

The Uniform Reciprocal Enforcement of Support Act

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Ohio has adopted, effective August 15, 1951, The Reciprocal Act for Support of Dependents,¹ which was approved by the Commissioners on Uniform State Laws on September 14, 1950, and by the American Bar Association on September 22, 1950. To date approximately thirty-seven states and two territories have adopted this Act or similar legislation.

The purpose of the Act is to improve and extend by reciprocal legislation the enforcement of the duties of support of dependents, in cases where those legally responsible for such support are in another state.

The Act provides that the duty of support includes any duty of support imposed or impossible by law, or by any court order, decree or judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, legal separation, separate maintenance, or otherwise.

Duties of support enforceable are those imposed or impossible 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.

The remedies provided by the act are in addition to and not in substitution for any other remedies.

The Act creates a simple two-state procedure which provides that an action may be commenced by the filing of a petition in any court of record in the state (the initiating state). If the court finds that the petition sets forth facts from which it may be determined that the defendant owes a duty of support and that jurisdiction of the defendant or his property may be obtained by a court in another state (the responding state), the court shall so certify and send copies of the certificate, certified copies of the petition, and an authenticated copy of the act to the court of the responding state.

When the court acting as a responding state receives the petition from the initiating state, it must docket the cause, notify the prosecuting attorney who shall represent the initiating state, take such action as is necessary to obtain jurisdiction, and hold a hearing. If the court finds that a duty of support exists, it may order

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¹Amended Substitute House Bill No. 1, effective August 15, 1951. OHIO GEN. CODE §§ 8007-1 to 8007-19, inclusive. (enacted)

the defendant to furnish support and subject the property of the defendant to such order, and will transmit a copy of its order to the court of the initiating state. The court when acting as a responding state has the power to enforce compliance with its order and may subject the defendant to such terms and conditions as it may deem proper, and may require him to furnish bond, make periodical payments, report personally to a person designated by the court, or in case of refusal to comply with the court's order, may punish him for contempt. The court when acting as a responding state also has the duty to transmit to the initiating state any payments it receives and upon request to furnish a certified statement of payments made. The initiating court has the duty to receive and disburse these payments.

The Act also provides that whenever the state or a political subdivision thereof has furnished support to an obligee it may invoke the provisions of the Act for the purpose of securing reimbursement of expenditures made.

In addition to the civil remedy the Act also contains provisions for the criminal enforcement of the duty to support under the existing criminal law and provides that a person charged with the crime of failure to furnish support may be extradited without proof that he was in the demanding state at the time of the commission of the crime or that he has fled therefrom. It is further provided that the criminal may be relieved from extradition if he submits to the jurisdiction of the court and complies with the court's order of support.