

THE UNIFORM INTERSTATE FAMILY SUPPORT ACT (UIFSA): WORKING TOGETHER TO COLLECT CHILD SUPPORT



State Court Administrative Office
Friend of the Court Bureau
Michigan Supreme Court

<http://courts.mi.gov/Administration/SCAO/OfficesPrograms/FOC>

UIFSA

This brochure summarizes the 2008 Uniform Interstate Family Support Act (UIFSA) that allows other states, foreign countries, and tribes to work together to collect child support.

BACKGROUND

In Michigan, UIFSA is codified as MCL 552.2101 *et seq.* UIFSA allows only a single state or foreign country at any time to issue a child support order. The place that issues the original order is the only one that can change the order if a party or child lives there.

The following definitions will help you understand how UIFSA works:

Continuing, exclusive jurisdiction (CEJ) – A state or foreign country that issues a support order is the only state or foreign country that can change the order as long as one of the parties or the child lives there.

Controlling order – On rare occasions when there is more than one order for a child's support, the controlling order is the order that has priority over any other order.

Current support – The amount of money ordered to be paid on a regular basis for the care of a child. Current support may include amounts for child care, health care, court costs, and fees.

Party – The person asking for support and the person paying support. Parties are often a child's parents. A court may recognize other people and agencies as parties to a case.

Moving party – The party, state, or foreign country that asks a court to issue an order.

Past-due support – Support that was owed but not paid in the past and is still owed.

Registering party – A party who seeks to register an order in another state or foreign country.

Registration – The process for having an order from one state or foreign country recognized and enforced by another state or foreign country.

Support order – An order to pay child or spousal support. Also called a “judgment,” “decree,” or simply “order.”

NO SUPPORT ORDER YET?

If no other state or country has issued a support order, Michigan can enter an order determining paternity or setting support even if only one of the parents or a child lives in Michigan. The parents or children involved must have sufficient connections to Michigan to make it fair for a Michigan court to enter an order without help from another state or country. If Michigan needs help from another state or country to enter the order, UIFSA has rules that allow them to work together to establish an order.

CONTROLLING ORDER

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

Now all state courts and courts in participating foreign countries follow UIFSA's rules to determine the order that has priority and the state or foreign country courts that have the power to change the order, otherwise known as *continuing exclusive jurisdiction (CEJ)*. The state or foreign

country that is determined to have CEJ is the only state or foreign country that can change the support order.

ENFORCEMENT

When one state or foreign country enters an order requiring a person in a different state or foreign country to pay support, the state or foreign country that entered the order can use its laws to collect the support. The state or country that entered the order may also register the order for *enforcement only* in the other state or country. The other state or country cannot change the support order, but will use its own laws to collect the support as if it had entered the order. The state or country with CEJ is also the official record keeper in regards to support payments; the state or country with CEJ must make sure that the enforcing state's financial records match that of the order-issuing state.

MODIFICATION

Under UIFSA, if either of the parties or any of their children still lives in the state or foreign country that issued the controlling order, only the issuing state or foreign country may change the support amount. If neither party nor any of the children still live in the state or foreign country that issued the order, that state or foreign country usually cannot modify the order.

UIFSA allows both parties to agree in writing that a state or foreign country they no longer live in may continue to keep CEJ. Otherwise they may agree in writing that a state or foreign country where one of them lives may take control of the case and change the support amount. If the parties cannot agree, the party who wants to change the order must register the order *for modification* in the state or foreign country where the other party lives. Once a new state or foreign country modifies an order, the original state or foreign country loses its CEJ and the new state or foreign country acquires CEJ.

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

REGISTERING ORDERS

An order issued in one state or foreign country must be registered in another state or foreign country before that state or foreign country can enforce or modify the order. Once the order is registered in another state or foreign country, that state or foreign country enforces the support order as it would enforce orders it issued.

The registration process starts when the state or foreign country that issued the order sends copies of the order and related documents to the responding state or foreign country. When the documents arrive, the responding state or foreign country will file them with the correct local office. That office then sends copies of the documents and notice to the other party in the case.

The order is considered registered when it is filed. The other party has 20 days to object to the registration by asking the court to terminate the registration. This is the only opportunity to object, and objections can only be regarding a mistake of fact (that the debt is not owed at all) or a mistake in identity (the person named as the support payer is not the same person who received the registration). If the nonregistering party does not object within 20 days, the registration is confirmed and cannot later be challenged where it was registered.

A nonregistering party who files a timely and proper objection will have a hearing to consider the objection.

WHERE TO GET UIFSA ASSISTANCE IN MICHIGAN

Contact an Office of Child Support – Support Specialist at (866) 540-0008 if:

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

Contact your County 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 or foreign country.
- You have a support order in another state or foreign country and you wish to apply for services in Michigan.

A directory of local Friend of the Court offices is available at <https://courts.michigan.gov/self-help/directories/pages/trial-court-directory.aspx>.

Note: Michigan courts cannot *modify* a support order if no one involved in the case (parents or children) live in Michigan unless the parties agree in writing. However, a Michigan FOC office can still enforce support that was originally ordered by a Michigan court until another state issues a support order.