shall estab-  
32 lish a process to authenticate requests made by a person, entity or jurisdic-  
33 tion arising under the 2007 Hague Convention on the International Recovery  
34 of Child Support and Other Forms of Family Maintenance. In the event the de-  
35 partment becomes aware of any improper disclosure, the director shall take  
36 all actions required under section 28-51-105, Idaho Code.

37 SECTION 68. LEGISLATIVE INTENT. It is the intent of the Legislature  
38 that the State of Idaho ensure the welfare of its residents by conducting  
39 its child and family support enforcement responsibilities with all due  
40 care. Cooperation with other jurisdictions, be they sister states or for-  
41 eign countries, is vital to ensure that the children and others of this state  
42 receive the support to which they are entitled and on which they depend. It  
43 is further the intent of the Legislature that the processes and procedures  
44 established by this act be used only for the important purposes for which  
45 they are intended. The Department of Health and Welfare shall, pursuant to  
46 Section 67 of this act, develop and maintain safeguards necessary to ensure  
47 that sensitive information about Idaho residents is not inappropriately  
48 disclosed so as to protect the privacy, safety or security of Idaho resi-  
49 dents. If the petitioner is the subject of a no-contact order or similar  
50 protective order, the information disclosed shall not include the location

1 of the Idaho resident. The state shall take all necessary steps to ensure the  
2 security of data and prevent disclosure to unauthorized persons, entities  
3 or jurisdictions. The Legislature finds that nothing in this act expands  
4 access to its databases beyond the access that already exists, and nothing in  
5 this act shall be construed to prohibit the exchange of data or information  
6 with other jurisdictions.

7 SECTION 69. REPORT -- LEGISLATIVE INTENT. The Governor or the Gover-  
8 nor's designee shall monitor proceedings affecting Idaho residents that are  
9 conducted pursuant to the 2007 Hague Convention on the International Recov-  
10 ery of Child Support and Other Forms of Family Maintenance and make a re-  
11 port of such proceedings to the Legislature upon request. If at any time it  
12 appears that such proceedings are imperiling Idaho residents or affecting  
13 Idaho residents in an unjust manner, it is the intent of the Legislature that  
14 request be made to the federal government to file a denunciation under Arti-  
15 cle 64 of the Convention on behalf of the State of Idaho.

16 SECTION 70. SEVERABILITY. The provisions of this act are hereby de-  
17 clared to be severable and if any provision of this act or the application  
18 of such provision to any person or circumstance is declared invalid for any  
19 reason, such declaration shall not affect the validity of the remaining por-  
20 tions of this act.

21 SECTION 71. An emergency existing therefor, which emergency is hereby  
22 declared to exist, this act shall be in full force and effect on and after its  
23 passage and approval.