



# OFFICE OF THE ATTORNEY GENERAL

DEPARTMENT OF LEGAL AFFAIRS

THE CAPITOL

TALLAHASSEE, FLORIDA 32399-1050

ROBERT A. BUTTERWORTH  
Attorney General  
State of Florida

March 22, 1991

Mr. Robert B. Williams  
Acting Secretary  
Department of Health and  
Rehabilitative Services  
1317 Winewood Boulevard  
Tallahassee, Florida 32399-0700

Dear Secretary Williams:

You have requested this office declare Fiji to be a reciprocating state for purposes of Ch. 88, F.S., the Revised Uniform Reciprocal Enforcement of Support Act (1968).

Section 88.0405(1), F.S., provides that the Attorney General may declare a foreign nation to be a reciprocating state for purposes of Ch. 88, F.S., if he finds that reciprocal provisions are available in the foreign nation for the enforcement of support orders issued in the State of Florida.<sup>1</sup> This office has been supplied with copies of the pertinent provisions of the laws of Fiji relating to the enforcement of support orders.

According to your letter, Fiji has enacted the Maintenance Orders (Reciprocal Enforcement) Act.<sup>2</sup> The act permits Fiji to assist citizens of foreign countries in their efforts to obtain child support when a custodial parent lives in the foreign country and the responsible parent lives in Fiji.

Pursuant to s. 3 of the act, the Minister, if satisfied that similar benefits will in a country or territory be applied to maintenance orders made by the courts of Fiji, may by order designate that country or territory as a reciprocating country.<sup>3</sup> Where a certified copy of a maintenance order made by a reciprocating country is received by the Minister from the responsible authority in the reciprocating country and it appears that the payer under the order is residing in Fiji, the act provides that the Minister shall send a copy of the order to the appropriate court.<sup>4</sup>

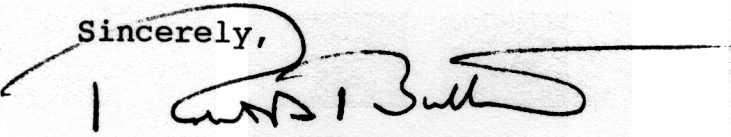
When the court receives the certified copy, the prescribed officer of the court registers the order in the appropriate form

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or in the prescribed manner in that court.<sup>5</sup> A registered order may be enforced in Fiji as if it had been made by the registering court and as if that court had had jurisdiction to make it.

It, therefore, appears that reciprocal provisions for the enforcement of support orders issued in the State of Florida are available under Fiji law. I am, therefore, of the opinion that pursuant to s. 88.0405, F.S., Fiji may be declared to be a reciprocating state.

Sincerely,



Robert A. Butterworth  
Attorney General

RAB/tgk

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<sup>1</sup> And see, s. 88.031(18), F.S., defining "State" for purposes of Ch. 88, F.S., to include "any foreign nation or state of a foreign nation declared pursuant to s. 88.0405 to have similar reciprocal provisions."

<sup>2</sup> Chapter 55, Laws of Fiji.

<sup>3</sup> See, s. 2(1) of the act defining "maintenance order."

<sup>4</sup> Section 7(2), Ch. 55, Laws of Fiji. See, s. 8 of the act regarding confirmation by Fiji courts of provisional maintenance orders made in reciprocating countries.

<sup>5</sup> Section 7(3), supra. The officer of the court is required to take such steps as he deems appropriate to ascertain whether the payer under the order is residing within the jurisdiction of the court. If he determines the payor is not, the officer is required to return the certified copy of the order to the Minister with such information as he possesses as to the whereabouts of the payer. Section 7(4), supra.

<sup>6</sup> Section 9(1), supra.



**ROBERT A. BUTTERWORTH**  
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## DECLARATION OF RECIPROCITY

Pursuant to s. 88.0405, F.S., and for the reasons set forth in the attached opinion, I hereby declare Fiji to be a reciprocating state for purposes of Ch. 88, F.S., the Revised Uniform Reciprocal Enforcement of Support Act (1968) commencing March 22, 1991.

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ROBERT A. BUTTERWORTH  
ATTORNEY GENERAL