

§3316. Registration of Convention support order

1. General requirement. Except as otherwise provided in this subchapter, a party who is an individual or a support enforcement agency seeking recognition of a Convention support order shall register the order in this State as provided in subchapter 6.

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

2. Additional requirements. Notwithstanding section 3011 and section 3151, subsection 1, a request for registration of a Convention support order must be accompanied by:

A. A complete text of the support order, or an abstract or extract of the support order drawn up by the issuing foreign tribunal, which may be in the form recommended by the Hague Conference on Private International Law; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

B. A record stating that the support order is enforceable in the issuing country; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

C. If the respondent did not appear and was not represented in the proceedings in the issuing country, a record attesting, as appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard, or that the respondent had proper notice of the support order and an opportunity to challenge or appeal it on fact or law before a tribunal; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

D. A record showing the amount of arrears, if any, and the date the amount was calculated; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

E. A record showing a requirement for automatic adjustment of the amount of support, if any, and the information necessary to make the appropriate calculations; and [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

F. If necessary, a record showing the extent to which the applicant received free legal assistance in the issuing 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. Recognition and partial enforcement. A request for registration of a Convention support order may seek recognition and partial enforcement of the order.

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

4. Refusal to register. A tribunal of this State may vacate the registration of a Convention support order, without the filing of a contest under section 3317, only if, acting on its own motion, the tribunal finds that recognition and enforcement of the order would be manifestly incompatible with public policy.

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

5. Notice. A tribunal of this State shall promptly notify the parties to a foreign support order of the registration or the order vacating the registration of a Convention support order.

[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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