

# Contesting the Validity or Enforcement of a Registered Order Checklist

On registration of a foreign support order or foreign income-withholding order under the Uniform Interstate Family Support Act (UIFSA), [MCL 552.2101 et seq.](#), the court must provide the nonregistering party with notice that includes, among other things, that a hearing to contest the validity or enforcement of the registered order **MUST** be requested within 20 days after notice (or 30 days after notice if it is a Convention<sup>1</sup> order and 60 days if the contesting party resides outside of the United States). See [MCL 552.2605\(2\)\(b\)](#); [MCL 552.2707\(2\)](#). Failure of the nonregistering party to timely contest the validity or enforcement of the registered order will result in confirmation of the order and enforcement of the alleged arrearages. [MCL 552.2606\(2\)](#); [MCL 552.2707\(3\)](#).

An obligor/payer may also contest the validity or enforcement of a foreign income-withholding order sent to an obligor's/payer's employer in Michigan by registering the order in a tribunal of this state<sup>2</sup> and filing a contest to that order. See [MCL 552.2506\(1\)](#).

The contesting party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages. [MCL 552.2606\(1\)](#).

***Uncontested portion(s) of the registered support order may be enforced by all remedies available under Michigan law.*** [MCL 552.2607\(2\)](#); [MCL 552.2709](#).

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<sup>1</sup> For purposes of the UIFSA, Convention is "the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, concluded at The Hague on November 23, 2007." [MCL 552.2102\(c\)](#).

<sup>2</sup> For a checklist on the registration of a foreign order for enforcement purposes, see the Michigan Judicial Institute's [Registration of Foreign Order for Purposes of Enforcement Checklist](#).

If a nonregistering party timely requests a hearing to contest the validity or enforcement of the registered order, schedule the hearing and provide the parties with notice of the date, time, and place of the hearing. [MCL 552.2606\(3\)](#).

Procedures to follow during the contest hearing:

☐ Ensure the parties received notice of the hearing. See [MCL 552.2506\(2\)](#); [MCL 552.2606\(3\)](#).

☐ Determine whether the registered order is a *support agreement* or *Convention support order*.

☐ If *support agreement*, determine whether the contesting party proved one or more of the following defenses:

☐ the issuing tribunal<sup>3</sup> lacked personal jurisdiction over the contesting party.

☐ the order was obtained by fraud.

☐ the order has been vacated, suspended, or modified by a later order.

☐ the issuing tribunal has stayed the order pending appeal.

☐ there is a defense under the law of this state to the remedy sought.

☐ full or partial payment has been made.

☐ the statute of limitation under [MCL 552.2604](#)<sup>4</sup> precludes enforcement of some or all of the alleged arrearages.

☐ the alleged controlling order is not the controlling order. [MCL 552.2607\(1\)](#).

☐ If *Convention support order*, determine whether the contesting party proved one or more of the following defenses:<sup>5</sup>

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<sup>3</sup> For purposes of the UIFSA, tribunal is “a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders to determine parentage of a child.” [MCL 552.2102\(cc\)](#).

<sup>4</sup> [MCL 552.2604\(2\)](#) provides “[i]n a proceeding for arrears under a registered support order, the statute of limitations [in Michigan] or of the issuing state or foreign country, whichever is longer, applies.”

<sup>5</sup> In a contest of a registered Convention support order, the court is bound by the findings of fact on which the foreign tribunal based its jurisdiction AND may not review the merits of the order. [MCL 552.2707\(5\)](#).

- ☐ recognition and enforcement of the order is manifestly incompatible with public policy, including the failure of the issuing tribunal to observe minimum standards of due process, which include notice and an opportunity to be heard.
- ☐ the issuing tribunal lacked personal jurisdiction consistent with [MCL 552.2201](#).<sup>6</sup>
- ☐ the order is not enforceable in the issuing country.
- ☐ the order was obtained by fraud in connection with a matter of procedure.<sup>7</sup>
- ☐ a record transmitted in accordance with [MCL 552.2706](#) lacks authenticity or integrity.
- ☐ a proceeding between the same parties and having the same purpose is pending before a tribunal in Michigan, and that proceeding was the first to be filed.
- ☐ the order is incompatible with a more recent support order involving the same parties and having the same purpose if the more recent support order is entitled to recognition and enforcement under the UIFSA in Michigan.
- ☐ payment, to the extent alleged arrears have been paid in whole or in part.
- ☐ in a case in which the respondent neither appeared nor was represented in the proceeding in the issuing foreign country, one of the following applies:<sup>8</sup>
  - ☐ if the law of that country provides for prior notice of proceedings, the respondent did not have proper notice of the proceedings and an opportunity to be heard.
  - ☐ if the law of that country does not provide for prior notice of the proceedings, the respondent

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<sup>6</sup> If a defense for this provision is established, the court may NOT dismiss the proceeding without allowing a reasonable time for a party to request the establishment of a new Convention support order. [MCL 552.2708\(3\)\(a\)](#).

<sup>7</sup> If a defense for this provision is established, the court may NOT dismiss the proceeding without allowing a reasonable time for a party to request the establishment of a new Convention support order. [MCL 552.2708\(3\)\(a\)](#).

<sup>8</sup> If a defense for this provision is established, the court may NOT dismiss the proceeding without allowing a reasonable time for a party to request the establishment of a new Convention support order. [MCL 552.2708\(3\)\(a\)](#).

did not have proper notice of the order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal.

- ☐ the order was made in violation of [MCL 552.2711](#), [MCL 552.2707\(4\)](#); [MCL 552.2708\(2\)](#).
- ☐ If ***Convention support agreement***, determine whether any of the following grounds exist to refuse recognition and enforcement of the agreement:
  - ☐ recognition and enforcement of the agreement is manifestly incompatible with public policy.
  - ☐ the agreement was obtained by fraud or falsification.
  - ☐ the agreement is incompatible with a support order involving the same parties and having the same purpose in Michigan, another state, or a foreign country if the support order is entitled to recognition and enforcement under the UIFSA in Michigan.
  - ☐ the record submitted under [MCL 552.2710\(2\)](#) (providing for the enforceability of the support agreement as an order of support in the issuing country) lacks authenticity or integrity. [MCL 552.2710\(4\)](#).
- ☐ If the contesting party presents evidence that:
  - ☐ ESTABLISHES a full or partial defense, *may*
    - ☐ STAY enforcement of a registered support order,
    - ☐ CONTINUE the proceeding to permit production of additional relevant evidence, and
    - ☐ ISSUE other appropriate orders. [MCL 552.2607\(2\)](#).
  - ☐ does NOT establish a defense to the validity or enforcement of a registered support order, *must* issue an order confirming the order. [MCL 552.2607\(3\)](#).
- ☐ Promptly notify the parties of the decision. [MCL 552.2707\(6\)](#).
- ☐ IF the hearing pertains to a registered ***Convention support order*** or ***support agreement***, the record **MUST** be in the original language and, if not in English, must be accompanied by an English translation. [MCL 552.2713](#).

**Confirmation of registered support order.** Confirmation of a registered support order precludes further contest of the order with respect to any

matter that could have been asserted at the time of registration. [MCL 552.2608](#).

Confirmation of a registered Convention support order MUST be recognized and enforced UNLESS one of the provisions set out in [MCL 552.2708\(2\)](#) apply. [MCL 552.2708\(1\)](#).

**Challenge/appeal.** For purposes of registered Convention orders, a challenge or appeal does NOT stay the enforcement of a Convention support order UNLESS there are exceptional circumstances. [MCL 552.2707\(7\)](#).

For court forms related to domestic relations actions, see the One Court of Justice [website](#).

For additional domestic relations resources, see the Friend of the Court Bureau [website](#).

