



THE ENFORCER

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Movers and Shakers

Many people dutifully pay their support obligations, mindful of the important obligation to financially support the family they created. Unfortunately, some avoid payment of support, eroding stability and wreaking havoc on financially stretched single-parent households. We see non-custodial and custodial parents alike relocating to obtain more lucrative employment or to be closer to extended family. And sometimes we see obligors simply running. Considering today's mobile society, familiarity with the Uniform Interstate Family Support Act (UIFSA) is essential. The UIFSA provides guidance when your client's situation requires enforcement of a support order from another state, or enforcement of a Michigan support order in another jurisdiction.

UIFSA is In, URESA and RURESAs are Out

In 1950, Congress originally addressed the issue of interstate support cases by enacting the Uniform Reciprocal Enforcement Support Act (URESAs), and eventually its successor, the Revised Uniform Reciprocal Enforcement Support Act (RURESAs). URESAs provided the first process for establishing and enforcing interstate child support orders, but it also created many conflicts, as multiple support orders with varying amounts in different jurisdictions could exist simultaneously. "Under URESAs and RURESAs the majority of support proceedings were de novo. Even when an existing order of one State was 'registered' in a second State, the registering State often asserted the right to modify the registered order." *Uniform Interstate Family Support Act (2001)*, Prefatory Notes, II B. 3. The UIFSA was drafted to deal with these difficulties, streamline interstate enforcement, and replace the URESAs and RURESAs.

A New Era of "One Order, One Child" and Interstate Cooperation

Promulgated by the National Conference of Commissioners on Uniform State Laws in 1992, the UIFSA has since been adopted by every U.S. state, the District of Columbia, Puerto Rico and the Virgin Islands. The UIFSA has four major principles: "(1) determination of one controlling order when

multiple support orders exist; (2) determination of the state with prospective jurisdiction over the support obligation; (3) simplification of enforcement of support obligations; and (4) the enactment of relaxed evidentiary rules." Charles J. Muskin, *Uniform Interstate Family Support Act*, 35 MD. B.J. 54 (January/February 2002).

The mantra under the UIFSA is "one order, one child." This stems from the main principle of continuing exclusive jurisdiction, the objective of which is to recognize that only one valid support order may be effective at a time. Modification of a forum state's support order by a responding state is statutorily restricted to very limited circumstances. Additionally, the long-arm provisions of the UIFSA allow a forum court to obtain jurisdiction over a non-resident, and turn what may have been a two-state proceeding under URESAs and RURESAs into a one-state proceeding.

The UIFSA was enacted by Michigan in 1996, and is set forth at MCL 552.1101 et seq. A UIFSA cornerstone statute is MCL 552.1224, which sets forth clear conditions for the exercise of continuing exclusive jurisdiction (CEJ). In multi-state cases determination of CEJ and the controlling order to be prospectively enforced are crucial aspects of UIFSA:

- A tribunal of this state that issues a support order consistent with this state's law has continuing, exclusive jurisdiction over a child support order in either of the following circumstances:
 - As long as this state remains the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued.
 - Until all parties who are individuals have filed written consent with this state's tribunal for another state's tribunal to modify the order and assume continuing, exclusive jurisdiction.
- A tribunal of this state that issues a child support order consistent with this state's law shall not exercise its continuing jurisdiction to modify the order if the order has been modified by another state's tribunal under a



law substantially similar to this act.

- If a child support order of this state is modified by another state's tribunal under a law substantially similar to this act, this state's tribunal loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in this state and may only do 1 or more of the following:
 - Enforce the order that was modified as to amounts accruing before the modification.
 - Enforce nonmodifiable aspects of that order.
 - Provide other appropriate relief for violations of that order that occurred before the modification's effective date.
- This state's tribunal shall recognize the continuing, exclusive jurisdiction of a tribunal of another state that issues a child support order under a law substantially similar to this act.
- A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.
- A tribunal of this state that issues a support order

consistent with this state's law has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. This state's tribunal shall not modify a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the law of that state. MCL 552.1224

Allowing for the assertion of long-arm jurisdiction over non-residents has simplified the enforcement process. MCL 552.1201 sets forth the eight factual circumstances where a court may assert personal jurisdiction over a non-resident in a support case. It is recommended that the specific facts that support the exercise of long-arm jurisdiction be clearly recited in resulting child support orders. Federal Office of Child Support Enforcement, *UIFSA Procedural Guidelines Handbook*.

Although most support orders will require registration in the respondent state to obtain enforcement services, a notable aspect of the UIFSA is the procedures it contains for direct enforcement of an issuing state's support order in a non-resident's jurisdiction, without prior registration, i.e.: interstate income withholding (income withholding order may be forwarded directly to obligor's employer), and direct administrative enforcement of a support order. These streamlined procedures, the "one order, one child" concept, and the long-arm provisions make interstate enforcement less daunting.

