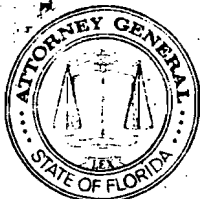


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DEPARTMENT OF LEGAL AFFAIRS

OFFICE OF THE ATTORNEY GENERAL

THE CAPITOL

TALLAHASSEE, FLORIDA 32301

JIM SMITH
Attorney General
State of Florida

SEP 8 1982

The Honorable David H. Pingree
Secretary
Department of Health and
Rehabilitative Services
1317 Winewood Boulevard
Tallahassee, Florida 32301

Re: Declaration of Reciprocity with the United
Kingdom.

Dear Mr. Pingree:

This is in response to your request that this office declare the United Kingdom 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 or state of a foreign nation to be a reciprocating state for purposes of Ch. 88 if the Attorney General finds that reciprocal provisions are available in the foreign nation or state of a foreign nation for the enforcement of support orders issued in the State of Florida. See also §88.031(18), F.S., defining "state" for purposes of Ch. 88 to include "any foreign nation or state of a foreign nation declared pursuant to §88.0405 to have similar reciprocal provisions."

You have provided this office with the pertinent provisions of 1979 No. 1314 which you refer to in your letter as the Maintenance of Dependents Act of the United Kingdom. See §1(1) of the Act which states the "[t]his Order may be cited as the Recovery of Maintenance (United States of America) Order 1979." Part II of the Act relates to the reciprocal enforcement of claims for the recovery of maintenance. Section 25 thereof states in pertinent part the "Her Majesty may by Order in Council declare that any country or territory specified in the Order, being a country

or territory outside the United Kingdom to which the Maintenance Convention extends, is a convention country for the purposes of this Part of this Act." See, §3(1) of the Act stating that the provisions of Part II of the Act shall apply in relation to a specified State as they apply in relation to a convention country; and §2 providing that "specified State" means a State specified in the Schedule to the Order. Article 2, the Schedule of specified States, expressly includes, inter alia, Florida. Cf. §40 of the Act regarding the power to apply the Act to maintenance orders and applications for recovery of maintenance made in certain countries.

Section 27 of the United Kingdom Act sets forth the procedure whereby a person in a convention country may apply for recovery of maintenance from another person residing in England or Wales or in Northern Ireland. The section provides in part that where the Secretary of State receives from the appropriate authority in a convention country an application by a person in that country for the recovery of maintenance from another person who is residing in England or Wales or in Northern Ireland, he shall send the application together with any accompanying documents to the clerk of a magistrates' court acting for the petty sessions area or petty sessions district, as the case may be, in which that other person is residing; and "the application shall be treated for the purposes of any enactment as if it were a complaint and references in this section and in sections 28, 29, and 30 of this Act to the complaint, the complainant and the defendant shall be construed accordingly." See, §27(2) regarding a complaint for an "affiliation order." And see, §31 of the United Kingdom Act relating to applications by persons in a convention country for recovery of maintenance in Scotland.

It therefore appears that reciprocal provisions for the enforcement of support orders issued in the State of Florida are available under the United Kingdom Act, 1979 No. 1314; and accordingly, I am of the opinion that the United Kingdom pursuant to §88.0405, F.S., may be declared to be a reciprocating state.

With all good wishes, I am

Sincerely,

JIM SMITH
ATTORNEY GENERAL

JS/JWw