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Armine C. Ernst

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FAMILY LAW AND COMMUNITY PROPERTY

ADOPTED CHILD NOT INCLUDED IN TERM "HEIRS OF THE BODY"

Arkansas. In *Davis v. Davis*¹ the grantor, in 1922, conveyed realty to his son for life and then to the "heirs of his body." The son died intestate, having no natural children but having adopted a son, the plaintiff, in 1942. Suit was brought to establish his interest in the land, the plaintiff contending that the adoption statute² had the effect of making an adopted child the bodily heir of his adoptive parents so that he took the fee simple under the deed. *Held*, an adopted child is not included within the term "heirs of his body," but plaintiff would inherit his father's 1/7 interest in the grantor's reversion in fee simple which descended to the grantor's seven children.

While the provisions of the adoption statute substantially are that an adopted child shall have the same right of inheritance as a natural child, the court took the view that the question in the case was not one of inheritance. The issue was, it said, whether the plaintiff by his adoption became a grantee in the deed to his father and "then to the heirs of his body." The court stated that the terms "bodily heirs," "issue," *etc.*, as long defined in the law, did not include adopted children, but that a foster child was a stranger to the blood and the antithesis of an heir of the body. No matter what rights the adoption laws give to an adopted child to inherit from his foster parents, it was said that the laws were not intended to alter the established meaning of terms as used in deeds executed by third persons. While plaintiff was denied full title to the property in question, the court held that by inheritance he would receive a 1/7 interest in the land. Upon the death of plaintiff's father without heirs of the body, the land reverted to

¹ _____ Ark. _____, 243 S. W. 2d 739 (1951).

² ARK. STAT. 1947 ANN. § 56-109(c), Effect of Adoption, provides: "The person adopted shall have every legal right, privilege, and obligation and relation in respect to education, maintenance, and the rights of inheritance to real estate or the distribution of personal estate on the death of the adopting parents as if born to them in legal wedlock."

the grantor and descended to his seven children, of whom plaintiff's father was one. The 1/7th interest of plaintiff's father then descended to plaintiff.

There was a strong dissent registered, taking the position that the clear intent of the lawmakers in drafting the adoption statutes was to eliminate completely any possible distinction between legally adopted and natural children. The statute and past decisions of the court were said clearly to state "that the legal status of adopted children shall be exactly the same as those born in wedlock."

The interpretation of grants of land is derived from the common law, which had no concept of adoption and which refused to recognize any other than blood relationship. Adoption is a product of Roman Law, which not only allowed adoption but completely substituted the rights of the adoptive family for those of the natural family.⁸ The whole purpose of adoption statutes is to raise the rights of the adopted child to equivalence with those of the natural child. Therefore, a principle of blood relationship in a system which did not encompass adoption should not be extended to defeat the purpose of statutes sanctioning adoption. The principles of the one system should be applied in light of new principles that have been developed from the other system and which show a noticeable trend toward complete legal equivalence between relationship by adoption and relationship by blood. The doctrines are *pari materia* and should be construed with reference to each other.

The intention of the maker of an instrument (deed or will), either explicitly or implicitly, is regarded in most of the decisions as deciding whether an adopted child is comprehended by a given designation. Real intention cannot always be definitely discovered but "largely represents a union of judicially envisaged

⁸ See Legislation, 22 Iowa L. Rev. 145 (1936).

social desirability with conjecture as to what the conveyer would have intended had he thought about the matter."⁴

The court is not without supporting authority for its decision in other jurisdictions.⁵ The terms "bodily heirs" and "heirs of the body" are especially strong in the prima facie force which they exert to exclude one related by adoption only, and the courts have perfunctorily dismissed any thought that an adopted person was included in such expressions when actually used in private instruments.⁶ But there would seem to be no valid reason for doubting the power of the legislature to make such change in the prima facie meaning of the term. By investing an adoptee with a particular status and giving him equal rights, the statute may have the inclusionary effect of tending to bring the adoptee within the designation in question.⁷

Since adoption statutes attempt to afford the adopted child the same rights as a natural child and inheritance laws give him the right to inherit as a natural child, it would appear sound and logical that he is entitled to take as would a natural child. The statute broadly states that "the person adopted shall have every legal right . . . in respect . . . to the rights of inheritance to real estate . . . on the death of the adopting parents as if born to them in legal wedlock." By interpreting the term "heirs of the body"

⁴ Oler, *Construction of Private Instruments Where Adopted Children Are Concerned*, 43 Mich. L. Rev. 705, 708 (1945).

⁵ *Adams v. Merrill*, 45 Ind. App. 315, 85 N. E. 114, 87 N. E. 36 (1908); *Blaker v. Blaker*, 131 Kan. 833, 293 Pac. 517 (1930); *Clarkson v. Hatton*, 143 Mo. 47, 44 S. W. 761 (1898); *Graves v. Graves*, 349 Mo. 722, 163 S. W. 2d 544 (1942); *Balch v. Johnson*, 106 Tenn. 249, 61 S. W. 289 (1901); *Moffet v. Cash*, 346 Ill. 287, 311, 178 N. E. 658, 179 N. E. 186 (1931); *Love v. Love*, 179 N. C. 115, 101 S. E. 562 (1919). "It is generally held that an adopted child is not entitled, on the death of the adoptive parent, to take property limited to the 'heirs of the body' of such parent, unless the intention that the child shall so take sufficiently appears." 1 AM. JUR., *Adoption of Children*, § 64, p. 664.

⁶ Jurisdictions which specifically provide by statute that an adopted child shall not be allowed to take property expressly limited to the heirs of the body of the adopting parent include Illinois, Maine, Nevada, New Hampshire, Ohio, Oklahoma, Oregon, Rhode Island, Vermont, West Virginia.

⁷ Oler, *op. cit. supra* note 4 at p. 734.

as still being words of purchase,⁸ the court overlooked the intent of the lawmakers in enacting adoption statutes to equalize an adopted child's legal status; it preserved a concept of blood relation which the statutes have attempted to erase by conferring equal rights. It would appear that the effect of adoption on the identification of designees in private instruments should be to consider the present words of designation as words of limitation rather than words of purchase. The question should be whether there is equivalence or non-equivalence within the meaning of the term employed by the adoption statutes. The problem becomes one of inheritance and construction of inheritance laws rather than of interpretation of the instrument creating the limitation.⁹

The dissent would seem to be in harmony with the purpose and intent of the adoption statutes, equalizing rights, and therefore logically modifying the original meaning of the words "heirs of the body."

The majority view would appear justified only as preserving an encumbering heritage of old feudal laws with their regard for consanguinity which limited the descent of property to a restricted blood line; it is a legal anachronism when adoption statutes purport to erase the distinction as to the origin of the relation of parent and child and to confer on the adopted child the precise equivalent of the rights of a natural child. The difficulty, perhaps, may arise through the fact that adoption is purely statutory¹⁰ and, being in derogation of the common laws has quite generally been very strictly construed.¹¹ But the reason for the emphasis on blood relation in the common law was to keep intact large feudal estates, and the obvious intent of adoption legislation is to change the

⁸ *Cf. Myar v. Snow*, 49 Ark. 125, 4 S. W. 381 (1887), where the court said: "The term 'heirs of the body' has an appropriate technical meaning, as words of limitation, to designate heirs in succession, and it is always to be construed in that sense unless the context shows it was intended as a description of particular persons."

⁹ Oler, *op. cit. supra* note 4 at p. 735.

¹⁰ All 51 American jurisdictions have general statutory provisions for adoption: the 48 states, Alaska, Hawaii, and the District of Columbia.

¹¹ See Note, 27 Mich. L. Rev. 438 (1929).

common law, not to supplement it. The purposes of both phases of law should be considered in order fairly and justly to achieve a correct synthesis of present law.

COMMON LAW MARRIAGE AS AN ELEMENT OF CRIME OF BIGAMY

Texas. In *Stevens v. State*¹² the defendant had a prior valid ceremonial marriage, undissolved, and entered into a second, a common law marriage, for which he was convicted of bigamy. An appeal was based on the contention that a bigamous marriage could not be founded upon a common law marriage, the bigamous marriage being absolutely void and therefore not a proper subject of the agreement or contract necessary to a common law marriage. The Texas Court of Criminal Appeals affirmed the conviction, holding that a common law marriage would sustain a charge of bigamy.

This has been the well established rule for many years,¹³ but the court reviewed the question because of lack of discussion in previous cases, especially in the light of the contention that the charge was not supported by a common law marriage because the contract therefor was ineffective for lack of a valid subject matter. The opinion approaches the question by showing that the crime of bigamy is not founded on the validity of the second marriage, but that the essence of the offense is *the going through the form of the ceremony*.

The reasonableness of disregarding the argument that the subsequent common law marriage is not bigamous because it is an improper subject of contract and therefore not a valid marriage, follows from the elements composing the crime and the nature of it. The first essential element of bigamy is a valid marriage entered into by the accused prior to the alleged bigamous marriage, and still existing.¹⁴ A subsequent marriage is the second indispensable

¹²Tex. Crim. Rep., 243 S. W. 2d 162 (1951).

¹³ *Burks v. State*, 50 Tex. Crim. 47, 94 S. W. 1040 (1906); *Hopson v. State*, 115 Tex. Crim. Rep. 260, 30 S. W. 2d 311, 70 A. L. R. 1028 (1930). *Burks v. State* answered the contention that a common law marriage cannot be consummated where either the man or woman has another lawful spouse then living. It settled the question that a common law marriage will support a prosecution for bigamy.

¹⁴ *Parker v. State*, 122 Tex. Crim. Rep. 21, 53 S. W. 2d 473 (1932).

element of the offense of bigamy, or in other language, alone constitutes the crime.¹⁵ Such marriage is, of course, always void.¹⁶ The statute contemplates that the second marriage is void by virtue of there being in existence a valid marriage.¹⁷ "The word 'marry' used in the statute, as applied to the second marriage, does not mean a valid one. All bigamous marriages are void."¹⁸

The validity of the common law contract would seem immaterial in such circumstances, as a second ceremonial marriage is likewise void, yet supports a bigamy charge.¹⁹ Accomplishing a second valid marriage is not the gist of the offense, but, actually, the attempt to do so is the basis. The crime is committed by entering into a marriage made void by reason of the already existing marriage relation of one of the parties.²⁰ Appearing to contract a second marriage and the going through the ceremony constitutes the crime.²¹ The crime is predicated on an act sufficient to be marriage were there not a legal bar to its validity.

The soundness of the rule seems obvious from the component parts of the crime, and the character of the offense similarly makes evident that the argument regarding the void subject matter of the common law contract should be unavailing.

¹⁵ *Hopson v. State*, cited *supra* note 13.

¹⁶ *Ibid*; *Bethany v. State*, 91 Tex. Crim. Rep. 59, 237 S. W. 262 (1922); *Hooter v. State*, 88 Tex. Crim. Rep. 265, 225 S. W. 1093 (1920).

¹⁷ TEX. PEN. CODE (Vernon, 1948) art. 490 provides: "Any person who has a former wife or husband living who shall marry another in this state shall be confined in the penitentiary not less than two nor more than five years."

¹⁸ *Bethany v. State*, 91 Tex. Crim. Rep. 59, 61, 237 S. W. 262 (1922).

¹⁹ "The validity *vel non* of the subsequent bigamous marriage is beside the point. All bigamous marriages are invalid because of a living spouse of one of the parties, regardless of whether the bigamous relations are entered into by ceremonial or common law marriage." *Hopson v. State*, 115 Tex. Crim. Rep. 260, 262, 30 S. W. 2d 311, 312 (1930).

²⁰ *Hooter v. State*, cited *supra* note 16.

²¹ 7 AM. JUR., *Bigamy*, § 13, p. 756.

CONFLICT OF LAWS: ALIMONY JUDGMENT OF A SISTER STATE

*Texas. Rumpf v. Rumpf*²² involved a Minnesota divorce decree which provided also for monthly alimony and support of children. Four years after the divorce decree plaintiff obtained two judgments and orders of execution for accrued and unpaid installments of the alimony. No payments were made by defendant on either of the supplemental judgments. Plaintiff brought suit in Texas, where defendant then resided, to recover on the two supplemental judgments rendered by the Minnesota court. Defendant contended that these judgments were not protected by the full faith and credit provisions of the Federal Constitution²³ because the Minnesota court had continuing power to cancel or modify the alimony part of a divorce decree even as to past-due installments and even after they had been reduced to judgment and execution ordered to enforce them. *Held*, even though an alimony decree is subject to modification either after or before the accrual of installments, if, before any modification is made, the amount actually due thereon is converted into a final judgment for a sum certain presently payable, the second judgment is entitled to enforcement in a sister state under the full faith and credit clause. The supplemental judgments were unconditional adjudications against defendant for definite amounts due and owing to plaintiff with provisions for execution to issue forthwith; by their terms they were final and therefore entitled to full faith and credit.

In order for a judgment of another state to be enforceable under the full faith and credit clause, it is essential that it be final.²⁴ An alimony decree from a foreign jurisdiction, therefore, must be final and not merely provisional or subject to modification by the court rendering it. And although Texas law provides for alimony only pending divorce proceedings, a foreign decree for alimony

²²*Tex.*....., 242 S. W. 2d 416 (1951).

²³ U. S. CONST. Art IV, § 1, provides: "Full Faith and Credit shall be given in each State to the public Acts, Records, and Judicial Proceedings of every other state. . . ."

²⁴ BEALE, A TREATISE ON THE CONFLICT OF LAWS (1935) § 435.1; 16 TEX. JUR., *Judgments*, § 573.

may be sued on and enforced here if it is a final judgment under the laws of the forum where it was rendered.²⁵ The main difficulty, then, is to determine whether the decree was subject to further revision by the original court.

Alimony for a lump sum payable upon the rendition of the decree has always been regarded as final and entitled to recognition and enforcement under the full faith and credit provision.²⁶ Usually, alimony payable in installments is, as to matured installments, final and not subject to modification and therefore entitled to full faith and credit by sister states.²⁷ The right to such installments becomes vested upon coming due, provided no modification of the decree has been made prior to the maturity of the installment.²⁸ But if by a reservation in the decree or a statute of the state in which it was rendered the court may modify an allowance not only as to future installments but also as to those accrued, the decree is not final, even as to accrued installments, and therefore is not within the full faith and credit provision.²⁹ However, when before any modification is made, the accrued installments are reduced to a judgment definitely adjudicating the amount due under the original decree of alimony, the second judgment usually is held not subject to modification and is held entitled to enforcement.³⁰ If the rendering court has power to modify matured installments, a decree should first be established by the original court, adjudicating the amount due and unpaid, and then suit should be brought on it in the second state.³¹

The Minnesota statutes had been interpreted by its courts as

²⁵ *Caples v. Buell*, 234 S. W. 429 (Tex. Civ. App. 1921), *modified on other points*, 243 S. W. 1066 (Tex. Comm. App. 1922); *Criteser v. Gaffey*, 222 S. W. 193 (Tex. Comm. App. 1920).

²⁶ See Note, 132 A. L. R. 1272 (1941).

²⁷ See Note, 157 A. L. R. 170, 172 (1945).

²⁸ *Sistare v. Sistare*, 218 U. S. 1 (1910).

²⁹ *Ibid.*

³⁰ *Dreesen v. Dreesen*, 31 Cal. App. 2d 479, 88 P. 2d 223 (1939); *Dadmun v. Dadmun*, 279 Mass. 217, 181 N. E. 264 (1932).

³¹ *Lynde v. Lynde*, 181 U. S. 183 (1901); *Levine v. Levine*, 121 Ore. 33, 252 Pac. 972 (1927).

giving them power to modify alimony decrees, even as to accrued installments,⁸² making them not final; so the question in the case became one of the finality of the supplemental judgments. There were no Minnesota decisions on this point; hence the Texas Supreme Court had to determine the finality of an out-of-state alimony decree without benefit of a ruling thereon from the state rendering it. The court followed the general rule that such supplemental judgments are prima facie final adjudications and therefore are entitled to enforcement under the full faith and credit clause.⁸³

If such supplemental judgments were not accorded the characteristic of finality but might subsequently be altered by the original court, they could not be recognized under the full faith and credit provision, and a defendant could easily escape his obligations by crossing the state line. With such considerations involved, the soundness of the rule that liability transformed into a money judgment is beyond the power of the court to alter would seem to be beyond challenge.

EQUITABLE ENFORCEMENT OF FOREIGN CHILD SUPPORT DECREE

Texas. In *Guercia v. Guercia*⁸⁴ a wife obtained an Ohio divorce decree which contained an order for support of a child. The husband became a resident of Texas and was in arrears on the support payments; the wife applied to the Texas court to enforce the support order by holding the husband in contempt for non-payment. The district court in which the application was filed dismissed it for lack of jurisdiction. The court of civil appeals held that Rule 308-A of the Texas Rules of Civil Procedure (dealing with child support cases) should be made available to the holder of such foreign judgment for support upon a finding of fact that the defendant father had defaulted in the payment of the support order therein provided.⁸⁵ On appeal to the Supreme Court of Texas

⁸² *Kumlin v. Kumlin*, 200 Minn. 26, 273 N. W. 253 (1937); *Sivertsen v. Sivertsen*, 198 Minn. 207, 269 N. W. 413 (1936).

⁸³ *Barber v. Barber*, 323 U. S. 77, 157 A. L. R. 163 (1944).

⁸⁴ _____ Tex., _____, 241 S. W. 2d 297 (1951).

⁸⁵ 239 S. W. 2d 169 (1951).

the opinion of the court of civil appeals was approved. It was held that comity and public policy require that the remedy of contempt be available in Texas to compel the father to make support payments ordered by the Ohio court. The court referred also to the recently enacted Uniform Reciprocal Enforcement of Support Act.³⁶

It has long been well established that a final foreign alimony or support decree may be sued on and, if established in the local forum as a debt, may be enforced as a local judgment under the full faith and credit clause of the Federal Constitution.³⁷ But the courts have been sharply divided as to whether foreign decrees so established are enforceable in local courts by equitable remedies, assuming that they are generally cognizable at law.³⁸ In Texas the case is one of first impression as to whether one may secure equitable relief without first having sued the judgment debtor and established such debt against him.

Jurisdictions denying equitable relief under the local judgment take the view that payment due under a foreign decree is merely a debt, collectible by execution upon a local judgment recovered upon the foreign decree, and since the remedy at law is adequate, equity has no jurisdiction for enforcement.³⁹ Also given as a basis for refusing equitable relief is the reason that the full faith and credit clause does not require it, as the clause does not refer to the method of or remedy for enforcement of the foreign judgment.⁴⁰ Many jurisdictions allow equitable relief, however, and throughout the country there is a noticeable trend toward enforcing local

³⁶ Discussed *infra*.

³⁷ *Sistare v. Sistare*, 218 U. S. 1 (1910); *Criteser v. Gaffey*, 222 S. W. 193 (Tex. Comm. App. 1920); *Stout v. Stout*, 214 S. W. 2d 891 (Tex. Civ. App. 1948) *er. ref.*

³⁸ See Note, 18 A. L. R. 2d 862 (1951).

³⁹ *Worsley v. Worsley*, 64 App. D. C. 202, 76 F. 2d 815, *cert. denied*, 294 U. S. 725 (1935); *Lawrence v. Lawrence*, 196 Ga. 204, 26 S. E. 2d 283 (1943); *Page v. Page*, 189 Mass. 85, 75 N. E. 92 (1905); *Weidman v. Weidman*, 274 Mass. 118, 174 N. E. 206, 76 A. L. R. 1359 (1930); *Mayer v. Mayer*, 154 Mich. 386, 117 N. W. 89, 19 L. R. A. (N. S.) 245 (1908); *Bennett v. Bennett*, 63 N. J. Eq. 306, 49 Atl. 501 (1901); *Wood v. Wood*, 7 Misc. 579, 28 N. Y. Supp. 154 (1894).

⁴⁰ *Bullock v. Bullock*, 51 N. J. Eq. 444, 27 Atl. 435 (1893), *aff'd*, 52 N. J. Eq. 561, 30 Atl. 676, 27 L. R. A. 213 (1894).

judgments obtained on foreign decrees for support by contempt proceedings and other equitable remedies. In the main, the view of courts granting the relief is that a decree for alimony is more than a mere debt. It is considered a moral and social obligation and a matter in which the entire community has an interest wherever it needs to be enforced; therefore, it should be enforced by the same remedies as are applicable to domestic decrees for alimony.⁴¹

The courts giving such equitable relief concede that enforcement does not rest on the requirements of the full faith and credit provision, and they also agree that the constitutional provision does not dictate the method of enforcing a foreign judgment but only its recognition, which is satisfied by rendering a local judgment thereon and a levy of an execution at law thereunder. Nevertheless, although not required by the full faith and credit clause to enforce foreign decrees by equitable process, the courts reason that they are not prohibited to do so if they are so disposed. The question becomes one of public policy. However, in enforcing a foreign decree by equitable process, the practice has been to sue upon it and establish its authenticity by a judgment of the local court; then disobedience of the local court's orders may be punished.⁴²

In spite of the universally required procedure for equitable enforcement (*viz.*, obtaining a local decree) and the fact that such procedure was followed in the cases cited by the court of civil appeals as authority, the Texas courts held in this case that there was jurisdiction to hold the husband in contempt of the Ohio Court di-

⁴¹ *Bruton v. Tearle*, 7 Cal. 2d 48, 59 P. 2d 953 (1936); *Biewend v. Biewend*, 17 Cal. 2d 108, 109 P. 2d 701, 132 A. L. R. 1264 (1941); *Creager v. Superior Ct.*, 126 Cal. App. 280, 14 P. 2d 552 (1932); *German v. German*, 122 Conn. 155, 188 Atl. 429 (1936); *Rule v. Rule*, 313 Ill. App. 108, 39 N. E. 2d 379 (1942); *Ostrander v. Ostrander*, 190 Minn. 547, 252 N. W. 449 (1934); *Fanchier v. Cammill*, 148 Miss. 723, 114 So. 813 (1927); *Thones v. Thones*, 185 Tenn. 124, 203 S. W. 2d 597 (1947); *Shibley v. Shibley*, 181 Wash. 166, 42 P. 2d 446, 97 A. L. R. 1191 (1935).

⁴² "A contempt by way of refusal to obey a lawful mandate of a court is not made out, unless it be shown that there is a mandate within the realm of jurisdiction. The conception of sovereignty is now wholly territorial, and personal obedience is only enforceable within the sovereignty whose dignity, or that of its court, has been contemned." *Rohden v. Rohden*, 119 Misc. 624, 198 N. Y. Supp. 16, 17 (1922).

rectly. Rule 308-A, which provides for enforcement of the court's order for child support by contempt proceedings in cases of disobedience, was interpreted as applying to the foreign support order.

While this holding seems to be a drastic departure from accepted practices under the full faith and credit clause, it is believed to rest on sound policy. Perhaps the customary local judgment is a formalism which can be dispensed with; the defendant has his day in court and can assert non-jurisdiction of the foreign court or payment, if either is the fact.

The supreme court opinion refers to the Uniform Reciprocal Enforcement of Support Act. The case could not have been decided thereunder, as suit was instituted before it became effective, and the Act seems to be clearly prospective. Apparently the court's reference thereto was to show that it is indicative of the public policy of Texas. Thus, justification was made out to put Texas on the same side of the fence as those states allowing equitable relief to enforce foreign decrees for support—though, as indicated, the Texas position is extremely advanced. This case, then, seems to provide a procedure additional to that under the Uniform Reciprocal Enforcement of Support Act for obtaining support payments from defaulting fathers.

UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT

Texas. In 1951 the Texas Legislature adopted the Uniform Reciprocal Enforcement of Support Act.⁴³ This uniform law provides for reciprocal legislation between states to enforce the duty of support by civil and criminal proceedings, simplifies procedures, and erases problems in enforcing support decrees of another state.

On the criminal enforcement side of the Act, there is provision for interstate rendition, freed of the narrow requirements that the person whose surrender is demanded must have been in the de-

⁴³ Acts 1951, 52d Leg., c. 377, p. 643; TEX. REV. CIV. STAT. (Vernon, 1952 Supp.) art. 2328b-1 *et seq.* The Act became effective June 2, 1951.

manding state at the time of the commission of the crime and must have fled from justice therein.

The most effective part of the law, however, is its provision for civil enforcement. The one to whom a duty of support is owed normally institutes action in the state in which she has been deserted by filing a simplified petition setting forth all the facts of the case. This petition is then examined by the judge to determine the existence of a probable duty of support. If such duty is found, the petition is forwarded to the court of the responding state to which the support debtor has fled or in which he has property. This receiving state then takes the necessary steps to obtain jurisdiction of the support debtor, has a hearing on the matter, and, if a duty of support is found, may enter orders for support. To assure compliance with its orders, the court may subject the defendant to such terms and conditions as it deems proper, may require him to furnish bond or make periodic payments, and may punish him for contempt. The responding court must transmit to the initiating court any payments it receives, and upon request must furnish a certified statement of those payments. The initiating court must receive and disburse these payments.

This uniform law has no theory of support of its own different or apart from that under already-existing law in the state. It imposes no new pattern of duties of support, but provides for enforcing those that presently exist. The "duty of support" includes any duty of support imposed or imposable by law, or by any court order, decree or judgment"; so apparently it extends to support obligations in favor of all dependent relatives. Alimony for a former wife is, however, under the Texas act, particularly excluded. The state or political subdivision thereof may also seek reimbursement for support already furnished to a destitute family.

Although extending to all dependent relatives, the law is especially a progressive step forward in reaching runaway or fugitive fathers who have found undeserved havens beyond the borders of the state first imposing a duty of support on them. Despite the de-