

407.5205 Continuing, exclusive jurisdiction to modify child support order.

- (1) A tribunal of this state that has issued a child support order consistent with the law of this state has and shall exercise continuing, exclusive jurisdiction to modify its child support order if the order is the controlling order and:
 - (a) At the time of the filing of a request for modification this state is the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or
 - (b) Even if this state is not the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued, the parties consent in a record or in open court that the tribunal of this state may continue to exercise jurisdiction to modify its order.
- (2) A tribunal of this state that has issued a child support order consistent with the law of this state may not exercise continuing, exclusive jurisdiction to modify the order if:
 - (a) All of the parties who are individuals file consent in a record with the tribunal of this state that a tribunal of another state that has jurisdiction over at least one (1) of the parties who is an individual or that is located in the state of residence of the child may modify the order and assume continuing, exclusive jurisdiction; or
 - (b) Its order is not the controlling order.
- (3) If a tribunal of another state has issued a child support order pursuant to the provisions of the Uniform Interstate Family Support Act as provided in KRS 407.5101 to 407.5902 or a law substantially similar to KRS 407.5101 to 407.5902 which modifies a child support order of a tribunal of this state, tribunals of this state shall recognize the continuing, exclusive jurisdiction of the tribunal of the other state.
- (4) A tribunal of this state that lacks continuing, exclusive jurisdiction to modify a child support order may serve as an initiating tribunal to request a tribunal of another state to modify a support order issued in that state.
- (5) A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

Effective: July 15, 2016

History: Amended 2016 Ky. Acts ch. 77, sec. 6, effective July 15, 2016. -- Repealed and reenacted 2015 Ky. Acts ch. 18, sec. 8, effective June 24, 2015. -- Amended 1998 Ky. Acts ch. 101, sec. 2, effective March 23, 1998.-- Contingent effective date repealed 1998 Ky.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. 20, effective upon contingency.