

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

JAW, : NO. 99-21,352  
Plaintiff :  
 :  
vs. : CIVIL ACTION - Law  
 :  
AT, :  
Defendant :

OPINION IN SUPPORT OF ORDER  
OF JANUARY 3, 2001 IN  
COMPLIANCE WITH RULE 1925(A) OF  
THE RULES OF APPELLATE PROCEDURE

On September 17, 1999, Plaintiff filed a Petition for Enforcement of Property Settlement Agreement, seeking to enforce an agreement entered between she and Defendant in the Superior Court of Los Angeles County, California on July 11, 1986. By Order dated April 11, 2000, Plaintiff's Petition for Enforcement of Property Settlement Agreement was denied on the grounds that Plaintiff had not properly registered the California Order. On July 12, 2000, Plaintiff filed a second petition for Enforcement of Property Settlement Agreement, indicating therein that she had registered the California Order that same date<sup>1</sup>. Defendant filed an objection to the registration on August 16, 2000 and argument on both the Petition and the objection was heard October 16, 2000. By Order dated January 3, 2001, the Petition for Enforcement was granted and Defendant was directed to pay the arrearage under the California Order, the sum of \$39,100.00. Defendant now appeals that Order, contending this Court has ignored the case of Clark v Clark, 714 A.2d 427 (Pa. Super. 1998), which Defendant argues is controlling.

As noted in this Court's Opinion and Order filed April 11, 2000, the matter is governed by 23 Pa. C.S.A. Section 7613 which provides that if all parties reside in this state and the child does not

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<sup>1</sup>Plaintiff did file a request to register the Order, but not until July 28, 2000. Defendant has not raised the timing of the registration as an issue on appeal, however.

reside in the issuing state, this state has jurisdiction to enforce and modify the issuing state's child support order in a proceeding to register that order. While the Court acknowledges that the Superior Court stated in Clark that because both parties resided in Pennsylvania, mother's attempt to register the Indiana Order was a nullity, stating in general that if both parties have left the issuing state and now reside in the same state, such a fact situation does not present an interstate matter and UIFSA does not apply, the Court cannot ignore the plain language of Section 7613. The only explanation this Court can offer is that the petition filed by the mother in Clark was filed May 1, 1996 and Section 7613 was enacted into law on December 16, 1997, effective January 1, 1998.

Further, while Defendant argues that Clark is controlling, Defendant offers no reason why Section 7613 should be overlooked in favor of Clark. The Court will stand by its decision in the Opinion and Order filed April 11, 2000, advising Plaintiff to register the California order in this county, and that order having been properly registered, the Petition for Enforcement was properly granted.

By the Court,

Dudley N. Anderson, Judge

Dated: April 24, 2001

cc: Christina Dinges, Esq.  
Rick Gahr, Esq.  
Gary Weber, Esq.  
Hon. Dudley N. Anderson