

**IN THE COURT OF COMMON PLEAS
PHILADELPHIA COUNTY**

FAMILY DIVISION

REX INGRAHAM	:	SUPERIOR COURT DOCKET
Plaintiff/Appellant	:	No. 3248 EDA 2000
	:	
v.	:	COMMON PLEAS DOCKET
	:	No. 049101993
	:	
	:	
MARGARET A. CARR	:	IN INTERSTATE
Defendant/Appellee	:	

OPINION

Mozenter, Joyce S., J.

Dated: January 5, 2001

This is an appeal from a Final Order entered by the Court on October 10, 2000, with respect to the registration of a support order of Stanislaus County, California in Philadelphia County.

The procedural history of this case is as follows. In March 1991, Stanislaus County issued an order against the Appellee, Margaret A. Carr, in the amount of \$110.00 per month for the support of two minor children. The order was terminated in October 1996. At this time, Appellee owed support arrearage in the amount of \$13,341.00 plus interest that accrued on the unpaid support arrearage.

On February 15, 2000, California filed a petition to register the support order in Philadelphia County. California chose to proceed under the jurisdiction of the Uniform Interstate Family Support Act (hereinafter "UIFSA"). On August 15, 2000,

the Court held this matter under advisement. On October 10, 2000, the Court issued an Order under the Revised Uniform Reciprocal Enforcement of Support Act (hereinafter "RURESA"). The Order requires Appellee to pay the principal support arrearage but denied the enforcement of the ten percent interest assessed by the State of California.

Appellant, Rex Ingraham, filed a Notice of Appeal and on November 30, 2000 the Court, pursuant to Pa. R. App. P. 1925(b), ordered Appellant to file a Concise Statement of Matters Complained of on Appeal. Appellant filed his Concise Statement of Matters Complained of on Appeal on December 12, 2000 which is outlined in two paragraphs. Accordingly, the Court will address each paragraph individually.

Appellant claims the Court misapplied UIFSA when it failed to enforce a valid child support judgment from the State of California.

The Court found, as a matter of law, the proper jurisdiction for California to proceed with this matter is under RURESA not UIFSA. UIFSA became effective in Pennsylvania on April 4, 1996. Section 7 of UIFSA provides that the Act shall apply to actions initiated on or after the effective date of the Act. See Historical and Statutory Notes for Act 1996, April 4, P.L. No.58. In March of 1991, a support order was entered in Stanislaus County for this matter. Therefore, this action was initiated

prior to April 4, 1996. The Court finds that the mere registration of a support order does not constitute a new action, but is merely an enforcement proceeding. Based on the foregoing, the Court finds that UIFSA does not apply in this matter and RURESA, the Act which was in effect when this action was initiated, controls.

Appellant claims the Court erred in declining to enforce the interest penalty assessed by the State of California on the arrears which accrued in that state.

The Court concluded, as a matter of law, that under RURESA the payment of interest assessed by the State of California on the arrears can not be enforced by the Court. Under UIFSA the definition of the term "support order" includes, among other things, interest. 23 Pa. C.S.A. Section 7101. Therefore, pursuant to UIFSA, the Court may collect support, arrearage, interest and costs.

However, under RURESA there is no reference to interest, most notably in the definition of the terms "support" or "duty of support". Therefore, under RURESA the Court can only enforce an order for support and principal support arrearage. Based on the foregoing, the Court finds that under RURESA the only foreign support which is enforceable in Pennsylvania is a court order for support or for principal support arrearage, not for interest.

Since the Court finds that UIFSA does not apply and RURESA governs this matter, consequently, the payment of interest assessed by the State of California on the arrears can not be enforced by this Court.

BY THE COURT:

J.