

§3314. Initiation by department of support proceedings

1. Duty of department. In a proceeding pursuant to this subchapter, the department shall:

A. Transmit and receive applications; and [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

B. Initiate or facilitate the institution of a proceeding regarding an application in a tribunal of this State. [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

2. Proceedings available to obligee. The following support proceedings are available to an obligee under the Convention:

A. Recognition or recognition and enforcement of a foreign support order; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

B. Enforcement of a support order issued or recognized in this State; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

C. Establishment of a support order if there is no existing order, including, if necessary, determination of parentage of a child; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

D. Establishment of a support order if recognition of a foreign support order is refused under section 3318; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

E. Modification of a support order of a tribunal of this State; and [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

F. Modification of a support order of a tribunal of another state or a foreign country. [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

3. Proceedings available to obligor. The following support proceedings are available under the Convention to an obligor against whom there is an existing support order:

A. Recognition of an order suspending or limiting enforcement of an existing support order of a tribunal of this State; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

B. Modification of a support order of a tribunal of this State; and [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

C. Modification of a support order of a tribunal of another state or a foreign country. [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

4. Tribunal may not require guarantee of payment of costs and expenses. A tribunal of this State may not require security, bond or deposit, however described, to guarantee the payment of costs and expenses in proceedings under the Convention.

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 2009, c. 95, §83 (NEW). PL 2009, c. 95, §87 (AFF).

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