

4536

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.



Circuit Court, Baldwin County

No.

..... TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon WILLIAM FILLMAN

.....
.....
.....

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

WILLIAM FILLMAN, Defendant

by ALICE FILLMAN, mother on behalf of Glen Fillman, et al

....., Plaintiff

Witness my hand this 20 day of March 1959

Alice J. ..., Clerk

The State of Alabama
Baldwin County

CIRCUIT COURT

ALICE FILLMAN, mother on behalf
of GLENN FILLMAN, et al

Plaintiffs

vs.

WILLIAM FILLMAN

Defendants

Summons and Complaint

Filed March 20 1959

Alice J. Duck Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

19____

_____, Sheriff

I have executed this summons

this _____ 19____

by leaving a copy with

Sheriff

Deputy Sheriff

State of New York
 DOMESTIC RELATIONS COURT OF THE CITY OF NEW YORK - FAMILY COURT DIVISION
 COUNTY OF King

Alice Fillman, mother, on behalf of

Glenn Fillman, et al

Petitioner

Against

William Fillman

Respondent

Docket No. USDL 852/1959 NY

THE UNDERSIGNED, a JUSTICE OF THE DOMESTIC RELATIONS COURT of the CITY OF NEW YORK, hereby certifies:

1. That on 10 day of March, 1959 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 Support of Dependents Law of the State of New York (Chapter 607, Laws of 1949 as amended) to compel the support of the dependent named in that Petition.

2. That no Summons was issued for the above named Respondent since it appears from pertinent evidence contained in the sworn testimony of the Petitioner herein, as set forth on Form F-174 attached hereto, that the Respondent is residing or domiciled at General Delivery, Fairhope, Alabama

3. That the undersigned, A JUSTICE of the DOMESTIC RELATIONS COURT of the CITY OF NEW YORK, has examined the Petitioner under oath, as set forth on Form F-174 attached hereto, and in the opinion of the undersigned, the needs of the dependent named in the petition are the sum of \$50.00 per (week) (~~month~~).

4. That in the opinion of the undersigned JUSTICE the Respondent should be compelled to answer such Petition and be dealt with according to Law.

WHEREFORE, it is hereby ~~PRORDERED~~ that this certificate together with the ~~original~~ ^{certi-} filed copies of the Petition be transmitted to Circuit Court, Baldwin County, Bay Minette, Alabama

City Town or Village State of

(Sgd.) Juvenal Marchisio

Justice of the Domestic Relations Court
 of the City of New York

Dated Mar. 12, 1959

UNDER NEW YORK UNIFORM SUPPORT LAW

PETITION FOR SUPPORT - ~~WARRANT~~
CHILDREN

STATE OF NEW YORK

DOMESTIC RELATIONS COURT OF THE CITY OF NEW YORK - FAMILY COURT DIVISION

County of... Kings

	Sex	Age	Color	Religion	Nativity	Address
Alice Fillman, mother, on behalf of Glenn Fillman, et al Petitioner...	F	35		P	U.S.	135 Prospect Park, S.W., Bklyn 18, NYC, c/o Evans
Against William Fillman Respondent...	M	43		P	U.S.	General Delivery, Fairhope, Alabama.

TO THE DOMESTIC RELATIONS COURT OF THE CITY OF NEW YORK - Family Court Division:
THE PETITION of Alice Fillman, mother, on behalf of Glenn Fillman, et al

respectfully shows:
1. THAT ~~the Respondent~~ the children's mother....., ~~was~~ ^{Mar 17,} 19⁴².....
~~was~~ was duly married to said Respondent on or about.....
at Charleston, South Carolina. The Respondent received a divorce about July 12th,
1949 in Philadelphia, Pennsylvania.
No. Street City, Town or Village State of
135 Prospect Park, S.W., Bklyn 18, NYC, c/o Evans

2. THAT ~~Petitioner~~ said Respondent is the father of the following named dependent:
1. Glenn Born July 8th, 19⁴³.....
2. Diane Born October 15th, 19⁴⁵.....
3. Born....., 19.....
4. Born....., 19.....
5. Born....., 19.....
6. Born....., 19.....

3. THAT ~~Respondent~~ said child^{ren} (are) in need of and (are) entitled to support from the Respondent under the provisions of the New York Uniform Support of Dependents Law (Chapter 807, Laws of 1949).

4. THAT Respondent, on or about....., 19⁴⁷ and subsequent thereto, refused and neglected to provide fair and reasonable support for ~~Petitioner~~ and the ~~other~~ dependent. according to his means and earning capacity;

5. THAT, upon information and belief, Respondent now is residing or domiciled at General Delivery, Fairhope, Alabama.
No. Street City, Town or Village State of
which State has enacted a law substantially similar and reciprocal to the New York Uniform Support of Dependents Law (Chapter 807, Laws of 1949).

Alice Fillman, mother, on behalf of Glenn Fillman, et al
WHEREFORE, the Petitioner prays for such an Order for Support, directed to said Respondent, as shall be deemed to be fair and reasonable, and for such other and further relief as the law provides.

(Sgd.) Alice Fillman
Mother, on behalf of Petitioner et al

STATE OF NEW YORK)
) SS:
COUNTY OF Kings)

Alice Fillman mother of the
....., being duly sworn, says that she is the
Petitioner herein, and that she has read the foregoing Petition, and knows the
contents thereof; and that the same is true of her own knowledge, except as to the
matters therein stated to be alleged on information and belief, and as to those
matters she believes it to be true.

(Sgd.) Alice Fillman
Mother, on behalf of Petitioner et al

Sworn to before me
this 10th day of March, 19⁵⁹.

(Sgd.) Anne P. Darcy
Assistant Clerk of Court

STATE OF NEW YORK DOMESTIC RELATIONS COURT OF THE CITY OF NEW YORK - FAMILY COURT DIVISION

County... Kings

Alice Fillman, mother, on behalf of Glenn Fillman, et al vs William Fillman Respondent

TESTIMONY OF Alice Fillman, mother, on behalf of Glenn Fillman, et al, Petitioner

Docket No. 1000 117/57 HL

Alice Fillman, mother, on behalf of Glenn Fillman, et al, the Petitioner herein, being duly sworn, on her oath testifies as follows:

Q. What is your full name?

A. Alice Evans Fillman

Q. Where are you now living?

A. 135 Prospect Park, S.W., Bklyn 13, NYC, c/o Evans

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

A. March 17th, 1942 in Charleston, South Carolina.

Q. Are you still the wife of the Respondent?

A. No. The Respondent procured a divorce about July 12th, 1949 in Philadelphia, Pennsylvania.

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

A.

Q. Were any children born of this marriage?

A. Yes, two children

Q. What are the names and ages of the children under 17 years of age?

A. Glenn, born 7/8/43; Diane, born 10/15/45.

Q. Are they living with you?

A. The children board at the Great School in Dover Plains, Dutchess County, New York, during the school year. My husband has to live with me during the summer vacation and the Christmas and Easter recess.

Q. When and how much was the Respondent's last contribution for support?

A. Since November 1958 I have only received \$30, which arrived about February 19th, 1959.

Q. Is there a complaint or an order for support in any court? About 1947 the Municipal Court in Phila. ordered the Resp. to pay \$12. weekly for the children (based on disability benefits and to be increased when the Resp. returned to work). Also, Bklyn Fam Ct (1203/51). Warrant issued on 5/31/51 was vacated on 1/17/58. Also, Case dismissed by Circuit Court, Baldwin City, Ala. (as Resp. was complying with ord. of Phila. at that time) on 7/16/57.

Q. Are you employed? What are your earnings?

A. I am not working this month as I took time off to start court action vs. the Resp. and be with the children during the Christmas and Easter recess. I am employed by the Moore-Mcormack Lines as a dining room stewardess. I average about \$243 monthly, plus tips but only work about 4 months a year.

Q. Are you keeping the children in good health?

A. Diane requires orthodontic work.

Q. Have you any debts outstanding? (No other income)

A. No

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

A. About \$50. weekly.

Q. Do you know where the Respondent is now living?

A. General Delivery, Fairhope, Alabama.

Q. Do you know if and where the Respondent is now employed?

A. No

Q. What is his salary, if you know?

A. I do not know. He earns a good salary as a port captain, to the best of my information.

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

A. No.

Testimony sworn to before me March 59 this... day of..., 19...

(Sgd.) Alice Fillman

Mother, on behalf of Petitioner et al.

(Sgd.) Juvenal Marchisio

APD.

770.4536

FILED

MAR 20 1959

ALICE J. DUNN, REGISTER

TELEPHONES: ALPINE 6-8106-7-8-9

McQUIDDY PRINTING COMPANY

Printers, Lithographers, Stationers, Engravers

NASHVILLE 1, TENNESSEE

*J. Hendrix says
he is satisfied that
the man has complied
with the other court
order as he has cancelled
checks of same*

Office Supplies, Loose Leaf Devices, Desks, Filing Equipment

BRUCE FULK
BOX 358
SELMA, ALABAMA

SELMA, ALABAMA
BOX 358
BRUCE FULK

TR-4-5925
TEL.

Office Supplies, Loose Leaf Devices, Desks, Filing Equipment

*note -
Mr. Wm Hillman
came in 5-22-59
He was instructed
by the court not
to appear this
first Thursday*

NASHVILLE 1, TENNESSEE

Printers, Lithographers, Stationers, Engravers

McQUIDDY PRINTING COMPANY

TELEPHONE ALPINE 6-8106-7-8-9

TEL.
TR-4-5925

ALICE FILLMAN, Mother of GLENN FILLMAN
COMPLAINANT

VS.

WILLIAM FILLMAN
RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

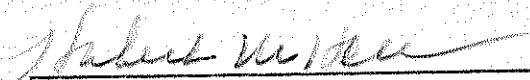
IN EQUITY, CASE NO. 4536

DECREE

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.



Judge Circuit Court, In Equity.

DOMESTIC RELATIONS COURT

City of New York
283 Adams Street
Brooklyn 1, New York

William F. Lindeman
Administrative Officer

March 17, 1959

Clerk of Court
Circuit Court
Baldwin County
Bay Minette, Alabama

Dear Sir:

Re: Alice Fillman, mother obo Glenn Fillman, et al

Petitioner

vs.

William Fillman

Respondent

Docket Number: USDL #852/59 NY


Enclosed are the required number of copies of the certificate, petition and testimony of the petitioner in the above entitled matter, for appropriate action by your Court, in accordance with your reciprocal legislation and our Uniform Support of Dependents Law, Chapter 807 of the Laws of the State of New York for 1949, as amended.

We would appreciate your acknowledging receipt of these papers by signing and returning to us the enclosed carbon copy of this letter.

Will you please advise this Court as soon as a final disposition is made. If and when an order is made, all payments should be collected by your Court and forwarded to the Support Bureau of this Court for transmittal to the petitioner.

Thank you for your cooperation.

Yours very truly



Administrative Officer

ENCLOSURES

(3)

RECEIVED BY:

WFL:IF

4596

[Faint handwritten text, possibly a signature or name]

[Small handwritten mark or character]

STATE OF NEW YORK
DOMESTIC RELATIONS COURT OF THE CITY OF NEW YORK - FAMILY COURT DIVISION
County of Kings.....

STATE OF NEW YORK)
COUNTY OF Kings..) SS:

I, William F. Lindeman, Administrative Officer
....., ~~Clerk~~ of the Domestic Relations Court
of the City of New York, Family Division, County of Kings..... in the
State of New York, DO HEREBY ATTEST AND CERTIFY that, as such ~~Clerk~~ Administrative Officer
and custodian of all court records, papers, proceedings and process in and for the
Family Division of this Court in said County, and that said records, papers, pro-
ceedings and process are kept by me in my files in conformity with the law.

I do further attest and certify that the annexed is a true copy of an original
record now on file in this Court, in the matter of Alice Fillman, mother of dependents
against William Fillman....., Respondent, Docket No. USDL #852/59 NY, that I
have compared the transcript hereto annexed with the said original record, and that
the same is a true and correct transcript of the said original record and of the
whole thereof.

(SEAL)

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the SEAL of the said Court at Brooklyn, N.Y.
on this 12th day of March, 1959.

William F. Lindeman
Clerk of Court

Administrative Officer

State of New York
 DOMESTIC RELATIONS COURT OF THE CITY OF NEW YORK -- FAMILY COURT DIVISION
 COUNTY OF Kings

Alice Fillman, mother, on behalf of

Glenn Fillman, et al)

Petitioner)

Against)

William Fillman)

Respondent)

Docket No. USDL 852/1959 NY

THE UNDERSIGNED, a JUSTICE OF THE DOMESTIC RELATIONS COURT of the CITY OF NEW YORK, hereby certifies:

1. That on 10 day of March, 1959 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 Support of Dependents Law of the State of New York (Chapter 607, Laws of 1949 as amended) to compel the support of the dependent 9 named in that Petition.

2. That no Summons was issued for the above named Respondent since it appears from pertinent evidence contained in the sworn testimony of the Petitioner herein, as set forth on Form F-174 attached hereto, that the Respondent is residing or domiciled at General Delivery, Fairhope, Alabama.

3. That the undersigned, A JUSTICE of the DOMESTIC RELATIONS COURT of the CITY OF NEW YORK, has examined the Petitioner under oath, as set forth on Form F-174 attached hereto, and in the opinion of the undersigned, the needs of the dependent named in the petition are the sum of \$50.00 per (week) (~~month~~).

4. That in the opinion of the undersigned JUSTICE the Respondent should be compelled to answer such Petition and be dealt with according to Law.

WHEREFORE, it is hereby PRDERED that this certificate together with the ~~certi-~~ ~~copies~~ filed copies of the Petition be transmitted to Circuit Court, Baldwin County, Bay Minette, Alabama

City Town or Village State of Alabama

(Sgd.) Juvenal Marchisio

Justice of the Domestic Relations Court
 of the City of New York

Dated Mar. 12, 1959

STATE OF NEW YORK
DOMESTIC RELATIONS COURT OF THE CITY OF NEW YORK - FAMILY COURT DIVISION
COUNTY OF Kings

Alice Fillman, mother, on behalf of
Glenn Fillman, et al

Petitioner

against

William Fillman

Respondent

DOCKET NO. USDL 852/1959 NY

Alice Fillman, mother, on behalf of
THE UNDERSIGNED, Glenn Fillman, et al, being duly sworn
deposes and says that she is making an application to prosecute this proceeding
for the support of her children
in the Circuit Court, Baldwin County, Bay Minette, Alabama
as a poor person;

THAT she is not worth Three Hundred Dollars (\$300.00) in cash or available
property besides her wearing apparel and furniture necessary for the support of
herself and family.

(Sgd.) Alice Fillman
Petitioner

STATE OF NEW YORK)
COUNTY OF Kings) SS:

On the 10th day of March, 1959

personally appeared before me Alice Fillman to me known and
known by me to be the person described in and who executed the foregoing instru-
ment and ~~s~~he stated that ~~s~~he executed the same for the purpose therein stated.

(Sgd.) Anne P. Darcy
Assistant Clerk of Court

(SEAL)

UNDER NEW YORK UNIFORM SUPPORT LAW

PETITION FOR SUPPORT ~~OF~~ CHILDREN

STATE OF NEW YORK

DOMESTIC RELATIONS COURT OF THE CITY OF NEW YORK - FAMILY COURT DIVISION

County of... Kings

	Sex	Age	Color	Religion	Nativity	Address
Alice Fillman, mother, on behalf of Glenn Fillman, et al Petitioner...	F	15		P	U.S.	135 Prospect Park, S.W., Bklyn 18, NYC, c/o Evans
Against William Fillman Respondent...	M	43		P	U.S.	General Delivery, Fairhope, Alabama.

TO THE DOMESTIC RELATIONS COURT OF THE CITY OF NEW YORK - Family Court Division:
THE PETITION of Alice Fillman, mother, on behalf of Glenn Fillman, et al...
respectfully shows:

1. THAT ~~respondent~~ the children's mother....., ~~respondent~~ was duly married to said Respondent on or about Mar. 17, 1942.... at Charleston, South Carolina. The Respondent received a divorce about July 12th, 1949 in Philadelphia, Pennsylvania.
No. Street City, Town or Village State of
135 Prospect Park, S.W., Bklyn 18, NYC, c/o Evans
2. THAT ~~respondent~~ said Respondent is the father of the following named dependents:
1. Glenn Born July 8th, 1943
2. Diane Born October 15th, 1945
3., Born....., 19....
4., Born....., 19....
5., Born....., 19....
6., Born....., 19....
3. THAT ~~respondent~~ said children are (are) in need of and are (are) entitled to support from the Respondent under the provisions of the New York Uniform Support of Dependents Law (Chapter 807, Laws of 1949).
4. THAT Respondent, on or about....., 1947 and subsequent thereto, refused and neglected to provide fair and reasonable support for ~~respondent~~ the ~~respondent~~ dependent. according to his means and earning capacity;
5. THAT, upon information and belief, Respondent now is residing or domiciled at General Delivery, Fairhope, Alabama.
No. Street City, Town or Village State of
which State has enacted a law substantially similar and reciprocal to the New York Uniform Support of Dependents Law (Chapter 807, Laws of 1949).

Alice Fillman, mother, on behalf of Glenn Fillman, et al

WHEREFORE, the Petitioner prays for such an Order for Support, directed to said Respondent, as shall be deemed to be fair and reasonable, and for such other and further relief as the law provides.

(Sgd.) Alice Fillman

Mother, on behalf of Petitioner et al

STATE OF NEW YORK)
) SS:
COUNTY OF... Kings

mother of the

Alice Fillman....., being duly sworn, says that she is the Petitioner herein, and that she has read the foregoing Petition, and knows the contents thereof; and that the same is true of her own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters she believes it to be true.

(Sgd.) Alice Fillman

Mother, on behalf of Petitioner et al

Sworn to before me

this 10th day of March, 1959.

(Sgd.) Anne P. Darcy

Assistant Clerk of Court

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. As amended L. 1957, c. 104, s.1, eff. Mar. 21, 1957.

(l) 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.

(m) 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.

(n) 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 act, the probation department or bureau of such court shall forthwith transmit the same to the court of the initiating state.

(o) 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. As amended L. 1957, c. 168, s.1, eff. Mar. 25, 1957.

(p) 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. L. 1949, c. 807, s. 6.

(q) The court of the responding state may use any power to enforce a duty of support against a respondent under this act which is otherwise available to it under the laws of the responding state. Added L. 1956, c. 150, eff. March 22, 1956.

(r) Any court of the responding state having jurisdiction under this act, 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. As added by L. 1957, c. 48, s.1, eff. Mar. 11, 1957.

Sec. 6-a. Appeals; effectiveness of orders. Any respondent in a proceeding brought under the provisions of this act 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. L. 1949, c. 807, s. 6-a, added L. 1953, c.431, eff. April 2, 1953.

Sec. 7. 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 act, 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.

Sec. 7-a. 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. L. 1949, c. 807, s.7-a, added L. 1950, c. 702; amended L. 1953, c.456, s.2, eff. April 2, 1953.

Sec. 8. Construction of act. 1. This act 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 act shall not be construed to confer jurisdiction on the court of the initiating or responding state in any pending or future action for divorce, legal separation or annulment. As amended L. 1952, c.40, s.2, eff. Feb. 22, 1952.

Sec. 9. Uniformity of interpretation. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of the states which enact it.

Sec. 10. Separability. If any part of this act 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 act or the application thereof to other persons and circumstances.

Sec. 11. Chapter seven hundred ninety of the laws of nineteen hundred forty-eight, entitled "An act to amend the children's court act of the state of New York and the domestic relations court act of the city of New York, in relation to conferring additional jurisdiction and powers upon all children's courts and the family court of the city of New York in support proceedings against persons residing in other states and territories of the United States having substantially similar or reciprocal laws," is hereby repealed.

Sec. 12. This act shall take effect immediately.

State of New York) ss:
Department of State)

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

Carmine G. DeSapio

Secretary of State.

AN ACT authorizing and prescribing the procedure for civil proceedings to compel the support of dependent wives, children and poor relatives within and without the state, and repealing chapter seven hundred ninety of the laws of nineteen hundred forty eight, entitled "An act to amend the children's court act of the state of New York and the domestic relations court act of the city of New York, in relation to conferring additional jurisdiction and powers upon all children's courts and the family court of the city of New York in support proceedings against persons residing in other states and territories of the United States having substantially similar or reciprocal laws"

Became a law April 25, 1949, with the approval of the Governor. Passed, by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

UNIFORM SUPPORT OF DEPENDENTS LAW

- Section 1. Short title; purpose.
- 2. Definitions.
- 3. Persons legally liable for support of dependents.
- 3-a. Additional provisions regarding liability for support.
- 4. Jurisdiction and powers of court.
- 5. Cases in which proceedings are maintainable.
- 5-a. Remedies of a public agency.
- 6. Procedure.
- 6-a. Appeals; effectiveness of orders.
- 7. Duty of petitioners' representatives.
- 7-a. Expenses of proceedings.
- 8. Construction of act.
- 9. Uniformity of interpretation.
- 10. Separability.

Section 1. Short title; purpose. This act may be cited and referred to as the uniform support of dependents law.

The purpose of this uniform act is to secure support in civil proceedings for dependent wives, children and poor relatives from persons legally responsible for their support.

Sec. 2. Definitions. As used in this act, unless the context shall require otherwise, the following terms shall have the meanings ascribed to them by this section:

- (a) "State" shall mean and include any state, territory or possession of the United States and the District of Columbia.
- (b) "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 or another state defined in and upon which appropriate jurisdiction has been conferred by a substantially similar reciprocal law.
- (c) "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. As amended L. 1957, c.870, s. 1, eff. April 23, 1957.
- (d) "Dependent" shall mean and include any person who is entitled to support pursuant to this act.
- (e) "Petitioner" shall mean and include each dependent person for whom support is sought in a proceeding instituted pursuant to this act.
- (f) "Respondent" shall mean and include each person against whom a proceeding is instituted pursuant to this act.

(g) "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 act or under the laws of the state or states wherein the petitioner and the respondent reside.

(h) "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 act.

(i) "Initiating state" shall mean the state of domicile or residence of the petitioner.

(j) "Responding state" shall mean the state wherein the respondent resides or is domiciled or found. As amended L. 1949, c.807, s.2; L. 1950, c.401; L. 1953, cc.443, 456; L. 1954, c. 721, s. 1; L. 1955, c.289, s. 1, eff. Oct. 1, 1955.

Sec. 3. Persons legally liable for support of dependents. For the purpose of this act, 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 act;

- (a) Husband liable for support of his wife;
- (b) Father liable for support of his child or children under twenty-one years of age;
- (c) 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;
- (d) 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;
- (e) Wife liable for support of her husband if he is incapable of supporting himself and is or is likely to become a public charge;
- (f) 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;
- (g) 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. L. 1949, c. 807, s. 3, added L. 1955, c. 289, s. 2, eff. Oct. 1, 1955, as amended L. 1957, c. 870, s. 2, eff. Apr. 23, 1957.

Sec. 3-a. Additional provisions regarding liability for support.

For the purposes of this act:

- (a) 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.
- (b) 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.
- (c) 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.
- (d) Notwithstanding the fact that the respondent has obtained in any state or country a final decree or 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.

(e) 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 or shall acknowledge paternity of the child in open court, or by a verified written statement. L. 1949, c. 807, s. 3-a, added L. 1955, c. 289, s. 2, eff. Oct. 1, 1955.

Sec. 4. Jurisdiction and powers of court. For the purposes of this act:

(a) 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.

(b) 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.

(c) 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.

Sec. 5. Cases in which proceedings are maintainable. A proceeding to compel support of a dependent may be maintained under this act in any of the following cases:

(a) 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 act 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. As amended L. 1957, c. 328, s. 1, eff. Apr. 10, 1957.

(b) 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.

(c) 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.

(d) 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 act and is believed to be a resident of or domiciled in another state having substantially similar or reciprocal laws.

Sec. 5-a. 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 act as the dependent to whom the duty of support is owed. L. 1949, c. 807, s. 5-a, added L. 1952, c. 40, s. 1, eff. Feb. 22, 1952.

Sec. 6. Procedure. (a) A proceeding under this act 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.

(b) 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.

(c) 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 act 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. As amended L. 1955, c. 150, eff. March 22, 1956, as amended L. 1957, c. 328, s. 2, eff. Apr. 10, 1957.

(d) 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, and exercise such 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. As amended L. 1957, c. 473, s. 1, eff. Apr. 12, 1957.

(e) 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.

(f) 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.

(g) 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. As amended L. 1953, c. 455, s. 1, eff. April 2, 1953.

(h) 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.

(i) 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.

(j) 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.

(k) 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 an 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

STATE OF NEW YORK
DOMESTIC RELATIONS COURT OF THE CITY OF NEW YORK - FAMILY COURT DIVISION

Alice Fillman, mother, on County... Kings

behalf of Glenn Fillman, et al

Petitioner) Alice Fillman, mother, on TESTIMONY OF

vs

) behalf of Glenn Fillman, et al , Petitioner

William Fillman

) Respondent)

USDL

Docket No. 352/59 NY

Alice Fillman, mother, on behalf of
Glenn Fillman, et al

, the Petitioner herein, being duly sworn,

on her oath testifies as follows:

Q. What is your full name?

A. Alice Evans Fillman

Q. Where are you now living?

A. 135 Prospect Park, S.W., Bklyn 18, NYC, c/o Evans

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

A. March 17th, 1942 in Charleston, South Carolina.

Q. Are you still the wife of the Respondent?

A. No. The Respondent procured a divorce about July 12th, 1949 in Philadelphia, Pennsylvania.

Q. ~~Have you ever been married since your separation from your husband?~~

A.

Q. Were any children born of this marriage?

A. Yes, two children

Q. What are the names and ages of the children under 17 years of age?

A. Glenn, born 7/8/43; Diane, born 10/15/45.

Q. Are they living with you?

A. The children board at the Greer School in Dover Plains, Dutchess County, New York, during the school season. They return home to live with me during the summer vacation and the ~~Christmas and Easter recess.~~ Christmas and Easter recess.

A.

the Respondent's

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

A. Since November 1958 I have only received \$50, which arrived about February 19th, 1959.

Q. Is there a complaint or an order for support in any court? About 1947 the Municipal Court in Phila. ordered the Resp. to pay \$12. w/ly for the children (based on disability benefits and to be increased when the Resp. returned to work). Also, Bklyn Fam Ct (1203/51). Warrant

Q. Are you employed? What are your earnings? issued on 5/31/51 was

A. I am not working this month as I took time off to start court vacated on 1/17/58. Also, action vs. the Resp. and be with the children during the USDL 117/57 NY. Case dismissed by Circuit Court, Baldwin Cty, Ala. (as Resp. was complying with ord. of Phila. at that time) on 7/16/57.

Q. ~~Are you employed?~~ Easter recess. I am

A. employed by the Moore-McCormack Lines as a dining room

Q. Are ~~you~~ the children in good health? about 8 months a

A. Diane requires orthodontia work. year.

Q. Have you any debts outstanding? (No other income)

A. No

Q. What do you require for the support of your ~~children?~~ children?

A. About \$50. weekly.

Q. Do you know where ~~the Respondent~~ is now living?

A. General Delivery, Fairhope, Alabama.

Q. Do you know if and where your ~~husband~~ is now employed?

A. No

Q. What is his salary, if you know?

A. I do not know. He earns a good salary as a port captain, to the best of my information.

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

A. No.

~~Sworn to~~ sworn to before me
this... 12th... day of... March... 1959.

(Sgd.) Alice Fillman
Mother, on behalf of Petitioner et al.

APD.

(Sgd.) Juvenal Marchisio
Justice, DOMESTIC RELATIONS COURT OF THE CITY OF NEW YORK

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.

Circuit Court, Baldwin County

No.

..... TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Comanded to Summon WILLIAM FILIMAN

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.....

WILLIAM FILIMAN

....., Defendant.....

by ALICE FILIMAN, mother on behalf of Glenn Fillman, et al

....., Plaintiff.....

Witness my hand this 20 day of March 19 59

Alice J. Duck Clerk

No. 4536

Page _____

The State of Alabama
Baldwin County

CIRCUIT COURT

ALICE FILLMAN, mother on behalf
of GLENN FILLMAN, et al
Plaintiffs

vs.

WILLIAM FILLMAN
Defendants

Summons and Complaint

Filed March 20 1959

Alice J. Duck Clerk

256 N. Summit St.

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Europe

Received In Office

March 21 1959

Taylor Wilkins, Sheriff

I have executed this summons

this 28 - April 1959

by leaving a copy with

William Fillman

Sheriff claims 70 miles at

Ten Cents per mile Total \$ 2.00

TAYLOR WILKINS, Sheriff

BY [Signature]
DEPUTY SHERIFF

Taylor Wilkins Sheriff

Edleigh Steadman Deputy Sheriff