

3942

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GEORGIA LEE DAVIS

and

COUNTY OF ALAMEDA, STATE OF CALIFORNIA,

Plaintiffs,

VS.

LEROY WILLIAMS,

Defendant.

ACTION NO. 278521

Dept. No. 1

COMPLAINT  
FOR SUPPORT AND REIMBURSEMENT  
UNDER THE UNIFORM RECIPROCAL  
ENFORCEMENT OF SUPPORT ACT.

HEARING IN OPEN COURT, BEFORE HON. HUBERT M. HALL, JUDGE OF THE 28TH JUDICIAL CIRCUIT OF ALABAMA, ON FEBRUARY 11, 1957.

MR. COOPER: may it please the Court, the case for hearing is a reciprocal non-support case, which was forwarded to this Court from Alameda County, State of California.

According to the Plaintiff's complaint in this case, which was forwarded to this State under the Reciprocal non-support law, the Plaintiff, Georgia Lee Davis, and this defendant, Leroy Williams, lived together from January 8, 1952, to December 21, 1954, at Oakland, California, and on or about the 21st day of December, 1954, the defendant, Leroy Williams, left the Petitioner, Georgia Lee Davis, and has not returned to her since that date, nor has he furnished to her any

support for one child which the Petitioner, Georgia Lee Davis, claims was born to her as a result of her living with the defendant whose name is Leroy Williams, Jr., the birth place of the child, according to this petition was Oakland, California, and the date was February 22, 1953, and they go on to say in the Petition that this defendant, since the 28th day of June, 1955, has refused and neglected to provide a fair and reasonable support for the Plaintiff, or Petitioner, and Leroy Williams, Jr., the child, and of course, the Plaintiff is claiming for herself and the dependent child, the sum of \$134.00 per month.

According to the Petition it further appears that the Plaintiff, County of Alameda, State of California, is providing financial assistance to the Plaintiff, Georgia Lee Davis, for her support and the support of the child, and that up to this date it has furnished for said purpose the sum of \$2,412.00, and, of course, the allege that Leroy Williams is within the jurisdiction of this Court, and they pray for a judgment against this defendant,

FIRST: An order of support directed against this defendant as may be deemed fair and reasonable;

SECOND: An order directed to the Defendant to

reimburse the Plaintiff, County of Alameda, State of California, the sum of \$2,412.00, for expenses, or expenditures heretofore made for the support of Georgia Lee Davis and her child, Leroy Williams, Jr., and

THIRD: For such other and further relief as the law provides.

This Petition was signed by Georgia Lee Davis on the 29th day of November, 1956.

I would like to draw the Court's Attention further to information which has been furnished me, as Solicitor for this Judicial Circuit of Alabama, that this particular Petitioner, Georgia Lee Davis, also had two other children prior to the time of the birth of Leroy Williams, Jr.. According to the other information that was furnished to the Solicitor's office, the other children were Diane Jefferson and Darlene Harper. I do not have any information as to whether or not the Petitioner, Georgia Lee Davis, was ever married to the father of either of the said other two mentioned children.

I would also like to call the Court's attention to the fact that neither of said children above named bear the name of Davis.

I would like to point out to the Court that the amount of money claimed from the defendant, Leroy Williams, was based upon a budget worked out by the Alameda County Welfare Department, and from an examination of the records furnished to this office they use about the same method as our Department of Pensions and Security in working out budgets for children and their mother, in cases of this particular nature.

According to the petition filed in Court it shows that Leroy Williams, the defendant, never did marry Georgia Lee Davis. I believe that states the case against Leroy Williams.

LEROY WILLIAMS, THE DEFENDANT, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Cooper.

Q. You are Leroy Williams?

A. Yes sir.

Q. Leroy, did you know Georgia Lee Davis, who it is alleged that you lived with in Oakland, California, from January 8, 1952, to December 21, 1954?

A. Yes sir.

Q. Did you live with her during that time, or any part of that time?

A. I did live with her mother. I got out of service and had no place to stay -

Q. When did you get out of service?

A. I think it was '51.

Q. Did you meet this Georgia Lee Davis after you got out of service?

A. Well I knowed her before I got out because she used to come out to the Army base.

Q. Did you live with her and her mother at her mother's house in Oakland, California?

A. Yes sir, I lived at her mother's house.

Q. How long did you live with her, Leroy?

A. Well I couldn't very well say off-hand, but it was about two years, because I used to live on 607 Market Street for a long period of time.

Q. In Oakland, California?

A. Yes sir.

Q. Did you live with Georgia Lee Davis on Market Street during this period of time she said you all lived together?

A. Yes sir, that is where her mother lived.

Q. Was this child, Leroy Williams, born to Georgia Lee Davis after you begun to live with her? -- In otherwords, was there a child born to her after you began to live with her?

A. When the child was born I was in Alaska; I came from Alaska in November.

Q. November of 1951?

A. I think it was.

Q. You came from Alaska and lived with her a short time?

A. Yes sir.

Q. How long did you live with her after you came from Alaska?

A. I never did go back to Alaska after I got home.

Q. How long had you lived with this girl, Georgia Lee Davis, before the baby was born?

A. I don't know.

Q. Was this your child that was born to her?

A. So she claimed; that is all I went by.

Q. Were you living in the house with her?

A. I was renting from her mother.

Q. Was any other man living in the house with her?

A. No sir.

Q. Were the other two children, whose names I called, the Jefferson Child and the Harper Child, were they living with her at the time?

A. Yes sir.

Q. Do you have any knowledge of whether she was ever married prior to the time you lived with her?

A. No sir.

Q. You never did ask her?

A. No sir.

Q. Who supported the other two children while you were living with her?

A. She was trying to get support for Darlene from her daddy, and she

claimed Diane's daddy got killed in the service.

Q. That is what she told you?

A. That is as far as I knowed.

Q. Where was Darlene's daddy?

A. In San Francisco.

Q. Do you know whether Georgia Lee Davis was ever married to a man named Harper?

A. No sir.

Q. Did she ever show you any papers to show that she was separated from Harper?

A. No sir.

Q. Did you give her some support money after you left there?

A. Yes sir, the last time I sent her money was \$35.00.

Q. Do you remember when that was, Leroy?

A. It must have been March - I came home in July -- It was just before I came from from Texas --

Q. July of 1954 or 1955 that you came home?

A. It was last year.

Q. 1956?

A. Yes, it must have been around May when I sent her \$35.00 because she claimed that she was going to let the boy come out here; I have a nephew out there and she was supposed to let the boy come here with him and she wanted money for him to come on and I sent her \$35.00 to pay the boy's way here.

Q. Are you employed, Leroy?

A. Yes, sir.

Q. Where are you employed?

A. I work in pulp wood for Mr. R. J. Lancaster.

Q. Where do you work?

A. We get wood from Mr. Odom out here.

Q. Do you live in Loxley, Baldwin County, Alabama?

A. Yes sir.

Q. Do you work regularly?

A. Whenever it ain't raining I do.

Q. Could you tell the Court what your income is per month?

A. Well sir, I would say my average, if I makes a good week, is \$40.00

-- a good week is about \$40.00 a week.

Q. If you have a bad week how much do you make?

A. From \$20.00 to \$25.00 a week; take last week, I made \$25.00.

Q. Are you married now?

A. Yes sir.

Q. How many children do you have?

A. None.

Q. You are living with your wife?

A. Yes sir and my mother.

Q. At Loxley, Alabama?

A. Yes sir.

Q. Do you have to support your mother?

A. Yes sir.



Q. How much support do you provide for your mother's support?

A. I give her about \$15.00 a week if I make good and if not then \$10.00 or whatever I can give her.

Q. That is for board for you and your wife?

A. Yes sir.

Q. Now out of the rest of your money you have to keep up your wife and yourself?

A. Yes sir.

Q. Leroy, do you have any real estate?

A. No sir.

Q. Do you have any other property at all?

A. I don't have nothing at all.

Q. Do you own an automobile?

A. No, sir.

Q. Does your wife have any property?

A. No sir, not none.

Q. How old are you, Leroy?

A. 27.

Q. How long have you been married to your wife that you are living with now?

A. 10 months.

Q. Where were you married?

A. In Mississippi.

Q. You are legally married to her?

A. Yes sir.

Q. You say you have no children by your present wife?

A. No sir.

Q. And you have no property of any kind?

A. No sir.

Q. No bonds or securities?

A. No sir.

Q. You don't get any retirement pay from the Military service?

A. No sir.

Q. Your only pay is what you get from working in the pulp wood business each week?

A. Yes sir, that's all.

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I hereby certify that the foregoing, consisting of pages 1 to 10 both inclusive, correctly sets forth a true and correct transcript of the proceedings and testimony in the above case, as reported by me in open Court, on February 11, 1957, in Bay Minette, Alabama.

This 12th day of February, 1957.

Louise Ausuberry  
Official Court Reporter, 28th  
Judicial Circuit of Alabama.

SUMMONS AND COMPLAINT

Moore Ptg. Co.

BOOK 022 PAGE 23

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 Leroy Williams

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 .....

Leroy Williams ....., Defendant.....

by ~~George A. Lee Davis~~ George A. Lee Davis ....., Plaintiff.....

Witness my hand this 26th day of December 19 56

George A. Lee Davis, Clerk

No. 3942 Page \_\_\_\_\_

The State of Alabama  
Baldwin County

CIRCUIT COURT

GEORGIA LEE DAVIS

Plaintiffs

vs.

LEROY WILLIAMS

Defendants

Summons and Complaint

Filed 12-26-56 19\_\_\_\_

Alice J. Huck Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at \_\_\_\_\_

Received In Office

12-26 1956

\_\_\_\_\_, Sheriff

I have executed this summons

this 12-31 1956

by leaving a copy with

Leroy Williams

Sheriff claims 40 miles of

Ten Cents per mile Total \$ 4.00

TAYLOR WILKINS, Sheriff

BY Bladhus  
DEPUTY SHERIFF

Taylor Wilkins Sheriff

Bladhus Deputy Sheriff

Loxley Ala

ENDORSED  
FILED

DEC 19 1956

JACK G. BLINE, County Clerk  
A. P. GIOVANNONI  
DEPUTY

J. F. COAKLEY  
District Attorney  
of Alameda County  
900 Court House  
Oakland, California  
Highgate 4-0507

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF ALAMEDA

GEORGIA LEE DAVIS,  
and  
COUNTY OF ALAMEDA, STATE OF  
CALIFORNIA,  
Plaintiffs,  
vs.  
LEROY WILLIAMS, Defendant.

Action No. 278521

Dept. No. 1

COMPLAINT  
FOR SUPPORT AND REIMBURSEMENT  
UNDER THE UNIFORM RECIPROCAL  
ENFORCEMENT OF SUPPORT ACT

Plaintiffs complain and allege:

I

That plaintiff \_\_\_\_\_ and defendant  
\_\_\_\_\_ , 19 \_\_\_\_\_ , at  
lived together on or about GEORGIA LEE DAVIS \_\_\_\_\_ ,  
January 8, 1952 to December 21, 1954 as husband and wife,  
Oakland, California and were separated/divorced on or about \_\_\_\_\_ ,  
at \_\_\_\_\_ December 21 54  
Oakland, California.

II

That said plaintiff resides at  
948 East 14th Street  
Oakland, California  
and defendant resides at  
Route 1, Box 113-A, Loxley, Alabama.

III

That said plaintiff is the mother and defendant is the  
father of the following named minor dependent \_\_\_\_\_:

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Name	Birthdate	Residence
1. LLOYD WILLIAMS, Jr.	February 22, 1953	4421 Shattuck Avenue, Oakland, California
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3.		
4.		

IV

That defendant on or about ~~June 25~~, 1955, and subsequent thereto, refused and neglected to provide fair and reasonable support for ~~Plaintiff and~~ the above-named dependent\_\_\_ according to his means and earning capacity, and that the total amount which defendant has contributed since said date is approximately \$ 35.00.

V

That said plaintiff is in need of and entitled to support for ~~herself and~~ the above-named minor dependent\_\_\_ in the sum of \$134.00 per month.

VI

That at all the dates and times herein mentioned, the County of Alameda was, always has been, and now is, a body corporate and politic and a legal subdivision of the State of California.

VII

That plaintiff County of Alameda is providing financial assistance to plaintiff ~~GRACIE LEE DAVIS~~ for the support of the above-named minor dependent\_\_\_ and between ~~March~~, 1955, and ~~November~~ 1956, the total amount of aid granted was the sum of \$ 2,412.00.

VIII

That plaintiffs are informed and believe and therefore allege that defendant is employed and is within the jurisdiction of the ~~CIRCUIT~~ Court of the State of ~~ALABAMA~~, which State has

1 enacted a law substantially similar to the Uniform Reciprocal  
2 Enforcement of Support Act of the State of California.

3 WHEREFORE plaintiffs pray judgment against defendant  
4 as follows:

5 1. Such an order of support directed to defendant as  
6 may be deemed to be fair and reasonable.

7 2. An order directed to said defendant to reimburse  
8 plaintiff County of Alameda in the sum of \$ 2,412.00  
9 for expenditures heretofore made for the support of  
10 Plaintiff and the above-named dependant\_\_\_\_,  
11 and that such reimbursement be made by defendant in such  
12 installments as may be deemed fair and reasonable.

13 3. For such other and further relief as the law pro-  
14 vides.

15 (s) GEORGIA LEE DAVIS  
16 Plaintiff

17 STATE OF CALIFORNIA )  
18 COUNTY OF ALAMEDA ) ss

19 GEORGIA LEE DAVIS , being first duly sworn,  
20 deposes and says:

21 That she is one of the plaintiffs in the foregoing  
22 Complaint for Support and Reimbursement under the Uniform  
23 Reciprocal Enforcement of Support Act; that she has read the  
24 said Complaint and knows the contents thereof and that the  
25 same is true of her own knowledge, except as to those matters  
26 which are therein stated on information and belief and as to  
27 those matters, that she believes it to be true.

28 (s) GEORGIA LEE DAVIS  
29 Plaintiff

30 Subscribed and sworn to before me

31 this *J. H.* day of November , 19 56.

(SEAL) LORRAYNE CLARK JARRELL  
Notary Public in and for the County  
of Alameda, State of California

ENDORSED  
FILED

DEC 19 1966

JACK G. BLUE, County Clerk  
A. P. GIOVANNONI  
DEPUTY

J. F. COAKLEY  
District Attorney  
of Alameda County  
900 Court House  
Oakland 7, California  
Highgate 4-0507

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF ALAMEDA

GEORGIA LEE DAVIS, and COUNTY  
OF ALAMEDA, STATE OF CALIFORNIA,

NO. 278521

Plaintiff,

TESTIMONY OF PLAINTIFF

vs.

LEROY WILLIAMS,

Defendant.

Q. What is your name?

A. GEORGIA LEE DAVIS.

Q. What is your present address?

A. 948 East 14th St., Oakland 9, California.

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

A. Never married.

Q. What were the circumstances leading to the separation from the defendant?

A. December 22, 1954, defendant left Oakland, never returned.

Q. What are the names and birthdates of the defendant's minor child(ren) (now living with you)?

A. Leroy Williams, Jr., February 22, 1953.



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Q. When and where were you divorced from the defendant?

A. Never married.

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

A. June 26, 1955, \$35.00

Q. If there is an order, decree or judgment of any court requiring the defendant to support or contribute to the support of you and your child(ren), what court made the order, what was the date of the order, and what were the terms of the order?

A. February 4, 1954, Judge Smith, Municipal Court of Oakland; \$40.00 per month, three years probation.

Q. If the defendant has been ordered to support or contribute to the support of you or your child(ren), how much is he in arrears?

A. Unknown.

Q. If you are employed, what type of work do you do and what are your earnings?

A. Not employed.

Q. Have you any other source of income?

A. No.

Q. List the unpaid debts you have incurred for the support of your child(ren).

None.

Q. List your current expenses.

Rent	\$ 70.00	per mo.	Medical and	
			Dental	\$ 10.00 per mo.
Food	\$ 50.00	per mo.		
Utilities	\$ 10.00	per mo.	Other	
			(describe)	\$ per mo.
Clothing	\$ 16.00	per mo.		
Transportation	\$ 2.00	per mo.	Fixed Credit	
			Obligations	
			(describe)	\$ per mo.
Insurance	\$ 2.00			

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Q. Are you and your child(ren) in good health?  
A. Leroy Williams, Jr. is being treated for anemia.

Q. What is the defendant's present address?  
A. Unknown.

Q. If you know where the defendant is now employed and his earnings, please state.  
A. Unknown.

Q. If you are now receiving public aid, how much do you receive?  
A. \$174.00 per month.

Q. Describe the defendant.

Height 5'5"	Color Eyes Brown
Weight 150 lbs.	Mustache No
Age 25	Wears Glasses No
Race Negro	Visible Scars Right arm
Color Hair Black	(describe)

Q. If you have any other information which would be of value to the Court in the responding state, please state it.  
A.

(s) GEORGIA LEE DAVIS  
\_\_\_\_\_  
Plaintiff

Subscribed and sworn to before  
me this 27~~th~~ day of November,  
19 56.

(SEAL) (s) LORRAYNE CLARK JARRELL  
\_\_\_\_\_  
Notary Public in and for the County  
of Alameda, State of California

ENDORSED  
FILED

DEC 19 1956

JACK G. BLUE, County Clerk  
A. P. GIOVANNONI  
DEPUTY

1 J. F. COAKLEY  
2 District Attorney  
3 of Alameda County  
4 900 Court House  
5 Oakland, California  
6 Highgate 4-0507

7  
8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 IN AND FOR THE COUNTY OF ALAMEDA

10 GEORGIA LEE DAVIS, and COUNTY OF  
ALAMEDA, STATE OF CALIFORNIA, }  
11 Plaintiffs,

Action No. 278521

12 vs.

IMPECUNIOUS

13 LEROY WILLIAMS,

AFFIDAVIT

Defendant.

14 STATE OF CALIFORNIA }  
15 COUNTY OF ALAMEDA } ss.

16 GEORGIA LEE DAVIS , being first duly

17 sworn, deposes and says:

18 That she is the Plaintiff in the above-entitled action;  
19 that she is in destitute and necessitous circumstances and is  
20 unable to pay the filing fee, library fee or reporter's fee  
21 required by the above-entitled court, nor any such fees that  
22 may be required by the court in the state in which Defendant's  
23 is found; and that she is presently receiving aid from the  
24 Alameda County Welfare Commission.

25 WHEREFORE, affiant prays that the court under and by  
26 virtue of Section 1677 of the Code of Civil Procedure, enter  
27 its order allowing her to file the above-entitled action  
28 without the payment of any filing fee, library fee or  
29 reporter's fee therefor.

30 (s) GEORGIA LEE DAVIS

31 Subscribed and sworn to before me  
this 27th day of November , 1956 .

(SEAL) (s) LORRAYNE CLARK JARRELL  
Notary Public in and for the County of  
Alameda, State of California.  
M-4731 (Rev. 4-22-55)

ENDORSED  
FILED

DEC 19 1956

JACK G. BLUE, County Clerk  
A. P. GIOVANNONI  
DEPUTY

1 J. F. COAKLEY  
2 District Attorney  
3 of Alameda County  
4 900 Court House  
5 Oakland 7, California  
6 Highgate 4-0507

7 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
8 IN AND FOR THE COUNTY OF ALAMEDA

9 GEORGIA LEE DAVIS, and COUNTY OF  
10 ALAMEDA, STATE OF CALIFORNIA,

11 Plaintiff,

12 vs.

13 LEROY WILLIAMS,  
14 Defendant.

Action No.

278521

Department No. 1

CERTIFICATE  
AND  
ORDER

15 The undersigned, a Judge of the above entitled  
16 Court, hereby certifies:

17 1. That he has examined the duly verified com-  
18 plaint of the Plaintiff above-named under the provisions of  
19 the Uniform Reciprocal Enforcement of Support Act. (Stats. of  
20 Calif. 1953, Ch. 1290) to compel the support of the obligee,  
21 named in the complaint, and finds that the complaint sets  
22 forth facts from which it may be determined that the Defen-  
23 dant owes a duty of support to the obligee\_ named in the  
24 complaint.

25 2. That the above-named Defendant is believed to  
26 reside at Loxley, State of ALABAMA,  
27 and that the CIRCUIT Court, located in the City of  
28 Bay Minette, County of BALDWIN, State of  
29 ALABAMA, may obtain jurisdiction of the  
30 defendant or his property.

31

1 3. That in the opinion of the undersigned Judge  
2 the Defendant should be compelled to answer the complaint  
3 and be dealt with according to law.

4 WHEREFORE, good cause appearing therefor,

5 IT IS HEREBY REQUESTED that the District Attor-  
6 ney of Alameda County represent the Plaintiff in the  
7 above-entitled action.

8 IT IS HEREBY ORDERED that the Clerk of the  
9 above-mentioned Court file the complaint of Plaintiff in  
10 said action without payment of any filing, library, or  
11 reporter's fee.

12 IT IS HEREBY ORDERED that three certified copies  
13 of the complaint and of this certificate, together with  
14 certified copy of the Uniform Reciprocal Enforcement of  
15 Support Act be transmitted to the above-mentioned Court  
16 of the responding State wherein the Defendant resides.

17 DATED: *December 19, 19 56.*

18  
19 CHARLES WADE SNOOK  
20 JUDGE OF THE SUPERIOR COURT

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28 The foregoing instruments are  
29 correct copies of the originals  
30 on file in this office

31 ATTEST: DEC 19 1956

M4679(b) (Rev. 10-1-54)

JACK G. BLUE  
County Clerk and ex-officio Clerk of the  
Superior Court of the State of California in  
and for the County of Alameda  
By \_\_\_\_\_ Deputy



FRANK M. JORDAN  
SECRETARY OF STATE

I, FRANK M. JORDAN, Secretary of State of the State of California, hereby certify:

That as the legal custodian of the statutes and laws of the State of California, including the codes, I am the proper officer to certify or authenticate copies or provisions thereof.

I further certify that on the 23rd day of June, 1953, there was filed in my office as Chapter 1290, Statutes of 1953, an act of the 1953 General Session of the Legislature of this State, entitled:

"An act to repeal Title 10a, comprising Sections 1650 to 1681, inclusive, of Part 3 of the Code of Civil Procedure, and to add a new Title 10a, comprising Sections 1650 to 1690, inclusive, to Part 3 of said code, providing a Civil and criminal procedure for enforcement of the duties of support," approved June 22, 1953.

I further certify that the transcript hereunto annexed correctly sets forth the text of said Title 10a, so added, comprising Sections 1650 to 1690, inclusive, of the Code of Civil Procedure, and that as in Section 1650 provided the said act is known and may be cited as the:

"Uniform Reciprocal Enforcement of Support Act."

I further certify that the provisions of the Uniform Reciprocal Enforcement of Support Act of the State of California, as they appear in the annexed transcript, are presently in effect and have been in full force and effect continuously since the 9th day of September, 1953.

IN WITNESS WHEREOF, I hereunto set  
my hand and affix the Great Seal  
of the State of California this  
3rd day of December, 1956

FRANK M. JORDAN  
Secretary of State

By

*Walter C. Stutler*  
Walter C. Stutler  
Deputy Secretary of State

## CHAPTER 1290

*An act to repeal Title 10a, comprising Sections 1650 to 1681, inclusive, of Part 3 of the Code of Civil Procedure, and to add a new Title 10a, comprising Sections 1650 to 1690, inclusive, to Part 3 of said code, providing a civil and criminal procedure for enforcement of the duties of support.*

*The people of the State of California do enact as follows:*

SECTION 1. Title 10a, comprising Sections 1650 to 1681, inclusive, of Part 3 of the Code of Civil Procedure, is repealed.

SEC. 2. Title 10a, comprising Sections 1650 to 1690, inclusive, is added to Part 3 of said code, to read:

## TITLE 10a. UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT

## CHAPTER 1. GENERAL PROVISIONS

1650. This title is known and may be cited as the Uniform Reciprocal Enforcement of Support Act.

1651. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

1652. The purposes of this title are to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto.

1653. As used in this title 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 superior court 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 imposable 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.

(9) "Prosecuting official" means the district attorney, city attorney, or city prosecutor charged with the prosecution of criminal offenses in the city or other area in which the obligor is alleged to be present.

1654. The remedies provided in this title are in addition to and not in substitution for any other remedies.

1655. Duties of support arising under the law of this State, when applicable under Section 1670, bind the obligor, present in this State, regardless of the presence or residence of the obligee.

## CHAPTER 2. CRIMINAL ENFORCEMENT

1660. 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 other state.

1661. Any obligor contemplated by Section 1660, 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 nonsupport entered in the courts of this State during the period of such compliance.

## CHAPTER 3. CIVIL ENFORCEMENT

1670. Duties of support enforceable under this title are those imposed or imposable under the laws of any state where the alleged obligor was present during the period for which support is sought or where the obligee was present when the failure to support commenced, at the election of the obligee.

1671. Whenever the State or a political subdivision thereof furnishes 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.

1672. All duties of support are enforceable by action irrespective of relationship between the obligor and obligee. Jurisdiction of all proceedings hereunder shall be vested in the superior court.

1673. The complaint shall be verified and shall state the name and, so far as known to the plaintiff, the address and circumstances of the defendant and his dependents for whom support is sought and all other pertinent information. The plaintiff may include in or attach to the complaint any information which may help in locating or identifying the defendant including, but without limitation by enumeration, a photograph of the defendant, a description of any distinguishing marks of his person, other names and aliases by which he has been or is known, the name of his employer, his fingerprints, or social security number.

1674. The prosecuting official may, upon the request of the court, represent the plaintiff in any proceeding under this title.

1675. A complaint on behalf of a minor obligee may be brought by a person having legal custody of the minor without appointment as guardian ad litem.

1676. If the court of this State acting as an initiating state finds that the complaint sets forth facts from which it may be determined that the defendant owes a duty of support and that a court of the responding state may obtain jurisdiction of the defendant or his property, it shall so certify and shall cause three copies of (1) the complaint, (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 are 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.

1677. 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 shall be waived, including without limitation by enumeration, fees for filing, service of process, seizure of property, and stenographic service of both plaintiff and defendant, or either. Where the action is brought by or through the State or an agency thereof, there shall be no filing fee, library fee, or reporter's fee.

1678. When the court of this State, acting either as an initiating or responding state, has reason to believe that the defendant may flee the jurisdiction it may (a) as an initiating state request in its certificate that the court of the responding state obtain the body of the defendant by appropriate process if that be permissible under the law of the responding state; or (b) as a responding state, obtain the body of the defendant by appropriate process.

1679. The Attorney General is hereby designated as the state information agency under this title, and it shall be its duty:

(1) To compile a list of the courts and their addresses in this State having jurisdiction under this title and transmit the same to the state information agency of every other state which has adopted this or a substantially similar law.

(2) To maintain a register of such lists received from other states and to transmit copies thereof as soon as possible after receipt to every court in this State having jurisdiction under this title.

1680. When the court of this State, acting as a responding state, receives from the court of an initiating state the aforesaid copies, it shall (1) docket the cause, (2) notify the prosecuting official, (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.

1681. If a court of this State, acting as a responding state, is unable to obtain jurisdiction of the defendant or his property due to inaccuracies or inadequacies in the complaint 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 defendant or his property, and shall hold the case pending the receipt of more accurate information or an amended complaint from the court in the initiating state.

1682. The court shall conduct proceedings under this title in the manner prescribed by law for an action for the enforcement of the type of duty of support claimed.

1683. If the court of the responding state finds a duty of support, it may order the defendant to furnish support or reimbursement therefor and subject the property of the defendant to such order.

1684. 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 for reimbursement therefor.

1685. In addition to the foregoing powers, the court of this State when acting as the responding state has the power to subject the defendant to such terms and conditions as the court may deem proper to assure compliance with its orders and in particular

(a) To require the defendant 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 defendant.

(b) To require the defendant to make payments at specified intervals to the probation officer of the county or the obligee and to report personally to such probation officer at such times as may be deemed necessary.

(c) To punish the defendant who shall violate any order of the court to the same extent as is provided by law for contempt of the court in any other suit or proceeding cognizable by the court.

1686. The court of this State when acting as a responding state shall have the following duties which may be carried out through the probation officer of the county:

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

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

1687. The court of this State when acting as an initiating state shall have the duty which may be carried out through the probation officer of the county to receive and disburse forthwith all payments made by the defendant or transmitted by the court of the responding state.

1688. Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this title. Husband and wife are competent witnesses and may be compelled to testify to any relevant matter, including marriage and parentage.

1689. 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.

1690. Participation in any proceedings under this title shall not confer upon any court jurisdiction of any of the parties thereto in any other proceeding.

SEC. 3. 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.

STATE OF ALABAMA )  
BALDWIN COUNTY )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY.

IN THE MATTER OF THE  
PETITION FOR RECIPROCAL  
ENFORCEMENT OF SUPPORT  
OF DEPENDENTS,

Case No. 3942

GEORGIA LEE DAVIS, et al,

Complainants,

Vs.

LEROY WILLIAMS,

Respondent.

This cause coming on to be heard was submitted upon a certified copy of a petition filed by Georgia Lee Davis and County of Alameda, State of California, Plaintiffs, filed in this Court under the provisions of the Uniform Reciprocal Enforcement of Support Act, as set forth in sections 105 to 122, Title 34, Code of Alabama, 1940, as amended. A copy of said petition was duly served upon the respondent, Leroy Williams, on the 31st day of December, 1956. And the evidence in the case was considered this date.

It is therefore Ordered, Adjudged and Decreed that Leroy Williams, the Respondent, pay to Georgia Lee Davis for the support of their one child, Leroy Williams, Jr., the sum of twenty-five (\$25.00) dollars per month, payable in equal payments of twelve (\$12.50) dollars and fifty cents each, payable on the 1st and 15th day of each month, beginning March 1st, 1957. Said payments will be made by check or money order, made payable to:

Clerk of Superior Court,  
Alameda County Court House,  
1225 Fallon St.,  
Oakland 7, California,

and will be submitted to Mrs Alice J. Duck, Clerk of Circuit Court, Bay Minette, Alabama, who in turn will transmit said checks or money orders to said Clerk of Superior Court, Alameda



County, 1225 Fallon Street, Oakland, California.

The Court further finds that the said Leroy Williams is not financially able to reimburse plaintiff County of Alameda any amount of the sum of \$2,412.00 claimed as expenditures heretofore made for support of the plaintiff, Georgia Lee Davis, and the above named dependent, Leroy Williams, Jr.

It is further Ordered, Adjudged and Decreed that the said Leroy Williams pay all the court costs of this Court in connection with this cause.

Dated this 11th day of February, 1957.

*Hubert M. Hall*

Hubert M. Hall

Judge of Circuit Court

Baldwin County, Alabama

FILED  
FEB 12 1957  
MORNING 10 O'CLOCK