

CHAPTER 45.

[ H. B. 200. ]

UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT.

AN ACT relating to family support and amending the uniform reciprocal enforcement of support act; amending sections 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, chapter 196, Laws of 1951, and RCW 26.21.010, 26.21.030, 26.21.040, 26.21.050, 26.21.060, 26.21.070, 26.21.080, 26.21.090, 26.21.100, 26.21.110, 26.21.120, 26.21.130, 26.21.140, 26.21.150, 26.21.160 and 26.21.170; and adding new sections to chapter 196, Laws of 1951 and to chapter 26.21 RCW; and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

RCW 26.21.010 amended.

SECTION 1. Section 2, chapter 196, Laws of 1951 and RCW 26.21.010 are each amended to read as follows:

Enforcement of support. Definitions.

As used in this chapter unless the context requires otherwise:

(1) "State" includes any state, territory or possession of the United States and the District of Columbia in which this or a substantially similar reciprocal law has been enacted.

(2) "Initiating state" means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.

(3) "Responding state" means any state in which any proceeding pursuant to the proceeding in the initiating state is or may be commenced.

(4) "Court" means the superior court of this state and when the context requires, means the court of any other state as defined in a substantially similar reciprocal law.

(5) "Law" includes both common and statute law.

(6) "Duty of support" includes any duty of support imposed or imposable by law, or by any court order, decree or judgment, whether interlocutory or

final, whether incidental to a proceeding for divorce, separate maintenance or otherwise.

(7) "Obligor" means any person owing a duty of support.

(8) "Obligee" means any person to whom a duty of support is owed and a state or political subdivision thereof.

(9) "Governor" includes any person performing the functions of governor or the executive authority of any territory covered by the provisions of this act.

(10) "Support order" means any judgment, decree or order of support whether temporary or final, whether subject to modification, revocation or remission regardless of the kind of action in which it is entered.

(11) "Rendering state" means any state in which a support order is originally entered.

(12) "Registering court" means any court of this state in which the support order of the rendering state is registered.

(13) "Register" means to file in the registry of foreign support orders as required by the court.

(14) "Certification" shall be in accordance with the laws of the certifying state.

SEC. 2. Section 4, chapter 196, Laws of 1951 and RCW 26.21.030 are each amended to read as follows:

Duties of support arising under the law of this state, when applicable under section 5 of this 1963 amendatory act, bind the obligor, present in this state, regardless of the presence or residence of the obligee.

RCW 26.21.030 amended.

Residence, presence of obligee not material.

SEC. 3. Section 5, chapter 196, Laws of 1951 and RCW 26.21.040 are each amended to read as follows:

The governor of this state (1) may demand from the governor of any other state the surrender of any person found in such other state who is charged in this state with the crime of failing to provide for

RCW 26.21.040 amended.

Extradition or surrender of obligor.

the support of any person in this state and (2) may surrender on demand by the governor of any other state any person found in this state who is charged in such other state with the crime of failing to provide for the support of any person in such other state. The provisions for extradition of criminals not inconsistent herewith shall apply to any such demand although the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and although he had not fled therefrom. Neither the demand, the oath nor any proceedings for extradition pursuant to this section need state or show that the person whose surrender is demanded has fled from justice, or at the time of the commission of the crime was in the demanding or other state.

RCW 26.21.050  
amended.

Enforcement  
of support.  
Extradition or  
surrender of  
obligor—  
Conditions.

SEC. 4. Section 6, chapter 196, Laws of 1951 and RCW 26.21.050 are each amended to read as follows:

(1) Before making the demand of the governor of any other state for the surrender of a person charged in this state with the crime of failing to provide for the support of any person, the governor of this state may require any prosecuting attorney of this state to satisfy him that at least sixty days prior thereto the obligee brought an action for the support under this act, or that the bringing of an action would be of no avail.

(2) When under this or a substantially similar act, a demand is made upon the governor of this state by the governor of another state for the surrender of a person charged in the other state with the crime of failing to provide support, the governor may call upon any prosecuting attorney to investigate or assist in investigating the demand, and to report to him whether any action for support has been brought under this act or would be effective.

(3) If an action for the support would be effective and no action has been brought, the governor

may delay honoring the demand for a reasonable time to permit prosecution of an action for support.

(4) If an action for support has been brought and the person demanded has prevailed in that action, the governor may decline to honor the demand.

(5) If an action for support has been brought and pursuant thereto the person demanded is subject to a support order, the governor may decline to honor the demand so long as the person demanded is complying with the support order.

SEC. 5. Section 7, chapter 196, Laws of 1951 and RCW 26.21.060 are each amended to read as follows:

Duties of support applicable under this law are those imposed or imposable under the laws of any state where the obligor was present during the period for which support is sought. The obligor is presumed to have been present in the responding state during the period for which support is sought until otherwise shown.

RCW 26.21.060 amended.

Duty to support—Applicable law—Presumption as to presence.

SEC. 6. Section 8, chapter 196, Laws of 1951 and RCW 26.21.070 are each amended to read as follows:

Whenever the state or a political subdivision thereof furnishes support to an obligee it has the same right to invoke the provisions hereof as the obligee to whom the support was furnished for the purposes of securing reimbursement of expenditures so made and of obtaining continuing support.

RCW 26.21.070 amended.

Subrogation by state, political subdivision.

SEC. 7. Section 9, chapter 196, Laws of 1951 and RCW 26.21.080 are each amended to read as follows:

All duties of support, including arrearages, are enforceable by action irrespective of the relationship between the obligor and the obligee. Jurisdiction of all proceedings hereunder shall be vested in the superior court.

RCW 26.21.080 amended.

Support, arrearages, enforceable by action—Jurisdiction.

SEC. 8. Section 10, chapter 196, Laws of 1951 and RCW 26.21.090 are each amended to read as follows:

RCW 26.21.090 amended.

Enforcement  
of support.  
Petition—  
Contents.

The petition shall be verified and shall state the name and, so far as known to the petitioner, the address and circumstances of the respondent and his dependents for whom support is sought and all other pertinent information. The petitioner may include in or attach to the petition any information which may help in locating or identifying the respondent, such as a photograph of the respondent, a description of any distinguishing marks of his person, other names and aliases by which he has been or is known, the name of his employer, his finger prints, or social security number.

New section.

SEC. 9. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows:

Petitioner  
represented.

The prosecuting attorney, upon the request of the court, shall represent the petitioner in any proceeding under this act.

New section.

SEC. 10. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows:

Petition on  
behalf of  
minor obligee.

A petition on behalf of a minor obligee may be brought by a person having legal custody of the minor without appointment as guardian ad litem.

RCW 26.21.100  
amended.

SEC 11. Section 11, chapter 196, Laws of 1951 and RCW 26.21.100 are each amended to read as follows:

Findings of  
court—Cer-  
tificate—  
Transmittal.

If the court of this state acting as an initiating state finds that the petition sets forth facts from which it may be determined that the respondent owes a duty of support and that a court of the responding state may obtain jurisdiction of the respondent or his property, it shall so certify and shall cause three copies of (1) the petition, (2) its certificate and (3) this act to be transmitted to the court in the responding state. If the name and address of such court is unknown and the responding state has an information agency comparable to that established in the initiat-

ing state it shall cause such copies to be transmitted to the state information agency or other proper official of the responding state, with a request that it forward them to the proper court, and that the court of the responding state acknowledge their receipt to the court of the initiating state.

SEC. 12. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows: New section.

There shall be no filing fee or other costs taxable to the obligee but a court of this state acting either as an initiating or responding state may in its discretion direct that any part of or all fees and costs incurred in this state, including without limitation by enumeration, fees for filing, service of process, seizure of property, and stenographic service of both petitioner and respondent or either, be paid by the obligor. Enforcement of support. Costs taxable to obligor.

SEC. 13. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows: New section.

When the court of this state, acting either as an initiating or responding state, has reason to believe that the respondent may flee the jurisdiction it may (1) as an initiating state request in its certificate that the court of the responding state obtain the body of the respondent by appropriate process if that be permissible under the law of the responding state, or (2) as a responding state, obtain the body of the respondent by appropriate process. Court action to prevent respondent fleeing jurisdiction.

SEC. 14. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows: New section.

The attorney general is hereby designated as the state information agency under this act, and he shall (1) compile a list of the courts and their addresses in this state having jurisdiction under this act and Attorney general as state information agency.

transmit the same to the state information agency of every other state which has adopted this or a substantially similar act, and (2) maintain a register of such lists received from other states and transmit copies thereof as soon as possible after receipt to every court in this state having jurisdiction under this act.

Information agent.

The attorney general shall appoint as information agent an assistant attorney general who shall represent the attorney general in the administration of this act.

Attorney general as petitioner's representative.

The attorney general may, upon notice to the prosecuting attorney and order of the court, represent the petitioner in any proceeding arising under this act which involves a petition received from another state.

RCW 26.21.110 amended.

SEC. 15. Section 12, chapter 196, Laws of 1951 and RCW 26.21.110 are each amended to read as follows:

Duties of court, responding and prosecuting attorney.

(1) After the court of this state, acting as a responding state has received from the court of the initiating state the aforesaid copies, the clerk of the court shall docket the cause and notify the prosecuting attorney of his action. (2) It shall be the duty of the prosecuting attorney diligently to prosecute the case. He shall take all action necessary in accordance with the laws of this state to give the court jurisdiction of the respondent or his property and shall request the court to set a time and place for a hearing.

New section.

SEC. 16. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows:

Prosecuting attorney's duty to locate respondent, his property.

(1) The prosecuting attorney shall, on his own initiative, use all means at his disposal to trace the respondent or his property and if, due to inaccuracies of the petition or otherwise, the court cannot obtain jurisdiction, the prosecuting attorney shall inform

the court of what he has done and request the court to continue the case pending receipt of more accurate information or an amended petition from the court in the initiating state. (2) If the respondent or his property is not found in the county and the prosecuting attorney discovers by any means that the respondent or his property may be found in another county of this state or in another state he shall so inform the court and thereupon the clerk of the court shall forward the documents received from the court in the initiating state to the court in the other county or to a court in the other state or to the information agency or other proper official of the other state with a request that he forward the documents to the proper court. Thereupon both the court of the other county and any court of this state receiving the documents and the prosecuting attorney have the same powers and duties under this act as if the documents had been originally addressed to them. When the clerk of a court of this state retransmits documents to another court, he shall notify forthwith the court from which the documents came. (3) If the prosecuting attorney has no information as to the whereabouts of the obligor or his property he shall so inform the initiating court.

SEC. 17. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows: New section.

The court shall conduct proceedings under this act in the manner prescribed by law for an action for enforcement of the type of duty of support claimed. Type of proceedings.

SEC. 18. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows: New section.

If the petitioner is absent from the responding state and the respondent presents evidence which constitutes a defense, the court shall continue the Continuance, when.



case for further hearing and the submission of evidence by both parties.

RCW 26.21.120 amended.

SEC. 19. Section 13, chapter 196, Laws of 1951 and RCW 26.21.120 are each amended to read as follows:

Enforcement of support. Order—Enforcement against property—In counties other than where order issued.

If the court of the responding state finds a duty of support, it may order the respondent to furnish support or reimbursement therefor and subject the property of the respondent to such order. The court and prosecuting attorney of any county where the obligor is present or has property have the same powers and duties to enforce the order as have those of the county where it was first issued. If enforcement is impossible or cannot be completed in the county where the order was issued, the prosecuting attorney shall transmit a certified copy of the order to the prosecuting attorney of any county where it appears that procedures to enforce payment of the amount due would be effective. The prosecuting attorney to whom the certified copy of the order is forwarded shall proceed with enforcement and report the results of the proceedings to the court first issuing the order.

RCW 26.21.130 amended.

SEC. 20. Section 14, chapter 196, Laws of 1951 and RCW 26.21.130 are each amended to read as follows:

Orders—Transmittal to initiating state.

The court of this state when acting as a responding state shall cause to be transmitted to the court of the initiating state a copy of all orders of support or for reimbursement therefor.

RCW 26.21.140 amended.

SEC. 21. Section 15, chapter 196, Laws of 1951 and RCW 26.21.140 are each amended to read as follows:

Orders—Enforcement—Particular powers.

In addition to the foregoing powers, the court of this state when acting as the responding state has the power to subject the respondent to such terms and conditions as the court may deem proper to assure compliance with its orders and in particular:

- (1) To require the respondent to furnish recognizance in the form of a cash deposit or bond of such

character and in such amount as the court may deem proper to assure payment of any amount required to be paid by the respondent;

(2) To require the respondent to make payments at specified intervals to the clerk of the court and to report personally to such clerk at such times as may be deemed necessary;

(3) To punish the respondent who shall violate any order of the court to the same extent as is provided by law for contempt of the court in any other suit or proceeding cognizable by the court.

SEC. 22. Section 16, chapter 196, Laws of 1951 and RCW 26.21.150 are each amended to read as follows:

RCW 26.21.150 amended.

The court of this state when acting as a responding state shall have the following duties which may be carried out through the clerk of the court:

Payments—  
Transmittal—  
Statement.

(1) Upon the receipt of a payment made by the respondent pursuant to any order of the court or otherwise, to transmit the same forthwith to the court of the initiating state, and

(2) Upon request to furnish to the court of the initiating state a certified statement of all payments made by the respondent.

SEC. 23. Section 17, chapter 196, Laws of 1951 and RCW 26.21.160 are each amended to read as follows:

RCW 26.21.160 amended.

The court of this state when acting as an initiating state shall have the duty which may be carried out through the clerk of the court to receive and disburse forthwith all payments made by the respondent or transmitted by the court of the responding state.

Payments—  
Receipt—  
Disbursement.

SEC. 24. Section 18, chapter 196, Laws of 1951 and RCW 26.21.170 are each amended to read as follows:

RCW 26.21.170 amended.

Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this act. Husband and wife are competent witnesses and may be com-

Evidence—  
Spouse as  
witness.

pelled to testify to any relevant matter, including marriage and parentage.

New section.

SEC. 25. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows:

Enforcement of support. Other orders not to stay proceedings.

No proceeding under this act shall be stayed because of the existence of a pending action for divorce, separate maintenance, annulment, dissolution, habeas corpus or custody proceeding.

New section.

SEC. 26. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows:

Multiple orders of support—Effect—Application of payments.

No order of support issued by a court of this state when acting as a responding state shall supersede any other order of support but the amounts for a particular period paid pursuant to either order shall be credited against amounts accruing or accrued for the same period under both.

New section.

SEC. 27. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows:

Jurisdiction limitation.

Participation in any proceeding under this act shall not confer upon any court jurisdiction of any of the parties thereto in any other proceeding.

New section.

SEC. 28. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows:

Inter-county proceedings.

This act is applicable when both the petitioner and the respondent are in this state but in different counties. If the court of the county in which this petition is filed finds that the petition sets forth facts from which it may be determined that the respondent owes a duty of support and finds that a court of another county in this state may obtain jurisdiction of the respondent or his property, the clerk of the court shall send three copies of the petition and a certification of the findings to the court of the county in

which the respondent or his property is found. The clerk of the court of the county receiving these copies shall notify the prosecuting attorney of their receipt. The prosecuting attorney and the court of the county to which the copies are forwarded shall then have duties corresponding to those imposed upon them when acting for the state as a responding state.

SEC. 29. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows: New section.

If the duty of support is based on a foreign support order, the obligee has the additional remedies provided in the following sections and the prosecuting attorney shall, pursuant to the provisions of section 9 of this amendatory act of 1963, represent the petitioner upon the request of the court in asserting the remedies provided for therein. Foreign support order, additional remedies—Duty of prosecuting attorney.

SEC. 30. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows: New section.

The obligee may register the foreign support order in a court of this state in the manner, with the effect and for the purposes herein provided. Registration of foreign order.

SEC. 31. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows: New section.

The clerk of the court shall maintain a registry of foreign support orders in which he shall file foreign support orders. Registry of foreign orders.

SEC. 32. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows: New section.

The petition for registration shall be verified and shall set forth the amount remaining unpaid and a list of any other states in which the support order is registered and shall have attached to it a certified Petition for registration of foreign order.

copy of the support order with all modifications thereof. The foreign support order is registered upon the filing of the petition subject only to subsequent order of confirmation.

New section.

SEC. 33. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows:

Enforcement of support. Foreign orders, jurisdiction and procedure.

The procedure to obtain jurisdiction of the person or property of the obligor shall be as provided in civil cases. The obligor may assert any defense available to a defendant in an action on a foreign judgment. If the obligor defaults, the court shall enter an order confirming the registered support order and determining the amounts remaining unpaid. If the obligor appears and a hearing is held, the court shall adjudicate the issues including the amounts remaining unpaid.

New section.

SEC. 34. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows:

Foreign orders, effect and enforcement.

The support order as confirmed shall have the same effect and may be enforced as if originally entered in the court of this state. The procedures for the enforcement thereof shall be as in civil cases, including the power to punish the respondent for contempt as in the case of other orders for payment of alimony, maintenance or support entered in this state.

Severability.

SEC. 35. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Emergency.

SEC. 36. This act is necessary for the immediate preservation of the public peace, health and safety,

the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 19, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 19, 1963.

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## CHAPTER 46.

[ H. B. 227. ]

### PROBATE—BOND OF EXECUTOR OR ADMINISTRATOR.

AN ACT relating to probate; amending section 67, chapter 156, Laws of 1917 as amended by section 1, chapter 27, Laws of 1939, and RCW 11.28.180; and amending section 82, chapter 156, Laws of 1917, and RCW 11.32.020.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Section 67, chapter 156, Laws of 1917 as amended by section 1, chapter 27, Laws of 1939, and RCW 11.28.180 are each amended to read as follows:

RCW 11.28.180 amended.

Every person to whom letters testamentary or of administration are directed to issue must, before receiving them, execute a bond to the state of Washington, except as hereinafter provided, with such surety, or sureties, as the court may judge sufficient, which bond shall be in a sum to be fixed by the court, and which bond must be conditioned that the executor or administrator shall faithfully execute the duties of the trust according to law, and such bond shall be approved by the court. The court may at any time and for any reason require the executor or administrator to give additional bonds, the same to be conditioned and to be approved as above provided; or, the court may allow a reduction of the bond upon proper showing. When the petition for letters testamentary or of administration is made by or upon the written request of the surviving

Probate. Bond of executor or administrator—Exceptions.