



UIFSA 101



Piecing Together the Intergovernmental Puzzle



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Getting to Know You - Polling Questions

- What is your role in child support?
 - Attorney
 - Caseworker
 - Supervisor/Manager
 - IT
 - Judicial/quasi-judicial/administrative decision-maker
- How many years experience do you have with intergovernmental cases?
 - Newbie – 0 to 2 years experience
 - 3-5 years experience
 - 6-10 years experience
 - More than 10 years experience



Intergovernmental Cases and UIFSA





Intergovernmental Case

- A IV–D case in which the noncustodial parent lives and/or works in a different jurisdiction than the custodial parent and child(ren) that has been referred by an [initiating agency](#) to a [responding agency](#) for services.
- An intergovernmental IV–D case may include any combination of referrals between [States](#), Tribes, and countries.
- An intergovernmental IV–D case also may include cases in which a [State](#) agency is seeking only to collect support arrearages, whether owed to the family or assigned to the [State](#).

45 CFR § 301.1



Intergovernmental Case Processing

- *How are Intergovernmental Cases Handled?*
 - *Local*
 - *Specialization*
 - *Processes*
 - *General Population*
 - *Central Registry*
 - *Other options*



What is (and isn't) UIFSA?

- UIFSA – Uniform Interstate Family Support Act (2008)
- UIFSA applies to non-IV-D cases
- References throughout are to the Model Act developed by Uniform Law Commissioners
- FFCCSOA – Federal Full Faith and Credit for Child Support Orders Act (enacted 1994)
- FFCCSOA is a federal law and applies to tribes



Key Concepts





Goal of UIFSA – Controlling Order

- If existing support order entitled to recognition under UIFSA, tribunal may not establish a new order
- Section 401 of UIFSA





Goal of UIFSA – One Current Support Order

- One controlling order for current support
 - Same obligor and child(ren)
- If there is no support order entitled to recognition
 - Establish
- If there is a support order entitled to recognition
 - Enforce
 - Modify
 - Registration
 - Redirection



Controlling Order



- Governs current support
- Remains enforceable even if everyone has left the issuing state
- Can be registered for enforcement in any state
- Initial controlling order locks in nonmodifiable terms



Knowledge Check





Establishment or Modification? Case Scenario #1

- WA divorce order – silent on issue of child support
- Obligor lives in ID
- Oblige is in WA and applies for IV-D services, seeking support

How should WA proceed?

- a. Establishment
- b. Modification
- c. Need more information





Establishment or Modification? Case Scenario #1

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How should WA proceed?

- a. Establishment
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Initiating Jurisdiction Responsibilities

- When the parents live in two different states, tribes, or countries, you must decide whether to:
 - Work the case without involving the other jurisdiction, or
 - File an interstate/intergovernmental case

- When possible, keep the case in your state.



Initiating Jurisdiction Responsibilities

- 45 CFR 303.7(c)
- Initiating process includes:
 - Verifying party's location
 - Completing all UIFSA required paperwork
 - Forwarding the documents to the Central Registry of the responding state
 - Timely responding to requests from responding jurisdiction for additional information



Responding Jurisdiction Responsibilities

- 45 CFR 303.7(b) and (d)
- Responding process includes:
 - Acknowledging the request
 - Providing necessary services as it would in an intrastate IV-D case
 - Establishing paternity and support, if requested
 - Enforcing the support order
 - Modifying the order, if requested and tribunal has modification jurisdiction
 - Providing updates to the initiating state

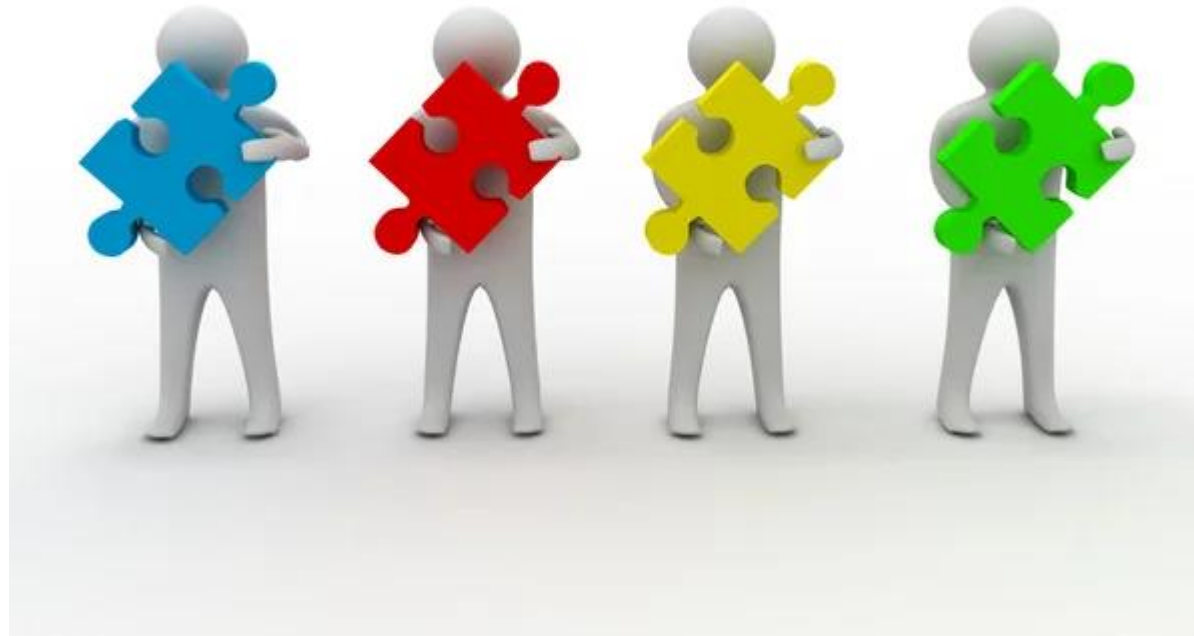


Responding Jurisdiction Responsibilities

- Central Registry
 - EDE
- Local Office



Establishment





Long-Arm Jurisdiction/One-State Establishment

- Are there sufficient minimum contacts to permit tribunal to assert personal jurisdiction over someone who lives in another state?
- Even if available, is long-arm jurisdiction appropriate?



Long-Arm Establishment – UIFSA Section 201

- NCP submitted to jurisdiction of the state
 - By consent
 - By entering a general appearance
 - By filing a responsive document having the effect of waiving any contest to personal jurisdiction
- NCP lived with the child in the state
- NCP lived in the state and provided prenatal expenses or support for the child



Long-Arm Establishment – UIFSA Section 201

- Child is living in the state due to directives or acts of NCP
- NCP had sexual intercourse in the state, possibly resulting in conception of the child
- NCP asserted parentage of the child in the [putative father registry] maintained in the state
- There is any other basis for personal jurisdiction consistent with state and U.S. Constitutions



Benefits of Long-Arm Establishment

- Saves time – no need to involve another agency
- Your state's law applies:
 - Support guidelines
 - Duration of support
- Your state has CEJ to modify so long as a party or child lives in the state
- Enforcement stays within your control



Limitations of Long-Arm Establishment

- Might have trouble locating NCP or serving process
 - Will a limited services request help?
- Might need agency where NCP lives or has assets to use their enforcement remedies
- Domestic violence considerations



Enforcement





Enforcement

- Is one-state enforcement appropriate?
 - Does obligor have income or assets in your state that can be attached?
 - Is direct income withholding appropriate?
 - Remedy that allows the agency to send an income withholding order (IWO) directly to an employer in another state
 - OCSE-AT-17-07: Interstate Child Support Payment Processing, https://www.acf.hhs.gov/sites/default/files/documents/ocse/at_17_07_a.pdf



Direct Income Withholding

- Use federal IWO form
- Not available for foreign support orders
- If another state issued the order:
 - Can't change payment SDU in order
 - Communicate with issuing state
 - Keep issuing state informed of any payments
 - May be able to ask issuing state to change payment location to your SDU under UIFSA Section 319



Benefits and Limitations of Direct Income Withholding

Benefits

- Faster
- Enforcement Stays within your control

Limitations

- If Obligor is a job hopper or self-employed
- If there's an open IV-D case in another state



Registration for Enforcement

- Registration/filing of controlling order in any state for sole purpose of enforcement
- 20-day contest period available for the non-registering party
- Limited defenses
- Confirms validity of order and alleged arrearage amount
- Consider administrative enforcement without registration



Defenses that are Not Valid

- The order amount is too high. It exceeds my ability to pay.
- I'm not the father of the child.
- I'm not allowed to see my child.





Which State's Laws Apply?

Order Issuing State

- Amount of Support
- Duration of Support
- Interest rate, if any
- Nature of the order (e.g., stepdown, flat/fixed, per child)

Enforcing State

- Remedies available (e.g., driver's license, professional license suspension)
- Judicial registration or administrative enforcement

Statute of limitations for enforcing arrears is governed by law of issuing state or enforcing state, whichever is longer.



Modification





Continuing Exclusive Jurisdiction (CEJ)

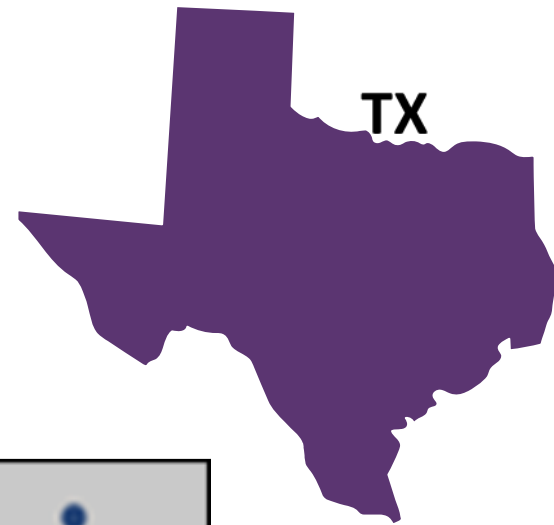
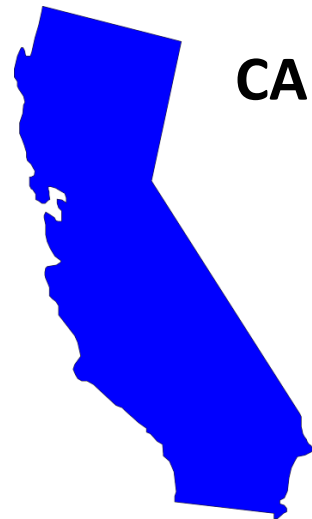
- Specifically pertains to modification
- Relevant only when a party wants to modify the controlling order
- If a state has CEJ, no other state can modify the child support order absent the consent of the parties





CEJ Definition – UIFSA Section 205(a)(1)

- CEJ = controlling order + NCP, individual CP, or child lives in issuing state
- Residence at time of modification request is what matters





CEJ – Case Scenario #1

- Oregon order
- Obligee lives in CA with child
- Obligor lives in OR where support order issued
- Obligor wants reduction in support

What state has CEJ to modify order?

- a. Oregon
- b. California
- c. No state has CEJ



CEJ – Case Scenario #1

- Oregon order
- Obligee lives in CA with child
- Obligor lives in OR where support order issued
- Obligor wants reduction in support

What state has CEJ to modify order?

- a. **Oregon**
- b. California
- c. No state has CEJ



CEJ Definition – UIFSA Section 205(a)(2)

- CEJ = controlling order + consent to retain CEJ
- The issuing tribunal may modify even if no party or child lives there, if:
 - The parties consent in a record or in open court for the tribunal to continue to exercise jurisdiction to modify its order.
- CO Order
- CP moves to AZ
- NCP moves to NM
- Parties want CO to retain jurisdiction



Shift of CEJ Based on Consent

Only state with CEJ can modify the controlling order unless:

- All parties file consent in a record with the issuing tribunal that a tribunal of another state may modify the order and assume CEJ; and
- The other state must have jurisdiction over at least one of the parties or be the state where the child resides

Section 205(b)



Knowledge Check





CEJ – Case Scenario #2



- Colorado order
- Obligee lives in ID with child
- Obligor lives in NM

Can obligee seek modification in CO?

- a. Yes, because CO is issuing state
- b. No, because no party lives there
- c. Yes, if both parties consent for CO to retain jurisdiction to modify its order



CEJ – Case Scenario #2



- Colorado order
- Obligee lives in ID with child
- Obligor lives in NM

Can obligee seek modification in CO?

- a. Yes, because CO is issuing state
- b. No, because no party lives there
- c. Yes, if both parties consent for CO to retain jurisdiction to modify its order**



Registration for Modification – CEJ State

If there is a CEJ state, another state can register and modify the order only if:

- It is the state where the child resides or it has personal jurisdiction over one of the parties; and
- All the parties have filed consents in a record in the issuing tribunal for the registering tribunal to modify the support order and assume CEJ

Section 611(a)(2)



Registration for Modification – No CEJ State

- If no state has CEJ and parties live in different states:
 - Sections 609 – 611

- If no state has CEJ and all parties live in the same state:
 - Section 613

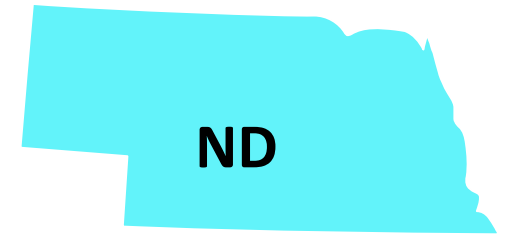
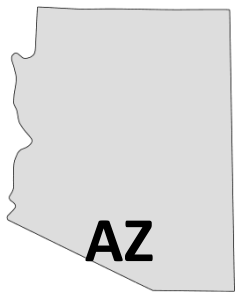


Registration for Modification – Section 611(a)(1)

- Tribunal must find all requirements are met:
 - A. There is no CEJ state;
 - B. The petitioner is a nonresident of the state in which modification is sought; and
 - C. The respondent is subject to the personal jurisdiction of the registering tribunal.
- Known as “play away”



Example of Jurisdiction under Section 611(a)(1)





Registration for Modification – Section 613

Tribunal must find all requirements are met:

- (A) All individual parties reside in registering state; and
- (B) Child does not reside in issuing state.

A tribunal exercising jurisdiction under this section must apply Articles 1, 2, and 6 of UIFSA, and the procedural and substantive law of the registering state to the proceeding for modification.

UIFSA Articles 3, 4, 5, 7, and 8 do not apply.



Example of Jurisdiction under Section 613





Which State's Laws Apply?

Order Issuing State

- Calculation of arrears prior to modification, including interest rate
- Nonmodifiable terms, which usually include duration
- If obligor has fulfilled support duty under law of issuing state, modifying state can't impose a new support duty

Modifying State

- Grounds for modification
- Support Guidelines
- Interest rate on arrears after the order is modified (arrears under both prior and modified orders). See OCSE-AT-20-14



Resources: Communication Tools





Resources

- Central Registry
- EDE
- QUICK
- OCSE
- IRG
- FCR Query
- CSENet
- ICR
- Communication Center





Resources

[Office of Child Support Services \(OCSS\) | The Administration for Children and Families \(hhs.gov\)](#)

<https://www.acf.hhs.gov/css/resource/interstate-child-support-payment-processing>

[http://www.uniformlaws.org/shared/docs/interstate family support/UIFSA_2008_Final_Amended_2015_Revised Prefatory Note and Comments.pdf](http://www.uniformlaws.org/shared/docs/interstate_family_support/UIFSA_2008_Final_Amended_2015_Revised_Prefatory_Note_and_Comments.pdf)

www.acf.hhs.gov/css/resource/interstate-case-processing-training-materials

[https://www.acf.hhs.gov/sites/default/files/programs/css/intergovernmental forms matrix.pdf](https://www.acf.hhs.gov/sites/default/files/programs/css/intergovernmental_forms_matrix.pdf)

[OCSS-AT-20-14: Updated Interstate Child Support Policy](#)



Resources

- UIFSA 2008: Model Act version of UIFSA 2008 with comments, <https://www.uniformlaws.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=951958bf-6e09-0d8e-820f-cde7a095a0e7&forceDialog=0>
- OCSE-AT-20-14: Updated Interstate Child Support Policy
- OCSE-AT-19-08: OMB-Approved Standard Intergovernmental Child Support Enforcement Forms —December 2019
- OCSE-AT-23-02: [OMB-Approved Standard Intergovernmental Child Support Enforcement Forms](#)
- OCSE-PIQ-20-01: Using the Intergovernmental Forms for Case Processing
- OCSE Intergovernmental Forms Matrix, https://www.acf.hhs.gov/sites/default/files/documents/ocse/intergovernmental_forms_matrix.pdf
- Essentials for Attorneys in Child Support Enforcement, 4th Ed. (July 2021), Chapter 13: Intergovernmental Child Support Cases, <https://www.acf.hhs.gov/css/training-t>



Questions?

