

3834

ALABAMA'S RECIPROCAL ENFORCEMENT OF SUPPORT ACT

(Act No. 879 of the 1951 legislative session
as amended by Act No. 823 of the 1953 legis-
lative session)

Authorizing and prescribing the procedure for civil proceedings to compel the support of certain persons within and without the state by other persons under a legal obligation to support them.

Section 1. PURPOSES. The purposes of this act are to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto. (1951)

Section 2. DEFINITIONS. As used in this act unless the context requires otherwise,

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

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

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

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

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

(6) "Duty of support" includes any duty of support imposed or imposed by law, or by any court order, decree or judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, judicial separation, separate maintenance or otherwise.

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

(8) "Obligee" means any person to whom a duty of support is owed. (1951)

Section 3. REMEDIES ADDITIONAL TO THOSE NOW EXISTING. The remedies herein provided are in addition to and not in substitution for any other remedies. (1951)

Section 4. EXTENT OF DUTIES OF SUPPORT. Duties of support arising under the law of this state when applicable under Section 7 hereof, bind the obligor present in this state, regardless of the presence or residence of the obligee. (1953)

Section 5. INTERSTATE RENDITION. The Governor of this state (1) may demand from the Governor of any other state the surrender of any person found

in such other state who is charged in this state with the crime of failing to provide for the support of any person in this state and (2) may surrender on demand by the Governor of any other state any person found in this state who is charged in such other state with the crime of failing to provide for the support of a person in such other state. The provisions for extradition of criminals not inconsistent herewith shall apply to any such demand although the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and although he had not fled therefrom. Neither the demand, the oath nor any proceedings for extradition pursuant to this section need state or show that the person whose surrender is demanded has fled from justice, or at the time of the commission of the crime was in the demanding or the other state. (1951)

Section 6. RELIEF FROM THE ABOVE PROVISIONS. Any obligor contemplated by Section 5, who submits to the jurisdiction of the court of such other state and complies with the court's order of support, shall be relieved of extradition for desertion or non-support entered in the courts of this state during the period of such compliance. (1951)

Section 7. CHOICE OF LAWS. Duties of support under this Act are those imposed or imposable under the laws of any state where the obligor was present during the period for which support is sought. The obligor is presumed to have been present in the responding state during the period for which support is sought unless otherwise shown. (1953)

Section 8. REMEDIES OF A STATE OR POLITICAL SUBDIVISION THEREOF FURNISHING SUPPORT. Whenever the state or a political subdivision thereof has furnished support to an obligee it has the same right to invoke the provisions hereof as the obligee to whom the support was furnished for the purpose of securing reimbursement of expenditures so made and of obtaining continuing support. (1953)

Section 9. HOW DUTIES OF SUPPORT ARE ENFORCED. All duties of support are enforceable by petition irrespective of relationship between the obligor and obligee. Jurisdiction of all proceedings hereunder shall be vested in the circuit court in equity.

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

In any proceeding under this Act the court may order interrogatories or depositions to be taken within or without the state, pursuant to the provisions of law applicable to a court of record.

The court, whether acting as an initiating state or a responding state, may direct the circuit solicitor or some other prosecuting attorney for the state to represent the plaintiff in any proceeding under this Act.

Participation in any proceeding under this Act shall not confer upon any court jurisdiction of any of the parties thereto in any other proceeding. (1953)

Section 10. CONTENTS OF PETITION FOR SUPPORT. The petition shall be verified and shall state the name and, so far as known to the petitioner, the address and circumstances of the respondent and his dependents for whom support

is sought and all other pertinent information. (1951)

Section 11. DUTY OF COURT OF THIS STATE AS INITIATING STATE.

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

If the name and address of such court is unknown and the responding state has an information agency comparable to that established in the initiating state it shall cause such copies to be transmitted to the state information agency or other proper official of the responding state, with a request that it forward them to the proper court, and that the court of the responding state acknowledge their receipt to the court of the initiating state.

(b) When the court of this state, acting as an initiating state, has reason to believe that the respondent may flee the jurisdiction it may request in its certificate that the court of the responding state obtain the body of the respondent by appropriate process if permissible under the law of the responding state. (1953)

Section 12. DUTY OF THE COURT OF THIS STATE AS RESPONDING STATE.

(a) When the court of this state, acting as a responding state, receives from the court of an initiating state the aforesaid copies, it shall (1) docket the cause, (2) notify the circuit solicitor, (3) set a time and place for a hearing, and (4) take such action as is necessary in accordance with the laws of this state to obtain jurisdiction.

(b) Any order of support issued by a court of this state when acting as a responding state shall not supersede any previous order of support issued in a divorce or separate maintenance action, but the amounts for a particular period paid pursuant to either order shall be credited against amounts accruing or accrued for the same period under both.

(c) If a court of this state, acting as a responding state, is unable to obtain jurisdiction of the respondent or his property due to inaccuracies or inadequacies in the petition or otherwise, the court shall communicate this fact to the court in the initiating state, shall on its own initiative use all means at its disposal to trace the respondent or his property, and shall hold the case pending the receipt of more accurate information or an amended petition from the court in the initiating state. (1953)

Section 13. ORDER OF SUPPORT. If the court of the responding state finds a duty of support, it may order the respondent to furnish support or reimbursement therefor and subject the property of the respondent to such order. (1953)

Section 14. RESPONDING STATE TO TRANSMIT COPIES TO INITIATING STATE. The court of this state when acting as a responding state shall cause to be transmitted to the court of the initiating state a copy of all orders of support or orders for reimbursement therefor. (1951)

Section 15. ADDITIONAL POWERS OF COURT. (a) In addition to the

foregoing powers, the court of this state when acting as the responding state has the power to subject the respondent to such terms and conditions as the court may deem proper to assure compliance with its orders and in particular: (1) To obtain the body of the respondent by appropriate process when it has reason to believe that the respondent may flee the jurisdiction. (2) To require the respondent to furnish recognizance in the form of a cash deposit or bond of such character and in such amount as the court may deem proper to assure payment of any amount required to be paid by the respondent. (3) To require the respondent to make payment at specified intervals to the register of the court or the obligee and to report personally to such register at such times as may be deemed necessary. (4) To punish the respondent who shall violate any order of the court to the same extent as is provided by law for contempt of court in any other suit or proceeding cognizable by the court.

(b) A court of this state acting either as an initiating or responding state may in its discretion direct that any part of or all fees and costs incurred in this state, including without limitation by enumeration, fees for filing, service of process, seizure of property, and stenographic service of both petitioner and respondent, or either, shall be paid by the state. Where the action is brought by or through the state or an agency thereof there shall be no filing fee. Security for costs may or may not be required when the petition is filed by or on behalf of a non-resident dependent, as the court may in its discretion direct. (1953)

Section 16. ADDITIONAL DUTIES OF THE COURT OF THIS STATE WHEN ACTING AS A RESPONDING STATE. The court of this state when acting as a responding state shall have the following duties which may be carried out through the register of the court:

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

(b) Upon request to furnish to the court of the initiating state a certified statement of all payments made by the respondent. (1951)

Section 17. ADDITIONAL DUTY OF THE COURT OF THIS STATE WHEN ACTING AS AN INITIATING STATE. The court of this state when acting as an initiating state shall have the duty which may be carried out through the register of the court to receive and disburse forthwith all payments made by the respondent or transmitted by the court of the responding state. (1951)

Section 18. EVIDENCE OF HUSBAND AND WIFE. Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this act. Husband and wife are competent witnesses to testify to any relevant matter, including marriage and parentage. (1951)

Section 19. SEVERABILITY. If any provision hereof or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable. (1951)

Section 20. EFFECTIVE DATE. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. (1951 and 1953)

November, 1955

I, Mary Texas Hurt, Secretary of State of the State of Alabama, do hereby certify that the above pages contain a true, accurate and literal copy of Act No. 879 of the 1951 Regular Legislative Session, as amended by Act No. 823 of the 1953 Regular Legislative Session.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State at the Capitol in the City of Montgomery, this 16 day of February, 1956.

Mary Texas Hurt
SECRETARY OF STATE





KENNETH COOPER
CIRCUIT SOLICITOR

STATE OF ALABAMA
OFFICE OF CIRCUIT SOLICITOR
28TH JUDICIAL CIRCUIT
BAY MINETTE, ALABAMA
15 October 1956

Clerk
Circuit Court
Davidson County
Nashville, Tenn.

Re: Mary Phillips Peavy
Vs.
James Bridges Robinson
Our Case No. 3834

Dear Sir:

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Above styled cause was forwarded to your office 31 July, 1956, for action under the Uniform Reciprocal Support of Dependents Law. Would you please advise as to the status of the proceedings in this cause. According to information received this date the above named respondent has been corresponding with his children, the last letter having been received about two weeks ago.

Very truly yours,

K. C.
Kenneth Cooper
Circuit Solicitor

MARY PHILLIPS PEAVY
COMPLAINANT

VS

JAMES BRIDGES ROBINSON
RESPONDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY CASE NO. 3834

DECREE

It appearing to the Court that there has been an order in the above styled cause, and it further appearing to the Court that said cause is no longer active, and it further appearing to the Court that the costs were taxed in said cause against the Defendant and returned "No Property Found" by the Sheriff of this County, and 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 is further ORDERED that the costs incurred in this cause be taxed against the State of Alabama pursuant to Section 119(b), Title 34, 1955 Cumulative Pocket Parts, Code of Alabama.

This 26 day of May 1959

Hubert M. Hall
Judge Circuit Court, In Equity.

FILED

ALICE L. DUCK, CLERK
RECORDED

STATE OF ALABAMA
CIRCUIT COURT OF BALDWIN COUNTY
IN EQUITY

MARY PHILLIPS PEAVY

(Petitioner)

Vs.

JAMES BRIDGES ROBINSON

(Respondent)

The petition of MARY PHILLIPS PEAVY respectfully shows:

1. That she is the ^{former} ~~the~~ wife of James Bridges Robinson, the respondent; that petitioner was duly married to said respondent on or about the 7th day of April, 1940 at Fort Lauderdale, Fla., and now resides at Robertsdale, Baldwin County, Alabama.

2. That petitioner is the mother and said respondent is the father of the following named dependent(s):

Gloria Jean Robinson, born 5 July, 1941.

Betty Joyce Robinson, born 17 August, 1942.

James Bridges Robinson, jr born 21 December, 1944.

Leroy Gerald Robinson, born 31 July, 1946.

_____, born _____, 19 .

_____, born _____, 19 .

3. That petitioner and said child(ren) (~~is~~ are) entitled to support from the respondent under the provisions of the Uniform Reciprocal Enforcement of Support Act of this State (Act No. 879, 1951, approved 12 September, 1951) copy of which is attached and made a part hereof.

4. That respondent, on or about the 4th day of March, 1952, and subsequent thereto, refused and neglected to provide ^{above listed} fair and reasonable support for ~~petitioner and other~~ dependent(s) according to his means and earning capacity.

5. That, upon information and belief, respondent now is residing or domiciled at 843 Meridian Street, Nashville, Tennessee, is earning \$ 250.00 per ~~week~~ (month), and is within the jurisdiction of the CIRCUIT Court of Nashville, Tenn., Davidson County, which state has enacted a law substantially similar to the Uniform Reciprocal Enforcement of

Support Act of this State.

Wherefore, the petitioner prays for such an order or support, directed to said respondent, as shall be deemed to be fair and reasonable, and for such other further relief as the law provides.

Mary Phillips Peavy
Mary Phillip Peavy
Petitioner.

Personally appeared before me on this 30th day of July,
1956, Mary Phillips Peavy, to me personally
known and made oath that she has read the above petition and knows
the contents thereof, and that the same are true of her own know-
ledge except as to matters stated on information and belief, and
as to these matters she believes them to be true.

Alice J. Duck
Alice J. Duck
Clerk of Court.

STATE OF ALABAMA
CIRCUIT COURT OF BALDWIN COUNTY
IN EQUITY.

Mary Phillips Peavy

Petitioner

vs.

Docket No. _____

James Bridges Robinson

Respondent

The undersigned Judge of the Circuit Court of Baldwin County, Alabama, in Equity, hereby certifies:

1. That on 30 July, 1956, 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 (Act No. 879, approved 12 September, 1951), to compel the support of the dependent(s) named in that petition.

2. That the above named respondent is believed to be residing or domiciled ~~xx~~ at 843 Meridian St., Nashville, Tenn., and that the Circuit Court of Davidson County, Nashville, Tenn., may obtain jurisdiction of the respondent or his property.

3. That the undersigned, a Judge of the Circuit Court of Baldwin County, Alabama, 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 dependent(s) named in the petition for support from the respondent are the sum of \$ 75.00 per (~~xxxx~~) (month).

4. That in the opinion of the undersigned Judge of the Circuit Court of Baldwin County, Alabama, the respondent should be compelled to answer such petition and be dealt with according to law.

Wherefore, it is hereby Ordered that this certificate together with certified copies of the petition be transmitted to the Circuit Court of Davidson County, Nashville, Tenn.,

Hubert M. Hall

Hubert M. Hall,
Circuit Judge

Done this 30th day of July, 1956.