Michigan Department of Health & Human Services

Uniform Interstate Family Support Act (UIFSA 2008)

Michigan Child Support Program Leadership

Putting people first, with the goal of helping all Michiganders lead healthier and more productive lives, no matter their stage in life.

History of Child Support Interstate Law

- Uniform Reciprocal Enforcement and Support Act (URESA) (1950, amended 1952, 1958)
- Revised URESA (RURESA) (1968)
- Federal Full Faith and Credit for Child Support Act (FFCCSOA) (1994)

History of UIFSA

- Uniform Interstate Family Support Act (UIFSA) (1996)
  - Welfare Reform in 1996 mandated all states enact UIFSA 1996.
  - All states operate under one controlling order between each parent and child at a time that any state may enforce and a process for modification of that order.
- UIFSA 2001 clarified UIFSA 1996

UIFSA Main Concepts

- UIFSA applies in all cases where the parties reside in different states or where one party resides in a different country. It also applies when the order was issued in a state or country other than the state currently enforcing.
- Continuing exclusive jurisdiction to modify.
- Determination of controlling order for current support.
- Jurisdiction over nonresidents.

UIFSA 2008

- UIFSA 2008
  - Amends UIFSA 2001 to add provision for Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance.
  - The U.S. Senate gave advice and consent to ratify the Convention on September 29, 2010.
  - Congress approved implementing legislation, which the President signed on September 29, 2014.
    - Pub. L. No. 113-183 – the Preventing Sex Trafficking and Strengthening Families Act.
    - Requires all states to enact UFISA 2008 or forfeit their federal child support funding and jeopardize federal TANF block grant.

UIFSA 2008 Goals

- Implement the Hague Convention (32 countries have ratified including all of European Union).
- Address international cases in general.
- Build upon UIFSA 2001.

Key Changes

- Definition of "state" includes tribes
- New definition of "foreign country"
  - Has signed on to the Convention OR
  - Can issue support orders, has been declared a foreign reciprocating country under U.S. law, has an agreement with us for child support enforcement, and has law or procedures that are substantially similar to Convention procedures.

Modification of US Support Order

- A U.S. tribunal retains jurisdiction to modify an order it has issued if:
  - 1) one party resides in a U.S. state; AND
  - 2) the other party resides outside the U.S.

Defenses to Recognition of Convention Foreign Support Order

- Recognition and enforcement of order is manifestly incompatible with public policy, including failure of issuing tribunal to observe minimal standards of due process.
- Issuing tribunal lacked personal jurisdiction consistent with Section 201.
- Order is not enforceable in issuing country/
- If default order, there was a lack of due process re: notice and opportunity to be heard.

Implementing UIFSA 2008

- Will greatly expand the number of countries that will recognize and enforce U.S. child support orders.
- Requires a country to provide cost-free services to applicants from treaty countries.
- Establishes standard procedures for processing international cases, which will vastly improve efficiency and timeliness.
- Contains strong administrative cooperation requirements and timeframes.
- Result in child support services that are consistent, affordable and timely.