

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 278

To establish the Federal right of every unemancipated child to be supported by such child's parent or parents and, therefore, to confer upon certain local courts of the District of Columbia and every State and territory of the United States jurisdiction to enforce such right regardless of such child's residence.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. JACOBS introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To establish the Federal right of every unemancipated child to be supported by such child's parent or parents and, therefore, to confer upon certain local courts of the District of Columbia and every State and territory of the United States jurisdiction to enforce such right regardless of such child's residence.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the "Federal Support Pay-  
5        ment Act".

1 **SEC. 2. DECLARATIONS OF CONGRESS.**

2 (a) RIGHT TO SUPPORT.—The Congress hereby de-  
3 clares that every unemancipated child has a natural,  
4 moral, social, and Federal right to be supported by such  
5 child's parent or parents and that such right transcends  
6 the status of debt.

7 (b) EFFECT OF EXERCISE OF RIGHT TO TRAVEL.—  
8 The Congress further declares that while sound national  
9 policy requires that migration throughout the United  
10 States be unrestricted, experience has disclosed that in the  
11 exercise of the right of migration and travel many individ-  
12 uals leave behind them dependent and neglected children;  
13 and that although the courts of the State in which such  
14 children reside may have properly ordered an individual  
15 to meet his or her natural, moral, social, and Federal obli-  
16 gation to such children, once such individual has traveled  
17 to another State such individual has a practical sanctuary  
18 against jurisdiction of the original State of residence.

19 (c) INSTANCES OF DEPARTURE PRECEDING COURT  
20 JURISDICTION.—The Congress further declares that in  
21 other instances the departure preceded acquisition of ju-  
22 risdiction over the individual by courts of the original  
23 State with like result.

24 (d) CHILD SUPPORT ENFORCEMENT AMENDMENTS  
25 OF 1984 WERE SIGNIFICANT STEPS.—In enacting the  
26 Child Support Enforcement Amendments of 1984 the

1 Congress took significant steps to assist children in ob-  
2 taining needed financial support from their parents re-  
3 gardless of their circumstances, but many of the evils out-  
4 lined above remain.

5 (e) POLICY.—It is the policy of Congress in this Act  
6 to correct these evils—

7 (1) by requiring that orders of State courts di-  
8 recting individuals to meet their natural, moral, so-  
9 cial, and Federal obligations to such children shall  
10 be enforced in the State courts in areas to which  
11 such individuals have migrated from the original ju-  
12 risdiction within the United States; and

13 (2) by giving State courts, in States to which  
14 such individuals have migrated, original jurisdiction  
15 in suits brought by citizens of other States to order  
16 such migrants to meet such obligations, to the end  
17 that such children will not suffer want or be made  
18 the objects of public welfare and thus become an un-  
19 necessary burden to the general public and be them-  
20 selves thereby humiliated.

21 **SEC. 3. ENFORCEMENT OF STATE COURT ORDERS.**

22 (a) IN GENERAL.—Part VI of title 28, United States  
23 Code, is amended by adding at the end thereof the follow-  
24 ing new chapter:

1           **“CHAPTER 180.—ENFORCEMENT OF STATE**  
2                                   **COURT SUPPORT ORDERS**

“Sec.

“3801. Definitions.

“3802. Registration of support orders.

“3803. Enforcement.

“3804. Notice to original court.

3   **“§ 3801. Definitions**

4           “As used in this chapter—

5                   “(1) the term ‘support order’ means an order of  
6           a State court having jurisdiction over an individual,  
7           directing such individual to make payments periodi-  
8           cally to (or for the support of) such individual’s  
9           child (whether the issue of such individual’s body, le-  
10          gitimate or illegitimate, or adopted);

11                   “(2) the term ‘obligor’, with respect to a sup-  
12          port order, means an individual who is directed to  
13          make payments under the order;

14                   “(3) the term ‘obligee’ means any individual to  
15          whom the proceeds of a support order are payable  
16          for such individual, or for the use or benefit of an-  
17          other individual, or such other individual’s guardian  
18          or guardian ad litem;

19                   “(4) the term ‘original court’, with respect to a  
20          support order, means the court in which the order  
21          was made;

22                   “(5) the term ‘State’ includes the territories  
23          and the District of Columbia; and

1           “(6) the term ‘registered’, with respect to a  
2           support order, means registered under section 3102  
3           of this title.

4           **“§ 3802. Registration of support orders**

5           “Any obligee of a support order may register the  
6           order in any court of any State in which an obligor of  
7           the order resides, if the court is located outside the State  
8           in which the order was made, and has jurisdiction to issue  
9           support orders. Registration shall be accomplished by fil-  
10          ing with the clerk of the court a certified copy of the sup-  
11          port order and of each order of the original court modify-  
12          ing the support order.

13          **“§ 3803. Enforcement**

14          “(a) Any court in which a support order is registered  
15          shall entertain contempt proceedings, in the same manner  
16          as if the order were an order of such court, against an  
17          obligor who fails to comply with the order within thirty  
18          days after being served notice that it has been registered.

19          “(b) No proceedings to enforce a support order shall  
20          be begun in any court under this section unless a copy  
21          of each order of the original court modifying the support  
22          order is registered under section 3102 of this title.

23          “(c) The cost of enforcement proceedings under this  
24          section shall be taxed against the party against whom the  
25          issues are resolved. The obligor shall be required to pay

1 a reasonable attorney fee to the obligee if the court finds  
 2 the proceedings were necessary to compel the obligor to  
 3 comply with the support order.

4 **“§ 3804. Notice to original court**

5 “When, in any court, any support order is registered  
 6 under section 3102 of this title or any proceedings are  
 7 taken under section 3103 of this title to enforce a support  
 8 order, written notice of such action under the seal of such  
 9 court shall be sent to the original court.”.

10 (b) CLERICAL AMENDMENT.—The table of chapters  
 11 for part VI of title 28, United States Code, is amended  
 12 by adding at the end thereof the following new item:

“180. Enforcement of State Court Support Orders ..... 3801”.

13 **SEC. 4. STATE COURT JURISDICTION.**

14 Section 1332 of title 28, United States Code, is  
 15 amended by adding at the end the following new sub-  
 16 section:

17 “(e) State courts shall have original jurisdiction of  
 18 civil actions brought by a citizen of another State to order  
 19 a citizen of the State in which the court is located to make  
 20 payments periodically to (or for the support of) such citi-  
 21 zen’s child (whether the issue of such citizen’s body, legiti-  
 22 mate or illegitimate, or adopted) if under the law of such  
 23 State a State court is authorized to make such an order,  
 24 as an incident to a divorce proceeding or otherwise.”.