

4448

JOHNNIE MAE JONES
COMPLAINANT

VS.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

ROY LEE JONES
RESPONDENT

IN EQUITY, CASE NO. 4448

D E C R E E

It appearing to the Court that the above cause is inactive, upon consideration, it is ORDERED, ADJUDGED and DECREED by the Court that said cause be and hereby is transferred to the inactive docket of this Court, and

It further appearing to the Court that the execution for costs against the Defendant was returned by the Sheriff of this County, "No Property Found", it is therefore, ORDERED and DECREED by the Court that the costs be and hereby are now taxed against the State of Alabama pursuant of Section 119, (b), Title 34, 1955 Cumulative Pocket Parts, Code of Alabama.

This 5th day of January, 1962.

Robert M. Steele
Judge Circuit Court, In Equity.

OFFICE OF
Ontario County Probation Department
8 MASONIC TEMPLE BUILDING
PHONE 1212
Canandaigua, New York

November 28, 1958

Circuit Court,
Baldwin County,
Bay Minette, Alabama.

Dear Sirs: RE: Jonnie Mae Jones vs. Roy Lee Jones

I am enclosing herewith certified copies of the
Petition, Testimony, Certificate and Pauper's Affidavit
in the above matter.

These papers are being sent to you under the
Uniform Support of Dependents Act of the State of New York,
Chapter 807, Laws of 1949, for such action as may be
required. Copies of this Law are also enclosed.

We would appreciate your acknowledgment of
these pleadings and your advising us of the disposition
when made by your Court.

In the event an Order is made for family
support payments kindly mail your checks to the Ontario
County Probation Department, Masonic Temple Building,
Canandaigua, New York. Should the respondent send the
money directly to us kindly ask him to send money order,
Western Union Order, bank money orders, etc. as we do
not accept personal checks from respondents.

Thank you kindly for your consideration of
this matter.

Yours very truly,

Frank L. Abbey
FRANK L. ABBEY
Chief Probation Officer and Clerk
of Children's Court

MM

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 11118

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon ROY LEE JONES

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

ROY LEE JONES

, Defendant

by JONNIE MAE JONES

, Plaintiff

Witness my hand this 1st day of December 19 58

Alice J. Luck, Clerk

No. 4448

Page

The State of Alabama

Baldwin County

CIRCUIT COURT

JONNIE MAE JONES

Plaintiffs

vs.

ROY LEE JONES

Defendants

Summons and Complaint

Filed Dec. 1, 1958

19

Alice J. Duck

Clerk

Defendant lives at

Received In Office

19

, Sheriff

I have executed this summons

this 19

by leaving a copy with

STATE OF NEW YORK

CHILDREN'S COURT, County of Ontario

Jonnie Mae Jones,

Petitioner

vs.

Roy Lee Jones,

Respondent

The undersigned, Judge of the Children's Court of Ontario County, New York, hereby certifies.

1. That on November 28th, 1958, a petition was verified by the above named Petitioner and duly filed in this Court in a proceeding against the above named Respondent commenced under the provisions of the Uniform Reciprocal Enforcement of Support Act (Article 3-a of the Domestic Relations Law).
2. That the above named Respondent is believed to be present at 1110 Grove Avenue, Bay Minette, Alabama, and that the Circuit Court in and for Baldwin County, Bay Minette, Alabama, may obtain jurisdiction of the Respondent or his property.
3. That the undersigned Judge of the Children's Court of Ontario County has examined the Petitioner under oath and she has reaffirmed the allegations contained in the petition; and that according to the testimony of the Petitioner the needs of the dependents named in the petition for the support from the Respondent are the sums of \$ 30.00 per week.

4. That in the opinion of the undersigned Judge, the petition sets forth facts from which it may be determined that the Respondent owes a duty of support and that such petition should

WHEREFORE, it is hereby ORDERED that this certificate together with certified copies of the petition be transmitted to the Circuit Court for the County of Baldwin, Bay Minette, Alabama.

Carrollton A. Roberts
Childrens Court Judge

Dated: November 29th, 1959

STATE OF NEW YORK

CHILDREN'S COURT, County of Ontario

Jonnie Mae Jones,

Petitioner

vs.

Roy Lee Jones,

Respondent

The petition of Jonnie Mae Jones respectfully shows:

1. That she was duly married to the Respondent on October 3, 1953, at Geneva, New York, and that her present address is 11 East Washington Street, Geneva, New York.

2. That Petitioner is the mother and said Respondent is the father of the following named dependents: Debra Jones, aged 4 years; Jennifer Jones, aged 2 years; and Darlene Jones, aged one year eight months.

3. That said Petitioner and said children are entitled to support from the Respondent under the provisions of the Uniform Reciprocal Enforcement of Support Act of this state (Article 3-a of the Domestic Relations Law).

4. That Respondent, on or about September, 1956, and subsequent thereto, refused and neglected to provide fair and reasonable support for said dependents according to his means and earning capacity.

5. That, upon information and belief, Respondent's present address is 1110 Grove Avenue, Bay Minette, Alabama, and that the Respondent is within the jurisdiction of the Circuit Court for Baldwin County, Bay Minette, Alabama.

STATE OF NEW YORK)

)SS:

COUNTY OF ONTARIO)

Jonnie Mae Jones, being duly sworn, deposes and says that she is the petitioner in the within action; that she has read the foregoing petition and knows the contents thereof; that the same is true to her own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters she believes it to be true.

Sworn to before me this

29th day of November, 1958.

Jonnie Mae Jones

Bessette A Roberts
Childrens Court Judge

STATE OF NEW YORK

CHILDREN'S COURT, County of Ontario

Jonnie Mae Jones,

Petitioner

vs.

TESTIMONY OF

Jonnie Mae Jones

Roy Lee Jones,

Respondent

Jonnie Mae Jones, the Petitioner herein, being duly sworn, on her oath, testifies as follows:

Q. What is your full name?

A. Jonnie Mae Jones.

Q. What is your present address?

A. 11 East Washington St., Geneva, N.Y.

Q. When and where were you married to the Respondent?

A. October 5, 1953, at Geneva, New York.

Q. Have you and your husband ever lived together in Ontario County?

A. Yes.

Q. What were the circumstances leading to the separation from your husband?

A. We had been fussing and fighting ever since we were married. When we were in Alabama things went from bad to worse, we fought, and separated.

Q. Were any children born of this marriage?

A. Yes.

Q. Are you now pregnant?

A. No.

Q. What are the names and ages of the children now living?

Q. When and how much was his last contribution for support?

A. September, 1st week, \$20.00 in a letter.

Q. Is there a complaint or an order for support in any court?

A. No.

Q. Are you employed? What are your earnings?

A. Yes, Duffy--Mott--\$33.00 - \$38.00 per week.

Q. Have you any other source of income? If so, what is the source and what is the amount thereof?

A. No.

Q. Are you and the children in good health?

A. Yes.

Q. Have you any debts outstanding?

A. Yes.

Q. What do you require for the support of yourself and children?

A. About \$30.00 a week for support of children alone. I do not wish any help for myself.

Q. Do you know the present whereabouts of your husband? If so, please give his address.

A. 1110 Grove Avenue, Bay Minette, Alabama.

Q. Do you know if and where your husband is now employed? If so, state name and address of employer.

A. I do not know.

Q. What is his salary, if you know?

A. I do not know.

Q. Are you now receiving public aid, and how much?

A. No.

Jessie Mac Jones

Sworn to before me this

28th day of November, 1938.

STATE OF NEW YORK

CHILDREN'S COURT, County of Ontario

Jonnie Mae Jones,

Petitioner

vs.

Roy Lee Jones,

Respondent

PAUPER'S AFFIDAVIT

Personally appeared before me the undersigned officer authorized by law to administer oaths, Jonnie Mae Jones, who on oath says that she is the Petitioner in the foregoing petition; that she is advised and believes that she has a good cause of action for support under the Uniform Reciprocal Enforcement of Support Act and that, owing to her poverty, she is unable to pay the costs or give such security as may be required by the State of Alabama, if any, in such case.

* Jonnie Mae Jones

Sworn to before me this

27th day of November, 1958.

Benjamin E. Roberts

Notary Public

Children's Court Judge

STATE OF NEW YORK
COUNTY OF ONTARIO,
CANANDAIGUA, N. Y.

CERTIFICATION—CORRECT TRANSCRIPT

CERTIFIED COPY

Mabel C. Moyer, Assistant

I, ~~FRANK XXX ABBEY~~, Clerk of the Children's Court of Ontario
County, N. Y., DO HEREBY CERTIFY, that I have compared a _____

_____ copy of _____

Petition, Testimony, Certificate and Pauper's
Affidavit

hereunto annexed, with the _____ original
papers _____ on file in this office, and that the
same is a correct transcript thereof and of the whole of said original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and
affixed the seal of said Court, this _____ 28th _____ day of November
A. D., 1958

By Mabel C. Moyer Clerk
Ass't Clerk.

STATE OF NEW YORK }
COUNTY OF } ss.:

he is the , being duly sworn, deposes and says that
read the foregoing in the within action; that he has
and knows the contents thereof; that
the same is true to h own knowledge, except as to the matters therein stated to be alleged on informa-
tion and belief, and that as to those matters he believes it to be true.

Sworn to before me, this
day of

19

STATE OF NEW YORK }
COUNTY OF } ss.:

he is the of , being duly sworn, deposes and says that
the corporation named in the within entitled action; that he has read the foregoing
and knows the contents thereof; and that the same is true to h own knowledge, except as to the
matters therein stated to be alleged upon information and belief, and as to those matters he believes it
to be true.

Deponent further says that the reason this verification is made by deponent and not by
is because the said
is a corporation and deponent is an officer thereof, to-wit, its

Sworn to before me, this
day of

19

AFFIDAVIT OF PERSONAL SERVICE

STATE OF NEW YORK }
COUNTY OF } ss.:

being duly sworn, deposes and says, that he is over
the age of years. That on the
day of , 19 , at No.

he served the foregoing
upon
the

in this action, by delivering to and leaving personally
with said

a true copy thereof.
Deponent further says, that he knew the person served
as aforesaid, to be
the person mentioned and described in said
as the
therein.

Sworn to before me this
day of

, 19

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK }
COUNTY OF } ss.:

being duly
sworn, deposes and says that he is
the attorney for
the above named herein.
That on the day of

19 he served the within
upon

the attorney for the above named
by depositing a true copy of the same securely enclosed
in a post-paid wrapper in the Post-Office—a Branch
Post-Office—Station—Sub-Station—Finance Station—Letter
Box—Mail Chute—Official Depository maintained and ex-
clusively controlled by the United States at

directed to said attorney for the
at No.

N. Y., that being the address within the State designated
by h for that purpose upon the preceding papers
in this action, or the place where h then kept an
office between which places there then was and now is
a regular communication by mail.

Deponent is over the age of years

Sworn to before me this
day of

, 19

Sir: Take notice of an.....

of which the within is a true copy, duly
granted in the within entitled action, on
the.....day of

.....19, and duly
entered in the office of the Clerk of the
County of.....on the

.....day of.....19
Dated....., N. Y.,

HUGH M. JONES Jr.

Attorney for Ontario County
Ontario County Court House
CANANDAIGUA, NEW YORK

To.....

Attorney for.....

STATE OF NEW YORK

~~Children's~~ COURT

County of Ontario

In the Matter of Jonnie Mae
Jones, Petitioner
vs.

Roy Lee Jones, Respondent

A Proceeding Under the New
York Uniform Support of
Dependents Law

COPY
CERTIFICATE, TESTIMONY,
PETITION, & AFFIDAVIT

HUGH M. JONES Jr.

Attorney for Ontario County
Ontario County Court House
CANANDAIGUA, NEW YORK

Due and personal service of the within

.....is

admitted this.....day of.....19.....

Attorney for.....

4445

DOMESTIC RELATIONS LAW

ARTICLE 3-A
(Added by C.146, L.1958)

UNIFORM SUPPORT OF DEPENDENTS LAW

Section 30. Short title; purpose.

31. Definitions.

32. Persons legally liable for support of dependents.

33. Additional provisions regarding liability for support.

34. Jurisdiction and powers of court.

35. Cases in which proceedings are maintainable.

36. Remedies of a public agency.

37. Procedure.

38. Appeals; effectiveness of orders.

39. Duty of petitioners' representatives.

40. Expenses of proceedings.

41. Construction of article.

42. Uniformity of interpretation.

43. Separability.

§ 30. Short title; purpose. This article may be cited and referred to as the uniform support of dependents law. The purpose of this article is to secure support in civil proceedings for dependent wives, children and poor relatives from persons legally responsible for their support.

§ 31. Definitions. As used in this article, unless the context shall require otherwise, the following terms shall have the meanings ascribed to them by this section:

1. "State" shall mean and include any state, territory or possession of the United States and the District of Columbia.

2. "Court" shall mean and include the domestic relations court of the City of New York, the children's court in any county outside the city of New York, whether established as a separate court or as a part or division of the county court, and a municipal court; when the context requires, it shall mean and include a court of another state defined in and upon which appropriate jurisdiction has been conferred by a substantially similar reciprocal law.

3. "Child" includes a step child, foster child, child born out of wedlock or legally adopted child and means a child under twenty-one years of age, and a son or daughter twenty-one years of age or older who is unable to maintain himself or herself and is or is likely to become a public charge.

4. "Dependent" shall mean and include any person who is entitled to support pursuant to this article.

5. "Petitioner" shall mean and include each dependent person for whom support is sought in a proceeding instituted pursuant to this article.

6. "Respondent" shall mean and include each person against whom a proceeding is instituted pursuant to this article.

7. "Petitioner's representative" shall mean and include a corporation counsel, county attorney, state's attorney, commonwealth attorney and any other public officer, by whatever title his public office may be known, charged by law with the duty of instituting, maintaining or prosecuting a proceeding under this article or under the laws of the state or states wherein the petitioner and the respondent reside.

8. "Summons" shall mean and include a subpoena, warrant, citation, order or other notice, by whatever name known, provided for by the laws of the state or states wherein the petitioner and the respondent reside as the means for requiring the appearance and attendance in court of the respondent in a proceeding instituted pursuant to this article.

9. "Initiating state" shall mean the state of domicile or residence of the petitioner.

10. "Responding state" shall mean the state wherein the respondent resides or is domiciled or found.

§ 32. Persons legally liable for support of dependents. For the purpose of this article, the following persons in one state are declared to be liable for the support of dependents residing or found in the same state or in another state having substantially similar or reciprocal laws, and, if possessed of sufficient means or able to earn such means, may be required to pay for such support a fair and reasonable sum, as may be determined by the court having jurisdiction of the respondent in a proceeding instituted under this article:

1. Husband liable for support of his wife;
2. Father liable for support of his child or children under twenty-one years of age;
3. Mother liable for support of her child or children under twenty-one years of age whenever the father of such child or children is dead, or cannot be found, or is incapable of supporting such child or children;
4. Parents severally liable for support of each son or daughter twenty-one years of age or older whenever such son or daughter is unable to maintain himself or herself and is or is likely to become a public charge;
5. Wife liable for support of her husband if he is incapable of supporting himself and is or is likely to become a public charge;
6. Adult person liable for support of each of his or her parents who is unable to maintain himself or herself and is or is likely to become a public charge;
7. Grandparent liable for support of each of his or her grandchildren who is unable to maintain himself or herself and is or is likely to become a public charge.

§ 33. Additional provisions regarding liability for support. For the purposes of this article:

1. A child or children born of parents who, at any time prior or subsequent to the birth of such child, have entered into a civil or religious marriage ceremony, shall be deemed the legitimate child or children of both parents, regardless of the validity of such marriage.
2. A child or children born of parents who held or hold themselves out as husband and wife by virtue of a common law marriage recognized as valid by the laws of the initiating state and of the responding state shall be deemed the legitimate child or children of both parents.
3. A woman who was or is held out as his wife by a man by virtue of a common law marriage recognized as valid by the laws of the initiating state and of the responding state shall be deemed the legitimate wife of such man.
4. Notwithstanding the fact that the respondent has obtained in any state or country a final decree of divorce or separation from his wife or a decree dissolving his marriage, the respondent shall be deemed legally liable for the support of any dependent child of such marriage.

5. The natural parents of a child born out of wedlock shall be severally liable for the support of such child, but the liability of the natural father shall not be enforceable unless he has been adjudicated to be the child's father by a court of competent jurisdiction, or he has acknowledged or shall acknowledge paternity of the child in open court or by a verified written statement.

§ 34. Jurisdiction and powers of court. For the purposes of this article:

1. The court shall have jurisdiction regardless of the state of last residence or domicile of the petitioner and the respondent and whether or not the respondent has ever been a resident of the initiating state or the dependent person has ever been a resident of the responding state.

2. The court of the responding state shall have the power to order the respondent to pay sums sufficient to provide necessary food, shelter, clothing, care, medical or hospital expenses, expenses of confinement, expenses of education of a child, funeral expenses and such other reasonable and proper expenses of the petitioner as justice requires, having due regard to the circumstances of the respective parties.

3. 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 right so to take testimony shall be exercised, provided that the respondent is given a full and fair opportunity to answer the allegations of the petitioner.

§ 35. Cases in which proceedings are maintainable. A proceeding to compel support of a dependent may be maintained under this article in any of the following cases:

1. Where the petitioner and the respondent are residents of or domiciled or found in different counties of the same state. Whenever a proceeding hereunder is so maintained, the terms "initiating state" and "responding state" as used in this article shall be read and construed to mean and include respectively "initiating county" and "responding county" in relation to any such proceeding within the same state.

2. Where the petitioner resides in one state and the respondent is a resident of or is domiciled or found in another state having substantially similar or reciprocal laws.

3. Where the respondent is not and never was a resident of or domiciled in the initiating state and the petitioner resides or is domiciled in such state and the respondent is believed to be a resident of or domiciled in another state having substantially similar or reciprocal laws.

4. Where the respondent was or is a resident of or domiciled in the initiating state and has departed or departs from such state leaving therein a dependent in need of and entitled to support under this article and is believed to be a resident of or domiciled in another state having substantially similar or reciprocal laws.

§ 36. Remedies of a public agency. Whenever the state or a political subdivision, or any official agency thereof, is furnishing support or is likely to furnish support to a dependent it shall have the same right to invoke the provisions of this article as the dependent to whom the duty of support is owed.

§ 37. Procedure. 1. A proceeding under this article shall be commenced by a petitioner by filing a verified petition in the court in the county of the state wherein he resides or is domiciled, showing the name, age, residence and circumstances of the petitioner, alleging that he is in need of and is entitled to support from the respondent, giving his name, age, residence and circumstances, and praying that the respondent be compelled to furnish such support.

2. If the respondent be a resident of or domiciled in such state and the court has or can acquire jurisdiction of the person of the respondent under existing laws in effect in such state, such laws shall govern and control the procedure to be followed in such proceeding.

3. If the respondent be not a resident of or domiciled in or cannot be found in the initiating state, a judge of such court shall certify that a verified petition has been filed in his court in a proceeding against the respondent under this article to compel the support of the petitioner, that a summons, duly issued out of his court for

service upon the respondent has been returned with an affidavit to the effect that the respondent cannot with due diligence be located or served with such process in the initiating state, that the respondent is believed to be residing or domiciled in the responding state and that, in his opinion, the respondent should be compelled to answer such petition and should be dealt with according to law, and he shall transmit such certificate and certified copies of such petition and summons to the appropriate court in the responding state. In the event that the court shall have before it satisfactory evidence that the respondent is not within the initiating state or cannot be served with process there, the summons and affidavit required herein may be omitted and the certificate shall contain a statement of the reasons for said omissions and the pertinent evidence supporting the same.

4. Any judge of a court in the county of the responding state in which the respondent resides or is domiciled or found, upon presentation to him of such certificate and certified copies of such petition and summons, shall fix a time and place for a hearing on such petition and shall issue a summons out of his court, directed to the respondent, duly requiring him to appear at such time and place. If the judge discovers that the respondent cannot be found in that county, but that he resides or is domiciled or found in another county of the responding state, the papers received from the court of the initiating state may be forwarded to the court in such other county, and the initiating state court shall thereupon be notified of such transfer. Upon receipt of the papers by the court of the county where the respondent is found, it shall acknowledge receipt of such papers to both the initiating state court and the original responding state court, take full jurisdiction over the proceeding in place of the original responding state court, and exercise such jurisdiction with all the same powers and to the same extent as if it had received the papers in the first instance direct from the initiating state court.

5. It shall not be necessary for the petitioner or the petitioner's witnesses to appear personally at such hearing, but it shall be the duty of the petitioner's representative of the responding state to appear on behalf of and represent the petitioner at all stages of the proceeding.

6. If at such hearing the respondent controverts the petition and enters a verified denial of any of the material allegations thereof, the judge presiding at such hearing shall stay the proceedings and transmit to the judge of the court in the initiating state a transcript of the clerk's minutes showing the denials entered by the respondent.

7. Upon receipt by the judge of the court in the initiating state of such transcript, such court shall take such proof, including the testimony of the petitioner and the petitioner's witnesses and such other evidence as the court may deem proper, and, after due deliberation, the court shall make its recommendation, based on all of such proof and evidence, and shall transmit to the court in the responding state a certified transcript of such proof and evidence and of its proceedings and recommendation in connection therewith.

8. Upon the receipt of such transcript, the court in the responding state shall resume its hearing in the proceeding and shall give the respondent a reasonable opportunity to appear and reply.

9. Upon the resumption of such hearing, the respondent shall have the right to examine or cross-examine the petitioner and the petitioner's witnesses by means of depositions or written interrogatories, and the petitioner shall have the right to examine or cross-examine the respondent and the respondent's witnesses by means of depositions or written interrogatories.

10. If a respondent, duly summoned by a court in the responding state, wilfully fails without good cause to appear as directed in the summons, he shall be punished in the same manner and to the same extent as is provided by law for the punishment of a defendant or witness who wilfully disobeys a summons or subpoena duly issued out of such court in any other action or proceeding cognizable by said court.

11. If, on the return day of the summons, the respondent appears at the time and place specified therein and fails to answer the petition or admits the allegations thereof or, if, after a hearing has been duly held by the court in the responding state in accordance with the provisions of this section, such court has found and determined that the prayer of the petitioner, or any part thereof, is supported by the evidence adduced in the proceeding, and that the petitioner is in need of and entitled to support from the respondent, the court shall make and enter an order directing the respondent to furnish support to the petitioner and to pay therefor such sum as the court shall

determine, having due regard to the parties' means and circumstances. A certified copy of such order shall be transmitted by the court to the court in the initiating state and such copy shall be filed with and made a part of the records of such court in such proceeding. The court may place the respondent on probation on such terms and conditions as the court may deem proper or necessary to assure faithful compliance by the respondent with such order. The court shall also have power to require the respondent to furnish recognizance in the form of a cash deposit or surety bond in such amount as the court may deem proper and just to assure the payment of the amount required to be paid by the respondent for the support of the petitioner.

12. The court making such order shall have the power to direct the respondent to make the payments required thereby at specified intervals to the probation department or bureau of the court and to report personally to such department or bureau at such times as may be deemed necessary and the respondent shall at all times be under the supervision of such department or bureau.

13. A respondent who shall wilfully fail to comply with or violate the terms or conditions of the support order or of his probation shall be punished by the court in the same manner and to the same extent as is provided by law for a contempt of such court or a violation of probation ordered by such court in any other suit or proceeding cognizable by such court.

14. Upon the receipt of a payment made by the respondent pursuant to the order of the court of the responding state in any proceeding under this article, the probation department or bureau of such court shall forthwith transmit the same to the court of the initiating state.

15. The probation department or bureau of the court in the responding state, upon request, shall, not later than thirty days following the end of each fiscal year, furnish to the court of the initiating state an itemized statement under oath of all payments made by the respondent during such fiscal year for the support of the petitioner in such proceeding.

16. The court of the initiating state shall receive and accept all payments made by the respondent to the probation department or bureau of the court of the responding state and transmitted by the latter on behalf of the respondent. Upon receipt of any such payment, and under such rules as the court of the initiating state may prescribe, the court, or its probation department or bureau, as the court may direct, shall deliver such payment to the dependent person entitled thereto, take a proper receipt and acquittance therefor, and keep a permanent record thereof.

17. The court of the responding state may use any power to enforce a duty of support against a respondent under this article which is otherwise available to it under the laws of the responding state.

18. Any court of the responding state having jurisdiction under this article, upon receipt of a certified copy of an order of support from the original responding state court, may enforce such order if it can acquire jurisdiction over the respondent against whom the order of support was made, and shall remit any moneys collected by it to the original responding state court.

§ 38. Appeals; effectiveness of orders. Any respondent in a proceeding brought under the provisions of this article shall have the same right of appeal as in civil proceedings or actions brought in the same court. Any order for support made by the court shall not be affected by an appeal but shall continue in effect until the appeal is decided and thereafter, if the order is affirmed, until changed by further order of the court.

Note: Section 38 of new article 3-A contains in full the substance which was included in former section 6-a of the Uniform Support of Dependents Law, which is repealed by Chapter 146 of the Laws of 1958. Chapter 234 of the Laws of 1958, adds a new section 6-b, which, in context, would have followed former section 6-a now repealed. It is included at this point pursuant to bill sections 3,4,5 and 6 of Chapter 146 of the Laws of 1958.

§6-b. Evidence and presumptions. In any hearing under this act in either an initiating state court or a responding state court, there shall be applicable the same presumptions and other rules of evidence, whether statutory decisional, or under court rules, as are available to the parties in other civil proceedings or actions brought in that same court.

§ 39. Duty of petitioners' representatives. It shall be the duty of all petitioners' representatives of this state to appear in this state on behalf of and represent the petitioner in every proceeding pursuant to this article, at the time the petition is filed and at all stages of the proceeding thereafter, and to obtain and present such evidence or proof as may be required by the court in the initiating state or the responding state.

§ 40. Expenses of proceedings. Expenses of stenographic records of court proceedings and of certification of court records shall be a county charge and shall be paid out of the county treasury.

§ 41. Construction of article. 1. This article shall be construed to furnish an additional or alternative civil remedy and shall in no way affect or impair any other remedy, civil or criminal, provided in any other statute and available to the petitioner in relation to the same subject matter.

2. This article shall not be construed to confer jurisdiction on the court of the initiating or responding state in any pending or future action or divorce, legal separation or annulment.

Note: Section 41 of new article 3-A, contains in full the substance which was included in former section 8 of the Uniform Support of Dependents Law, which was repealed by Chapter 146 of the Laws of 1958. Chapter 538 of the Laws of 1958, adds a new section 8-a, which, in context, would have followed former section 8 now repealed. It is included at this point pursuant to bill sections 3, 4, 5 and 6 of Chapter 146 of the Laws of 1958.

§8-a. Proceedings not to be stayed. No pending and undetermined action for divorce, separation, annulment, or dissolution or habeas corpus custody proceeding instituted by the respondent shall operate to stay any proceeding under this act against such respondent for support of a dependent.

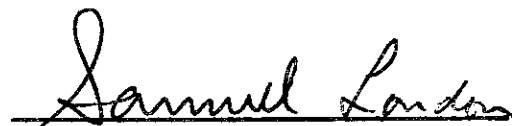
§ 42. Uniformity of interpretation. This article shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of the states which enact it.

§ 43. Separability. If any part of this article or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the remainder of such article or the application thereof to other persons and circumstances. (eff. July 1, 1958)

STATE OF NEW YORK)
) ss.:
Department of State)

I have compared the preceding with the original law on file in this department, and do hereby certify that the same is a correct transcript therefrom, and of the whole of said original law.

Given under my hand and the official seal of the Department of State, at the City of Albany, this. . . 27th day of. May. in the year one thousand nine hundred and fifty-eight.


Deputy Secretary of State

STATE OF NEW YORK

CHILDREN'S COURT, County of Ontario

* * * * *

Jonnie Mae Jones,

Petitioner

vs.

Roy Lee Jones,

Respondent

* * * * *

The undersigned, Judge of the Children's Court of Ontario County, New York, hereby certifies.

1. That on *November 28th*, 1958, a petition was verified by the above named Petitioner and duly filed in this Court in a proceeding against the above named Respondent commenced under the provisions of the Uniform Reciprocal Enforcement of Support Act (Article 3-a of the Domestic Relations Law).

2. That the above ~~named~~ Respondent is believed to be present at 1110 Grove Avenue, Bay Minette, Alabama, and that the Circuit Court in and for Baldwin County, Bay Minette, Alabama, may obtain jurisdiction of the Respondent or his property.

3. That the undersigned Judge of the Children's Court of Ontario County has examined the Petitioner under oath and she has reaffirmed the allegations contained in the petition; and that according to the testimony of the Petitioner the needs of the dependents named in the petition for the support from the Respondent are the sums of \$ *30.00* per *Week*.

4. That in the opinion of the undersigned Judge, the petition sets forth facts from which it may be determined that the Respondent owes a duty of support and that such petition should

WHEREFORE, it is hereby ORDERED that this certificate together with certified copies of the petition be transmitted to the Circuit Court for the County of Baldwin, Bay Minette, Alabama.

Carrollton E. Poter
Children's Court Judge

Dated: November 28th, 1958

STATE OF NEW YORK

CHILDREN'S COURT, County of Ontario

* * * * *

Jonnie Mae Jones,

Petitioner

vs.

Roy Lee Jones,

Respondent

* * * * *

The petition of Jonnie Mae Jones respectfully shows:

1. That she was duly married to the Respondent on October 3, 1953, at Geneva, New York, and that her present address is 11 East Washington Street, Geneva, New York.

2. That Petitioner is the mother and said Respondent is the father of the following named dependents: Debra Jones, aged 4 years; Jennifer Jones, aged 2 years; and Darlene Jones, aged one year eight months.

3. That said Petitioner and said children are entitled to support from the Respondent under the provisions of the Uniform Reciprocal Enforcement of Support Act of this state (Article 3-a of the Domestic Relations Law).

4. That Respondent, on or about September, 1958, and subsequent thereto, refused and neglected to provide fair and reasonable support for said dependents according to his means and earning capacity.

5. That, upon information and belief, Respondent's present address is 1110 Grove Avenue, Bay Minette, Alabama, and that the Respondent is within the jurisdiction of the Circuit Court for Baldwin County, Bay Minette, Alabama.

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Jonnie Mae Jones, being duly sworn, deposes and says that she is the petitioner in the within action; that she has read the foregoing petition and knows the contents thereof; that the same is true to her own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters she believes it to be true.

28th day of November, 1958.

John Mac Jones

Carroll A Roberts
Childrens Court Judge

STATE OF NEW YORK

CHILDREN'S COURT, County of Ontario

Jonnie Mae Jones,

Petitioner

vs.

Roy Lee Jones,

Respondent

TESTIMONY OF

Jonnie Mae Jones

Jonnie Mae Jones, the Petitioner herein, being duly sworn, on her oath, testifies as follows:

Q. What is your full name?

A. Jonnie Mae Jones.

Q. What is your present address?

A. 11 East Washington St., Geneva, N.Y.

Q. When and where were you married to the Respondent?

A. October 5, 1953, at Geneva, New York.

Q. Have you and your husband ever lived together in Ontario County?

A. Yes.

Q. What were the circumstances leading to the separation from your husband?

A. We had been fussing and fighting ever since we were married.

When we were in Alabama things went from bad to worse, we fought, and separated.

Q. Were any children born of this marriage?

A. Yes.

Q. Are you now pregnant?

A. No.

Q. What are the names and ages of the children now living?

A. Baby and four years old, Ignifon, and two more, and Darlene

Q. When and how much was his last contribution for support?

A. September, 1st week, \$20.00 in a letter.

Q. Is there a complaint or an order for support in any court?

A. No.

Q. Are you employed? What are your earnings?

A. Yes, Duffy--Mott--\$33.00 - \$38.00 per week.

Q. Have you any other source of income? If so, what is the source and what is the amount thereof?

A. No.

Q. Are you and the children in good health?

A. Yes.

Q. Have you any debts outstanding?

A. Yes.

Q. What do you require for the support of yourself and children?

A. About \$30.00 a week for support of children alone. I do not wish any help for myself.

Q. Do you know the present whereabouts of your husband? If so, please give his address.

A. 1110 Grove Avenue, Bay Minette, Alabama.

Q. Do you know if and where your husband is now employed? If so, state name and address of employer.

A. I do not know.

Q. What is his salary, if you know?

A. I do not know.

Q. Are you now receiving public aid, and how much?

A. No.

Sworn to before me this

28th day of November, 1958.

Carrollton A Roberts
Childs Court Judge

Jessie Mae Jones

STATE OF NEW YORK
COUNTY OF ONTARIO,
CANANDAIGUA, N. Y.

CERTIFICATION—CORRECT TRANSCRIPT

CERTIFIED COPY

Mabel C. Moyer, Assistant

I, ~~FRANK L. ABBEY~~, Clerk of the Children's Court of Ontario
County, N. Y., DO HEREBY CERTIFY, that I have compared a _____
_____ copy of _____
Petition, Testimony, Certificate and Pauper's
Affidavit

hereunto annexed, with the _____ original
_____ on file in this office, and that the
same is a correct transcript thereof and of the whole of said original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and
affixed the seal of said Court, this 28th day of November
A. D., 1958

By Mabel C. Moyer Clerk.
Ass't Clerk.

STATE OF NEW YORK

CHILDREN'S COURT, County of Ontario

Jonnie Mae Jones,

Petitioner

vs.

Roy Lee Jones,

Respondent

PAUPER'S AFFIDAVIT

Personally appeared before me the undersigned officer authorized by law to administer oaths, Jonnie Mae Jones, who on oath says that she is the Petitioner in the foregoing petition; that she is advised and believes that she has a good cause of action for support under the Uniform Reciprocal Enforcement of Support Act and that, owing to her poverty, she is unable to pay the costs or give such security as may be required by the State of Alabama, if any, in such case.

x Jonnie Mae Jones

Sworn to before me this

28th day of November, 1958.

Carrollton A. Roberts
Notary Public

Children's Court Judge

DOMESTIC RELATIONS LAW

ARTICLE 3-A
(Added by C.146, L.1958)

UNIFORM SUPPORT OF DEPENDENTS LAW

Section 30. Short title; purpose.

31. Definitions.
32. Persons legally liable for support of dependents.
33. Additional provisions regarding liability for support.
34. Jurisdiction and powers of court.
35. Cases in which proceedings are maintainable.
36. Remedies of a public agency.
37. Procedure.
38. Appeals; effectiveness of orders.
39. Duty of petitioners' representatives.
40. Expenses of proceedings.
41. Construction of article.
42. Uniformity of interpretation.
43. Separability.

§ 30. Short title; purpose. This article may be cited and referred to as the uniform support of dependents law. The purpose of this article is to secure support in civil proceedings for dependent wives, children and poor relatives from persons legally responsible for their support.

§ 31. Definitions. As used in this article, unless the context shall require otherwise, the following terms shall have the meanings ascribed to them by this section:

1. "State" shall mean and include any state, territory or possession of the United States and the District of Columbia.

2. "Court" shall mean and include the domestic relations court of the City of New York, the children's court in any county outside the city of New York, whether established as a separate court or as a part or division of the county court, and a municipal court; when the context requires, it shall mean and include a court of another state defined in and upon which appropriate jurisdiction has been conferred by a substantially similar reciprocal law.

3. "Child" includes a step child, foster child, child born out of wedlock or legally adopted child and means a child under twenty-one years of age, and a son or daughter twenty-one years of age or older who is unable to maintain himself or herself and is or is likely to become a public charge.

4. "Dependent" shall mean and include any person who is entitled to support pursuant to this article.

5. "Petitioner" shall mean and include each dependent person for whom support is sought in a proceeding instituted pursuant to this article.

6. "Respondent" shall mean and include each person against whom a proceeding is instituted pursuant to this article.

7. "Petitioner's representative" shall mean and include a corporation counsel, county attorney, state's attorney, commonwealth attorney and any other public officer, by whatever title his public office may be known, charged by law with the duty of instituting, maintaining or prosecuting a proceeding under this article or under the laws of the state or states wherein the petitioner and the respondent reside.

8. "Summons" shall mean and include a subpoena, warrant, citation, order or other notice, by whatever name known, provided for by the laws of the state or states wherein the petitioner and the respondent reside as the means for requiring the appearance and attendance in court of the respondent in a proceeding instituted pursuant to this article.

9. "Initiating state" shall mean the state of domicile or residence of the petitioner.

10. "Responding state" shall mean the state wherein the respondent resides or is domiciled or found.

§ 32. Persons legally liable for support of dependents. For the purpose of this article, the following persons in one state are declared to be liable for the support of dependents residing or found in the same state or in another state having substantially similar or reciprocal laws, and, if possessed of sufficient means or able to earn such means, may be required to pay for such support a fair and reasonable sum, as may be determined by the court having jurisdiction of the respondent in a proceeding instituted under this article:

1. Husband liable for support of his wife;
2. Father liable for support of his child or children under twenty-one years of age;
3. Mother liable for support of her child or children under twenty-one years of age whenever the father of such child or children is dead, or cannot be found, or is incapable of supporting such child or children;
4. Parents severally liable for support of each son or daughter twenty-one years of age or older whenever such son or daughter is unable to maintain himself or herself and is or is likely to become a public charge;
5. Wife liable for support of her husband if he is incapable of supporting himself and is or is likely to become a public charge;
6. Adult person liable for support of each of his or her parents who is unable to maintain himself or herself and is or is likely to become a public charge;
7. Grandparent liable for support of each of his or her grandchildren who is unable to maintain himself or herself and is or is likely to become a public charge.

§ 33. Additional provisions regarding liability for support. For the purposes of this article:

1. A child or children born of parents who, at any time prior or subsequent to the birth of such child, have entered into a civil or religious marriage ceremony, shall be deemed the legitimate child or children of both parents, regardless of the validity of such marriage.
2. A child or children born of parents who held or hold themselves out as husband and wife by virtue of a common law marriage recognized as valid by the laws of the initiating state and of the responding state shall be deemed the legitimate child or children of both parents.
3. A woman who was or is held out as his wife by a man by virtue of a common law marriage recognized as valid by the laws of the initiating state and of the responding state shall be deemed the legitimate wife of such man.
4. Notwithstanding the fact that the respondent has obtained in any state or country a final decree of divorce or separation from his wife or a decree dissolving his marriage, the respondent shall be deemed legally liable for the support of any dependent child of such marriage.

5. The natural parents of a child born out of wedlock shall be severally liable for the support of such child, but the liability of the natural father shall not be enforceable unless he has been adjudicated to be the child's father by a court of competent jurisdiction, or he has acknowledged or shall acknowledge paternity of the child in open court or by a verified written statement.

§ 34. Jurisdiction and powers of court. For the purposes of this article:

1. The court shall have jurisdiction regardless of the state of last residence or domicile of the petitioner and the respondent and whether or not the respondent has ever been a resident of the initiating state or the dependent person has ever been a resident of the responding state.

2. The court of the responding state shall have the power to order the respondent to pay sums sufficient to provide necessary food, shelter, clothing, care, medical or hospital expenses, expenses of confinement, expenses of education of a child, funeral expenses and such other reasonable and proper expenses of the petitioner as justice requires, having due regard to the circumstances of the respective parties.

3. 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 right so to take testimony shall be exercised, provided that the respondent is given a full and fair opportunity to answer the allegations of the petitioner.

§ 35. Cases in which proceedings are maintainable. A proceeding to compel support of a dependent may be maintained under this article in any of the following cases:

1. Where the petitioner and the respondent are residents of or domiciled or found in different counties of the same state. Whenever a proceeding hereunder is so maintained, the terms "initiating state" and "responding state" as used in this article shall be read and construed to mean and include respectively "initiating county" and "responding county" in relation to any such proceeding within the same state.

2. Where the petitioner resides in one state and the respondent is a resident of or is domiciled or found in another state having substantially similar or reciprocal laws.

3. Where the respondent is not and never was a resident of or domiciled in the initiating state and the petitioner resides or is domiciled in such state and the respondent is believed to be a resident of or domiciled in another state having substantially similar or reciprocal laws.

4. Where the respondent was or is a resident of or domiciled in the initiating state and has departed or departs from such state leaving therein a dependent in need of and entitled to support under this article and is believed to be a resident of or domiciled in another state having substantially similar or reciprocal laws.

§ 36. Remedies of a public agency. Whenever the state or a political subdivision, or any official agency thereof, is furnishing support or is likely to furnish support to a dependent it shall have the same right to invoke the provisions of this article as the dependent to whom the duty of support is owed.

§ 37. Procedure. 1. A proceeding under this article shall be commenced by a petitioner by filing a verified petition in the court in the county of the state wherein he resides or is domiciled, showing the name, age, residence and circumstances of the petitioner, alleging that he is in need of and is entitled to support from the respondent, giving his name, age, residence and circumstances, and praying that the respondent be compelled to furnish such support.

2. If the respondent be a resident of or domiciled in such state and the court has or can acquire jurisdiction of the person of the respondent under existing laws in effect in such state, such laws shall govern and control the procedure to be followed in such proceeding.

3. If the respondent be not a resident of or domiciled in or cannot be found in the initiating state, a judge of such court shall certify that a verified petition has been filed in his court in a proceeding against the respondent under this article to compel the support of the petitioner, that a summons, duly issued out of his court for

service upon the respondent has been returned with an affidavit to the effect that the respondent cannot with due diligence be located or served with such process in the initiating state, that the respondent is believed to be residing or domiciled in the responding state and that, in his opinion, the respondent should be compelled to answer such petition and should be dealt with according to law, and he shall transmit such certificate and certified copies of such petition and summons to the appropriate court in the responding state. In the event that the court shall have before it satisfactory evidence that the respondent is not within the initiating state or cannot be served with process there, the summons and affidavit required herein may be omitted and the certificate shall contain a statement of the reasons for said omissions and the pertinent evidence supporting the same.

4. Any judge of a court in the county of the responding state in which the respondent resides or is domiciled or found, upon presentation to him of such certificate and certified copies of such petition and summons, shall fix a time and place for a hearing on such petition and shall issue a summons out of his court, directed to the respondent, duly requiring him to appear at such time and place. If the judge discovers that the respondent cannot be found in that county, but that he resides or is domiciled or found in another county of the responding state, the papers received from the court of the initiating state may be forwarded to the court in such other county, and the initiating state court shall thereupon be notified of such transfer. Upon receipt of the papers by the court of the county where the respondent is found, it shall acknowledge receipt of such papers to both the initiating state court and the original responding state court, take full jurisdiction over the proceeding in place of the original responding state court, and exercise such jurisdiction with all the same powers and to the same extent as if it had received the papers in the first instance direct from the initiating state court.

5. It shall not be necessary for the petitioner or the petitioner's witnesses to appear personally at such hearing, but it shall be the duty of the petitioner's representative of the responding state to appear on behalf of and represent the petitioner at all stages of the proceeding.

6. If at such hearing the respondent controverts the petition and enters a verified denial of any of the material allegations thereof, the judge presiding at such hearing shall stay the proceedings and transmit to the judge of the court in the initiating state a transcript of the clerk's minutes showing the denials entered by the respondent.

7. Upon receipt by the judge of the court in the initiating state of such transcript, such court shall take such proof, including the testimony of the petitioner and the petitioner's witnesses and such other evidence as the court may deem proper, and, after due deliberation, the court shall make its recommendation, based on all of such proof and evidence, and shall transmit to the court in the responding state a certified transcript of such proof and evidence and of its proceedings and recommendation in connection therewith.

8. Upon the receipt of such transcript, the court in the responding state shall resume its hearing in the proceeding and shall give the respondent a reasonable opportunity to appear and reply.

9. Upon the resumption of such hearing, the respondent shall have the right to examine or cross-examine the petitioner and the petitioner's witnesses by means of depositions or written interrogatories, and the petitioner shall have the right to examine or cross-examine the respondent and the respondent's witnesses by means of depositions or written interrogatories.

10. If a respondent, duly summoned by a court in the responding state, wilfully fails without good cause to appear as directed in the summons, he shall be punished in the same manner and to the same extent as is provided by law for the punishment of a defendant or witness who wilfully disobeys a summons or subpoena duly issued out of such court in any other action or proceeding cognizable by said court.

11. If, on the return day of the summons, the respondent appears at the time and place specified therein and fails to answer the petition or admits the allegations thereof or, if, after a hearing has been duly held by the court in the responding state in accordance with the provisions of this section, such court has found and determined that the prayer of the petitioner, or any part thereof, is supported by the evidence adduced in the proceeding, and that the petitioner is in need of and entitled to support from the respondent, the court shall make and enter an order directing the respondent to furnish support to the petitioner and to pay therefor such sum as the court shall

determine, having due regard to the parties' means and circumstances. A certified copy of such order shall be transmitted by the court to the court in the initiating state and such copy shall be filed with and made a part of the records of such court in such proceeding. The court may place the respondent on probation on such terms and conditions as the court may deem proper or necessary to assure faithful compliance by the respondent with such order. The court shall also have power to require the respondent to furnish recognizance in the form of a cash deposit or surety bond in such amount as the court may deem proper and just to assure the payment of the amount required to be paid by the respondent for the support of the petitioner.

12. The court making such order shall have the power to direct the respondent to make the payments required thereby at specified intervals to the probation department or bureau of the court and to report personally to such department or bureau at such times as may be deemed necessary and the respondent shall at all times be under the supervision of such department or bureau.

13. A respondent who shall wilfully fail to comply with or violate the terms or conditions of the support order or of his probation shall be punished by the court in the same manner and to the same extent as is provided by law for a contempt of such court or a violation of probation ordered by such court in any other suit or proceeding cognizable by such court.

14. Upon the receipt of a payment made by the respondent pursuant to the order of the court of the responding state in any proceeding under this article, the probation department or bureau of such court shall forthwith transmit the same to the court of the initiating state.

15. The probation department or bureau of the court in the responding state, upon request, shall, not later than thirty days following the end of each fiscal year, furnish to the court of the initiating state an itemized statement under oath of all payments made by the respondent during such fiscal year for the support of the petitioner in such proceeding.

16. The court of the initiating state shall receive and accept all payments made by the respondent to the probation department or bureau of the court of the responding state and transmitted by the latter on behalf of the respondent. Upon receipt of any such payment, and under such rules as the court of the initiating state may prescribe, the court, or its probation department or bureau, as the court may direct, shall deliver such payment to the dependent person entitled thereto, take a proper receipt and acquittance therefor, and keep a permanent record thereof.

17. The court of the responding state may use any power to enforce a duty of support against a respondent under this article which is otherwise available to it under the laws of the responding state.

18. Any court of the responding state having jurisdiction under this article, upon receipt of a certified copy of an order of support from the original responding state court, may enforce such order if it can acquire jurisdiction over the respondent against whom the order of support was made, and shall remit any moneys collected by it to the original responding state court.

§ 38. Appeals; effectiveness of orders. Any respondent in a proceeding brought under the provisions of this article shall have the same right of appeal as in civil proceedings or actions brought in the same court. Any order for support made by the court shall not be affected by an appeal but shall continue in effect until the appeal is decided and thereafter, if the order is affirmed, until changed by further order of the court.

Note: Section 38 of new article 3-A contains in full the substance which was included in former section 6-a of the Uniform Support of Dependents Law, which is repealed by Chapter 146 of the Laws of 1958. Chapter 234 of the Laws of 1958, adds a new section 6-b, which, in context, would have followed former section 6-a now repealed. It is included at this point pursuant to bill sections 3,4,5 and 6 of Chapter 146 of the Laws of 1958.

§6-b. Evidence and presumptions. In any hearing under this act in either an initiating state court or a responding state court, there shall be applicable the same presumptions and other rules of evidence, whether statutory decisional, or under court rules, as are available to the parties in other civil proceedings or actions brought in that same court.

§ 39. Duty of petitioners' representatives. It shall be the duty of all petitioners' representatives of this state to appear in this state on behalf of and represent the petitioner in every proceeding pursuant to this article, at the time the petition is filed and at all stages of the proceeding thereafter, and to obtain and present such evidence or proof as may be required by the court in the initiating state or the responding state.

§ 40. Expenses of proceedings. Expenses of stenographic records of court proceedings and of certification of court records shall be a county charge and shall be paid out of the county treasury.

§ 41. Construction of article. 1. This article shall be construed to furnish an additional or alternative civil remedy and shall in no way affect or impair any other remedy, civil or criminal, provided in any other statute and available to the petitioner in relation to the same subject matter.

2. This article shall not be construed to confer jurisdiction on the court of the initiating or responding state in any pending or future action or divorce, legal separation or annulment.

Note: Section 41 of new article 3-A, contains in full the substance which was included in former section 8 of the Uniform Support of Dependents Law, which was repealed by Chapter 146 of the Laws of 1958. Chapter 538 of the Laws of 1958, adds a new section 8-a, which, in context, would have followed former section 8 now repealed. It is included at this point pursuant to bill sections 3, 4, 5 and 6 of Chapter 146 of the Laws of 1958.

§8-a. Proceedings not to be stayed. No pending and undetermined action for divorce, separation, annulment, or dissolution or habeas corpus custody proceeding instituted by the respondent shall operate to stay any proceeding under this act against such respondent for support of a dependent.


§ 42. Uniformity of interpretation. This article shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of the states which enact it.

§ 43. Separability. If any part of this article or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the remainder of such article or the application thereof to other persons and circumstances. (eff. July 1, 1958)

STATE OF NEW YORK)
) ss.:
Department of State)

I have compared the preceding with the original law on file in this department, and do hereby certify that the same is a correct transcript therefrom, and of the whole of said original law.

Given under my hand and the official seal of the Department of State, at the City of Albany, this. . . 27th day of. May. in the year one thousand nine hundred and fifty-eight.


Deputy Secretary of State

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 4448

----- TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon ROY LEE JONES

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against-----

ROY LEE JONES

-----, Defendant-----

by JONNIE MAE JONES

-----, Plaintiff-----

Witness my hand this 1st day of December 19 58

Alice J. Suck, Clerk

✓ 1110 Grand Ave B.M.

No. 4448 Page _____

The State of Alabama

Baldwin County

CIRCUIT COURT

JOHNTIE MAE JONES

Plaintiffs

vs.

ROY LEE JONES

Defendants

Summons and Complaint

Filed Dec. 1, 1958 19__

Alice J. Duck Clerk

Returned _____ day of _____ 19__

Not found in my county after diligent search and inquiry.

Taylor Wilkins, Sheriff

By _____ Deputy Sheriff

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at _____

Received In Office

Dec 1 19__

_____, Sheriff

I have executed this summons

this _____ 19__

by leaving a copy with _____

Returned 15 day of Dec 19__

Not found in my county after diligent search and inquiry.

Taylor Wilkins, Sheriff

By W. D. Zolbert Deputy Sheriff

_____, Sheriff

_____, Deputy Sheriff

STATE OF NEW YORK

CHILDREN'S COURT, County of Ontario

* * * * *

Jonnie Mae Jones,

Petitioner

vs.

Roy Lee Jones,

Respondent

* * * * *

The undersigned, Judge of the Children's Court of Ontario County, New York, hereby certifies.

1. That on November 28th, 1958, a petition was verified by the above named Petitioner and duly filed in this Court in a proceeding against the above named Respondent commenced under the provisions of the Uniform Reciprocal Enforcement of Support Act (Article 3-a of the Domestic Relations Law).

2. That the above named Respondent is believed to be present at 1110 Grove Avenue, Bay Minette, Alabama, and that the Circuit Court in and for Baldwin County, Bay Minette, Alabama, may obtain jurisdiction of the Respondent or his property.

3. That the undersigned Judge of the Children's Court of Ontario County has examined the Petitioner under oath and she has reaffirmed the allegations contained in the petition; and that according to the testimony of the Petitioner the needs of the dependents named in the petition for the support from the Respondent are the sums of \$ 30.00 per week.

4. That in the opinion of the undersigned Judge, the petition sets forth facts from which it may be determined that the Respondent owes a duty of support and that such petition should

WHEREFORE, it is hereby ORDERED that this certificate together with certified copies of the petition be transmitted to the Circuit Court for the County of Baldwin, Bay Minette, Alabama.

Carrollton C. Roberts

Dated: November 7th, 1958

STATE OF NEW YORK

CHILDREN'S COURT, County of Ontario

Jonnie Mae Jones,

Petitioner

vs.

Roy Lee Jones,

Respondent

The petition of Jonnie Mae Jones respectfully shows:

1. That she was duly married to the Respondent on October 3, 1953, at Geneva, New York, and that her present address is 11 East Washington Street, Geneva, New York.

2. That Petitioner is the mother and said Respondent is the father of the following named dependents: Debra Jones, aged 4 years; Jennifer Jones, aged 2 years; and Darlene Jones, aged one year eight months.

3. That said Petitioner and said children are entitled to support from the Respondent under the provisions of the Uniform Reciprocal Enforcement of Support Act of this state (Article 3-a of the Domestic Relations Law).

4. That Respondent, on or about September, 1958, and subsequent thereto, refused and neglected to provide fair and reasonable support for said dependents according to his means and earning capacity.

5. That, upon information and belief, Respondent's present address is 1110 Grove Avenue, Bay Minette, Alabama, and that the Respondent is within the jurisdiction of the Circuit Court for Baldwin County, Bay Minette, Alabama.

STATE OF NEW YORK)

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COUNTY OF ONTARIO)

Jonnie Mae Jones, being duly sworn, deposes and says that she is the petitioner in the within action; that she has read the foregoing petition and knows the contents thereof; that the same is true to her own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters she believes it to be true.

Sworn to before me this

28th day of November, 1958.

Jeannie Mae Jones

Carrollton E Roberts
Children's Court Judge

STATE OF NEW YORK

CHILDREN'S COURT, County of Ontario

Jonnie Mae Jones,

Petitioner

vs.

Roy Lee Jones,

Respondent

TESTIMONY OF

Jonnie Mae Jones

Jonnie Mae Jones, the Petitioner herein, being duly sworn, on her oath, testifies as follows:

Q. What is your full name?

A. Jonnie Mae Jones.

Q. What is your present address?

A. 11 East Washington St., Geneva, N.Y.

Q. When and where were you married to the Respondent?

A. October 5, 1953, at Geneva, New York.

Q. Have you and your husband ever lived together in Ontario County?

A. Yes.

Q. What were the circumstances leading to the separation from your husband?

A. We had been fussing and fighting ever since we were married. When we were in Alabama things went from bad to worse, we fought, and separated.

Q. Were any children born of this marriage?

A. Yes.

Q. Are you now pregnant?

A. No.

Q. What are the names and ages of the children now living?

Q. When and how much was his last contribution for support?

A. September, 1st week, \$20.00 in a letter.

Q. Is there a complaint or an order for support in any court?

A. No.

Q. Are you employed? What are your earnings?

A. Yes, Duffy--Mott--\$33.00 - \$38.00 per week.

Q. Have you any other source of income? If so, what is the source and what is the amount thereof?

A. No.

Q. Are you and the children in good health?

A. Yes.

Q. Have you any debts outstanding?

A. Yes.

Q. What do you require for the support of yourself and children?

A. About \$30.00 a week for support of children alone. I do not wish any help for myself.

Q. Do you know the present whereabouts of your husband? If so, please give his address.

A. 1110 Grove Avenue, Bay Minette, Alabama.

Q. Do you know if and where your husband is now employed? If so, state name and address of employer.

A. I do not know.

Q. What is his salary, if you know?

A. I do not know.

Q. Are you now receiving public aid, and how much?

A. No.

Jonnie Mae Jones

Sworn to before me this

28th day of November, 1958.

STATE OF NEW YORK
COUNTY OF ONTARIO,
CANANDAIGUA, N. Y.

CERTIFICATION—CORRECT TRANSCRIPT

CERTIFIED COPY

Mabel C. Moyer, Assistant

I, ~~FRANK L. ABBEY~~, Clerk of the Children's Court of Ontario
County, N. Y., DO HEREBY CERTIFY, that I have compared a _____

_____ copy of _____
Petition, Testimony, Certificate and Pauper's
Affidavit

hereunto annexed, with the _____ original
_____ on file in this office, and that the
same is a correct transcript thereof and of the whole of said original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and
affixed the seal of said Court, this 28th day of November
A. D., 1958

By Mabel C. Moyer Clerk.
Ass't Clerk.

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STATE OF NEW YORK

CHILDREN'S COURT, County of Ontario

Jonnie Mae Jones,

Petitioner

vs.

Roy Lee Jones,

Respondent

PAUPER'S AFFIDAVIT

Personally appeared before me the undersigned officer authorized by law to administer oaths, Jonnie Mae Jones, who on oath says that she is the Petitioner in the foregoing petition; that she is advised and believes that she has a good cause of action for support under the Uniform Reciprocal Enforcement of Support Act and that, owing to her poverty, she is unable to pay the costs or give such security as may be required by the State of Alabama, if any, in such case.

x Jonnie Mae Jones

Sworn to before me this

28th day of November, 1958.

Carrollton C. Roberts
~~Notary Public~~
Children's Court Judge

4448
DOMESTIC RELATIONS LAW

ARTICLE 3-A
(Added by C.146, L.1958)

UNIFORM SUPPORT OF DEPENDENTS LAW

Section 30. Short title; purpose.

31. Definitions.
32. Persons legally liable for support of dependents.
33. Additional provisions regarding liability for support.
34. Jurisdiction and powers of court.
35. Cases in which proceedings are maintainable.
36. Remedies of a public agency.
37. Procedure.
38. Appeals; effectiveness of orders.
39. Duty of petitioners' representatives.
40. Expenses of proceedings.
41. Construction of article.
42. Uniformity of interpretation.
43. Separability.

§ 30. Short title; purpose. This article may be cited and referred to as the uniform support of dependents law. The purpose of this article is to secure support in civil proceedings for dependent wives, children and poor relatives from persons legally responsible for their support.

§ 31. Definitions. As used in this article, unless the context shall require otherwise, the following terms shall have the meanings ascribed to them by this section:

1. "State" shall mean and include any state, territory or possession of the United States and the District of Columbia.

2. "Court" shall mean and include the domestic relations court of the City of New York, the children's court in any county outside the city of New York, whether established as a separate court or as a part or division of the county court, and a municipal court; when the context requires, it shall mean and include a court of another state defined in and upon which appropriate jurisdiction has been conferred by a substantially similar reciprocal law.

3. "Child" includes a step child, foster child, child born out of wedlock or legally adopted child and means a child under twenty-one years of age, and a son or daughter twenty-one years of age or older who is unable to maintain himself or herself and is or is likely to become a public charge.

4. "Dependent" shall mean and include any person who is entitled to support pursuant to this article.

5. "Petitioner" shall mean and include each dependent person for whom support is sought in a proceeding instituted pursuant to this article.

6. "Respondent" shall mean and include each person against whom a proceeding is instituted pursuant to this article.

7. "Petitioner's representative" shall mean and include a corporation counsel, county attorney, state's attorney, commonwealth attorney and any other public officer, by whatever title his public office may be known, charged by law with the duty of instituting, maintaining or prosecuting a proceeding under this article or under the laws of the state or states wherein the petitioner and the respondent reside.

8. "Summons" shall mean and include a subpoena, warrant, citation, order or other notice, by whatever name known, provided for by the laws of the state or states wherein the petitioner and the respondent reside as the means for requiring the appearance and attendance in court of the respondent in a proceeding instituted pursuant to this article.

9. "Initiating state" shall mean the state of domicile or residence of the petitioner.

10. "Responding state" shall mean the state wherein the respondent resides or is domiciled or found.

§ 32. Persons legally liable for support of dependents. For the purpose of this article, the following persons in one state are declared to be liable for the support of dependents residing or found in the same state or in another state having substantially similar or reciprocal laws, and, if possessed of sufficient means or able to earn such means, may be required to pay for such support a fair and reasonable sum, as may be determined by the court having jurisdiction of the respondent in a proceeding instituted under this article:

1. Husband liable for support of his wife;
2. Father liable for support of his child or children under twenty-one years of age;
3. Mother liable for support of her child or children under twenty-one years of age whenever the father of such child or children is dead, or cannot be found, or is incapable of supporting such child or children;
4. Parents severally liable for support of each son or daughter twenty-one years of age or older whenever such son or daughter is unable to maintain himself or herself and is or is likely to become a public charge;
5. Wife liable for support of her husband if he is incapable of supporting himself and is or is likely to become a public charge;
6. Adult person liable for support of each of his or her parents who is unable to maintain himself or herself and is or is likely to become a public charge;
7. Grandparent liable for support of each of his or her grandchildren who is unable to maintain himself or herself and is or is likely to become a public charge.

§ 33. Additional provisions regarding liability for support. For the purposes of this article:

1. A child or children born of parents who, at any time prior or subsequent to the birth of such child, have entered into a civil or religious marriage ceremony, shall be deemed the legitimate child or children of both parents, regardless of the validity of such marriage.
2. A child or children born of parents who held or hold themselves out as husband and wife by virtue of a common law marriage recognized as valid by the laws of the initiating state and of the responding state shall be deemed the legitimate child or children of both parents.
3. A woman who was or is held out as his wife by a man by virtue of a common law marriage recognized as valid by the laws of the initiating state and of the responding state shall be deemed the legitimate wife of such man.
4. Notwithstanding the fact that the respondent has obtained in any state or country a final decree of divorce or separation from his wife or a decree dissolving his marriage, the respondent shall be deemed legally liable for the support of any dependent child of such marriage.

5. The natural parents of a child born out of wedlock shall be severally liable for the support of such child, but the liability of the natural father shall not be enforceable unless he has been adjudicated to be the child's father by a court of competent jurisdiction, or he has acknowledged or shall acknowledge paternity of the child in open court or by a verified written statement.

§ 34. Jurisdiction and powers of court. For the purposes of this article:

1. The court shall have jurisdiction regardless of the state of last residence or domicile of the petitioner and the respondent and whether or not the respondent has ever been a resident of the initiating state or the dependent person has ever been a resident of the responding state.

2. The court of the responding state shall have the power to order the respondent to pay sums sufficient to provide necessary food, shelter, clothing, care, medical or hospital expenses, expenses of confinement, expenses of education of a child, funeral expenses and such other reasonable and proper expenses of the petitioner as justice requires, having due regard to the circumstances of the respective parties.

3. 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 right so to take testimony shall be exercised, provided that the respondent is given a full and fair opportunity to answer the allegations of the petitioner.

§ 35. Cases in which proceedings are maintainable. A proceeding to compel support of a dependent may be maintained under this article in any of the following cases:

1. Where the petitioner and the respondent are residents of or domiciled or found in different counties of the same state. Whenever a proceeding hereunder is so maintained, the terms "initiating state" and "responding state" as used in this article shall be read and construed to mean and include respectively "initiating county" and "responding county" in relation to any such proceeding within the same state.

2. Where the petitioner resides in one state and the respondent is a resident of or is domiciled or found in another state having substantially similar or reciprocal laws.

3. Where the respondent is not and never was a resident of or domiciled in the initiating state and the petitioner resides or is domiciled in such state and the respondent is believed to be a resident of or domiciled in another state having substantially similar or reciprocal laws.

4. Where the respondent was or is a resident of or domiciled in the initiating state and has departed or departs from such state leaving therein a dependent in need of and entitled to support under this article and is believed to be a resident of or domiciled in another state having substantially similar or reciprocal laws.

§ 36. Remedies of a public agency. Whenever the state or a political subdivision, or any official agency thereof, is furnishing support or is likely to furnish support to a dependent it shall have the same right to invoke the provisions of this article as the dependent to whom the duty of support is owed.

§ 37. Procedure. 1. A proceeding under this article shall be commenced by a petitioner by filing a verified petition in the court in the county of the state wherein he resides or is domiciled, showing the name, age, residence and circumstances of the petitioner, alleging that he is in need of and is entitled to support from the respondent, giving his name, age, residence and circumstances, and praying that the respondent be compelled to furnish such support.

2. If the respondent be a resident of or domiciled in such state and the court has or can acquire jurisdiction of the person of the respondent under existing laws in effect in such state, such laws shall govern and control the procedure to be followed in such proceeding.

3. If the respondent be not a resident of or domiciled in or cannot be found in the initiating state, a judge of such court shall certify that a verified petition has been filed in his court in a proceeding against the respondent under this article to compel the support of the petitioner, that a summons, duly issued out of his court for

service upon the respondent has been returned with an affidavit to the effect that the respondent cannot with due diligence be located or served with such process in the initiating state, that the respondent is believed to be residing or domiciled in the responding state and that, in his opinion, the respondent should be compelled to answer such petition and should be dealt with according to law, and he shall transmit such certificate and certified copies of such petition and summons to the appropriate court in the responding state. In the event that the court shall have before it satisfactory evidence that the respondent is not within the initiating state or cannot be served with process there, the summons and affidavit required herein may be omitted and the certificate shall contain a statement of the reasons for said omissions and the pertinent evidence supporting the same.

4. Any judge of a court in the county of the responding state in which the respondent resides or is domiciled or found, upon presentation to him of such certificate and certified copies of such petition and summons, shall fix a time and place for a hearing on such petition and shall issue a summons out of his court, directed to the respondent, duly requiring him to appear at such time and place. If the judge discovers that the respondent cannot be found in that county, but that he resides or is domiciled or found in another county of the responding state, the papers received from the court of the initiating state may be forwarded to the court in such other county, and the initiating state court shall thereupon be notified of such transfer. Upon receipt of the papers by the court of the county where the respondent is found, it shall acknowledge receipt of such papers to both the initiating state court and the original responding state court, take full jurisdiction over the proceeding in place of the original responding state court, and exercise such jurisdiction with all the same powers and to the same extent as if it had received the papers in the first instance direct from the initiating state court.

5. It shall not be necessary for the petitioner or the petitioner's witnesses to appear personally at such hearing, but it shall be the duty of the petitioner's representative of the responding state to appear on behalf of and represent the petitioner at all stages of the proceeding.

6. If at such hearing the respondent controverts the petition and enters a verified denial of any of the material allegations thereof, the judge presiding at such hearing shall stay the proceedings and transmit to the judge of the court in the initiating state a transcript of the clerk's minutes showing the denials entered by the respondent.

7. Upon receipt by the judge of the court in the initiating state of such transcript, such court shall take such proof, including the testimony of the petitioner and the petitioner's witnesses and such other evidence as the court may deem proper, and, after due deliberation, the court shall make its recommendation, based on all of such proof and evidence, and shall transmit to the court in the responding state a certified transcript of such proof and evidence and of its proceedings and recommendation in connection therewith.

8. Upon the receipt of such transcript, the court in the responding state shall resume its hearing in the proceeding and shall give the respondent a reasonable opportunity to appear and reply.

9. Upon the resumption of such hearing, the respondent shall have the right to examine or cross-examine the petitioner and the petitioner's witnesses by means of depositions or written interrogatories, and the petitioner shall have the right to examine or cross-examine the respondent and the respondent's witnesses by means of depositions or written interrogatories.

10. If a respondent, duly summoned by a court in the responding state, wilfully fails without good cause to appear as directed in the summons, he shall be punished in the same manner and to the same extent as is provided by law for the punishment of a defendant or witness who wilfully disobeys a summons or subpoena duly issued out of such court in any other action or proceeding cognizable by said court.

11. If, on the return day of the summons, the respondent appears at the time and place specified therein and fails to answer the petition or admits the allegations thereof or, if, after a hearing has been duly held by the court in the responding state in accordance with the provisions of this section, such court has found and determined that the prayer of the petitioner, or any part thereof, is supported by the evidence adduced in the proceeding, and that the petitioner is in need of and entitled to support from the respondent, the court shall make and enter an order directing the respondent to furnish support to the petitioner and to pay therefor such sum as the court shall

determine, having due regard to the parties' means and circumstances. A certified copy of such order shall be transmitted by the court to the court in the initiating state and such copy shall be filed with and made a part of the records of such court in such proceeding. The court may place the respondent on probation on such terms and conditions as the court may deem proper or necessary to assure faithful compliance by the respondent with such order. The court shall also have power to require the respondent to furnish recognizance in the form of a cash deposit or surety bond in such amount as the court may deem proper and just to assure the payment of the amount required to be paid by the respondent for the support of the petitioner.

12. The court making such order shall have the power to direct the respondent to make the payments required thereby at specified intervals to the probation department or bureau of the court and to report personally to such department or bureau at such times as may be deemed necessary and the respondent shall at all times be under the supervision of such department or bureau.

13. A respondent who shall wilfully fail to comply with or violate the terms or conditions of the support order or of his probation shall be punished by the court in the same manner and to the same extent as is provided by law for a contempt of such court or a violation of probation ordered by such court in any other suit or proceeding cognizable by such court.

14. Upon the receipt of a payment made by the respondent pursuant to the order of the court of the responding state in any proceeding under this article, the probation department or bureau of such court shall forthwith transmit the same to the court of the initiating state.

15. The probation department or bureau of the court in the responding state, upon request, shall, not later than thirty days following the end of each fiscal year, furnish to the court of the initiating state an itemized statement under oath of all payments made by the respondent during such fiscal year for the support of the petitioner in such proceeding.

16. The court of the initiating state shall receive and accept all payments made by the respondent to the probation department or bureau of the court of the responding state and transmitted by the latter on behalf of the respondent. Upon receipt of any such payment, and under such rules as the court of the initiating state may prescribe, the court, or its probation department or bureau, as the court may direct, shall deliver such payment to the dependent person entitled thereto, take a proper receipt and acquittance therefor, and keep a permanent record thereof.

17. The court of the responding state may use any power to enforce a duty of support against a respondent under this article which is otherwise available to it under the laws of the responding state.

18. Any court of the responding state having jurisdiction under this article, upon receipt of a certified copy of an order of support from the original responding state court, may enforce such order if it can acquire jurisdiction over the respondent against whom the order of support was made, and shall remit any moneys collected by it to the original responding state court.

§ 38. Appeals; effectiveness of orders. Any respondent in a proceeding brought under the provisions of this article shall have the same right of appeal as in civil proceedings or actions brought in the same court. Any order for support made by the court shall not be affected by an appeal but shall continue in effect until the appeal is decided and thereafter, if the order is affirmed, until changed by further order of the court.

Note: Section 38 of new article 3-A contains in full the substance which was included in former section 6-a of the Uniform Support of Dependents Law, which is repealed by Chapter 146 of the Laws of 1958. Chapter 234 of the Laws of 1958, adds a new section 6-b, which, in context, would have followed former section 6-a now repealed. It is included at this point pursuant to bill sections 3,4,5 and 6 of Chapter 146 of the Laws of 1958.

§6-b. Evidence and presumptions. In any hearing under this act in either an initiating state court or a responding state court, there shall be applicable the same presumptions and other rules of evidence, whether statutory decisional, or under court rules, as are available to the parties in other civil proceedings or actions brought in that same court.

§ 39. Duty of petitioners' representatives. It shall be the duty of all petitioners' representatives of this state to appear in this state on behalf of and represent the petitioner in every proceeding pursuant to this article, at the time the petition is filed and at all stages of the proceeding thereafter, and to obtain and present such evidence or proof as may be required by the court in the initiating state or the responding state.

§ 40. Expenses of proceedings. Expenses of stenographic records of court proceedings and of certification of court records shall be a county charge and shall be paid out of the county treasury.

§ 41. Construction of article. 1. This article shall be construed to furnish an additional or alternative civil remedy and shall in no way affect or impair any other remedy, civil or criminal, provided in any other statute and available to the petitioner in relation to the same subject matter.

2. This article shall not be construed to confer jurisdiction on the court of the initiating or responding state in any pending or future action or divorce, legal separation or annulment.

Note: Section 41 of new article 3-A, contains in full the substance which was included in former section 8 of the Uniform Support of Dependents Law, which was repealed by Chapter 146 of the Laws of 1958. Chapter 538 of the Laws of 1958, adds a new section 8-a, which, in context, would have followed former section 8 now repealed. It is included at this point pursuant to bill sections 3, 4, 5 and 6 of Chapter 146 of the Laws of 1958.

§8-a. Proceedings not to be stayed. No pending and undetermined action for divorce, separation, annulment, or dissolution or habeas corpus custody proceeding instituted by the respondent shall operate to stay any proceeding under this act against such respondent for support of a dependent.

§ 42. Uniformity of interpretation. This article shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of the states which enact it.

§ 43. Separability. If any part of this article or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the remainder of such article or the application thereof to other persons and circumstances. (eff. July 1, 1958)

STATE OF NEW YORK)
) ss.:
Department of State)

I have compared the preceding with the original law on file in this department, and do hereby certify that the same is a correct transcript therefrom, and of the whole of said original law.

Given under my hand and the official seal of the Department of State, at the City of Albany, this. . . 27th day of. May. in the year one thousand nine hundred and fifty-eight.


Deputy Secretary of State