

This brochure summarizes an interstate compact called the Uniform Interstate Family Support Act (UIFSA) that allows states to work together to collect court-ordered child support. All 50 states have adopted the UIFSA.

Background

In the past, it was difficult to enforce payment of support obligations across state lines. Each state had its own support enforcement laws, and differences among those laws contributed to the enforcement problem. UIFSA makes it easier for states to collect child support when a parent moves to a different state. In 1996, Congress required all states to enact UIFSA. In Michigan, UIFSA is now in the statute books as MCL 552.1101 – 552.1901.

Under the old laws, two or more states might issue conflicting support orders for the same support payer and children. That made it hard to know:

- How much support was owed;
- To whom the support was owed; and
- Which state should collect it.

UIFSA recognizes only one controlling support order for each combination of payer and child. This gives the first state that issues a valid support order more power to have the support collected from a payer in another state. It also effectively prevents courts in other states from issuing conflicting orders.

The following definitions will help you understand how UIFSA works.

Controlling Order -- The support order that has priority over any other orders issued.

Current Support -- The amount of money ordered to be paid on a regular basis for the care of a child or ex-spouse. Current support may include money for child care, health care, court costs, and fees.

Party -- The case's plaintiff or defendant. In a child support context, the parties are almost always a child's two parents. Occasionally a court may recognize other people and agencies as parties to a case.

Moving Party -- The party that asks a court to register, modify, or enforce an order.

Past-due Support -- Support money that went unpaid in the past and is still owed.

Registering Party -- A party to the case who seeks to register an order in another state.

Registration -- The process for having an order from one state recognized and enforced by another state.

Support Order -- A court's order to pay child or spousal support. The court may label the order as a "judgment," "decree," or simply "order." The court also may designate the order as temporary, final, or subject to modification. All support orders require paying money for the benefit of a child, spouse, or former spouse. The court may apportion the payments to monetary support, health care expenses, support arrearages, support reimbursement, court costs and fees, interest, income withholding costs, attorney fees, and other liabilities.

No Support Order Yet?

If no court has previously issued a support order, one can be established. If the parents or children involved meet some specific requirements (for example, they have sufficient "contacts" with this state), a Michigan court may be able to enter an order determining paternity or ordering support without help from another state. If another state's help is needed, UIFSA has rules that allow two states to work together to establish a support order.

Controlling Order

Before UIFSA, if parties moved to different states, a court in a party's new state often would issue a new support order. Differing orders for the same payer and children led to confusion and disagreements between states and between parties.

Now all state courts follow UIFSA's rules to determine which order has priority and which state's courts have the power to change the order.

Enforcement

In some circumstances, UIFSA allows one state to enforce its support order in another state without help from the other state. For example, one state may send an income withholding notice directly to the support payer's employer in another state.

The support recipient may also register the order for *enforcement only* in the second state. In that event, the second state cannot change the support order, and may use its laws only to collect the support.

Modification

If an existing support amount needs to be changed, the state that issued the order will not always be able to change it. Under UIFSA, several factors help to decide which state may change the order.

- Which state(s) have already issued support orders?
- Where do the parties and their children currently live?
- Which existing order is the "controlling order"?

If either of the parties or any of their children still live in the state that issued the controlling order, only that state's courts may change the support amount. If no one still lives in the state that issued the controlling order, that state cannot modify the support order.

UIFSA allows both parties to agree in writing that a state where one of them lives may take control of the case and change the support amount. To proceed that way, whoever agrees to take the initiative and become the moving party must first register the current controlling order *for modification* in the state where the *nonmoving* party lives. This can become complicated if two or more states have issued orders and no party or child currently lives in any of those states. In those circumstances, none of the previous orders can qualify as the "controlling order." Then the moving party must register *all* of the previous orders in the state where the nonmoving party lives. That state's court will review all of the orders, determine whether either party owes past-due support, and issue a single new support order.

Once a state changes another state's order, it must begin collecting the *current* support. Other states that previously issued orders may not continue to charge *current* support, but they may collect *past-due* support and enforce other provisions in their previous orders.

Registering Orders

An order issued in one state must be registered in another state (the "receiving state") before that second state can enforce or modify the order. A receiving state enforces registered support orders issued in another state exactly as it would enforce orders issued by its own courts.

The registration process starts when the state whose court issued the order sends official copies of the order and related case documents to the receiving state's UIFSA agency. When the documents arrive, the receiving state will file them with the correct local court. That court then sends copies of the documents and a UIFSA notice to the case's other party.

The non-registering party has 20 days to object to the order being registered. This is the only opportunity to object. If the non-registering party does not object within 20 days, the order will be registered.

If the non-registering party does file a timely and proper objection with the local UIFSA agency, the court will schedule a hearing and send both parties a notice detailing the date, time, and place of the hearing. At the hearing, the judge will either: (1) make a decision regarding the registration of the order, or (2) request additional evidence. After the court makes a registration decision, future objections will not be considered.

Where to Get UIFSA Assistance in Michigan

Contact a child support specialist at your local Department of Human Services office if:

- You do yet not have a support order; or
- You live in Michigan and need to enforce or modify a support order issued in another state.

Contact the Michigan friend of the court office responsible for your case if:

- You have a Michigan support order and need to have it modified or enforced in another state.

Note: Michigan courts cannot *modify* a support order if no one involved in the case (parents or children) still live in Michigan. However, a Michigan friend of the court office can still enforce *past-due* support ordered by a Michigan court. You also may apply for child support services in the state where you currently live.

The Uniform Interstate Family Support Act (UIFSA)



States Working Together to Collect Child Support

Friend of the Court Bureau/SCAO
Michigan Supreme Court
<http://www.courts.michigan.gov/scao>

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