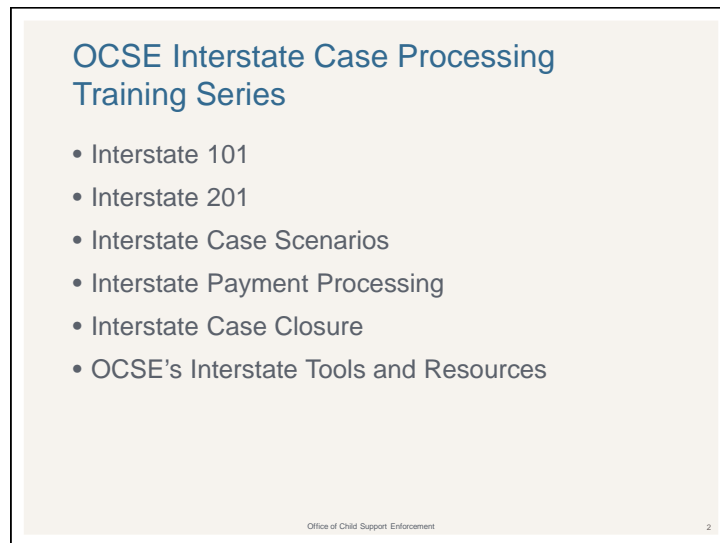




Notes:

Welcome to Interstate 101 training!

This training is on interstate child support case processing, and will introduce and describe federal laws, federal regulations, and the Uniform Interstate Family Support Act, which is regularly referred to as "UIFSA." Interstate 101 is basic training and has several companion courses on interstate case processing including:

A presentation slide with a light beige background and a thin black border. The title "OCSE Interstate Case Processing Training Series" is at the top in blue. Below it is a bulleted list of six topics. At the bottom, there is small text for the Office of Child Support Enforcement and a page number "2".

OCSE Interstate Case Processing Training Series

- Interstate 101
- Interstate 201
- Interstate Case Scenarios
- Interstate Payment Processing
- Interstate Case Closure
- OCSE's Interstate Tools and Resources

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Notes:

- Interstate 201 training with more advanced materials on the laws and processes for interstate cases
- Interstate case scenarios
- Interstate payment processing
- Interstate case closure and
- Interstate Tools and Resources

All of these trainings are intended to complement, rather than repeat, OCSE's training on International Case Processing and the training on the revised Intergovernmental Forms. But the concepts of those trainings will be incorporated as much as possible here.

Overview

In this training, we will learn:

- **Terms** used in interstate cases
- **History** of Uniform Interstate Family Support Act (UIFSA)
- **Basics** of interstate cases
- How parentage and support orders are **established** when parents live in different states
- How orders are **enforced** across state lines
- How support orders are **modified** under UIFSA

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Notes:

In this training, we will cover the:

- Terms regularly used in interstate cases
- History of UIFSA
- Basics of interstate cases
- Establishment of parentage and support orders when parents live in different states
- Enforcement across state lines and
- Modification of support orders

During this 90-minute training, there are three breaks for questions and one final opportunity for questions at the end of the training. You may type your question into the Q&A box on Web Ex or wait until a break for the operator to unmute the phone lines.

This training references laws, regulations, and OCSE policy guidance. At the end of the training, there is a list of those materials with hyperlinks to the electronic version of the documents.



Key Terms - Types of Child Support Cases

- **Intrastate case** – involves only one state where both parents live
- **One-state remedies** – involves one state taking action against parent in another state
- **Interstate IV-D case** – involves two states: initiating state and responding state

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Notes:

The next three slides list the common terms used for different types of child support cases. An intrastate case involves only one state. In most intrastate cases, both parents live in the state that is providing child support services.

When parents live in different states, many child support professionals refer to the case as an “interstate” case, as opposed to an “intrastate” case. But there are other terms that we will learn in this training that more accurately describe the *type* of interstate case.

One-state remedies involve one state taking action against a parent who lives in, or has income or assets in, another state. In contrast, an interstate IV-D case encompasses two states—hence it is commonly referred to as a “two-state case”—and involves one state referring a case to another state for specific child support services. In most cases, an interstate IV-D case is a referral from the state providing services to the custodial parent to the state where the noncustodial parent resides.

In this training, we will talk about one-state remedies and interstate IV-D cases.

References:

45 CFR 301.1

International Child Support Cases

- **International case** – involves foreign country
 - UIFSA applies to incoming international cases
 - Foreign countries do not have UIFSA for international cases coming from U.S.
 - Not every country is “foreign country” under UIFSA

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Notes:

An international case involves at least one foreign country. For example, one parent may live in Italy and the other parent and child live in Delaware. OCSE has nine training modules devoted to international cases under the new Hague Child Support Convention on its website. Because there is already extensive training on international cases, we will not focus on cases involving foreign countries in this Interstate training series.

But you should be aware of some basic things:

- First, UIFSA requirements apply to all states in all incoming cases, including international cases coming from a foreign country
- Second, while UIFSA applies in every state to incoming international cases, foreign countries do not have UIFSA for outgoing international cases from the U.S.
- Finally, not every country meets the definition of “foreign country” under UIFSA. For example, China would not be a foreign country under either UIFSA or federal regulations for purposes of child support enforcement because China has not ratified the Hague Convention and does not have a reciprocal agreement with the U.S.

References:

45 CFR 301.1

OCSE International Case Processing Under UIFSA 2008 Training

(<https://www.acf.hhs.gov/css/resource/training-international-case-processing>)

Intergovernmental Child Support Cases

- **Intergovernmental IV-D case:**
 - Defined by federal regulations
 - Involves two agencies
 - Includes any combination of referrals from states, tribes, and foreign countries

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Notes:

The term intergovernmental IV-D case is defined by federal regulations as a IV-D case in which the noncustodial parent lives or works in a different jurisdiction from the custodial parent and child, and the case 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 foreign countries.

An intergovernmental IV-D case could be when:

- One parent applies for services in Oklahoma and a case is sent to a Cherokee Nation reservation where the other parent resides or
- One parent receives TANF in Arizona and a case is referred to Oklahoma for enforcement against the other parent or
- One parent applies for services in Arizona and a case is sent to Germany where the other parent lives

It's important to know the formal term "intergovernmental *IV-D* case" and its regulatory definition although informally, you may hear the term as simply "intergovernmental case." Also, intergovernmental case may be used as a generic term encompassing all kinds of interjurisdictional cases.

References:

45 CFR 301.1

More Interstate Terms

- **Issuing state** (UIFSA) – state that issued support and/or parentage order
- **Custodial parent** (federal law) – parent receiving support
 - Obligee (UIFSA)
- **Noncustodial parent** (federal law) – parent paying support
 - Obligor (UIFSA)

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Notes:

Here are some additional terms that will be used during this training. The term “issuing state” refers to the state where the child support order was issued. As you will see during this training, the issuing state may change if the original child support order is modified by another state.

Child support professionals often use the terms “custodial parent” for the person receiving child support and “noncustodial parent” for the person paying child support. These terms are used in federal law. UIFSA, on the other hand, uses the terms “obligee” and “obligor” in order to emphasize who has the support obligation. Your state may use other terms for parents in the IV-D program.

For simplicity, this training will use the terms “custodial parent” and “noncustodial parent,” but OCSE recognizes that there are cases where the parents have shared custody. Also, remember that some cases involve a guardian of the child or a foster care agency, and not an actual parent. The same rules apply in these cases as well.

References:

UIFSA Section 102(13), (16), (17)

Section 466 of the Social Security Act

Agency Terms

- **IV-D agency** (federal law) – agency in state administering IV-D program
 - Support enforcement agency (UIFSA)
- **Central registry** is office/unit within IV-D agency that is responsible for:
 - Processing incoming two-state cases
 - Ensuring documentation is complete
 - Requesting any missing documentation
 - Sending case to local office or for locate services
 - Receiving and responding to inquiries

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Notes:

Another common term used in federal law to refer to the state child support agency is “IV-D agency.” As you may know, “IV-D” is the section of the Social Security Act that created the federal-state-tribal child support program and contains the required laws on child support. The IV-D agency administers the IV-D program in the state. UIFSA uses a similar but broader term “support enforcement agency,” which includes the IV-D agency, other state or local governments, and certain private agencies responsible for establishing, enforcing, and modifying child support and/or spousal support orders.

Each state IV-D agency has a “central registry” that processes incoming intergovernmental cases and checks to see if incoming cases have all of the required documentation and, if not, requests missing information. The central registry then will send the case for location services or to the local office for administrative or judicial action. The central registry also is responsible for responding to inquiries from other states, tribes, and foreign countries.

References:

45 CFR 301.1

45 CFR 303.7

UIFSA Sections 102(27), 103

More Agency Terms

- **Initiating agency** (federal law) – IV-D agency where parent is receiving services
 - Services may include referral of case to responding agency
- **Responding agency** (federal law) – IV-D agency providing services in response to referral from initiating agency
- **Tribunal** (UIFSA) – court, IV-D agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or determine parentage

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Notes:

Federal regulations use the terms “initiating agency” and “responding agency” for intergovernmental cases. An initiating agency is the IV-D agency where a parent has applied for or is receiving services, and includes an agency in a foreign country. These services may include referring an intergovernmental case to a responding agency. A responding agency is the IV-D agency taking the establishment, enforcement, or modification action requested by the initiating agency in an intergovernmental case.

In most cases, the initiating agency will be providing services to the custodial parent and the responding agency will be in the state where the noncustodial parent resides or has income and assets. But there may be instances where the noncustodial parent has applied for services in an initiating state, such as when a modification of support is needed. In that case, the initiating state will send the case to the responding state where the custodial parent resides.

UIFSA defines “tribunal” as “a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage of a child.” Depending on state law, a tribunal may include the support enforcement agency.

References:


UIFSA Section 102(14), (22), (29)

45 CFR 301.1

45 CFR 303.7

Practice Using Interstate Terms

- What are possible terms to describe this type of case?
- If Texas sends case to Arizona, what terms describe entities sending or receiving case?



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Notes:

Let's practice using the terms covered so far in this training. Here, we have one parent living in Arizona—the noncustodial parent—and the other parent living in Texas with the child—the custodial parent. If the custodial parent applies for services, the IV-D agency in Texas must open a case and determine the most appropriate case processing option.

If the IV-D agency in Texas decides to use its one-state remedies, it will seek to establish a support obligation for the noncustodial parent directly, without involving Arizona. If the IV-D agency decides to send an interstate IV-D case to Arizona, Texas will be the initiating agency and Arizona will be the responding agency. Arizona will seek to establish a support obligation for the noncustodial parent.

Arizona's central registry will receive the case and check to make sure all the requisite documentation is included before sending it on to the appropriate office or unit in the state to proceed with whatever Texas has requested—establishment, enforcement, or modification. Later in this training, we will look at each action—establishment, enforcement, and modification—individually.



Notes:

Now that we have the terms down, let's briefly discuss the history of UIFSA.

Uniform Interstate Family Support Act (UIFSA)

- Developed in 1992
- Amended: 1996, 2001, 2008
- Mandatory in 1998
- Uniform law in all states

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Notes:

UIFSA was developed by the Uniform Law Commission in 1992 to provide a comprehensive body of law for interstate child support cases, which replaced the prior model acts. In 1996, the Commission amended UIFSA and, about a month later, Congress mandated that all states enact UIFSA by 1998 in order to remain eligible for federal funding of their child support programs. The Uniform Law Commission subsequently amended UIFSA in 2001 and 2008, which resulted in different states having different versions of UIFSA. However, in 2014, Congress mandated that all states enact UIFSA 2008, resulting in a uniform law in all states. Now that all states have enacted UIFSA 2008, this training simply will refer to “UIFSA” for the 2008 version.

UIFSA can be found on the Uniform Law Commission’s website and the hyperlink is contained at the end of this training.

References:

UIFSA 2008

(http://www.uniformlaws.org/shared/docs/interstate%20family%20support/UIFSA_2008_Final_Amended%202015_Revised%20Prefatory%20Note%20and%20Comments.pdf)

Why UIFSA is Important

- Provides one set of rules
- Enables interstate coordination and cooperation
- Almost \$1.6 billion collected in 2016
- OCSE has policy guidance on UIFSA

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Notes:

UIFSA provides one set of rules for states to follow for interstate child support cases, and facilitates interstate coordination and cooperation. And UIFSA has made a difference—in 2016, interstate child support collections totaled almost \$1.6 billion.

OCSE has issued policy guidance on UIFSA, including IM-16-02, as a resource for states.

References:

OCSE FY16 Annual Report, Table 33

(https://www.acf.hhs.gov/sites/default/files/programs/css/fy_2016_annual_report.pdf)

OCSE IM-16-02 (<https://www.acf.hhs.gov/css/resource/2008-revisions-to-the-uniform-interstate-family-support-act>)

Example of UIFSA Section and Comment

Comment

This section explicitly authorizes a state tribunal to communicate with a tribunal of another state, foreign country, or in a foreign nation state not defined as a foreign country. It was derived from UCCJA § 110 authorizing such communications to facilitate a fully informed decision. The amendment in UIFSA (2008) not only expands the authorization to worldwide scope, i.e., "outside this state," but specifically adds email to the select modes of communication. Broad cooperation by tribunals is strongly encouraged in order to expedite establishment and enforcement of a support order. American judges are very familiar with this procedure. It remains to be seen whether overseas communication between judges will be received with similar cooperation.

SECTION 318. ASSISTANCE WITH DISCOVERY. A tribunal of this state may:

(1) request a tribunal ~~of another~~ outside this State state to assist in obtaining discovery;

and

(2) upon request, compel a person over ~~whom~~ which it has jurisdiction to respond to a discovery order issued by a tribunal ~~of another~~ outside this State state.

Comment

This section takes a logical step to facilitate interstate and international cooperation by enlisting the power of the forum to assist a tribunal of another state or country with the discovery process. The grant of authority is quite broad, enabling the tribunal of the enacting state to

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Notes:

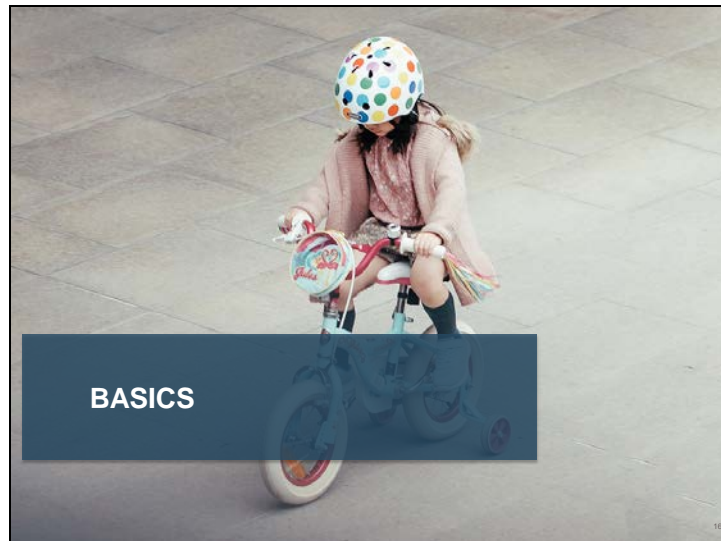
Like most uniform laws, UIFSA is divided into articles by subject matter. For example, Article 3 contains many procedural rules for UIFSA proceedings and is titled "Civil Provisions of General Application."

Each article contains a number of sections and each section sets forth a specific principle of law. Most sections also have a "comment" that helps tribunals interpret the law by providing explanations for the specific section and any changes from prior UIFSA versions. It is very important to look at both the applicable UIFSA section and the comment when questions arise about UIFSA.

Here, section 318 allows a tribunal to request assistance with obtaining evidence from a tribunal in another state. The comment to section 318 explains that "[t]his section takes a logical step to facilitate interstate and international cooperation by enlisting the power of the forum to assist a tribunal of another state or country with the discovery process."

References:

UIFSA Section 318



Notes:

Now let's move on to the basics of interstate cases.

Federal Laws and Regulations

- Federal law and regulations:
 - Provide framework for processing cases
 - Require interstate cooperation
 - Allow both states in interstate IV-D cases to count payments as collections
 - Require states to enact UIFSA 2008
 - Require central registry
- Federal regulations generally apply only to IV-D cases

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Notes:

Title IV-D of the Social Security Act and federal regulations establish the framework for IV-D agencies to follow when working intergovernmental cases.

Federal law requires states to cooperate when handling interstate cases and gives states a financial incentive to do so. In an interstate IV-D case, both the initiating and responding agencies can count the child support collections when calculating federal financial incentives.

Federal law also requires states to enact UIFSA 2008, and all states have done so.

Finally, federal law requires each IV-D agency to have a central registry to process interstate cases.

Unlike UIFSA, which applies regardless of whether a IV-D agency is involved in the interstate case, most requirements in Title IV-D of the Social Security Act and federal regulations apply only to open IV-D cases.

References:

Sections 458(c) and 454(9) of the Social Security Act
45 CFR 303.7

FFCCSOA

- Federal Full Faith and Credit for Child Support Orders Act (28 U.S.C. § 1738B):
 - Effective October 1994
 - Amended several times to make consistent with UIFSA
 - Applicable to tribes
 - Requires all courts to accord full faith and credit to child support order issued by another state or tribe

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Notes:

The federal Full Faith and Credit for Child Support Orders Act is called “FFCCSOA” for short. FFCCSOA was enacted in 1994 and requires courts of all U.S. territories, states, and tribes to give full faith and credit to a child support order issued by another state or tribe that had jurisdiction over the parties. FFCCSOA was designed to be consistent with UIFSA.

While tribes are not required like states to enact UIFSA, tribes are required to abide by FFCCSOA so both states and tribes apply the same rules regarding: continuing, exclusive jurisdiction; modification jurisdiction; determination of the controlling order; and choice of law – concepts that we will cover in this training and Interstate 201. OCSE has issued guidance on FFCCSOA in AT-02-03 for states and tribes.

FFCCSOA may be found on OCSE’s website and the hyperlink is contained at the end of this training.

References:

28 U.S.C. 1738B (<https://www.acf.hhs.gov/css/resource/full-faith-and-credit-for-child-support-orders>)

OCSE AT-02-03 (<https://www.acf.hhs.gov/css/resource/applicability-of-full-faith-and-credit-for-child-support-orders>)

UIFSA Basics

- UIFSA complements federal requirements
- UIFSA provisions usually apply to both IV-D and non-IV-D cases
- One order at one time - multiple orders not allowed
- State with jurisdiction to enter order is “issuing state” and has “controlling order”
- Initial controlling order determines duration of support

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Notes:

Let's move on to UIFSA basics. Although they are not the same, UIFSA and federal law work together to provide structure for IV-D agencies to follow when working intergovernmental cases. Most UIFSA provisions apply regardless of whether the IV-D agency is involved in the case.

Before UIFSA came along, the majority of support proceedings were *de novo*. That meant that even when an existing order of one state was sent to a second state for registration and enforcement, the second state often asserted the right to issue a new support order. This resulted in multiple support orders in effect in several states. UIFSA was designed to prevent this problem by having a “one order at one time” rule combined with limits on the power of tribunals to modify existing orders.

If a state with jurisdiction under UIFSA enters a support order, that state is the issuing state with the order that controls the child support obligation, normally referred to as the “controlling order.” Until that order is modified by another state, the order will continue to be the controlling order and the state is the issuing state even after the parents and child have left.

Under UIFSA, the initial controlling order will determine the duration of support. For example, assume that the initial controlling order is set by New York and New York law provides that parents are obligated to support their children until the age of 21. Any future modification of that order under UIFSA will maintain that duration even though the law in the state modifying the order has a different age when support terminates.

References: UIFSA Sections 102(21), 206, 604, 611

More UIFSA Basics

- States must recognize and enforce controlling order
- Controlling order can be enforced in any state, even if parties leave issuing state
- Registration is key concept for enforcement

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Notes:

All states must recognize the controlling order and, upon request, must enforce the controlling order. It does not matter if both parents and the child have left the issuing state – the order remains enforceable.

The concept of registration is important. A state often will enforce an order by registering it, which entails filing the controlling support order with a tribunal. Once the order is registered, it may be enforced in the same manner and is subject to the same procedures as an intrastate order.

References:

UIFSA Sections 102(21), 206, 602, 603

CEJ

- Continuing, Exclusive Jurisdiction (CEJ):
 - UIFSA limits ability to modify controlling order
 - Only state with CEJ has power to modify order
 - CEJ continues as long as one parent or child resides in issuing state unless parents otherwise consent

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Notes:

“Continuing, exclusive jurisdiction” is a core concept of UIFSA and defines which state has the authority to modify the controlling order. It is commonly referred to as “CEJ.” CEJ maintains the one order at one time rule.

Under UIFSA, a state with CEJ has exclusive authority to modify a child support order in an interstate case. We will look at the UIFSA modification rules later in this training and in Interstate 201 training. But for now, it is important to know the basic CEJ rule. The issuing state will retain CEJ to modify its order as long as a parent or the child resides there, unless the parents consent otherwise.

References:

UIFSA Sections 205, 611

Practice Using UIFSA Basics

- What state has CEJ?
- What state can modify order?
- What state can enforce order?

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Notes:

To apply these UIFSA basics, let's consider a hypothetical case. The issuing state is Minnesota, and the custodial parent and child continue to reside there. The noncustodial parent has moved to Wisconsin. In this example, Minnesota has CEJ because the custodial parent lives there.

If one of the parents wanted to modify the controlling order, the tribunal in Minnesota has the exclusive power to modify the order, unless the parents consent otherwise. This is because one of the parents continues to reside there. It does not matter if it is the custodial or noncustodial parent who is seeking the modification.

Finally, Minnesota can enforce its order. But remember, under UIFSA, any state can enforce the order upon request. The IV-D agency in Minnesota can use one-state remedies and initiate a direct income withholding notice to the noncustodial parent's employer in Wisconsin. The other option is that the Minnesota IV-D agency can initiate an interstate IV-D case to the IV-D agency in Wisconsin. Wisconsin, as the responding agency, will enforce the order against the noncustodial parent's income and assets in Wisconsin.

Rare UIFSA Provision: DCO

- Determination of controlling order:
 - UIFSA section 207
 - Tribunal makes determination
 - Rarely used today

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Notes:

Because the laws prior to UIFSA made it possible for more than one state to have a child support order for the same noncustodial parent and child, UIFSA contained a procedure for a tribunal to determine which order was controlling. The procedure, called “determination of controlling order” or “DCO,” is set forth in section 207 of UIFSA.

Since UIFSA has been in effect now for 20 years, there should not be more than one valid support order. This procedure, therefore, is rarely used today.

Reference:
Section 207



Notes:

Before we move on to interstate establishment, are there any questions on interstate terms, history, or basics?



Notes:

Let's move on to establishment principles. In this training, we will focus on establishment in interstate cases; however, establishment in other types of intergovernmental cases such as international cases is similar but varies slightly.

Establishment Basics

- UIFSA provides establishment of:
 - Parentage
 - Child support
 - Spousal support
- State with jurisdiction that enters order is issuing state and its order controls
- Once controlling order is issued, no other tribunal may issue new support order

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Notes:

UIFSA allows for three types of establishment:

- parentage
- child support and
- spousal support

If there has been no support order entered for a child, UIFSA allows a tribunal in a state that has jurisdiction to enter a child support order, and that becomes the issuing state with the controlling order. Once a tribunal with jurisdiction issues a child support order, no other tribunal may issue a new support order.

If parentage has not been established, either pursuant to law or determined by a tribunal, UIFSA also allows a tribunal to enter a judgment of parentage. Finally, UIFSA permits a tribunal to establish spousal support—although that litigation does not fall within a IV-D agency’s responsibilities and, therefore, will not be covered in this training.

References:

UIFSA Sections 201, 204, 401

Interstate Establishment Options

- If noncustodial parent lives in another state, IV-D agency has two options to establish parentage or support order:
 - One-state remedies through long-arm jurisdiction
 - Interstate IV-D case

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Notes:

A IV-D agency providing services to a custodial parent has two options if parentage or support, or both, needs to be established and the noncustodial parent lives in a different state. The first option is for the IV-D agency to use one-state remedies through what is called “long-arm jurisdiction” to establish support or parentage against the noncustodial parent.

The second option is for the IV-D agency to refer an interstate IV-D case to the IV-D agency in the state where the noncustodial parent resides. Please note that sometimes the noncustodial parent is the one receiving IV-D services. In that case, the IV-D agency may refer an interstate IV-D case for establishment to the IV-D agency in the state where the custodial parent resides.


The one-state remedies option is available only if certain criteria are present, which we will cover in the next few slides. The interstate IV-D case referral is always an option.

References:

UIFSA Sections 201, 304, 305
45 CFR 303.7(c), (d)

Establishment: One-State

- Long-arm jurisdiction:
 - UIFSA section 201
 - Personal jurisdiction
 - Describes when state can extend its “arm” to take action against person in another state



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Notes:

In order for a tribunal to have the power to require an individual to take an action, such as pay child support, the tribunal must have personal jurisdiction over the individual. A tribunal has personal jurisdiction over a person who lives in the state. Sometimes, however, a tribunal will be able to exercise personal jurisdiction over a nonresident so long as that individual has minimum contacts with the state. This is called long-arm jurisdiction because the tribunal is reaching out and obtaining personal jurisdiction over a person residing in another state.

The concept of “long-arm jurisdiction” stems from constitutional requirements of due process. Federal regulations require a IV-D agency to consider using long-arm jurisdiction to establish a child support order if the agency determines that long-arm jurisdiction is both available and appropriate.

In the illustration, the tribunal in Texas is extending its “arm” to assert personal jurisdiction over the noncustodial parent in Arizona, which is allowed so long as that parent took certain actions in and had contact with Texas. If so, Texas may be able to enter a child support order and, if needed, a parentage judgment against the noncustodial parent. We’ll see on the next slide what sorts of actions will subject a noncustodial parent to the jurisdiction of a tribunal in another state.

References:

45 CFR 303.7(c)(3)
UIFSA Section 201

Long-Arm Jurisdiction: Actions 1 & 2

- Under UIFSA, state will have long-arm jurisdiction if individual:
 - 1) Is personally served within state
 - 2) Consents to jurisdiction by generally appearing or filing responsive document

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Notes:

Section 201 of UIFSA lists the actions that will subject a nonresident parent to the jurisdiction of a tribunal in another state. The first action is if the noncustodial parent is served with a summons (or, if state law permits, with a notice or citation) to appear in court while he or she is actually in the state. Using our example from the previous slide, if the parent is served with a summons while he or she is actually in Texas, the Texas tribunal will have long-arm jurisdiction to establish support and, if needed, parentage.

The second action is where the noncustodial parent consents to jurisdiction. Allowing parties to consent is consistent throughout UIFSA. As you will learn later in this training, parents may consent in a record to a tribunal's jurisdiction outside of the standard UIFSA modification rules.

References:

UIFSA Section 201

Long-Arm Jurisdiction: Actions 3 & 4

- Under UIFSA, state will have long-arm jurisdiction if individual (cont.):
 - 3) Resided in state with child
 - 4) Resided in state and provided prenatal expenses or support for child

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Notes:

Under UIFSA, if the parent resided in the state with the child, a tribunal will have jurisdiction to enter a child support order and, if needed, a parentage order. The joint residence could have been in the past. Again, using our example, if the noncustodial parent lived in Texas with the child at any point, Texas will have long-arm jurisdiction to establish a support order against the parent for the child.

Under another basis of long-arm jurisdiction, if the noncustodial parent lived in the state and provided prenatal expenses to the mother or support for the child, then he or she will be subject to support proceedings in that state.

References:

UIFSA Section 201

Long-Arm Jurisdiction: Actions 5, 6 & 7

- Under UIFSA, state will have long-arm jurisdiction if individual (cont.):
 - 5) Directed or caused child to live in state
 - 6) Engaged in sexual intercourse in state that possibly resulted in child's conception
 - 7) Asserted parentage of child in registry in state

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Notes:

Section 201 of UIFSA lists three other specific actions by a nonresident that can be the basis of personal jurisdiction. The tribunal has jurisdiction if the child is in the state because of acts or directives of the nonresident parent. A common example is if the custodial parent and child moved to the state to avoid domestic violence by the noncustodial parent. Another example is where a noncustodial parent tells the custodial parent to go live with the noncustodial parent's relative.

The action listed as number six refers to where the conception may have occurred in the state. This is a common basis to assert personal jurisdiction and the reason why many states ask where the sexual relationship occurred on a paternity affidavit or questionnaire. The test is whether the conduct was during the probable period of conception.

The last specific action involves a nonresident asserting parentage in a putative father registry. States did not have to enact this subsection of UIFSA because not all states have putative father registries.

References:

UIFSA Section 201

Catch-All Long-Arm Jurisdiction and Service

- A state also will have long-arm jurisdiction on any other basis consistent with U.S. or state constitution
- Nonresident must be served

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Notes:

Section 201 of UIFSA also contains a broad provision that will allow a tribunal to assert long-arm jurisdiction using any basis consistent with the U.S. or state constitution.

Finally, it is important to note that even though a state may have long-arm jurisdiction over a nonresident parent under the facts of the case, the parent still must be served with the legal documents. Sometimes it may be difficult for an out-of-state IV-D agency to serve the noncustodial parent in another state, which may lead to the referral of an interstate IV-D case instead.

References:

UIFSA Section 201

Establishment Using Long-Arm Jurisdiction

- If state exercises long-arm jurisdiction, tribunal will apply its:
 - State guideline to determine amount of support
 - State law to determine parentage if necessary
 - State law to determine other issues
- State has CEJ as long as parent or child resides in order-issuing state

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Notes:

There are substantial benefits to a state exercising long-arm jurisdiction when the facts establish that the noncustodial parent had requisite contact with the state. If a tribunal in your state exercises long-arm jurisdiction over a nonresident parent, the tribunal will apply your state's laws to determine all of the relevant substantive issues. This means that child support will be calculated according to your state's guideline and your laws will determine any other issues.

Another benefit is that the order will be the initial controlling order in the case so duration of the support obligation will be governed by your state's law. As long as a parent or child resides in the state, your state as the issuing state has CEJ to modify the order.

References:

UIFSA Sections 205, 210, 611

Assistance from Noncustodial Parent's State

- If state exercises long-arm jurisdiction, tribunal in noncustodial parent's state may:
 - Communicate with tribunal issuing order
 - Obtain discovery from noncustodial parent on income and assets
 - Receive evidence

Notes:

UIFSA allows a tribunal exercising personal jurisdiction over a nonresident parent to enlist the assistance of a tribunal in that parent's state. Such assistance may include help with a deposition or in providing a location for testimony by telephone or other electronic means. Tribunals can communicate with each other about laws, the legal effect of an order, and the status of a proceeding. UIFSA also authorizes the tribunal establishing the order to ask the tribunal in the noncustodial parent's state to help with discovery. If the noncustodial parent fails to cooperate, the assisting tribunal may compel the parent to comply with a discovery order that a tribunal issued in another state.

References:

UIFSA Sections 210, 316, 317, 318

One-State Establishment Procedures

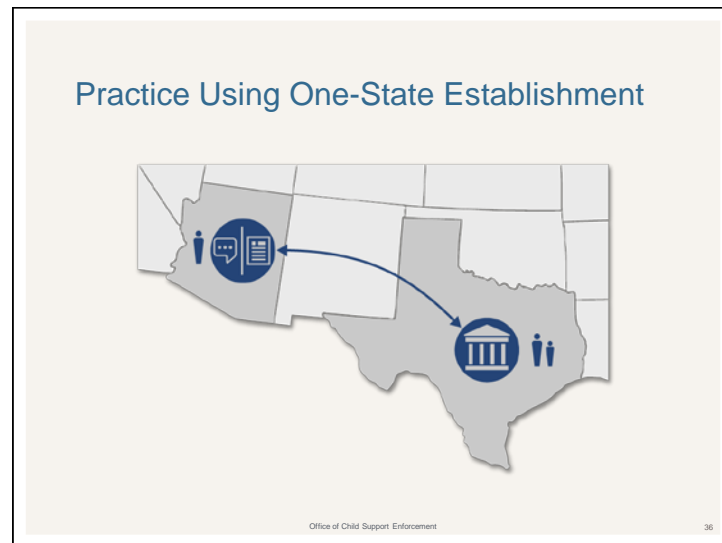
- Physical presence of nonresident parent is not required for establishment
- Evidence may include:
 - Affidavit
 - Electronic documents
- Tribunal must permit nonresident parent to testify by telephone, audiovisual, or other means at designated tribunal or other location

Notes:

UIFSA was designed to accommodate the presentation of evidence across state lines. First, the nonresident parent is not required to be physically present in a tribunal in order for a support order to be established. Instead, the tribunal may consider evidence such as an affidavit or documentary evidence transmitted by electronic means when setting a support order. Second, the tribunal must permit the nonresident parent to testify under penalty of perjury by telephone, audiovisual, or other electronic means at a designated tribunal or other location, such as the child support office, in his or her state.

Reference:

UIFSA Section 316



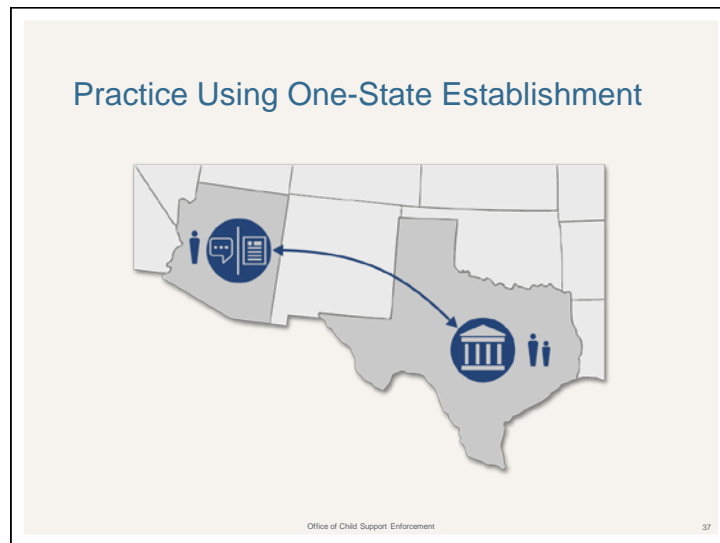
Notes:

Let's go back to the illustration. Assume the parents lived together in Texas when the child was conceived, signed an acknowledgment of paternity for the child at the hospital, and continued living together for a short time after the child was born.

Under UIFSA, there are several provisions under which Texas may exercise long-arm jurisdiction.

- First, under UIFSA section 201(a)(3), a tribunal in Texas may exercise long-arm jurisdiction over the father because he lived in Texas with the child.
- Under section 201(a)(5), the tribunal may exercise long-arm jurisdiction because the father resided in Texas and provided support for the child.
- Under section 201(a)(6), the father is subject to jurisdiction in Texas because the child was conceived there.
- Finally, because the father signed an acknowledgment of paternity in Texas, a tribunal likely would determine that the father had minimum contacts with Texas sufficient for jurisdiction consistent with the state and federal constitution.

Therefore, the IV-D agency providing services to the custodial parent may file a case to establish support in Texas and serve the noncustodial parent with the establishment petition and any other necessary documents in Arizona.



Notes:

Once served, the noncustodial parent must participate in the proceedings in Texas or risk having a default order entered against him. Remember that the parent does not have to travel to Texas to participate, although he certainly can appear personally. The parent, instead, may testify under penalty of perjury at a tribunal in Arizona or other designated location, and he may submit evidence in the form of an affidavit or documents submitted electronically, such as a W2 form or paycheck stubs.

The tribunal in Texas will set the support order in accordance with the Texas child support guideline and Texas will be the issuing state with the controlling order under UIFSA. As long as any party or child resides in Texas, Texas will continue to have CEJ for purposes of modification.

Establishment: Interstate IV-D Case

- State must initiate interstate IV-D case if:
 - No personal jurisdiction or
 - One-state remedies are not appropriate or successful
- In interstate IV-D establishment case, state providing services to one parent sends case to state with personal jurisdiction over other parent
 - Usually where other parent resides

Notes:

The other option that always is available to a IV-D agency in an interstate establishment case is to refer the case to the IV-D agency in a state with personal jurisdiction over the noncustodial parent. Usually this means referring the case to the state where the noncustodial parent resides. The interstate IV-D case referral is always an option if the state providing services to a parent does not have long-arm jurisdiction over the other parent, or one-state remedies are not appropriate or were not successful.

Intergovernmental Forms: Establishment

- Request to establish child support must include the following intergovernmental forms:
 - Child Support Enforcement Transmittal #1
 - Uniform Support Petition
 - General Testimony
 - Child Support Agency Confidential Information Form
 - Personal Information Form for UIFSA § 311

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Notes:

This slide lists the required federal intergovernmental forms that must be sent by the initiating agency on an interstate IV-D case to establish child support:

- Child Support Enforcement Transmittal #1
- Uniform Support Petition
- General Testimony
- Child Support Agency Confidential Information Form and
- Personal Information Form for UIFSA § 311

The last form, the Personal Information Form, contains all of the information required by section 311 of UIFSA including the names, addresses, and social security numbers of the parents, and the name, gender, address, social security number, and date of birth of each child for whose benefit support is sought or whose parentage is to be determined. Please note that the responding agency may require additional documents for child support establishment such as the custodial parent's pay stubs or tax returns when necessary to establish a support order.

References:

UIFSA Section 311

Intergovernmental Forms: Establishment (cont'd)

- Forms and other documents to establish child support may be sent electronically
- OCSE matrix for intergovernmental forms
- OCSE training on intergovernmental forms

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Notes:

UIFSA allows the forms listed on the prior slide for interstate child support establishment to be sent electronically. In OCSE's Interstate Tools and Resources training, we will discuss OCSE's interstate communication tools that may be used to help process interstate cases including the Electronic Document Exchange.

The forms required for an interstate IV-D establishment case, as well as other types of interstate cases, are listed on a matrix OCSE developed. This matrix is available on OCSE's website and a hyperlink is contained at the end of this training.

Also on its website, OCSE has training materials on filling out the forms listed in this training, and explains which forms are intended to provide information for the responding agency only and which are intended to be filed with the tribunal.

References:

OCSE Intergovernmental Forms Matrix

(https://www.acf.hhs.gov/sites/default/files/programs/css/intergovernmental_forms_matrix.pdf)

OCSE IM-17-02 (<https://www.acf.hhs.gov/css/resource/ocse-intergovernmental-forms-training>)

Intergovernmental Forms: Parentage

- Request to establish parentage must include:
 - Child Support Enforcement Transmittal #1
 - Uniform Support Petition
 - Declaration in Support of Establishing Parentage
 - General Testimony
 - Child Support Agency Confidential Information Form
 - Personal Information Form for UIFSA § 311

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Notes:

If parentage has not been established, either by law, acknowledgment, or order, the initiating agency must request that the responding agency establish parentage as part of the interstate IV-D case. The intergovernmental forms listed on this slide apply to parentage establishment and include:

- Child Support Enforcement Transmittal #1
- Uniform Support Petition
- Declaration in Support of Establishing Parentage
- General Testimony
- Child Support Agency Confidential Information Form and
- Personal Information Form for UIFSA § 311

References:

UIFSA Section 311

OCSE Intergovernmental Forms Matrix

(https://www.acf.hhs.gov/sites/default/files/programs/css/intergovernmental_forms_matrix.pdf)

Central Registry

- Interstate IV-D case is sent to responding agency's central registry
- Federal regulations require within 10 working days of receiving case, central registry must:
 - Review documents for completeness
 - Acknowledge case has been received and, if necessary, request any missing documentation
 - Forward case to appropriate agency for processing or location services
 - Inform initiating agency where case was sent for action

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Notes:

Once the initiating agency has completed the required documents, the interstate IV-D case is sent to the applicable central registry. Federal regulations require the central registry to process the case within 10 working days, including determining if the case file is complete with all required documents and, if necessary, asking the initiating agency for additional documentation, acknowledging that the case was received, and forwarding the case either for location services or to the local office to take action to establish support or parentage or both.

Federal regulations require the responding agency to accept and process the interstate case regardless of whether the initiating agency had the ability to use long-arm jurisdiction over the noncustodial parent.

Reference:

45 CFR 303.7

Responding Agency

- Duties of responding agency:
 - Accept and process case
 - Provide services and apply laws as in intrastate cases including:
 - Determine parentage, if necessary
 - Establish support order under guideline and provide underlying calculation for order
 - Pay costs

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Notes:

Federal regulations list the duties of a responding agency in an interstate IV-D case. As discussed, the responding agency must accept and process the case to the extent it can, even while following up with the initiating agency for additional documentation or information. The responding agency must treat the case as it would an intrastate case and provide services requested by the initiating agency and necessary to the case. In most cases, the responding agency will ask a tribunal to establish a support order and, if necessary, parentage. The tribunal will apply the laws of its state to determine these issues. Remember that UIFSA defines tribunal as including both courts and administrative agencies.

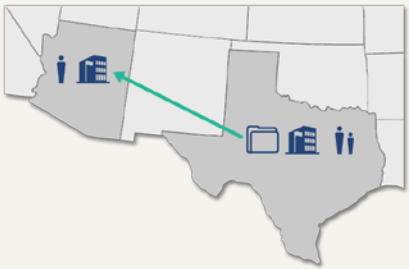
Finally, according to federal regulations, the responding agency is responsible for any costs in the case. For example, if parentage needs to be established and genetic testing is requested by the noncustodial parent, the responding agency must schedule and pay for the testing.

Reference:

45 CFR 303.7

Practice Using Interstate IV-D Cases

- Initiating Agency – Texas
- Responding Agency – Arizona

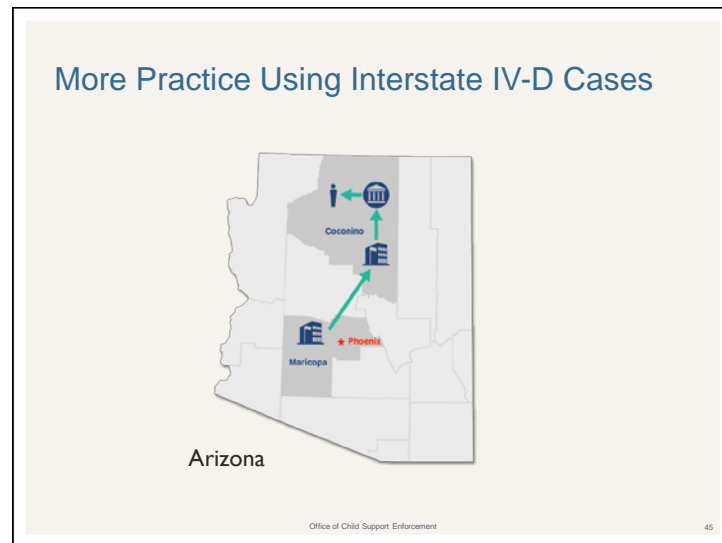


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Notes:

Let's look at an example. If Texas does not have personal jurisdiction over the noncustodial parent or decides that long-arm jurisdiction is not the most appropriate service for this family, Texas will send an interstate IV-D case to Arizona. The IV-D agency in Texas is the initiating agency and the IV-D agency in Arizona is the responding agency.



Notes:

The interstate IV-D case from Texas will go to Arizona's central registry, located in Phoenix. The central registry will review the interstate packet and request any additional necessary documents or information. Even if additional documents are requested from the initiating agency, the central registry must go on and send the case to the appropriate office either for locator services or for establishment services. In our example here, if the central registry determines that the noncustodial parent lives in Coconino County, the central registry will send the case to the office that handles cases in that county.

The local office will file the case with the County Superior Court. Once the sheriff or other process server serves the noncustodial parent with the legal documents, the court may hold a hearing to decide the amount of child support pursuant to the guideline in Arizona. Arizona law will determine other substantive issues as well.

Arizona will be the issuing state and, as we will discuss later in this training, Arizona will have CEJ to modify the order as long as a parent or child resides there. While the most common scenario is that the noncustodial parent continues to reside in Arizona, the custodial parent could move to Arizona and the noncustodial parent could move away. It's the presence of either parent or the child that counts for CEJ purposes under UIFSA.



Notes:

Before we move on to interstate enforcement, are there any questions on interstate establishment?



Notes:

We have two topics left to cover. Next we will look at interstate enforcement of support orders.

Enforcement Basics

- Once support order is established, all states have authority to enforce the order
- Certain enforcement actions depend on whether state has jurisdiction
- Controlling order continues until:
 - fully complied with or
 - is modified in accordance with UIFSA
- U.S. order enforceable in other countries

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Notes:

Remember that a key component of UIFSA is that once a support order is legally established in the issuing state, all states have the authority to enforce the order. The issuing state's order will remain in effect until it is fully complied with or is modified under the rules of UIFSA.

As we discussed earlier in the training, a tribunal has personal jurisdiction to establish and enforce a support order if the parent lives in the state. A tribunal also will have personal jurisdiction to take certain enforcement actions against a nonresident parent, such as holding the parent in civil contempt for willfully not paying child support, if that parent has minimal contacts with the state. In contrast, under UIFSA, any state may send an income withholding notice because that enforcement action does not require any type of jurisdiction over the noncustodial parent.

Also, as covered in detail in OCSE's international training modules, a support order from the U.S. can be enforced in certain foreign countries under the Hague Convention and other international arrangements. In similar fashion, a support order from certain foreign countries may be enforced in the U.S. under UIFSA.

Enforcement Options

- Issuing state has two options to enforce order:
 - One-state remedies
 - Interstate IV-D case referral
- Issuing state makes decision on one-state or interstate case based on facts
- IV-D agency may enforce spousal support if part of child support order

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Notes:

Under UIFSA, a tribunal that has issued an order will continue to have jurisdiction to enforce the order as long as it is the controlling order and has not been modified. When the noncustodial parent lives in a different state, the IV-D agency in the issuing state has two enforcement options. The first option is for the IV-D agency to use one-state remedies, which we will discuss in a moment.

The second option is for the IV-D agency to refer an interstate IV-D case to the IV-D agency in the state where the noncustodial parent resides or has income or assets. This interstate referral option also is always available under UIFSA. It is up to the issuing state to determine whether the one-state or two-state enforcement option is most appropriate under the facts of the case.

While a IV-D agency receives no federal funding to establish a spousal support order, the agency may enforce a spousal support obligation along with child support when both child and spousal support are part of the same order, such as a divorce judgment.

References:

UIFSA Section 202
45 CFR 303.7

Enforcement: One-State

- Income withholding
 - IV-D agency sends income withholding notice to employer in its state
 - Employer deducts support from paycheck and sends support to State Disbursement Unit (SDU)
- Direct income withholding
 - Authority within UIFSA and federal law
 - IV-D agency sends income withholding notice to employer in another state

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Notes:

Let's first discuss enforcement using one-state remedies. Income withholding is one of the most effective ways to collect child support and accounts for 75% of the child support collected in the United States. The process is simple: an income withholding notice is sent to the noncustodial parent's employer. The employer deducts the child support from the parent's paycheck and then sends the support to the designated State Disbursement Unit or "SDU."

The term "direct income withholding" is a specific type of withholding. Direct income withholding occurs when the IV-D agency sends an income withholding notice directly to an employer in another state without requesting the assistance of the other state's child support agency or tribunal. Direct income withholding is a core enforcement technique under UIFSA and federal law. When an employer in another state receives the notice, it is required to comply as if the income withholding notice had been issued by a tribunal in the employer's state.

References:

UIFSA Sections 501, 502

Section 466(b) of the Social Security Act

Enforcement: One-State

- Direct income withholding (cont.)
 - No personal jurisdiction required
 - Must be on federal OMB-approved income withholding form

The form is titled "INCOME WITHHELD FOR SUPPORT" and includes the following sections:

- ORIGINAL INCOME WITHHOLDING ORDER-NOTICE FOR SUPPORT (2005):**
 - ☐ ORIGINAL ORDER
 - ☐ AMENDMENT
 - ☐ ONE TIME ORDER-NOTICE FOR LUMP SUM PAYMENT
 - ☐ TERMINATION OF ORDER
- Case Information:**
 - ☐ Child Support Enforcement (CSE) Agency
 - ☐ Court
 - ☐ Attorney
 - ☐ Private Individual/Entity (Check One)
- NOTE:** This order must be completed on the back matter unless otherwise specified on the order. It is the responsibility of the payor to ensure that the order is completed correctly. If the order is not completed correctly, the payor may be liable for the amount of the order. If the order is not completed correctly, the payor may be liable for the amount of the order.
- Payor Information:**
 - State/Title/County: _____
 - City/County/Zip: _____
 - Payor's Social Security Number: _____
- Child Information:**
 - Child's Name (Last, First, Middle): _____
 - Child's Date of Birth: _____

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Notes:

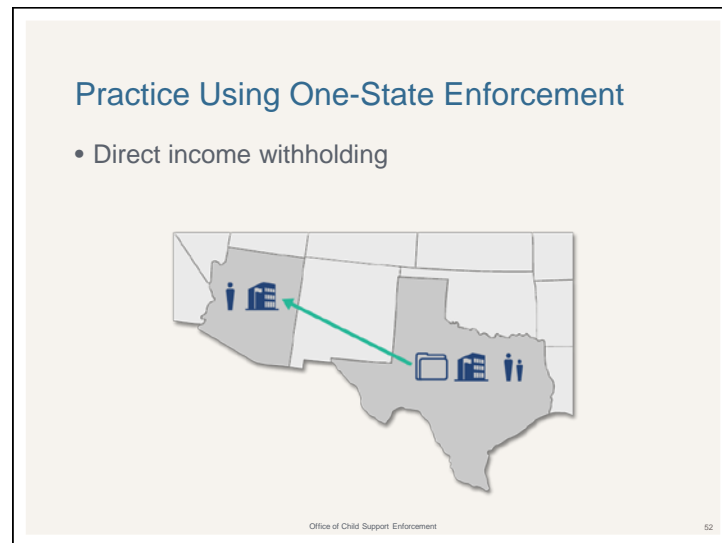
Direct income withholding is used against the *income* of a noncustodial parent; therefore, personal jurisdiction over the noncustodial parent is not required. But where there is more than one state trying to enforce an order, states must work together to make sure there are not duplicative and competing income withholding notices from more than one state.

Like intrastate income withholding, all direct income withholding orders must be on the form that has been approved by the federal Office of Management and Budget (OMB). The more complicated issues concerning direct income withholding in the context of interstate payment processing will be covered in Interstate Payment Processing training.

References:

UIFSA Sections 501, 502

Section 466(b) of the Social Security Act




Notes:

Let's look at an example of how direct income withholding works. Here, Texas is the issuing state and the custodial parent and child continue to reside there. The IV-D agency in Texas decides to use one-state remedies to enforce the support order and sends a direct income withholding notice to the noncustodial parent's employer in Arizona. Unlike an interstate IV-D case, the IV-D agency in Arizona is not involved and does not open a IV-D case.

Under UIFSA, the employer must comply with Texas's income withholding notice, withhold the child support from the noncustodial parent's paycheck, and send the child support to Texas.

Practice Using One-State Enforcement

- Direct income withholding - works well if IV-D agency can identify employer in other state
- Other enforcement actions



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Notes:

Direct income withholding is very effective if the IV-D agency is able to identify an employer for the noncustodial parent in another state. If an employer is located in Arizona, Texas will be able to collect child support owed to the custodial parent through direct income withholding without ever involving the Arizona IV-D agency. Also remember that for direct income withholding, it doesn't matter if Texas is the issuing state or whether the noncustodial parent has had any contact with Texas because Texas does not need personal jurisdiction over the noncustodial parent under UIFSA.

But what if Texas cannot locate an employer in Arizona? Then Texas's ability to use other one-state enforcement remedies will depend on whether the noncustodial parent has any income or assets in Texas. If the parent does, Texas can enforce the support order against those assets using *in rem* jurisdiction. The term "*in-rem* jurisdiction" refers to a tribunal's authority to take action against property located within the state, even if the owner of the property is not subject personally to the court's authority. In our example, a tribunal in Texas has *in rem* jurisdiction over any real estate or bank accounts the noncustodial parent has in Texas.

Practice Using Interstate IV-D Case Enforcement

- IV-D agency must initiate interstate IV-D enforcement case if one-state remedies are not available or would not be effective
- In interstate IV-D case, initiating agency sends case for enforcement to responding agency in state where noncustodial parent resides or has assets



The diagram shows a map of the United States with Texas and Arizona highlighted. A green arrow points from Texas to Arizona, indicating the flow of an interstate IV-D case. Icons representing a family (a person and a child) are placed in each state, with the Texas icon also featuring a document symbol.

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Notes:

If the state does not have jurisdiction over the noncustodial parent or her assets, or if one state remedies are not appropriate, the IV-D agency providing services to the custodial parent must use the interstate IV-D case referral process under UIFSA and federal regulations. The initiating agency providing services to the custodial parent will send an interstate IV-D case for support enforcement to the responding agency where the noncustodial parent resides or has assets.

Here, in the diagram, Texas is initiating an interstate IV-D case seeking registration and enforcement of the Texas order to Arizona where the noncustodial parent resides.

References:

UIFSA Section 602
45 CFR 303.7

Intergovernmental Forms: Enforcement

- Request to enforce support order must include following federal intergovernmental forms:
 - Child Support Enforcement Transmittal #1
 - Child Support Agency Confidential Information Form
 - Letter of Transmittal Requesting Registration
- UIFSA requires request to include two copies, including one certified copy, of order and any modification

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Notes:

This slide lists the required federal documents that must be sent by the initiating agency on a two-state case to register and enforce a child support order:

- Child Support Enforcement Transmittal #1
- Child Support Agency Confidential Information Form and
- Letter of Transmittal Requesting Registration and Enforcement

In addition to these federal documents, UIFSA requires that the initiating agency send two copies, including one certified copy, of the order to be registered as well as any modification of the order.

UIFSA also requires a sworn or certified statement showing the amount of any arrearage.

References:

OCSE Intergovernmental Forms Matrix

(https://www.acf.hhs.gov/sites/default/files/programs/css/intergovernmental_forms_matrix.pdf)

OCSE IM-17-02 (<https://www.acf.hhs.gov/css/resource/ocse-intergovernmental-forms-training>)

Responding Agency Enforcement Options

- Under UIFSA, responding agency has two options:
 - 1) Use administrative actions such as income withholding to enforce order without registration if “appropriate”
 - Noncustodial parent may contest – then responding agency must register
 - 2) Register order with tribunal

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Notes:

Just as with an interstate IV-D case to *establish* a support order, the interstate IV-D case to *enforce* a child support order is received at the responding agency’s central registry. The central registry will check the file for completeness and request any additional information or documentation needed, send the acknowledgment form back to the initiating agency, and send the case to the local office. After this occurs, the responding agency has a choice on how to proceed.

In an interstate enforcement action, UIFSA requires the responding agency to consider using administrative actions to collect support without first registering the order for enforcement, if it is appropriate to do so. The most common type of administrative action is income withholding. UIFSA provides the noncustodial parent the ability to contest administrative enforcement and, if the parent does so, the responding agency must register the order with the tribunal. The Interstate 201 training will cover types of challenges that a noncustodial parent can raise to contest administrative enforcement or registration of another state’s order.

If administrative actions are not appropriate, the responding agency may register the order for enforcement with the appropriate tribunal.

References:

UIFSA Sections 507, 601

Responding Agency Required Enforcement

- For all interstate IV-D enforcement actions, responding agency must use intrastate actions including:
 - Initiating income withholding
 - Monitoring compliance
 - Sending payments to initiating agency's SDU
 - Identifying any delinquency
 - Taking other enforcement actions as appropriate

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Notes:

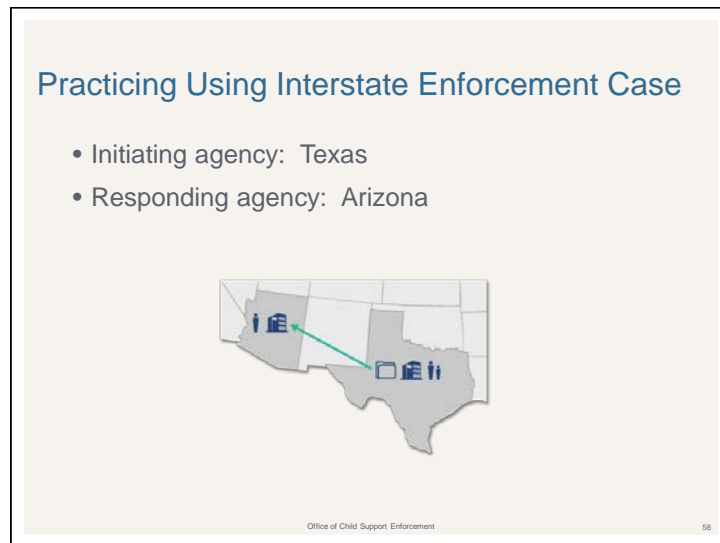
Regardless of whether the responding agency decides to use administrative actions without registration or decides to register the order for enforcement, the responding agency is responsible for providing necessary services as it would an intrastate case including:

- Initiating income withholding
- Monitoring the noncustodial parent's compliance with the order
- Sending payments to the initiating agency's SDU and
- Identifying whether the noncustodial parent owes any arrears, and, if so, taking enforcement actions as appropriate to collect those arrears such as driver's license suspension

The initiating agency, in turn, distributes the payments to the custodial parent. As mentioned in the beginning of the training, both the initiating and responding agencies may count the payments collected in their performance reporting.

References:

Section 458(c) of the Social Security Act
45 CFR 303.7



Notes:

Let's look at an interstate IV-D enforcement case. In the diagram, Texas is the issuing state and has the controlling order. The custodial parent and child reside in Texas, while the noncustodial parent lives in Arizona. The IV-D agency in Texas can send an interstate IV-D case to Arizona's central registry. Arizona's IV-D agency will be the responding agency and must decide whether to enforce Texas's order administratively or whether to register the order with a tribunal for enforcement.

If Arizona's IV-D agency can locate an employer for the noncustodial parent, it may decide to issue income withholding to collect the support without registering Texas's order. It will enforce Texas's support order in the same way it would administratively enforce an intrastate order and monitor compliance, identify any delinquency, and take appropriate administrative enforcement action to collect any delinquency such as state tax refund intercept, driver's license suspension, and bank lien.

If Arizona cannot identify an employer for the noncustodial parent, it may decide to register the order for enforcement. Again, Arizona will enforce Texas's support order in the same way it would enforce an intrastate order by monitoring compliance, and identifying and collecting delinquencies through all appropriate collection tools.



Notes:

Before we move on to modification are there any questions on interstate enforcement?



Notes:

The last topic for Interstate 101 training is modification.

Modification Basics

- Once tribunal with jurisdiction establishes support order, it is controlling order
 - Initial controlling order determines duration
- Controlling order continues until:
 - Fully complied with or
 - Modified in accordance with UIFSA

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Notes:

As we have discussed, when a tribunal with jurisdiction establishes a support order, it is the controlling order. That initial controlling order will set the duration of the support obligation, which can be modified only if allowed under the issuing state's law.

The controlling order will be in effect until the order is fully complied with or modified in accordance with UIFSA.

Off-Limits Modification

- Modification of controlling child support order is not allowed except under UIFSA rules
- Modification of spousal support order is never allowed in any state but issuing state

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Notes:

Remember, modification of a controlling order is not allowed except as provided by UIFSA. This rule keeps the “one order at one time” UIFSA basic principle. It also ensures that the state with CEJ modifies the order.

Under UIFSA, spousal support is not modifiable in any state except the issuing state. While UIFSA permits the tribunal in the issuing state to modify spousal support, that litigation does not fall within a IV-D agency’s responsibilities and, therefore, will not be covered in this training.

#1: Parent or Child in Issuing State

- UIFSA modification rules:
 - If either parent or child lives in issuing state, **only issuing state can modify order**
 - Exception: parents consent in record with issuing tribunal to shift modification jurisdiction
 - CEJ based on residence at time modification request is filed

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Notes:

The first UIFSA modification rule is that if either parent or the child lives in the issuing state, modification can occur only in the issuing state. The issuing state will retain CEJ and no other state will have the power to modify the order.

The only exception to this rule is when the parents consent to another state modifying the order and assuming CEJ. The consent must be filed in a record with the issuing tribunal. Further, the state assuming CEJ must have personal jurisdiction over at least one of the parties or is the state where the child resides.

It is important to note that CEJ is based on where the parties reside at the time the modification request is filed.

Reference:

UIFSA Section 205

#2: No Parent or Child in Issuing State

- If neither parent nor child lives in issuing state, issuing state cannot modify order
 - Exception: parents consent in record or in open court for issuing tribunal to retain jurisdiction

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Notes:

The second UIFSA modification rule is that if neither parent nor the child lives in the issuing state, modification cannot occur in the issuing state. The issuing state no longer has CEJ to modify the order.

The only exception to this rule is if the parents consent in a record or in open court for the tribunal of the issuing state to retain CEJ to modify its order.

Reference:

UIFSA Section 205

#3: Parents in Same New State

- If parents live in same state and child does not live in issuing state, new state may register and modify order
- Certified copy of new order must be filed with tribunal that issued original order

Notes:

Another UIFSA modification rule applies when the parents move out of the issuing state and now live in the same state and the child does not live in the issuing state. In that case, the new state where the parents live may register and modify the order. Once the order is modified, the state becomes the issuing state and assumes CEJ for any future modification.

Anytime a state modifies an order and assumes CEJ, UIFSA requires the party obtaining the modification to file a certified copy of the new order with the tribunal that issued the original order.

References:

UIFSA Sections 613, 614

#4: “Play Away”

- If neither parent nor child lives in issuing state, and parents live in different states, parent seeking modification must “play away”
- Order will be registered for modification in other parent’s state

Notes:

The final, but very important, UIFSA modification rule applies when neither the parents nor child live in the issuing state, and the parents live in different states. In that case, the parent who wants the modification must seek modification in a state with personal jurisdiction over the other parent. That usually means seeking registration and modification in the other parent’s state.

This is called the “play away” rule and is a basic UIFSA principle. The rule is intended to eliminate the undesirable effect of a race to modify an order to obtain “home field advantage.”

Reference:

UIFSA Section 611

Modification Laws

- Tribunal in the responding agency's state applies its laws to determine:
 - Requirements, procedures, and defenses to modification
 - Support amount

Notes:

The registering tribunal applies the laws of its state to determine whether the order should be modified, the procedures that must be followed, and whether there are defenses to a modification request. Further, the tribunal will apply its child support guideline laws to determine the new support amount.

References:

UIFSA Sections 611, 613

Modification Laws and CEJ

- Registering tribunal applies laws of original issuing state to determine duration of support
- Once order is modified, registering tribunal assumes CEJ
- If order is not modified, registering tribunal does not assume CEJ

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Notes:

Remember that under UIFSA, the registering tribunal cannot modify any aspect of the child support order that is not modifiable under the law of the issuing state. This includes the duration of the support obligation. For example, if the duration of the initial controlling order is 18, once the noncustodial parent has fulfilled the duty of support, the tribunal in another state with a longer duration cannot impose a further obligation on the parent. On the other hand, if the law in the original issuing state provides that a tribunal may order child support to continue past the age of 18 years if the child is disabled, a tribunal in another state with jurisdiction to modify under UIFSA may modify the support order, just as the issuing tribunal could have when *it* had CEJ, to continue support past the age of 18 years if the child is disabled.

Also, once the registering tribunal modifies the order, that state assumes CEJ and will be the only state with the power to modify that order until it loses CEJ.

But what if the registering tribunal does *not* modify the order because the legal standard for modification has not been met? Under UIFSA, if the tribunal does not modify the order, the state does not assume CEJ.

Reference:

UIFSA Section 611

Modification Required Forms

- Request to modify support order must include:
 - Child Support Enforcement Transmittal #1
 - Uniform Support Petition
 - General Testimony
 - Child Support Agency Confidential Information Form
 - Personal Information Form for UIFSA § 311
 - Letter of Transmittal Requesting Registration
- UIFSA requires two copies, including one certified, of order and any prior modifications

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Notes:

The federal intergovernmental forms listed on this slide apply to a request to modify a support order of another state and include:

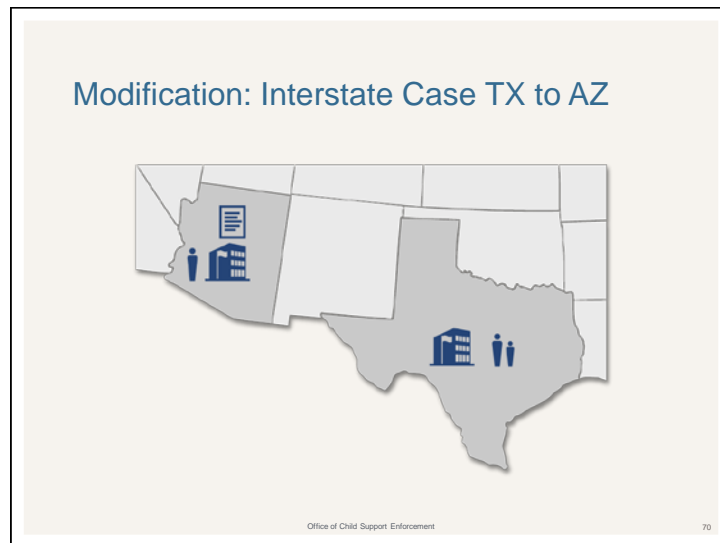
- Child Support Enforcement Transmittal #1
- Uniform Support Petition
- General Testimony
- Child Support Agency Confidential Information Form
- Personal Information Form for UIFSA § 311
- Letter of Transmittal Requesting Registration

Under UIFSA, the initiating agency also must send two copies, including one certified copy, of the order to be modified, including any prior modifications of the order.

Reference:

OCSE Intergovernmental Forms Matrix

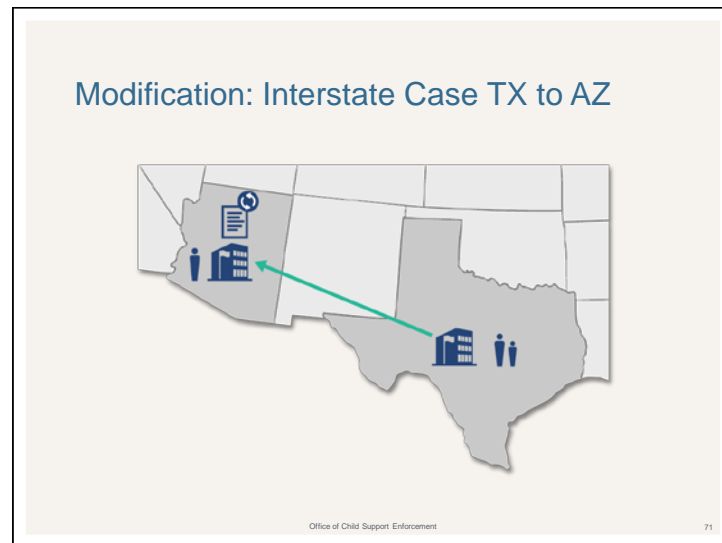
(https://www.acf.hhs.gov/sites/default/files/programs/css/intergovernmental_forms_matrix.pdf)



Notes:

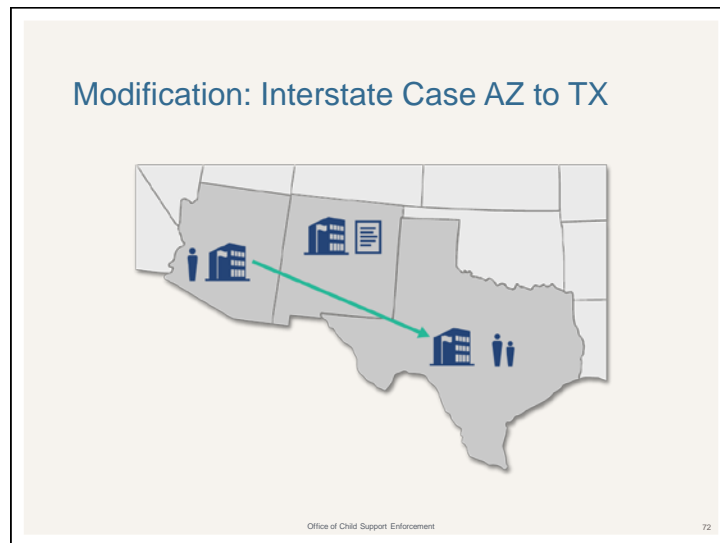
In this illustration, Arizona has issued the controlling order and the noncustodial parent resides there. The custodial parent and child live in Texas, and have asked the Texas IV-D agency to review the case for a modification because the noncustodial parent received a promotion and raise at work.

If a modification is requested, it needs to be filed in Arizona because it has CEJ and one party still lives there. There is an exception to the rule, however, which is if both parents file a consent in the record with the Arizona tribunal for Texas to modify the order and assume CEJ.



Notes:

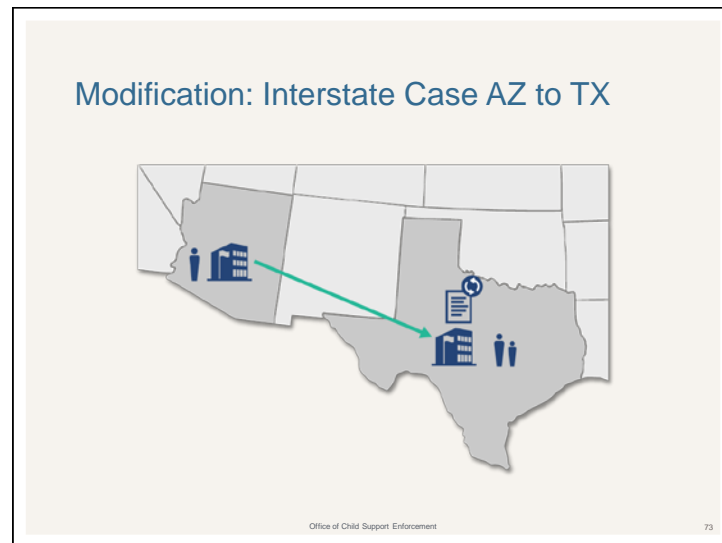
Here we see Texas as the initiating agency and Arizona as the responding agency. Texas would ask Arizona to modify and enforce its order.



Notes:

This scenario is different because New Mexico is now the issuing state and no one lives there. The custodial parent and child live in Texas and the noncustodial parent lives in Arizona. Let's assume that the noncustodial parent lost his job and applies for IV-D services in Arizona.

Even if no one lives in New Mexico, the parties can consent in a record or open court for New Mexico to continue to exercise jurisdiction to modify its order. The more likely scenario, however, is that the Arizona IV-D agency will need to send a request for registration and modification of the New Mexico order to Texas under the "play away" rule.



Notes:

Here, Arizona is the initiating state and Texas is the responding state, and the order is registered for modification in Texas. Texas will apply its child support guideline to determine the new amount of the support order. Once it modifies the order, the Texas tribunal assumes CEJ. Under UIFSA, however, duration is governed by New Mexico law as it issued the initial controlling order and, therefore, Texas cannot set the duration of the support obligation according to its laws. Remember that UIFSA requires the party seeking the modification, here the Texas IV-D agency, to send a certified copy of the new order to the tribunal in New Mexico.

If the order is not modified in Texas, possibly due to the fact that there is not a significant change in the monthly amount of support due, Texas does not gain CEJ in the case.



Notes:

We have a few minutes for some questions on interstate modification or any topic covered today, but I first want to point out that after the webinar all registrants will receive a training evaluation. We hope you will complete it and you are welcome to include any additional questions in the evaluation response. You also can send your questions to OCSE at the email address listed on this slide.

References with Hyperlinks

UIFSA 2008

- http://www.uniformlaws.org/shared/docs/interstate%20family%20support/UIFSA_2008_Final_Amended%202015_Revised%20Prefatory%20Note%20and%20Comments.pdf

FFCSOA

- <https://www.acf.hhs.gov/css/resource/full-faith-and-credit-for-child-support-orders>

OCSE Intergovernmental Forms Matrix

- https://www.acf.hhs.gov/sites/default/files/programs/css/intergovernmental_forms_matrix.pdf

OCSE Intergovernmental Forms Training

- <https://www.acf.hhs.gov/css/resource/ocse-intergovernmental-forms-training>

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Notes:

On the next two slides, OCSE has listed the important reference materials discussed during this training and provided hyperlinks to these materials.

References with Hyperlinks

AT-02-03 Applicability of the Full Faith and Credit for Child Support Orders Act to States and Tribes

- <https://www.acf.hhs.gov/css/resource/applicability-of-full-faith-and-credit-for-child-support-orders>

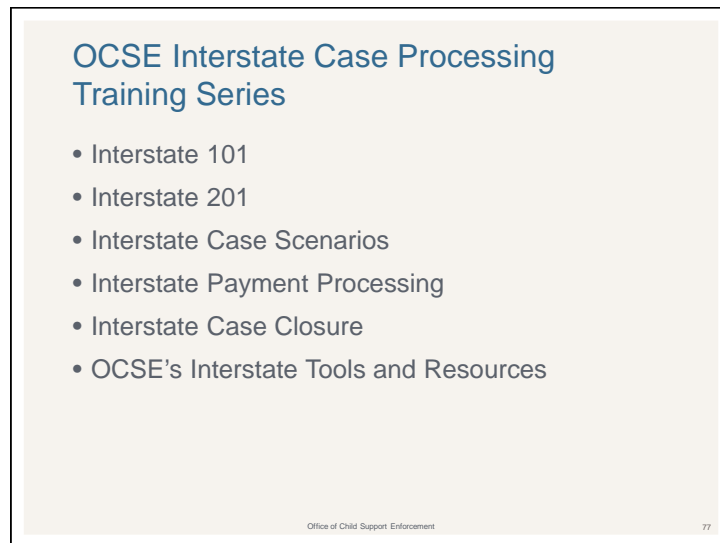
OCSE IM-16-02

- <https://www.acf.hhs.gov/css/resource/2008-revisions-to-the-uniform-interstate-family-support-act>

OCSE International Case Processing Training

- <https://www.acf.hhs.gov/css/resource/training-international-case-processing>

No notes.

A presentation slide with a light beige background and a thin black border. The title "OCSE Interstate Case Processing Training Series" is at the top in blue. Below it is a bulleted list of six items. At the bottom, there is small text for the Office of Child Support Enforcement and the slide number 77.

OCSE Interstate Case Processing Training Series

- Interstate 101
- Interstate 201
- Interstate Case Scenarios
- Interstate Payment Processing
- Interstate Case Closure
- OCSE's Interstate Tools and Resources

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Notes:

This concludes our Interstate 101 training. We have 5 more interstate training sessions for you.

OCSE will post the recordings and PowerPoints—including trainer notes—from all these sessions on the OCSE website for your future use.