

Modification of an Intrastate Support Order Checklist

One of the primary purposes of the Uniform Interstate Family Support Act (UIFSA), [MCL 552.2101 et seq.](#), is to provide a means for modifying support orders across state lines and foreign countries subject to “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\(c\)](#); [MCL 552.2305\(2\)\(a\)](#); [MCL 552.2704\(2\)\(c\)](#). If the *child-support order* was issued in Michigan, the Michigan court may, in certain circumstances, retain its continuing, exclusive jurisdiction as long as one of the individual parties or the child continues to reside in Michigan and the parties do not agree otherwise. See [MCL 552.2205\(1\)](#). If the *spousal-support order* was issued in Michigan, the Michigan court has *continuing, exclusive jurisdiction* to modify the spousal-support order throughout the existence of the support obligation, and MAY either request another state to enforce the spousal-support order OR modify its own spousal-support order. [MCL 552.2211\(1\)](#); [MCL 552.2211\(3\)](#).

On receipt of a petition to modify a support order:

- ☐ Determine whether the support order was issued in Michigan or outside of Michigan.
 - ☐ If the child-support order was NOT issued in Michigan, refer to the Michigan Judicial Institute’s [Modification of a Foreign Support Order Checklist](#).
- ☐ If this court issued the child-support order, determine whether there is continuing, exclusive jurisdiction to modify the order:¹
 - ☐ YES because:

¹ Personal jurisdiction acquired by a Michigan tribunal in a proceeding under the UIFSA or other Michigan law relating to a support order continues as long as a Michigan tribunal has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order. [MCL 552.2202](#).

- ☐ at the time of the filing of a request for modification, Michigan is the residence of the obligor, the individual obligee, or the child for whose benefit the support order was issued; OR
- ☐ Michigan is not the residence of the obligor, the individual obligee, or the child for whose benefit the support is issued, but the parties consent in a record or in open court that the court may continue to exercise jurisdiction to modify its order. [MCL 552.2205\(1\)](#).
- ☐ NO because:
 - ☐ all of the parties who are individuals filed consent in a record with the court that a tribunal of another state that has jurisdiction over at least one of the parties who is an individual or that is located in the state of residence of the child may modify the order and assume continuing, exclusive jurisdiction; OR
 - ☐ its order is NOT the controlling order.² [MCL 552.2205\(2\)](#).
- ☐ NO because:
 - ☐ a tribunal of another state has issued a child-support order according to the UIFSA or a law substantially similar to the UIFSA that modifies a child-support order of the court, and the court must recognize the continuing, exclusive jurisdiction of the tribunal of the other state. [MCL 552.2205\(3\)](#).
- ☐ NO because:
 - ☐ a temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal. [MCL 552.2205\(5\)](#).
- ☐ If the court *lacks* continuing, exclusive jurisdiction, MAY serve as an initiating tribunal to request a tribunal of another state to modify a support order issued in that state. [MCL 552.2205\(4\)](#).
- ☐ If this court *has* continuing, exclusive jurisdiction, MUST apply the procedural and substantive law of Michigan for purposes of modification. See [MCL 552.2210](#).

² For a checklist on a determination of controlling order, see the Michigan Judicial Institute's [Request to Determine Controlling Order Checklist](#).

- ☐ MAY communicate with a tribunal outside Michigan in a record, or by telephone, electronic mail, or other means, to obtain information concerning the laws, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding. [MCL 552.2210](#); [MCL 552.2317](#).
- ☐ MAY request a tribunal outside Michigan to assist in obtaining discovery. [MCL 552.2210](#); [MCL 552.2318](#).
- ☐ MUST admit into evidence (where applicable):
 - ☐ an affidavit, a document substantially complying with federally mandated forms, or a document incorporated by reference by any of them, that would not be excluded under the hearsay rule if given in person if given under penalty of perjury by a party or witness residing outside of Michigan. [MCL 552.2210](#); [MCL 552.2316\(2\)](#).
 - ☐ a copy of the record of child-support payments certified as a true copy of the original by the custodian of record forwarded to the court as evidence of facts asserted in it and to show whether payments were made. [MCL 552.2210](#); [MCL 552.2316\(3\)](#).
 - ☐ copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least 10 days before trial, to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary. [MCL 552.2210](#); [MCL 552.2316\(4\)](#).
- ☐ May NOT exclude documentary evidence transmitted from outside Michigan by telephone, telecopier, or other electronic means that do not provide an original record from evidence on an objection based on the means of transmission. [MCL 552.2210](#); [MCL 552.2316\(5\)](#).
- ☐ MUST permit a party or witness residing outside of Michigan to be deposed or to testify under penalty of perjury by telephone, audiovisual means, or other electronic means at a designated location. [MCL 552.2210](#); [MCL 552.2316\(6\)](#).
- ☐ MAY draw an adverse inference from a party's refusal to answer when called to testify on the ground the testimony may be self-incriminating. [MCL 552.2210](#); [MCL 552.2316\(7\)](#).
- ☐ Privilege against disclosure of communications between spouses OR defense of immunity based on the relationship between spouses or parent and child do NOT apply. [MCL 552.2210](#); [MCL 552.2316\(8\)](#); [MCL 552.2316\(9\)](#).

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](#).