

CHAPTER 196.

[S. B. 32.]

UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT.

AN ACT relating to the support of abandoned wives and children; and adopting the uniform reciprocal enforcement of support act.

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

Declaration of purpose. SECTION 1. The purposes of this act are to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto.

SEC. 2. As used in this act unless the context requires otherwise:

"State." (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.

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

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

"Court." (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.

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

"Duty of support." (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.

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

(8) "Obligee" means any person to whom a duty of support is owed. "Obligee."

SEC. 3. The remedies herein provided are in addition to and not in substitution for any other remedies. Remedies are additional.

SEC. 4. The duty of support imposed by the laws of this state or by the laws of the state where the obligee was present when the failure to support commenced as provided in section 7 and the remedies provided for enforcement thereof, including any penalty imposed thereby, bind the obligor regardless of the presence or residence of the obligee. Obligor bound regardless of presence or residence of obligee.

SEC. 5. 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 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 a 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 the other state. Governor may demand surrender, or surrender persons charged.

SEC. 6. Any obligor contemplated by section 5, who submits to the jurisdiction of the court of such other state and complies with the court's order of support, shall be relieved of extradition for deser- Submission to jurisdiction of court of other state; effect.

tion or non-support entered in the courts of this state during the period of such compliance.

Duties of support enforceable; election by obligee.

SEC. 7. Duties of support enforceable under this law are those imposed or imposable under the laws of any state where the alleged obligor was present during the period for which support is sought or where the obligee was present when the failure to support commenced, at the election of the obligee.

State or subdivision furnishing support may invoke act.

SEC. 8. Whenever the state or a political subdivision thereof has furnished support to an obligee it shall have 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.

Duty enforceable irrespective of relationship. Jurisdiction.

SEC. 9. All duties of support are enforceable by action irrespective of relationship between the obligor and obligee. Jurisdiction of all proceedings hereunder shall be vested in the superior court. In all instances where the obligee is not represented by private counsel it shall be the duty of the prosecuting attorney of the proper county of this state to appear in this state on behalf of and represent the obligee in every proceeding pursuant to this act and to obtain and present such evidence or proof as may be required by the court in the initiating state or the responding state.

Prosecuting attorney; duty to appear.

Petition.

SEC. 10. The petition shall be verified and shall state the name and, so far as known to the plaintiff, the address and circumstances of the defendant and his dependents for whom support is sought and all other pertinent information.

Court of this state acting as initiating state; transmittal to court of responding state.

SEC. 11. 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 defendant owes a duty of support and that a court of the responding state may obtain jurisdiction of the defendant or his property, he shall so certify and shall

cause certified copies of the petition, the certificate and an authenticated copy of this act to be transmitted to the court of the responding state.

SEC. 12. When the court of this state, acting as a responding state, receives from the court of an initiating state the aforesaid copies, it shall (1) docket the cause, (2) notify the prosecuting attorney, (3) set a time and place for a hearing, and (4) take such action as is necessary in accordance with the laws of this state to obtain jurisdiction. The courts of both the initiating state and the responding state shall have the power to order testimony to be taken in either or both of such states by deposition or written interrogatories, and to limit the nature of and the extent to which the rights so to take testimony shall be exercised and the obligor shall have a full and fair opportunity to answer the allegations of the obligee.

Court's duties as court of responding state.

Both courts may order testimony taken.

Obligor; opportunity to answer.

SEC. 13. If the court of the responding state finds a duty of support, it may order the defendant to furnish support or reimbursement therefor and subject the property of the defendant to such order.

Order to furnish support; defendant's property.

SEC. 14. 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 orders for reimbursement therefor.

Responding state to send copies of orders to initiating state.

SEC. 15. In addition to the foregoing powers, the court of this state when acting as the responding state has the power to subject the defendant to such terms and conditions as the court may deem proper to assure compliance with its orders and in particular:

Court of responding state; additional powers.

(a) To require the defendant to furnish recognition 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 defendant;

Require recognition.

Require periodic payments and personal reports.

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

Punishment as for contempt.

(c) To punish the defendant 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.

Duties when acting as court of responding state.

SEC. 16. 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:

Forward payments.

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

Furnish statement of payments.

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

Duty when acting as court of initiating state.

SEC. 17. 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 defendant or transmitted by the court of the responding state.

Communication between spouses; privilege inapplicable.

SEC. 18. 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 to testify to any relevant matter, including marriage and parentage.

Passed the Senate February 16, 1951.

Passed the House March 6, 1951.

Approved by the Governor March 17, 1951.