

407.5207 Recognition of controlling child support orders.

- (1) If a proceeding is brought under this chapter and only one (1) tribunal has issued a child support order, the order of that tribunal controls and shall be recognized.
- (2) If a proceeding is brought under KRS 407.5101 to 407.5902 and two (2) or more child support orders have been issued by tribunals of this state or another state with regard to the same obligor and child, a tribunal of this state shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction:
 - (a) If only one (1) of the tribunals would have continuing, exclusive jurisdiction under KRS 407.5101 to 407.5902, the order of that tribunal controls and shall be recognized.
 - (b) If more than one (1) of the tribunals would have continuing, exclusive jurisdiction under KRS 407.5101 to 407.5902, an order issued by a tribunal in the current home state of the child controls and shall be recognized, but if an order has not been issued in the current home state of the child, the order most recently issued controls and shall be recognized.
 - (c) If none of the tribunals would have continuing, exclusive jurisdiction under KRS 407.5101 to 407.5902, the tribunal of this state having jurisdiction over the parties shall issue a child support order, which controls and shall be recognized.
- (3) If two (2) or more child support orders have been issued for the same obligor and child and if the obligor or the individual obligee resides in this state, a party may request a tribunal of this state to determine which order controls and shall be recognized under subsection (2) of this section. The request shall be accompanied by a certified copy of every support order in effect. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.
- (4) The tribunal that issued the controlling order under subsection (1), (2), or (3) of this section is the tribunal that has continuing, exclusive jurisdiction under KRS 407.5205.
- (5) A tribunal of this state that determines by order the identity of the controlling order under subsection (2)(a) or (2)(b) of this section or that issues a new controlling order under subsection (2)(c) of this section shall state in that order the basis upon which the tribunal made its determination.
- (6) Within thirty (30) days after issuance of an order determining the identity of the controlling order, the party obtaining the order shall file a certified copy of it with each tribunal that issued or registered an earlier order of child support. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.

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History: Amended 1998 Ky. Acts ch. 101, sec. 3, effective March 23, 1998.--
Contingent effective date repealed 1998 Ky. Acts ch. 101, sec. 20, effective March

23, 1998. -- Created 1996 Ky. Acts ch. 365, sec. 22, effective upon contingency.