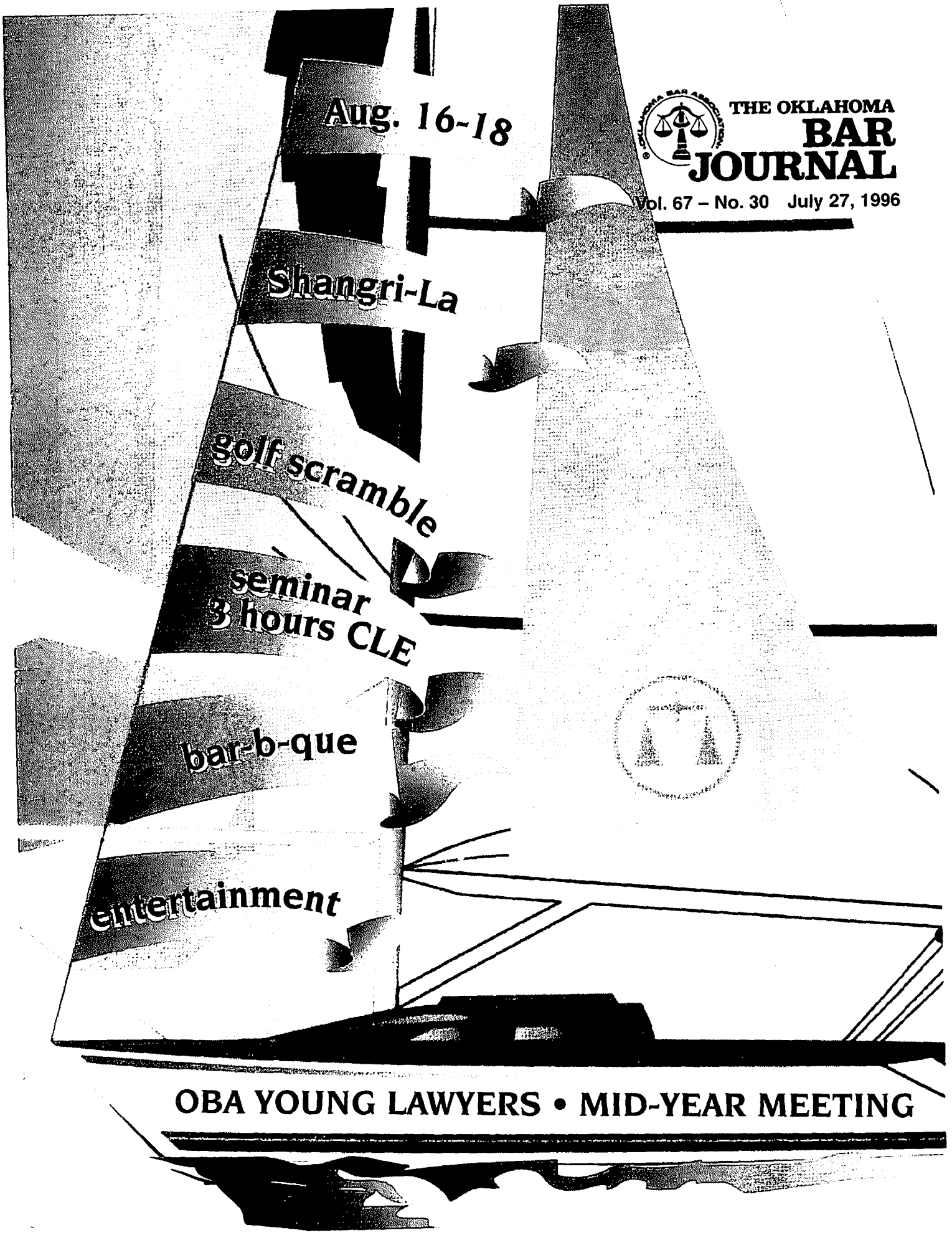


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# Long Arm Jurisdiction in Oklahoma' Divorce Actions

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In an increasingly mobile society, both divorcing and divorced couples often find themselves separated by great distances. Whether one or more states has personal jurisdiction to decide a particular family law issue is a common question for the family lawyer. Oklahoma has a patchwork of case law and special statutes which address the long arm jurisdiction of Oklahoma courts over nonresident defendants in matters relating to the marital and family relationship. Clients and attorneys are often frustrated and confused by apparent unfairness when a court has authority to decide one issue ancillary to a divorce, but not another.[1] The question of whether a party's rights in the family law context may be affected by an Oklahoma court will be answered differently, depending upon the specific issue involved, and whether it is an initial determination or modification action. Recent changes in the statutes substantially alter long arm jurisdiction pertaining to child support and support alimony. The purpose of this compendium is to summarize the extant statutes and case law regarding long arm jurisdiction in Oklahoma family law cases.

## A. GRANTING A DIVORCE

Jurisdiction over the person is one of three elements of jurisdiction in a civil action in Oklahoma.[2] However, even absent jurisdiction over the person of a nonresident spouse, a decree of divorce granted in one state is entitled to full faith and credit in other states, so long as the absent party was afforded procedural due process. The Supreme Court of the United States resolved this issue more than a half century ago. *Williams v. North Carolina*[3] was an appeal of a bigamy conviction of two residents of North Carolina. Both parties had been married in North Carolina. They lived with their spouses until May 1940, when they left for Las Vegas. In June 1940, having met Nevada's six (6) week residency requirement, both parties filed for divorce from their respective spouses. Each was granted a divorce, and the parties married in Nevada in October 1940. They then returned to North Carolina, where they were successfully prosecuted for bigamy. In overturning the convictions, the Supreme Court determined that the rightful and legitimate concerns of each state in the marital status of its domiciliaries entitles those states to alter the marital status of nonresident spouses under the full faith and credit clause of the Constitution of the United States.[4]

> "Within the limits of her political power, North Carolina may, of course, enforce her own policy regarding the marriage relation — an institution more basic in our civilization than any other. But society also has an interest in the avoidance of polygamous marriages (citation omitted) and in the protection of innocent offspring of marriages deemed legitimate in other jurisdictions. And other states have an equally legitimate concern in the status of persons domiciled there as respects the institution of marriage. So, when a court of one state acting in accord with the requirements of procedural due process alters the marital status of one domiciled in that state by granting him a divorce from his absent spouse, we cannot say its decree should be excepted from the full faith and credit clause merely because its enforcement or recognition in another state would conflict with the policy of the latter."[5]

A court in Oklahoma can thus alter the marital status of a nonresident without actually having jurisdiction over the person of the nonresident. Any person who has been an actual resident of Oklahoma, in good faith, for six (6) consecutive months, and a resident of the county in which the action is brought for thirty (30) days immediately preceding the filing of the petition may request and obtain a divorce in Oklahoma.[6] A nonresident spouse must be given notice and an opportunity to be heard as a matter of procedural due process, but a decree of divorce may be entered against the non-resident spouse. That decree will be entitled to full faith and credit in all states. See also, *Taylor v. Taylor*,[7] which follows the teachings of *Williams* in dicta.


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B. CHILD CUSTODY AND RELATED ISSUES

Oklahoma and all other states have adopted some form of the Uniform Child Custody Jurisdiction Act,[8] (Referred to below as "the UCCJA"). Among the stated purposes of the UCCJA are the following:

> 1. Avoid jurisdictional competition and conflict with courts of other states in matters of child custody. . .
>
> 3. Assure that litigation concerning the custody of a child takes place ordinarily in the state with which the child and his family have the closest connection. . .
>
> 7. Facilitate the enforcement of custody decrees of other states. . .[9]

Assuming Oklahoma has subject matter jurisdiction under the UCCJA to make or modify a custody determination (an assumption which forecloses a great deal of discussion), the only procedural protections afforded nonresident defendants under the UCCJA are notice provisions designed to meet procedural due process.[10] There is no provision in the UCCJA requiring personal jurisdiction over a nonresident parent. Can a person who has never set foot in Oklahoma be forced to defend a claim for child custody here? The vast majority of jurisdictions which have addressed this question under the UCCJA answer in the affirmative.[11] There is a minority of states requiring personal jurisdiction before a custody determination can be made.[12]

Oklahoma aligned itself with the majority of jurisdictions in an appeal of an adoption case.[13] In *Matter of Adoption of J.L.H.*,[14] a natural father and stepmother sought to have two (2) children declared eligible for adoption without the consent of natural mother. The natural mother appeared specially, asserting she was a Kansas resident and had no contacts with the State of Oklahoma. Absent minimum contacts, mother asserted it offended traditional notions of fair play and substantial justice to subject her to the authority of the Oklahoma courts as regards her relationship with her child. The Supreme Court of Oklahoma, citing *Williams v. State of North Carolina*,[15] rejected the mother's substantive due process challenge.

> "The teaching of *Williams* has never been questioned by the subsequent emergence of the so-called minimum contacts doctrine. That doctrine was fashioned to gauge the standards of due process for the exercise of personal jurisdiction to render an in personam judgment against one not served within the state — a form of forensic cognizance that is not implicated in this case because here no personal judgment is sought against the Kansas mother."

Oklahoma clearly recognizes an exception to the rule requiring minimum contacts with the forum in certain cases involving determinations of "status."[17] Status is defined as

> "[t]he rights, duties, capacities and incapacities which determine a person to a given class. A legal personal relationship, not temporary in its nature nor terminable at the mere will of the parties, with which third persons and the state are concerned."[18]

The fact of marriage is a status. Most jurisdictions, including Oklahoma, that have considered the issue consider the relation of parent and child to be a status determination. What makes the argument more compelling is the special interest of the state in the status of a child over which the court has assumed jurisdiction. The special historical role the state has taken in deter-

mining the best interests of its children under the doctrine of *parens patriae*, as well as the policy considerations of the UCCJA, have supplanted the substantive due process rights of nonresident parents.

In order to properly advise a nonresident client in an Oklahoma custody proceeding, it must first be determined whether the proceeding seeks an initial decree, or a modification decree.[19] If the resident party seeks an initial decree, the prerequisites for jurisdiction to determine custody are found at 43 Okla. Stat. Ann. §505. These include home state jurisdiction,[20] significant connection and substantial evidence jurisdiction,[21] emergency jurisdiction,[22] and jurisdiction by default.[23] All of these determinations focus on the child-state connection, without regard to personal jurisdiction over the nonresident parent. These various criteria must be balanced as between Oklahoma and the home state of the nonresident to determine which forum is more appropriate to render an initial decree of custody. If both forums have concurrent jurisdiction under the UCCJA, the first to obtain valid jurisdiction has the option to retain or defer jurisdiction.[24]

If the nonresident is inquiring as to a modification decree, it is important to learn the status of the initial decree and all prior modifications. If the initial decree as to custody was made in the state of your nonresident client, that court retains jurisdiction so long as your client resides there, and maintains contact with his or her child(ren).[25] Oklahoma must decline jurisdiction, so long as the initial forum retains jurisdiction under the UCCJA.[26] Conversely, if Oklahoma issued the initial decree, at least one parent or the child(ren) still reside in Oklahoma, and significant parental contact is maintained, Oklahoma will retain jurisdiction.[27] However, if both parents and the child(ren) reside outside the state that issued the initial decree, and Oklahoma has jurisdiction under 43 Okla. Stat. Ann. §505, Oklahoma is not obliged to defer to the initial decree forum.[28]

## C. DIVIDING PROPERTY

While Oklahoma may grant residents a divorce and make custody determinations involving a nonresident spouse or parent, obtaining relief on other matters ancillary to the divorce are more problematic. An order dividing marital property is a personal judgment, as opposed to a decree determining one's marital or parental status. In order to enter a valid order disposing of the property of a nonresident party, the court must have jurisdiction over the person. The infamous case of *International Shoe v. State of Washington*[28] defines the standard for substantive due process involving personal jurisdiction over a nonresident. The person must have sufficient "minimum contacts" with the forum such that subjecting the person to suit in the forum does not offend "traditional notions of fair play and substantial justice."

There are no Oklahoma cases dealing directly with nonresident jurisdiction as it relates to property division in a divorce case. Other jurisdictions are virtually unanimous that personal jurisdiction is mandatory.[30] Certain states make an exception for real or personal property within its borders, and allow *in rem* judgments against marital and separate property of nonresidents.[31] Apparently, some states do not consider owning property in the jurisdiction to be sufficient minimum contact in itself to confer personal jurisdiction for purposes of property division.

Oklahoma has made it clear that, if it does have jurisdiction over the person, its courts may dispose of all marital and separate property, wherever located.[32]

## D. CHILD SUPPORT AND SUPPORT ALIMONY

For more than a generation, nonresident jurisdiction to privately determine and enforce child support and support alimony obligations was governed by the statute now located at 43 Okla. Stat. Ann. §104. This statute sought to impose personal jurisdiction to set and enforce alimony and child support against any person, nonresident or otherwise, who had lived in Oklahoma "in a marital or parental relationship." In addition, Oklahoma had adopted the Uniform Reciprocal Enforcement of Support Act. URESA was a noble, if cumbersome and bureaucratic, effort to take the child support or support alimony case directly to the obligor in the foreign jurisdiction in hopes of improving enforcement of child support and alimony obligations. It involved government attorneys in both the initiating and responding states. Jurisdiction over the person of the obligor was never an issue, because the case was always taken to the forum of the obligor's residence.

In August 1992, the new and improved Uniform Interstate Family Support Act (referred to below as UIFSA) was unveiled.[33] Oklahoma passed its version of UIFSA[34] to become effective September 1, 1994.[35] A primary goal of UIFSA was to eliminate to the extent possible the two-state system of enforcement. To that end, UIFSA includes the most liberal long arm statute the NCCUSL thought it could legitimately propose. Oklahoma's version of UIFSA's long arm statute[36] reads as follows:

> "In a proceeding to establish, enforce, or modify a support order or to determine parentage, a tribunal of this state may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if:
>
> 1. The individual is personally served with summons within this state;[37]

2. The individual submits to the jurisdiction of this state by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;[38]

3. The individual resided with the child in this state;[39]

4. The individual resided in this state and provided prenatal expenses or support for the child.[40]

5. The child resides in this state as a result of the acts or directives of the individual;[41]

6. The individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse;[42]

7. The individual asserted parentage in the putative father registry maintained in this state by the appropriate agency; or[43]

8. There is any other basis consistent with the constitutions of this state and the United States for the exercise of personal jurisdiction."[44]

Although the long arm statute in UIFSA applies to child support and spousal support cases, the official comment to the statute notes that only subsections one (1), two (2) and eight (8) would apply in the case of spousal support. The official comment also notes that the purpose of the long arm statute is to ensure a personal jurisdiction that is as broad as constitutionally permitted.

Prior Oklahoma cases discussing jurisdiction over nonresidents for purposes of setting child support must now be considered in light of the new UIFSA long arm statute. *Hines v. Clendenning*[45] determined the nonresident had sufficient minimum contacts where (1) the parties married in Oklahoma, (2) the parties resided here two different times, (3) the nonresident spouse went to college and got his medical license here, registered and voted here, (4) the nonresident spouse sent the resident spouse back to Oklahoma and refused to allow her to return to their new state of residence, and (5) the nonresident spouse had abandoned the resident spouse in Oklahoma, which caused her alimony claim to accrue at least in part in Oklahoma. The Court of Appeals decided in *Dunn v. Dunn*[46] that there were not sufficient minimum contacts to assert personal jurisdiction over a nonresident who had never lived in Oklahoma, never done business here, and had no children here. Another Court of Appeals opinion, *Hudson v. Hudson*,[47] affirmed a decision declining to exercise jurisdiction to modify a California child support order for want of personal jurisdiction over a nonresident. The court noted that the unilateral actions of the mother residing in Oklahoma with the child were not sufficient to establish personal jurisdiction over the nonresident father. The Supreme Court of Oklahoma, in *Perdue v. Saied*,[48] relied on a now-repealed long arm statute to assume personal jurisdiction based solely on the fact that the nonresident's spouse and daughter were residents. The nonresident in *Yery v. Yery*[49] had sufficient minimum contacts with Oklahoma by virtue of his prior submission to the jurisdiction of the court in a separate maintenance action. In *Bailey v. Bailey*,[50] the Supreme Court of Oklahoma determined Oklahoma had continuing jurisdiction to modify its own child support order, even though the movant now lived in Arkansas, and the respondent now lived in Texas. It is the opinion of the author that the *Perdue* and *Bailey* cases would be decided differently under UIFSA.

If a nonresident contacts you for advice as to the jurisdiction of Oklahoma courts over his or her person for purposes of establishing child support, spousal support or paternity, it is important to ask if this is an initial or modification order. An initial support order must be established in accordance with the UIFSA long arm statute. If another state has already issued a child support order, that forum retains continuing exclusive jurisdiction over child support orders so long as the obligee, the obligor, or the child resides in the forum state, or until the parties execute written consent otherwise.[51] Jurisdiction over support alimony orders continues in the decree-issuing forum for the duration of the order.[52] If Oklahoma was the child support order-issuing state, it retains continuing exclusive jurisdiction until both parties and the child(ren) involved leave the state to reside elsewhere. If a client has moved to Oklahoma and seeks modification of a child support order from another state, jurisdiction over any non-resident obligor or obligee must be obtained pursuant to the UIFSA long arm statute.[53]

The ultimate child support forum would be the forum where the child(ren) is/are located. This child-state method of establishing jurisdiction was considered by the NCCUSL, and rejected only narrowly. In fact, the NCCUSL recommends that Congress endorse child state jurisdiction, and mandate it as part of UIFSA's long-arm statute if it passes constitutional muster with the Supreme Court of the United States.[54]

The difficulty in achieving this desired result is the case of *Kulko v. Superior Court*,[55] in which the Supreme Court of the United States found the presence of the children in a forum did not alone confer jurisdiction over the person of a nonresident for the purpose of issuing a child support order. Mr. and Mrs. Kulko were New York residents during their marriage. They had two (2) children, and raised them for ten (10) years in New York. Mrs. Kulko moved to California when the parties separated, and obtained a divorce in Haiti

which incorporated the terms of a separation agreement negotiated and executed in New York. Mr. Kulko had custody of the two (2) children under the terms of the divorce, but agreed to let his daughter stay with her mother in California within a year. About two (2) years later, the Kulko's son went to California without his father's advance knowledge or consent. Mrs. Kulko sued in California for a change of custody and child support. Mr. Kulko challenged the jurisdiction of the California court to establish support. The Supreme Court of the United States agreed with him, stating that the presence of the children in California, even with his consent, was not sufficient minimum contact to warrant the exercise of personal jurisdiction. The benefit of state services afforded his children were benefits to the child, not the father, and in any event were not benefits which he purposely sought for himself. Nor does the financial benefit to father from not having the children in his home justify the exercise of personal jurisdiction. Any financial windfall is due to mother's lack of action, rather than any purposeful action on father's part.

The hurdles *Kulko* places on any potential child-state or home state jurisdiction format to set or modify child support are readily apparent. Child support is not currently a status determination in the opinion of the Supreme Court of the United States. Whether Congress can supersede *Kulko* through legislation remains to be seen.[56]

## CONCLUSION

While a person may enjoy a fundamental constitutionally protected right to his or her family relationship,[57] Oklahoma may affect certain familial rights over nonresidents who have no connection with the state. The authority of the courts in Oklahoma to have an impact on a nonresident's marriage and family will vary by issue, and the state of the relationship. Personal jurisdiction over nonresidents in family law matters has expanded to test the limits of substantive and procedural due process. With the increasing federalization of family law and the increasing mobility of society, further change is likely.

1. *Department of Human Services ex rel. Pavlovich now Hagar v. Pavlovich*, __ P.2d __, *67 O.B.J. 1929* (Okla. 1996); *State ex rel. Department of Human Services v. Glatzer*, 900 P.2d 456 (Okla. App. 1995); *Waldman v. Waldman*, 567 P.2d 532 (Okla. App. 1977).

2. *Ford v. Ford*, 766 P.2d 950 (Okla. 1989). The three jurisdictional prerequisites to a valid judgment are: jurisdiction over the parties, jurisdiction of the subject matter, and authority to grant a particular form of relief. *State, ex rel. Commissioner's Land Office v. Corporation Commission*, 590 P.2d 674 (Okla. 1979).

3. 317 U.S. 287, 63 Sup. Ct. 207, 87 L. Ed. 279 (1942).

4. Constitution of the United States, Art. IV, §1.

5. *Williams, Id.*, 317 U.S. at 303, 63 Sup. Ct. at 215, 87 L. Ed. at 288-289. Upon remand, Mr. and Mrs. Williams were retried and convicted. Prosecutors successfully challenged the finding of domicile contained in the Nevada decree. The convictions on retrial were affirmed. *Williams v. North Carolina*, 325 U.S.226, 65 S.Ct. 1092, 87 L.Ed.2d 1577 (1945).

6. 43 Okla. Stat. Ann. §§102,103.

7. 709 P.2d 707, 709 (Okla. App. 1985).

8. 43 Okla. Stat. Ann. §501, *et seq.*

9. 43 Okla. Stat. Ann. §502.

10. 43 Okla. Stat. Ann. §§506-507.

11. See *In re Marriage of Leonard*, 122 Cal. App. 3d 443, 175 Cal. Rptr. 903 (1981); *Balestrieri v. Maliska*, 622 So.2d 561 (Fla. App. 1993); *Goldfarb v. Goldfarb*, 268 S.E.2d 648 (Ga. 1980); *In re. M.L.K.*, 768 P.2d 316 (Kan. 1989)(termination of parental rights case); *In re Marriage of Schuham*, 458 N.E.2d 559 (Ill. App. 1983); *In re Marriage of Hudson*, 434 N.E.2d 107(Ind. App. 1982), **cert denied** 459 U.S. 1202, 103 Sup. Ct. 1187, 75 L. Ed. 2d 433 (1983); *Warwick v. Gluck*, 751 P.2d 1042 (Kan. 1988); *Martinez v. Reed*, 490 So.2d 303 (La. App. 1986); *In re. Jackson*, 562 So.2d 1271 (Miss. 1990); *Genoe v. Genoe*, 500 A.2d 3 (N.J. 1985); *Harris v. Harris*, 410 S.E.2d 527 (N.C. App. 1991); *In re Marriage of O'Connor* 690 P.2d 1095 (Or. 1984); *Pratt v. Pratt*, 431 A.2d 405 (R.I. 1981); *Roderick v. Roderick*, 776 S.W.2d 533 (Tenn. App. 1989); *In Interest of S.A.V.*, 798 S.W.2d 293 (Tex. App. 1990); *Hudson v. Hudson*, 670 P.2d 287 (Wash. App. 1983); *McAtee v. McAtee*, 323 S.E.2d 611 (W. Va. 1984); *Davidson v. Davidson*, 485 N.W.2d 450 (Wis. 1992).

12. See *Ex Parte Dean*, 447 So.2d 733 (Ala. 1984); *Pasqualone v. Pasqualone*, 406 N.E.2d 1121 (Ohio 1980); *Mayer v. Mayer*, 283 N.W.2d 591 (Wis. App. 1979); *Marquiss v. Marquiss*, 837 P.2d 25 (Wyo. 1992).

13. An adoption is a custody proceeding under the UCCJA. 43 Okla. Stat. Ann. §504 (2-3).

14. 737 P.2d 915 (Okla. 1987).

15. *supra*, note 2.

16. *Matter of Adoption of J.L.H.*, 737 P.2d 915, 919.

17. *Shaffer v. Heitner*, 433 U.S. 186, 97 S.Ct. 2569, 53 L.Ed.2d 683 (1977).

18. *Black's Law Dictionary*, Sixth Edition (1990) 1410.

19. 43 Okla. Stat. Ann. §504.

20. §505 (A) (1) (a-b).

21. §505 (A) (2) (a-b).

22. §505 (A) (3) (a-b).

23. §505 (A) (4) (a-b).

24. *Matter of C.A.D.*, 839 P.2d 165 (Okla. 1992).

25. 43 Okla. Stat. Ann. §516.

26. *Matter of C.A.D., supra*, note 23. Beware that the law of the forum may not recognize this rule of continuing jurisdiction of the decree entering state. In *Petty v. Petty*, 890 P.2d 1364 (Okla. App. 1994), Oklahoma assumed jurisdiction even though the nonresident still lived in Arkansas, the state which entered the initial decree. The Court of Appeals determined that Arkansas would not assume jurisdiction based on its case law. Oklahoma could assume jurisdiction as the home state of the children, and because no other state would assume jurisdiction under the UCCJA.

27. *G. S. v. Ewing*, 786 P.2d 65 (Okla. 1990).

28. *Roundtree v. Bates*, 630 P.2d 1299 (Okla. 1981).

29. 326 U.S. 310, 66 S. Ct. 154, 90 L.Ed.2d 683 (1945).

30. *Mehrstein v. Mehrstein*, 54 Cal. Rptr. 65, 245 C.A.2d 646 (Cal. App. 1966); *Harrod v. Harrod*, 536 P.2d 666 (Colo. App. 1974); *Cottone v. Cottone*, 547 A.2d 625 (Del. 1988); *Lahr v. Lahr*, 337 So.2d 837 (Fla. App. 1976); *Rodrigues v. Rodrigues*, 747 P.2d 1281 (Haw. App. 1987); *In re Marriage of Brown*, 506 N.E.2d 727 (Ill App. 1987); *In re Marriage of Hudson*, 434 N.E.2d 107 (Ind. App. 1982), **cert denied**, *Hudson v. Hudson*, 459 U.S. 1202, 103 S.Ct. 1187, 75 L.Ed.2d 433 (1983); *In re Marriage of Vogel*, 293 N.W.2d 215 (Iowa 1980); *Perry v., Perry*, 623 P.2d 513 (Kan. App. 1981); *Gaines v. Gaines*, 566 S.W.2d 814 (Ky. App. 1978); *Ferrari v. Ferrari*, 585 S.W.2d 546 (Mo. App. 1979); *Carroll v. Carroll*, 363 S.E.2d 872 (N.C. App. 1988); *Kramer v. Kramer*, 668 S.W.2d 457 (Tex. App. 1984).

31. See, *e.g., Upchurch v. Upchurch*, 767 S.W.2d 629 (Mo. App. 1989).

32. *Carpenter v. Carpenter*, 645 P.2d 476 (Okla. 1982); *Collins v. Collins*, 898 P.2d 1316 (Okla. App. 1995); *Amar v. Amar*, 589 P.2d 237 (Okla. App. 1978).

33. As of this writing, some version of UIFSA had been adopted in 32 states; Alaska, Arizona, Arkansas, Colorado, Delaware, District of Columbia, Florida, Idaho, Illinois, Indiana, Kansas, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Montana, Nebraska, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, Wisconsin, Wyoming.

34. 43 Okla. Stat. Ann. §601-101 *et seq.*

35. UIFSA applies to child support orders (43 Okla. Stat. Ann. §601-101 (2)), and spousal support orders (43 Okla. Stat. Ann. §601-101 (18)).

36. 43 Okla. Stat. Ann. §601-201.

37. Subsection 1 states the law as it existed in Oklahoma. See *Burnham v. Superior Court*, 495 U.S. 604, 110 S.Ct. 2105, 109 L.Ed.2d 631 (1990). Mr. Burnham lived in New Jersey. His estranged wife and children resided in California. While in California on business and to see his children, he was served with papers to appear in court in California. The Supreme Court upheld this form of "transient jurisdiction."

38. Subsection 2 recognizes jurisdiction by consent of the party. This is not a change from prior law in Oklahoma. *Mobley v. State*, 177 P.2d 503 (Okla. 1947).

39. Subsection 3 is a rewritten version of 43 Okla. Stat. Ann. §104.

40. Subsection 4 arguably extends prior law in Oklahoma, but assuming paternity is established, unmarried parents would be treated the same as married parents who conceived a child in Oklahoma.

41. Subsection 5 is new to Oklahoma law, but does not necessarily represent a sea change. It was previously held in *Hines v. Clendenning*, 465 P.2d 460 (Okla. 1970) that a nonresident had sufficient minimum contacts with Oklahoma to allow an Oklahoma court to assert personal jurisdiction to set alimony and attorneys fees based on five (5) forms of contact with the forum, including the nonresident spouse's abandonment of his spouse in Oklahoma, and sending his wife to Oklahoma, and refusing to permit her to return to him in California. Wife in *Taylor v. Taylor*, 709 P.2d 707 (Okla. App. 1985) was unsuccessful in pursuing a claim for child support and attorneys fees against her husband, domiciled in Colorado, based on her claim that he was relying on her to obtain a valid decree.

42. Subsection 6 is new to Oklahoma law. It has, however, been used to establish personal jurisdiction in other states. Spector, "An Introduction to the Uniform Interstate Family Support Act," 65 Okla. B. J. 4276.

43. Subsection 7 is new to Oklahoma law. Oklahoma maintains a paternity registry. This subsection should be read in conjunction with 10 Okla. Stat. Ann. §§55.1, 69.

44. Subsection 8 is a catch-all allowing a claim to jurisdiction over a person if there are sufficient minimum contacts in accord with *International Shoe* and its progeny.

45. *supra*, note 24.

46. 550 P.2d 1369 (Okla. App. 1976).

47. 569 P.2d 521 (Okla. App. 1976).

48. 566 P.2d 1168 (Okla. 1977).

49. 629 P.2d 357 (Okla. 1981).

50. 867 P.2d 1267 (Okla. 1994).

51. 43 Okla. Stat. Ann. §601-205 (A).

52. 43 Okla. Stat. Ann. 601-205 (F).

53. 43 Okla. Stat. Ann. §601-201.

54. Sampson, "Uniform Interstate Family Support Act and Unofficial Annotations," 27 Family L. Q., 93,113 (Spring 1993).

55. 436 U.S. 84, 98 S.Ct. 1690, 56 L.Ed.2d 132 (1978).

56. One alternative might be legislation declaring a public policy, based upon appropriate enumerated facts, that a person's status as a parent imposes a status-based obligation to provide support for one's child. It does seem somewhat incongruous that a person's status as a parent (custodian or non-custodian) can be affected in the absence of personal jurisdiction, but personal jurisdiction is required to establish or enforce an obligation based on that status.

57. See, *e.g.*, *Davis v. Davis*, 708 P.2d 1102, 1109 (Okla. 1985); *Application of Tubbs*, 620 P.2d 384, 386-387 (Okla. 1980); *Matter of Sheral A. S.*, 581 P.2d 884, 888 (Okla. 1978).