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UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT

Granting An Obligor Section Six Jurisdiction In A Responding State On An *Ex Parte* Basis

I. INTRODUCTION

The purpose here is to examine a conflict in judicial interpretations of the extradition provisions of the Uniform Reciprocal Enforcement of Support Act of 1952¹ and to suggest an appropriate solution. The question raised is whether an obligor-defendant charged with the crime of desertion or nonsupport in a demanding state can defeat extradition by submitting to the jurisdiction of a court in a responding state and complying with that court's support order. Section 5² of the Support Act, expanding upon the Uniform Extradition Act,³ provides for extradition of any person

¹ UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT §§ 5-6 (1952), 9C UNIFORM LAWS ANN. 12, 23-25 (1957). The corresponding Nebraska sections are NEB. REV. STAT. §§ 42-705, -706 (Reissue 1960). These sections were not changed by the 1957 amendment to NEB. REV. STAT. §§ 42-701 to -721 (Reissue 1960).

To avoid confusion, reference will be made to Sections 5 and 6 of the Support Act rather than to specific state statutes, as all the states enacting the Uniform Act adopted its language virtually verbatim.

² This section provides: "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." 9C UNIFORM LAWS ANN. 12, 23 (1957).

³ Cf. 9 UNIFORM LAWS ANN. 258 (1957).

charged with desertion or nonsupport in the demanding state at the time of the crime's commission and even if he has not fled from justice. Whether or not the obligor-defendant can defeat extradition under Section 5 depends upon the interpretation of Section 6 of the Support Act, which provides as follows:⁴

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 nonsupport entered in the court of the state during the period of such compliance.

As there have been no reported Nebraska decisions dealing with Sections 5 and 6 of the Support Act, an analysis of the conflict among the courts is particularly pertinent. Particular emphasis will be given to a 1959 Oregon case, *Lefler v. Lefler*,⁵ which granted jurisdiction (that is, the Court allowed the obligor to submit to the jurisdiction of the court) to the obligor under Section 6 of the Support Act, thereby defeating extradition. There will also be a brief resume of the background of the Support Act⁶ and of the intent of the drafters as set out in a number of sources.

II. BACKGROUND

The problem of interstate enforcement of support of deserted dependants had been acute for many years.⁷ While there had been attempts to solve this problem,⁸ no effective act was adopted until the National Conference of Commissioners on Uniform Laws adopted the first Uniform Reciprocal Enforcement of Support Act in 1950.⁹ The 1950 Support Act was an effort to extend the enforce-

⁴ 9C UNIFORM LAWS ANN. 12, 25 (1957) (Emphasis added).

⁵ 344 P.2d 754 (Ore. 1959).

⁶ For general background material and information, see 9C UNIFORM LAWS ANN. 3 (1957); Brockelbank, *The Problem of Family Support: A New Uniform Act Offers A Solution*, 37 A.B.A.J. 93 (1951). (Professor Brockelbank, a Professor of Law at the University of Idaho Law School, is a Uniform Law Commissioner for the State of Idaho and chairman of the Committee on Desertion and Nonsupport which drafted the Uniform Reciprocal Enforcement of Support Act. He is considered the leading authority in the field.)

⁷ See the materials cited in note 6, *supra*.

⁸ See UNIFORM DESERTION AND SUPPORT ACT (1910), 10 UNIFORM LAWS ANN. 1 (1922).

⁹ 9C UNIFORM LAWS ANN. 4 (1957). See Brockelbank, *supra* note 6. See also 42 A.L.R.2d 761, 768-791 and Note, 17 U. PITT. L. REV. 261 (1956), for a complete discussion of reciprocal enforcement of support acts and their development.

ment of support duties by both criminal and civil sanctions. The Support Act was further amended in 1952¹⁰ and in 1958¹¹ by the Uniform Law Commissioners. All states have adopted the 1952 Support Act, and five have so far adopted the 1958 amendments to the Support Act.¹² Nebraska adopted the Support Act in 1951 and incorporated the amendments of the 1952 Support Act in 1957.¹³ Subsequent action in Nebraska is now desirable, as the 1958 amendments and additions of the Commissioners on Uniform Laws are important.¹⁴

III. GENERAL PROVISIONS

"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."¹⁵

The Support Act provides for a relatively inexpensive two-state proceeding whereby the obligee¹⁶ commences a suit in the initiating state,¹⁷ the judge determines a duty of support, certifies the record of such proceeding and sends it to the appropriate

¹⁰ 9C UNIFORM LAWS ANN. 28 (Supp. 1959).

¹¹ 9C UNIFORM LAWS ANN. 28 (Supp. 1959). See Kelso, *Reciprocal Enforcement of Support: 1958 Dimensions*, 43 MINN. L. REV. 875 (1959), and Briggs, *Need for Adoption of the 1958 Amendment to the Uniform Reciprocal Enforcement of Support Act*, 20 MONT. L. REV. 40 (1958), for detailed discussions of the 1958 Support Act.

¹² 9C UNIFORM LAWS ANN. 28 (Supp. 1959).

¹³ NEB. REV. STAT. §§ 42-701 to -721 (Reissue 1960).

¹⁴ See Kelso and Briggs, *supra* note 11, for a full explanation of the 1958 Support Act changes and provisions.

¹⁵ UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT § 1 (1952). (All references to the UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT are found in 9C UNIFORM LAWS ANN. 12-71) (1957).

¹⁶ UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT § 2(8) (1952): "'Obligee' means any person to whom a duty of support is owed."

¹⁷ UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT § 2(2) (1952): "'Initiating state' means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced."

court in the responding state¹⁸ where the obligor¹⁹ is then living or has property. The court in the responding state gains jurisdiction of the obligor or his property and after a hearing, orders the obligor to furnish support if the court finds a duty of support.²⁰ By using such a procedure the expense is minimized, due process is preserved, and delay, to a large extent is eliminated.²¹

The Support Act also provides for criminal procedures under Sections 5 and 6. As pointed out above, Section 5 is designed "to relieve the extradition process from the narrow requirements that the person whose surrender is demanded must have been in the demanding state at the time of the commission of the crime and must have fled from justice therefrom."²² This eliminates a serious problem area that had proved almost insurmountable in previous extradition cases involving the deserting obligor.²³

Section 6 is the focal point in the problem under consideration and has been a source of conflict among the courts that have been confronted with an obligor petitioning to be relieved from extradition. Section 6 was intended to provide "necessary relief from extradition if the obligor complies with support orders of the state. This is designed to encourage voluntary compliance which will be more profitable to both states than the expensive procedure of extradition."²⁴ However, the courts have not been uniform in their interpretation of Section 6, thereby greatly reducing the benefits of uniform reciprocal legislation.

¹⁸ UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT § 2(3) (1952): "Responding state' means any state in which any proceeding pursuant to the proceeding in the initiating state is or may be commenced."

¹⁹ UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT § 2(7) (1952): "'Obligor' means any person owing a duty of support."

²⁰ 9C UNIFORM LAWS ANN. 5 (1957).

²¹ *Ibid.* For a concise explanation of the entire procedural aspect, see Brockelbank, *Multiple-State Enforcement of Family Support*, 2 ST. LOUIS U.L.J. 13 (1952).

²² 9C UNIFORM LAWS ANN. 5 (1957).

²³ *Ibid.*

²⁴ *Id.* at 4 (1957).

IV. COURT DECISIONS

Four appellate courts have been confronted with the interpretation of Sections 5 and 6 of the Support Act.²⁵ Two courts granted jurisdiction,²⁶ and two courts denied jurisdiction to the obligor under Section 6.²⁷ All four courts were interpreting identical statutes²⁸ and the facts giving rise to each case were substantially the same. In each case the petitioner-obligor was asking the court in the responding state to take jurisdiction of his case under Section 6 of the Support Act in an *ex parte* hearing, so that he might avoid extradition for a criminal charge of nonsupport of his children pending in the demanding state. Each petitioner-obligor contended that the obligor could initiate proceedings in a court of the responding state, thereby voluntarily submitting to the court's jurisdiction and upon compliance with that court's order of support, be relieved from extradition.

The California Court in *Ex parte Floyd*²⁹ rejected the obligor's contention, stating that the Support Act contemplates two distinct courses of action in the enforcement of support duties: (1) extradition, and (2) the initiation of civil proceedings in the demanding state with an opportunity to submit to the subsequently assumed jurisdiction of the court in the responding state. The court interpreted the word "such other state" in Section 6 to be the responding state and used the Support Act's definition of the responding state: "any state in which any proceeding pursuant to the proceeding in the initiating state is or may be commenced."³⁰ The court

²⁵ *Ex parte Floyd*, 43 Cal. 2d 379, 273 P.2d 820 (1954);
Sands v. Sands, 60 Ohio Op. 181, 136 N.E.2d 747 (1956);
Jackson v. Hall, 97 So. 2d 1 (Fla. 1957);
Lefler v. Lefler, 344 P.2d 754 (Ore. 1959).

²⁶ Jackson v. Hall, 97 So. 2d 1 (Fla. 1957);
Lefler v. Lefler, 344 P.2d 754 (Ore. 1959).

²⁷ *Ex parte Floyd*, 43 Cal. 2d 379, 273 P.2d 820 (1954); Sands v. Sands, 60 Ohio Op. 181, 136 N.E.2d 747 (1956).

²⁸ The state versions of the Support Act interpreted by the four courts that correspond to Sections 5 and 6, respectively, are as follows:

Ex parte Floyd: CAL. CIV. PROC. CODE, §§ 1660-61 (1955);
Sands v. Sands: OHIO REV. CODE ANN. § 3115.04 (1953);
Jackson v. Hall: FLA. STAT. ANN. §§ 88.061-.071 (Supp. 1959);
Lefler v. Lefler: ORE. REV. STAT. §§ 110.051-.061 (1953).

The corresponding Nebraska sections are NEB. REV. STAT. §§ 42-705, -706 (Reissue 1960).

²⁹ 43 Cal. 2d 379, 273 P.2d 820 (1954). See Notes, 2 U.C.L.A. L. REV. 267 (1954); 24 U. CINC. L. REV. 139 (1955); 34 NEB. L. REV. 148 (1955).

³⁰ UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT § 2(3) (1952) (Emphasis added).

concluded that either extradition or initiation of civil proceedings in the demanding state by the obligee or both of these courses may be followed, that the election is wholly with the obligee and the demanding state, and that the obligor may not independently institute an action in the responding state for the purpose of defeating the extradition process.

The Ohio Court in *Sands v. Sands*³¹ also rejected the petitioner-obligor's contention on basically the same grounds. In addition, the court stated that the purpose of the Support Act was to facilitate extradition, not hinder it, and that Section 6 was designed to prevent an obligee or the authorities in the initiating state from extraditing an obligor, who was complying with a court order of the responding state pursuant to the institution of the civil proceeding contemplated by the Support Act in the initiating state, simply because the obligee or such authorities might not be satisfied with the amount of support fixed by the responding state court.

But the Florida Court in *Jackson v. Hall*³² granted jurisdiction under Section 6 of the Support Act to the petitioner-obligor. The court felt that the "purpose" of the Support Act, in both its criminal and civil enforcement aspects, was to compel the obligor to support his dependents and not primarily to subject him to criminal punishment for past offenses; and therefore, that there was no valid reason for refusing jurisdiction, and if procedure was lacking for such an action, the court would devise the necessary means to effectuate "the purpose of the act."

In the principal case, *Lefler v. Lefler*,³³ the court granted the petitioner-obligor's request and held that the Oregon Courts had jurisdiction of the obligor under Section 6. In defining the words "such other state" in Section 6 as used in the phrase "any obligor contemplated by Section 5, who submits to the jurisdiction of the court of such other state . . ." the court stated that these words mean the responding state because of the contextual meaning of "obligor" in Section 5 which show that obligor is the one who is in the responding state. In other words, "such other state" refers to the asylum state to which the writ of extradition is directed. This overlooks, however, the Support Act's definition of "responding state" as pointed out in *Ex parte Floyd*.³⁴ The *Lefler* court stated that since it had jurisdiction, it would devise a procedure to vindi-

³¹ 60 Ohio Op. 181, 136 N.E.2d 747 (1956).

³² 97 So. 2d 1 (Fla. 1957). See also 58 COLUM. L. REV. 421 (1958).

³³ 344 P.2d 754 (Ore. 1959).

³⁴ 43 Cal. 2d 379, 273 P.2d 820, 822 (1954).

cate a "right" and to effect the "purpose of the Support Act," even where no procedure had been provided by the Support Act.³⁵ The court considered the general policy arguments in favor of the Support Act and concluded that there was no conceivable purpose for Section 6 except to authorize the court in the responding state to enter a support order upon the obligor's petition.³⁶ It justified its holding, at least in part, on the "intent of the drafters" by stating:

It *may* be that the draftsmen of the Act, in recognition of the fact that the families do not come to the critical juncture which is portrayed in the plaintiff's petition, in the absence of something abnormal, inserted in the Act section 6 so that the obligor can be relieved from extradition if he wishes to stay where he has found employment and contribute to the support of his obligees a sum which the court rules is reasonable.³⁷

V. INTENT OF THE DRAFTERS

According to the drafters, granting jurisdiction to the obligor and relieving him from extradition in an *ex parte* hearing was definitely not contemplated by the inclusion of Section 6.³⁸ In fact, the 1958 National Conference of Commissioners on Uniform Laws redrafted Section 6 with the express purpose of overturning misinterpretations such as those reached in the *Jackson* and *Lefler* cases.³⁹ In an authoritative article *written before* any court de-

³⁵ 344 P.2d 754, 763 (1959).

³⁶ *Ibid.*

³⁷ 344 P.2d 754, 763 (1959) (Emphasis added).

³⁸ Brockelbank, *Relief From Extradition Under the Uniform Reciprocal Enforcement of Support Act*, 19 MO. L. REV. 191, 195 (1954); *Ex relatione* William J. Brockelbank, letter, Oct. 19, 1960. Briggs, *Need for Adoption of the 1958 Amendment to the Uniform Reciprocal Enforcement of Support Act*, 20 MONT. L. REV. 40, 47 (1958): "There is nothing in section 6 [1958], as amended, to suggest the hotly contested discussions which have gone on in the annual conferences . . . as to just what the policy should be concerning extradition requests for a 'non-supporter.' The controversy developed from an amendment to the Uniform Act by Arizona, permitting a defendant there, in effect, to initiate a civil action against himself in the responding state so as to stay the extradition proceedings, where the state requesting the extradition failed to begin a companion civil action. *There is no doubt that the Uniform Act did not contemplate such procedure.* Arizona readily recognized this in finding an amendment necessary . . . The 1958 form of section 6 makes it clear that the original idea that the defendant not be allowed any such recourse has prevailed. . . ." (Emphasis added).

³⁹ BROCKELBANK, INTERSTATE ENFORCEMENT OF SUPPORT 15-22 (1960).

cisions on Section 6, Professor Brockelbank in analyzing Section 6 in light of Section 5 stated:

Section 6 provides that "any obligor contemplated by Section 5 shall be relieved of extradition. . . ." More simply stated this means that the demanding state shall not extradite obligors who comply with the support orders of asylum states (pursuant to Support Act procedures) and conversely asylum states shall not surrender obligors who comply with support orders of the demanding states.⁴⁰

Section 6 does not give the obligor the right to submit to the jurisdiction of the court of the asylum state on his initiative and ask that the court enter a support order with which he can comply in order to be relieved from extradition. There is no such procedure in existence and a defendant-obligor cannot initiate such procedure. Under the present law, there is no feasible way for the asylum state to enter a proper order of support and quite possibly the obligee's best interests might not be served.⁴¹ Further the im-

⁴⁰ Brockelbank, *Relief From Extradition Under the Uniform Reciprocal Enforcement of Support Act*, 19 MO. L. REV. 191, 194 (1954) (Emphasis added). The statement quoted is in summary of the following excerpt from the same page of Professor Brockelbank's article: "There are two classes of obligors mentioned in section 5: (1) those whom the governor of this state may be demanding from another state and (2) those whom the governor of another state may be demanding of this state. Pursuing this tack to the limits this means, as to the first class (those whom the governor of this state may be demanding from the governor of another state) that the governor of this state as a demanding state shall relieve from extradition, that is shall not extradite, an obligor who submits to the jurisdiction of the other state, *which can only be in this context the asylum state*, and complies with an order of support of a court of that state. This means as to the second class (those whom the governor of another state may be demanding of this state) that the governor of this state as a state on whom a demand is being made shall relieve from extradition, that is shall not surrender, an obligor who submits to the jurisdiction of the 'other state', this time the demanding state, and complies with its order of support." (Emphasis added).

⁴¹ *Id.* at 195-196. Cf. Note, 24 U. CINC. L. REV. 139, 141 (1955):

"Thus nowhere in the Act is a procedure set forth in which the obligor can initiate a support action in the court of the responding state. The obligor must always be the defendant in a support proceeding."

Briggs, *The Reciprocal Enforcement of Support Act in Montana*, 15 MONT. L. REV. 40, 68 (1954): "The entire wording of Section 6 in granting the dispensation (avoidance of extradition) *assumes* a case where the requested (responding) court is ready to exercise jurisdiction in the civil action as a matter of course, envisaging the initiating of such action by the requesting state . . . and presumably *limited* to that situation." (Emphasis added).

Brockelbank, *Multiple-State Enforcement of Family Support*, 2 ST. LOUIS U.L.J. 12, 13 (1952): "Very often an absconding father, when

munity purchased this way could in many instances violate and frustrate the purpose of the Support Act. Section 6, then, comes into play and relieves the obligor from extradition when he is complying with support order of asylum states when such orders are the result of regular proceedings under the Support Act in the court of the asylum state which have been instituted by the obligee in the initiating state. This is a prohibition on the governor of the responding state and it protects the obligor who is complying with an order made in accordance with the procedures of the Support Act.⁴²

In view of Professor Brockelbank's interpretation above, the possible ambiguity of Section 6 is eliminated. It is clear then that an *ex parte* hearing instituted by the obligor cannot be the basis for the court in the responding state to grant jurisdiction.⁴³ Such was not the "intent of the drafters." Sections 5 and 6 must be construed together and in this light Section 6 means that the governor of the demanding state should not request the surrender of an obligor who is complying with the support order of a court in such other state (responding state) and the governor of the responding state should not surrender an obligor who is complying with the support order of a court in the demanding state.⁴⁴ This follows the cardinal rule of statutory interpretation that a statute must be construed in connection with all other statutory provisions relating to the same matter.⁴⁵ In other words, Section 6 when construed in conjunction with Section 5 and the Support Act's definition of "responding state" means that the obligor may submit himself to the responding state court, which by its *subsequently assumed jurisdiction* may enter an order of support pursuant to the Support Act's procedures which involve a prior suit instituted by the obligee in the initiating state. This protects the obligor from extradition if he is already complying with a bona-fide support order entered against him by the demanding state while he was in the demanding state or a support order entered by a

faced with the possibility of extradition and criminal proceedings, will submit to the jurisdiction of the court and comply with any reasonable order of support. He is thereby relieved of extradition." (Under Section 6 after civil proceedings have been instituted by the obligee in the initiating state.)

⁴² Brockelbank, *Relief from Extradition Under the Uniform Reciprocal Enforcement of Support Act*, 19 MO. L. REV. 191, 198 (1954).

⁴³ *Id.* at 193.

⁴⁴ *Id.* at 200.

⁴⁵ 2 SUTHERLAND, STATUTORY CONSTRUCTION § 368 (2d ed. 1921); *Valley v. First Nat'l Bank of Grafton*, 14 N.D. 580, 106 N.W. 127 (1905).

responding state court pursuant to a prior order of an initiating state court under Support Act procedures.⁴⁶

VI. CONCLUSION

There have been a number of solutions suggested to correct the apparent ambiguity of Section 6. Arizona, for example, realized that an obligor could not voluntarily submit himself to the jurisdiction of the responding state court and passed a specific provision whereby the obligor could come under the jurisdiction of the responding state court in an *ex parte* hearing.⁴⁷ However, the suspension of extradition is still subject to the governor's discretion. Minnesota also passed its own provision.⁴⁸ Section 6 might be com-

⁴⁶ Brockelbank, *supra* note 42, at 200.

⁴⁷ ARIZ. REV. STAT. ANN. § 12-1655 (1956) provides:
INTERSTATE RENDITION

A. * * * [§ A is identical to Section 5 of the Support Act.]

B. When the extradition of an obligor in this state has been demanded by the governor of any other state, the obligor may be relieved of extradition to such other state if he submits himself to the jurisdiction of the court of this state and complies with the court's order of support. In order to submit himself to the jurisdiction of the court of this state, such obligor shall file with the court a verified petition containing the following information:

1. His name and permanent address.
2. The names, addresses and ages of his obligees in the demanding state.
3. His financial circumstances.
4. That he is willing to submit himself to the jurisdiction of the court of this state and to comply with its order of support.
5. Such other information as he believes to be pertinent and material.

C. The court shall make a temporary order of support and shall continue the matter pending the receipt of such further information as the court deems necessary or advisable. Two certified copies of the temporary order of support shall be delivered to the office of the governor and one plain copy shall be delivered to the county attorney. Upon receipt of the certified copies of the order of support, the governor may in his discretion suspend extradition proceedings so long as the obligor complies with the temporary order of support and with any other orders of support which may thereafter be entered.

⁴⁸ MINN. STAT. ANN. § 518.51 (Supp. 1959) provides:
GOVERNOR, DUTIES, EXTRADITION.

Subdivisions 1, 2, 3. * * * [Identical to Section 5 of the Support Act.]
Subdivision 4. Surrender.

The governor of this state shall neither demand nor grant the

pletely eliminated;⁴⁹ however, safeguards protecting the obligor from unwarranted extradition would be taken away. The best solution seems to be that proposed by the Uniform Law Commissioners in their 1958 Amendment to the Support Act.⁵⁰

Under the amended version of Section 6, the governor of the initiating state, prior to the demand from the responding state, may require his own prosecuting attorney to satisfy him that the obligee has attempted to proceed under the civil provisions of the Support Act in the prior sixty days; and when a demand is made on the governor of the responding state, he may delay rendition until his prosecuting attorney has ascertained whether the obligee in the initiating state has proceeded under the civil provisions of

surrender of an obligor subject to this section who submits to the jurisdiction of the court of the responding state,

- (1) so long as the obligor complies with an order of that court for support, or
- (2) in the absence of an order for support, while a proceeding for support is pending in that court.

⁴⁹ This section is omitted in Colorado, Connecticut, Georgia and Massachusetts.

⁵⁰ UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT § 6 (1958), 9C UNIFORM LAWS ANN. 32 (Supp. 1959):

§ 6 CONDITIONS OF INTERSTATE RENDITION.

- (a) Before making the demand on the Governor of any other state for the surrender of a person charged in this state with the crime of failing to provide for the support of any person, the Governor of this state may require any (prosecuting attorney) of this state to satisfy him that at least (sixty) days prior thereto the obligee brought an action for the support under this act, or that the bringing of an action would be of no avail.
- (b) When under this or a substantially similar act, a demand is made upon the Governor of this state by the Governor of another state for the surrender of a person charged in the other state with the crime of failing to provide support, the Governor may call upon any (prosecuting attorney) to investigate or assist in investigating the demand, and to report to him whether any action for support has been brought under this act or would be effective.
- (c) If an action for the support would be effective and no action has been brought, the Governor may delay honoring the demand for a reasonable time to permit prosecution of an action for support.
- (d) If an action for support has been brought and the person demanded has prevailed in that action, the Governor may decline to honor the demand.
- (e) If an action for support has been brought and pursuant thereto the person demanded is subject to a support order, the Governor may decline to honor the demand so long as the person demanded is complying with the support order.

the Support Act in the demanding state in the prior sixty days. If it is determined that an action for support would be effective and has not been brought or that the person demanded (obligor) has prevailed or if the person demanded is already subject to a support order and complying with the order, the governor may decline to honor the demand.

To avoid possible judicial interpretations such as *Lefler v. Lefler*⁵¹ and *Jackson v. Hall*,⁵² it is suggested that the Nebraska Legislature adopt Section 6 of the 1958 Support Act. It is also recommended that the entire 1958 Support Act⁵³ be studied with the view of adoption in the interests of uniformity.⁵⁴ Not only would Nebraska be solving the interstate support of dependents in a uniform manner, but it would be solving the problem in the manner suggested by the Commissioners on Uniform Laws.

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⁵¹ 344 P.2d 754 (Ore. 1959).

⁵² 97 So. 2d 1 (Fla. 1957).

⁵³ 9C UNIFORM LAWS ANN. 30 (Supp. 1959).

⁵⁴ For comprehensive discussions of the UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT (1958), see Kelso, *Reciprocal Enforcement of Support: 1958 Dimensions*, 19 MINN. L. REV. 875 (1959); Briggs, *Need for Adoption of the 1958 Amendment to the Uniform Reciprocal Enforcement of Support Act*, 20 MONT. L. REV. 40 (1958).