

§2802. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

1. Child. "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

2. Child support order. "Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state or foreign country.

[PL 2009, c. 95, §1 (AMD); PL 2009, c. 95, §87 (AFF).]

2-A. Convention. "Convention" means the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance concluded at The Hague on November 23, 2007.

[PL 2009, c. 95, §2 (NEW); PL 2009, c. 95, §87 (AFF).]

3. Duty of support. "Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse or former spouse, including an unsatisfied obligation to provide support.

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

3-A. Foreign country. "Foreign country" means a country, including a political subdivision thereof, other than the United States, that under its law authorizes the issuance of support orders and:

A. Has been declared under the law of the United States to be a foreign reciprocating country; [PL 2009, c. 95, §3 (NEW); PL 2009, c. 95, §87 (AFF).]

B. Has established a reciprocal arrangement for child support with this State as provided in section 3008-A; [PL 2009, c. 95, §3 (NEW); PL 2009, c. 95, §87 (AFF).]

C. Has enacted a law or established procedures for the issuance and enforcement of support orders that are substantially similar to the procedures under this chapter; or [PL 2009, c. 95, §3 (NEW); PL 2009, c. 95, §87 (AFF).]

D. In which the Convention is in force with respect to the United States. [PL 2009, c. 95, §3 (NEW); PL 2009, c. 95, §87 (AFF).]

[PL 2009, c. 95, §3 (NEW); PL 2009, c. 95, §87 (AFF).]

3-B. Foreign support order. "Foreign support order" means a support order issued by a foreign tribunal.

[PL 2009, c. 95, §4 (NEW); PL 2009, c. 95, §87 (AFF).]

3-C. Foreign tribunal. "Foreign tribunal" means a court, administrative agency or quasi-judicial entity of a foreign country authorized to establish, enforce or modify support orders or to determine parentage of a child. "Foreign tribunal" includes a competent authority under the Convention.

[PL 2009, c. 95, §5 (NEW); PL 2009, c. 95, §87 (AFF).]

4. Home state. "Home state" means the state or foreign country in which a child lived with a parent or a person acting as parent for at least 6 consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than 6 months old, the state or foreign country in which the child lived from birth with a parent or a person acting as parent. A period of temporary absence of a parent or a person acting as parent is counted as part of the 6-month or other period.

[PL 2009, c. 95, §6 (AMD); PL 2009, c. 95, §87 (AFF).]

5. Income. "Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this State.

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

6. Income-withholding order. "Income-withholding order" means an order or other legal process directed to an obligor's employer, as provided by chapter 65, subchapter IV, to withhold support from the income of the obligor.

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

7. Initiating state. "Initiating state" means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this chapter or a law or procedure substantially similar to this chapter.

[PL 2003, c. 436, §1 (AMD).]

8. Initiating tribunal. "Initiating tribunal" means the tribunal of a state or foreign country from which a petition or comparable pleading is forwarded or in which a petition or comparable pleading is filed for forwarding to another state or foreign country.

[PL 2009, c. 95, §7 (AMD); PL 2009, c. 95, §87 (AFF).]

8-A. Issuing foreign country. "Issuing foreign country" means the foreign country in which a tribunal issues a support order or judgment determining parentage.

[PL 2009, c. 95, §8 (NEW); PL 2009, c. 95, §87 (AFF).]

9. Issuing state. "Issuing state" means the state in which a tribunal issues a support order or a judgment determining parentage of a child.

[PL 2009, c. 95, §9 (AMD); PL 2009, c. 95, §87 (AFF).]

10. Issuing tribunal. "Issuing tribunal" means the tribunal of a state or foreign country that issues a support order or a judgment determining parentage of a child.

[PL 2009, c. 95, §10 (AMD); PL 2009, c. 95, §87 (AFF).]

11. Law. "Law" includes decisional and statutory law and rules and regulations having the force of law.

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

11-A. Outside this State. "Outside this State" means a location in another state or a country other than the United States, whether or not the country meets the definition of "foreign country" under subsection 3-A.

[PL 2009, c. 95, §11 (NEW); PL 2009, c. 95, §87 (AFF).]

12. Obligee. "Obligee" means:

A. An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order or a judgment determining parentage of a child has been issued; [PL 2009, c. 95, §12 (AMD); PL 2009, c. 95, §87 (AFF).]

B. A foreign country or a state or a political subdivision of a state to which the rights under a duty of support or support order have been assigned or that has independent claims based on financial assistance provided to an individual obligee in place of child support; [PL 2009, c. 95, §12 (AMD); PL 2009, c. 95, §87 (AFF).]

C. An individual seeking a judgment determining parentage of the individual's child; or [PL 2009, c. 95, §12 (AMD); PL 2009, c. 95, §87 (AFF).]

D. A person that is a creditor in a proceeding subject to subchapter 7-A. [PL 2009, c. 95, §12 (NEW); PL 2009, c. 95, §87 (AFF).]

[PL 2009, c. 95, §12 (AMD); PL 2009, c. 95, §87 (AFF).]

13. Obligor. "Obligor" means an individual or the estate of a decedent:

A. Who owes or is alleged to owe a duty of support; [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

B. Who is alleged but has not been adjudicated to be a parent of a child; [PL 2009, c. 95, §13 (AMD); PL 2009, c. 95, §87 (AFF).]

C. Who is liable under a support order; or [PL 2009, c. 95, §13 (AMD); PL 2009, c. 95, §87 (AFF).]

D. Who is a debtor in a proceeding under subchapter 7-A. [PL 2009, c. 95, §13 (NEW); PL 2009, c. 95, §87 (AFF).]

[PL 2009, c. 95, §13 (AMD); PL 2009, c. 95, §87 (AFF).]

13-A. Person. "Person" means an individual; corporation; business trust; estate; trust; partnership; limited liability company; association; joint venture; public corporation; government or governmental subdivision, agency or instrumentality; or any other legal or commercial entity.

[PL 2009, c. 95, §14 (AMD); PL 2009, c. 95, §87 (AFF).]

13-B. Record. "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

[PL 2003, c. 436, §2 (NEW).]

14. Register. "Register" means to file in a tribunal of this State a support order or judgment determining parentage of a child issued in another state or foreign country.

[PL 2009, c. 95, §15 (AMD); PL 2009, c. 95, §87 (AFF).]

15. Registering tribunal. "Registering tribunal" means a tribunal in which a support order or judgment determining parentage of a child is registered.

[PL 2009, c. 95, §16 (AMD); PL 2009, c. 95, §87 (AFF).]

16. Responding state. "Responding state" means a state in which a petition or comparable pleading for support or to determine parentage of a child is filed or to which a petition or comparable pleading is forwarded for filing from another state or a foreign country.

[PL 2009, c. 95, §17 (AMD); PL 2009, c. 95, §87 (AFF).]

17. Responding tribunal. "Responding tribunal" means the authorized tribunal in a responding state or foreign country.

[PL 2009, c. 95, §18 (AMD); PL 2009, c. 95, §87 (AFF).]

18. Spousal support order. "Spousal support order" means a support order for a spouse or former spouse of the obligor.

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

19. State. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States. The term "state" includes an Indian nation or tribe.

A. [PL 2009, c. 95, §19 (RP); PL 2009, c. 95, §87 (AFF).]

B. [PL 2009, c. 95, §19 (RP); PL 2009, c. 95, §87 (AFF).]

[PL 2009, c. 95, §19 (AMD); PL 2009, c. 95, §87 (AFF).]

20. State information agency. "State information agency" in this State is the Department of Health and Human Services.

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF); PL 2003, c. 689, Pt. B, §6 (REV).]

21. Support enforcement agency. "Support enforcement agency" means a public official or agency authorized to:

A. Seek enforcement of support orders or laws relating to the duty of support; [PL 2009, c. 95, §20 (AMD); PL 2009, c. 95, §87 (AFF).]

B. Seek establishment or modification of child support; [PL 2009, c. 95, §20 (AMD); PL 2009, c. 95, §87 (AFF).]

C. Request determination of parentage; [PL 2009, c. 95, §20 (AMD); PL 2009, c. 95, §87 (AFF).]

D. Attempt to locate obligors or their assets; or [PL 2009, c. 95, §20 (AMD); PL 2009, c. 95, §87 (AFF).]

E. Request determination of the controlling child support order. [PL 2009, c. 95, §20 (AMD); PL 2009, c. 95, §87 (AFF).]

The support enforcement agency in this State is the Department of Health and Human Services. [PL 2009, c. 95, §20 (AMD); PL 2009, c. 95, §87 (AFF).]

22. Support order. "Support order" means a judgment, decree, order, decision or directive, whether temporary, final or subject to modification, issued in a state or foreign country for the benefit of a child, a spouse or a former spouse, that provides for monetary support, health care, arrearages, retroactive support or reimbursement for financial assistance provided to an individual obligee in place of child support. "Support order" may include related costs and fees, interest, income withholding, automatic adjustment, reasonable attorney's fees and other relief. [PL 2009, c. 95, §21 (AMD); PL 2009, c. 95, §87 (AFF).]

23. Tribunal. "Tribunal" means a court, administrative agency or quasi-judicial entity authorized to establish, enforce or modify support orders or to determine parentage. [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

24. Tribunal of this State. A "tribunal of this State" means the District Court or the Department of Health and Human Services. [PL 1999, c. 731, Pt. ZZZ, §36 (AMD); PL 1999, c. 731, Pt. ZZZ, §42 (AFF); PL 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 1997, c. 669, §13 (AMD). PL 1999, c. 731, §ZZZ36 (AMD). PL 1999, c. 731, §ZZZ42 (AFF). PL 2003, c. 436, §§1-7 (AMD). PL 2003, c. 689, §B6 (REV). PL 2009, c. 95, §§1-21 (AMD). PL 2009, c. 95, §87 (AFF).

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