



*Bridging Bright
Futures for Families*

**ERICSA
2024**

Grand Rapids

**ERICSA 61ST ANNUAL
TRAINING CONFERENCE & EXPOSITION
APRIL 7-11, 2024**

UIFSA Basics and Beyond

Moderator: Tunisa Jackson, Illinois Child Support Services

Presenters:

Margaret Campbell Haynes, J.D.

Patterson Poulson, M.P.A, Florida Child Support Program



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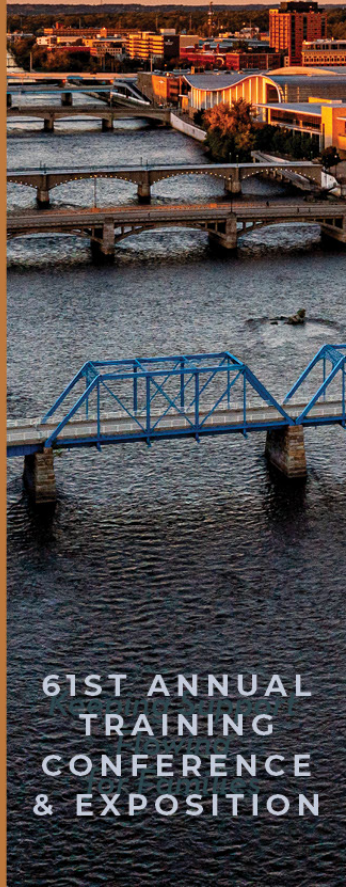


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Following an overview of the Act's main concepts, the session will focus on how to use UIFSA for one-state case processing and how to use its provisions for establishing, enforcing, or modifying support in another state. Speakers will also discuss the federal intergovernmental forms and common case processing issues.



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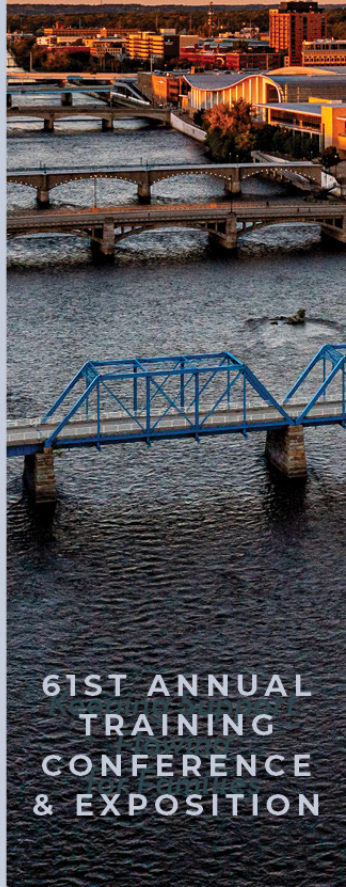
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Uniform Interstate Family Support Act

- Model law developed by Uniform Law Commissioners
- Approved 1992. Amended 3 times (1996, 2001, 2008)
- PRWORA
 - Mandated all states enact UIFSA 1996 by 1/1/98
- Preventing Sex Trafficking and Strengthening Families Act
 - Mandated all states enact UIFSA 2008
- No requirement that Tribes enact

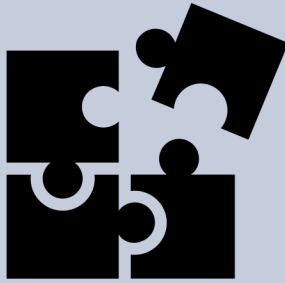


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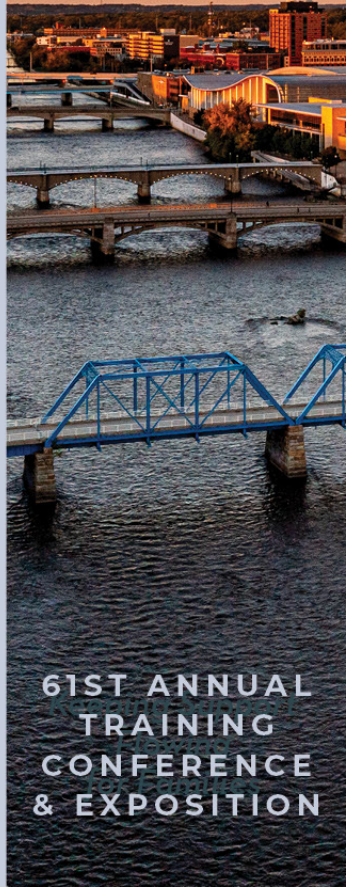
UIFSA Basics



- One controlling current support order
- If no support order entitled to recognition
 - Establish
- If support order entitled to recognition
 - Enforce
 - Modify
 - Continuing exclusive jurisdiction to modify (CEJ)
 - Registration for modification



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Scenario #1: Is there a support order?

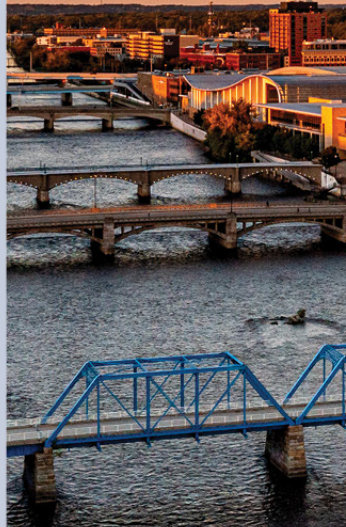
- MI divorce order – requires obligor to pay medical premiums for child but is silent on payment of recurring monthly current support
- Obligor lives in OH
- Obligee is in MN and applies for IV-D services, seeking monthly current support

How should MN proceed?

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



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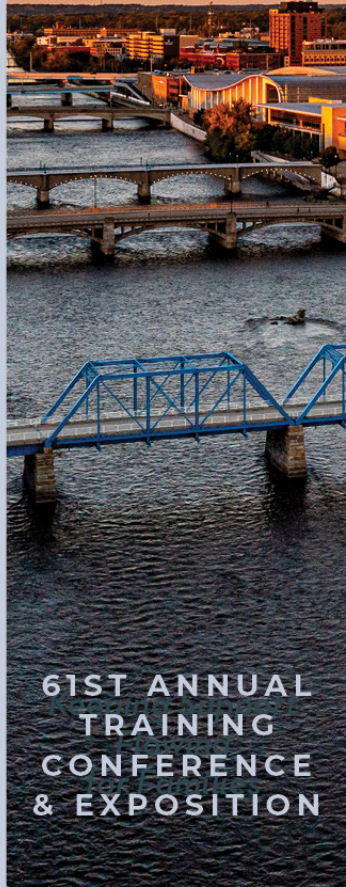
Scenario #1: Is there a support order?

The correct answer is (b).

Because UIFSA defines “support order” to include an order for “health care,” the divorce decree is a support order entitled to recognition. Any addition of a recurring current support amount would be a modification.



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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

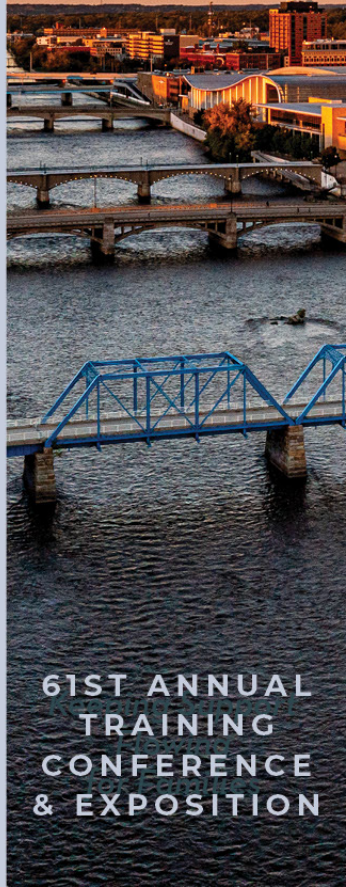


Other Key Principles

- Visitation may not be raised and is not a defense to nonpayment.
- UIFSA has enhanced rules of evidence.
 - Requires testimony by electronic means upon request by party
 - Prohibits objection to admission of documents based on their electronic transmission (EDE/FAX)
- Non-parentage is not a defense, if parentage has previously been determined under law.
 - Parentage order
 - Signed acknowledgment of parentage
- There are one-state and two-state procedures.



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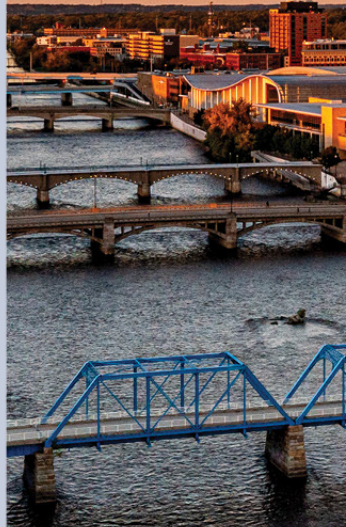
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Full Faith and Credit for Child Support Orders Act

- Federal legislation at 28 USC 1738b
- Governs States **and** Tribes
- Effective 1994
- Was developed based on provisions in UIFSA



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Comparison of FFCCSOA/UIFSA

FFCCSOA (1994)

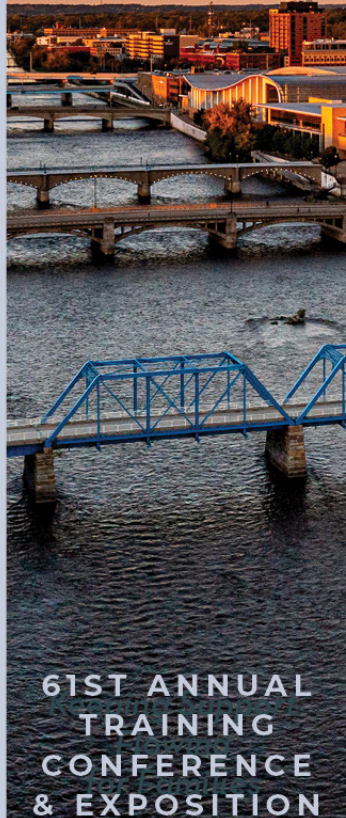
- Federal law
- Applies to States and Tribes
- Applies to IV-D and nonIV-D child support cases
- Controlling order and CEJ rules
- Does not apply to foreign support orders

UIFSA (2008)

- Model act that Congress required states to enact
- No requirement for Tribes to enact
- Applies to IV-D and nonIV-D child support cases
- Controlling order and CEJ rules
- Includes provisions that apply to foreign support orders



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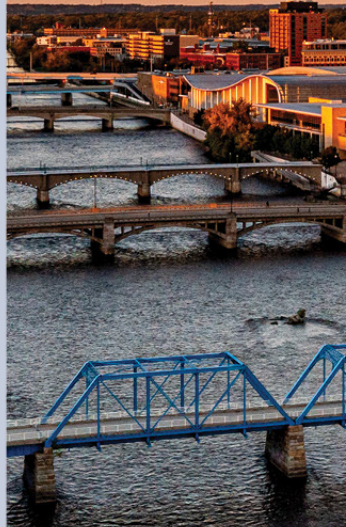
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One or Two-State Case

- 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.
 - How do I do that, you ask?



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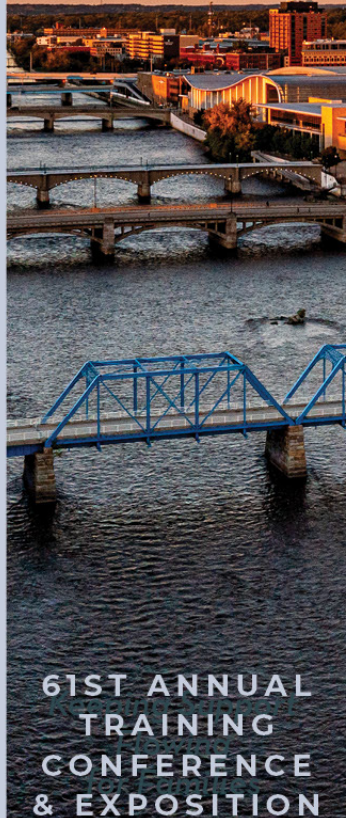
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Establishment - Personal Jurisdiction

- Notice
 - Proper service
- Sufficient Minimum Contacts to satisfy Due Process
 - Petitioner submits to personal jurisdiction by filing
 - Forum has personal jurisdiction over resident respondent
 - Forum has personal jurisdiction over nonresident respondent if basis for long arm jurisdiction



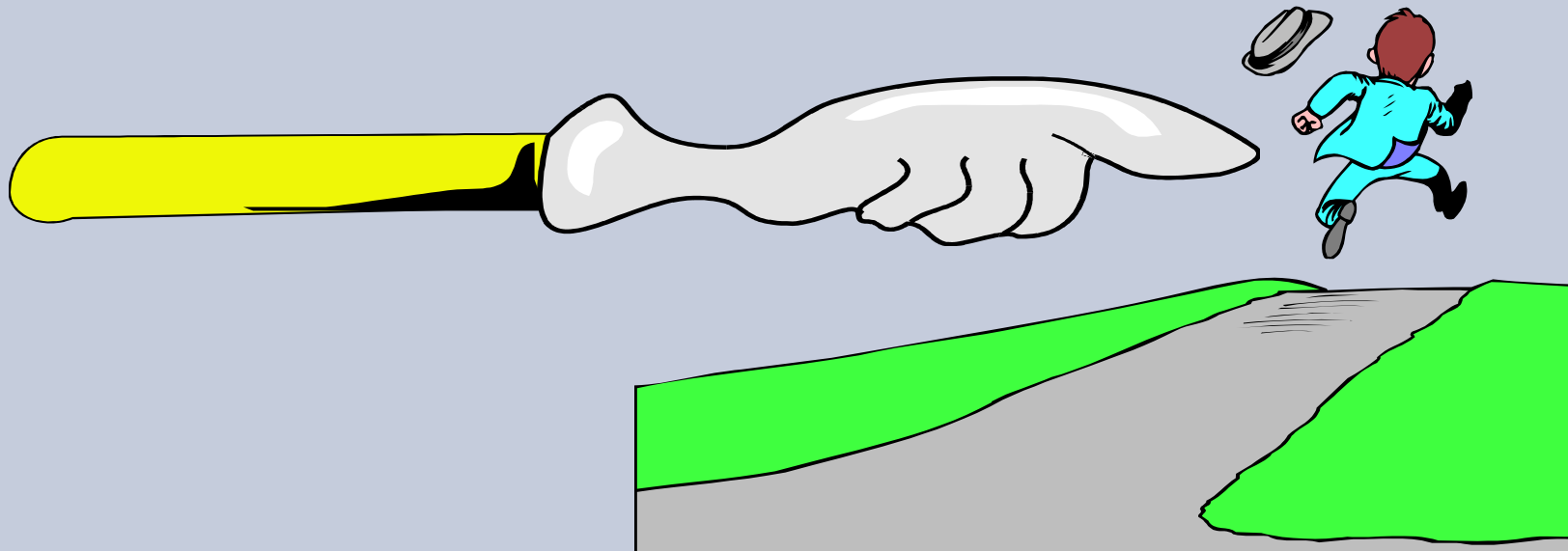
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Long Arm Jurisdiction

- Is long arm jurisdiction available?
- Is it appropriate?

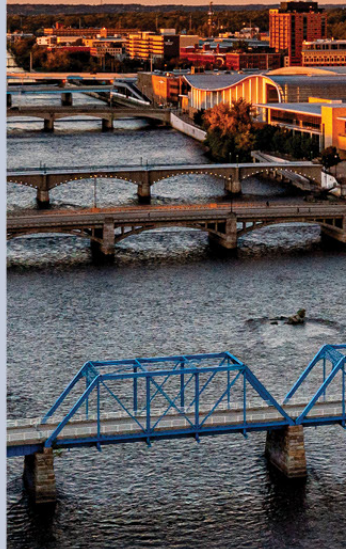


UIFSA, Section 201

- Nonresident was personally served with [citation, summons, notice] within the state
- Nonresident 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
- Nonresident lived with the child in the state
- Nonresident lived in the state and provided prenatal expenses or support for the child



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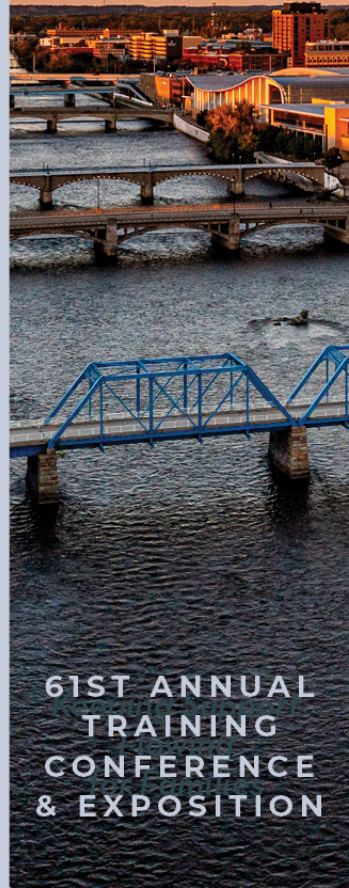
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UIFSA, Section 201 (cont'd)

- Child is living in the state due to directives or acts of Nonresident
- Nonresident had sexual intercourse in the state, possibly resulting in conception of the child
- Nonresident 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



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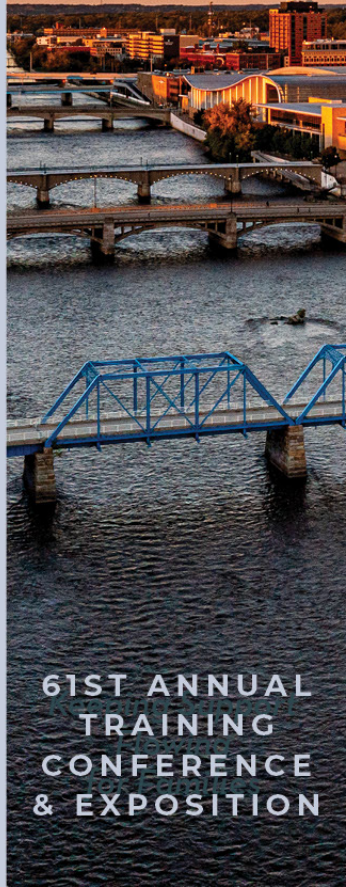
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Enforcement – In Rem Jurisdiction

- Jurisdiction over property/asset – bank account, real property, etc.



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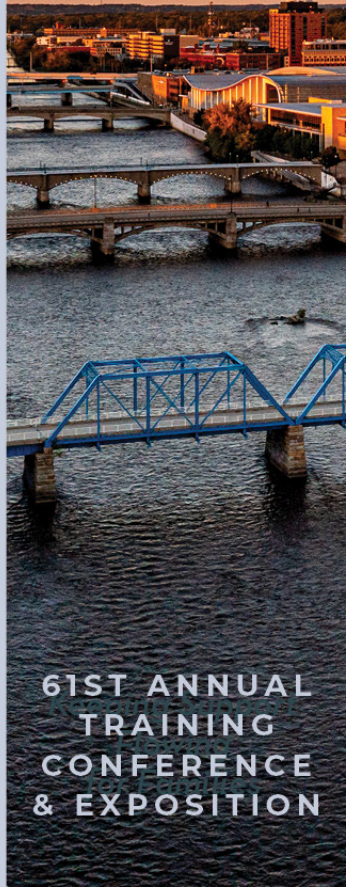
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One State Enforcement

- Does obligor have assets in your state?
- If not, is direct withholding appropriate?
 - Remedy that allows agency to send income withholding order (IWO) directly to 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



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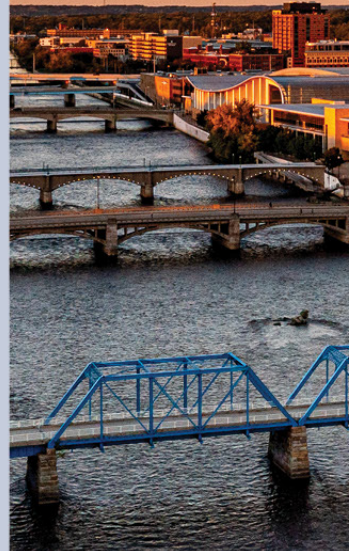
Direct Income Withholding

- Not appropriate if there's an open IV-D case another state
- 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 the other 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



Helping Hands
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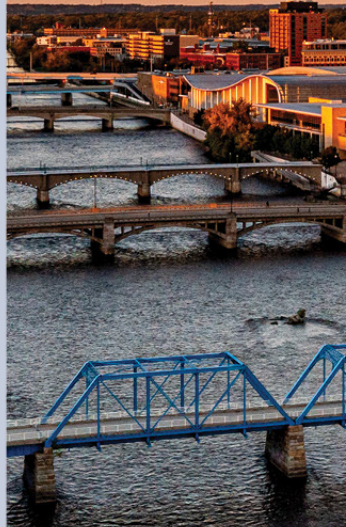
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One State Modification

- Does your state have Continuing Exclusive Jurisdiction (CEJ) over the order to modify?
- UIFSA Section 205 outlines how to determine CEJ
 - Was the order issued by your state?
 - If so, does the obligor, individual obligee, or child still reside in your state?
 - If no one still lives in your state, have or will the parties consent to have the state retain CEJ to modify the order?



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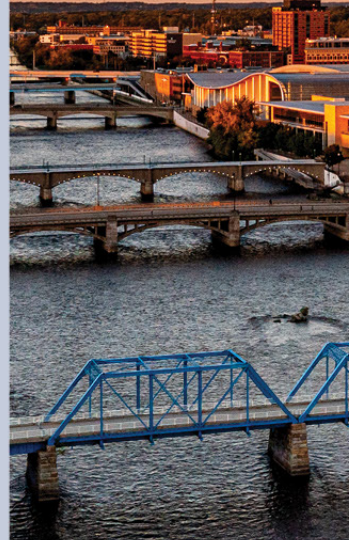


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Scenario #2 CEJ

Facts:

- FL child support order
- Dad lives in FL
- Mom and children now live in MI
- Dad seeks a reduction in support



Scenario #2 CEJ (cont'd)

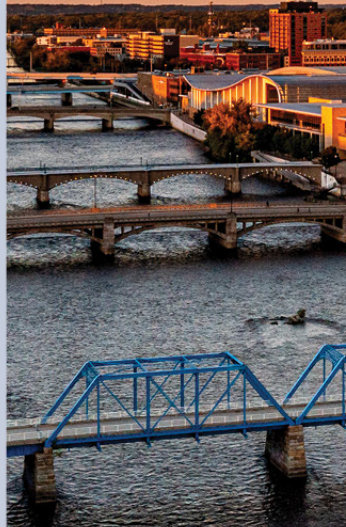
Which state has CEJ to modify the order?

- (a) FL because it issued the support order and the obligor resides there
- (b) MI because that is where the children reside
- (c) No state has CEJ

Vote: (a), (b), or (c)



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Correct Answer is:

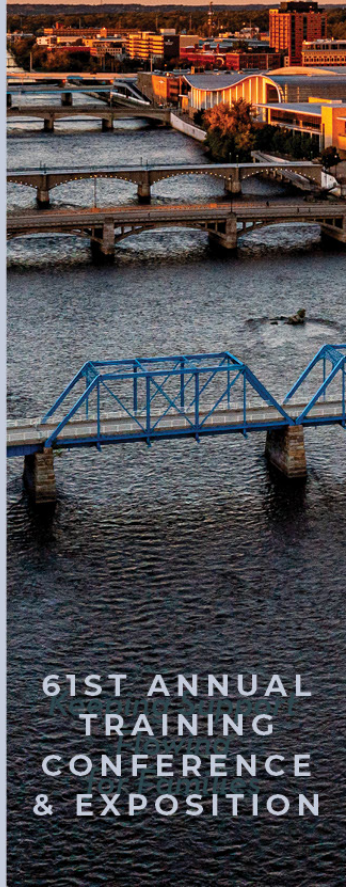
(a) FL because it issued the support order and the obligor resides there

Under UIFSA, Section 205(a)(1)

CEJ = Order + Residence of Party or Child



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Scenario #3 CEJ

Facts:

- Obligee and children live in LA
- Obligor lives in NJ
- Order issued in FL

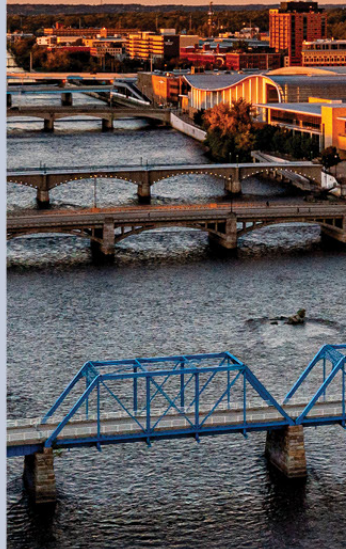
Can obligee seek modification in FL?

- (a) Yes, because FL issued the order
- (b) No, because no party lives there
- (c) Yes, if both parties consent for FL to retain jurisdiction to modify its order

Vote: (a), (b), or (c)



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Correct Answer is:

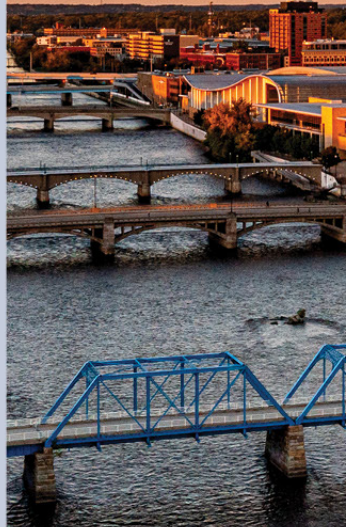
- (c) Yes, if both parties consent for FL to retain jurisdiction to modify its order

Under UIFSA, Section 205(a)(2)

CEJ = Order + Consent in record or open court



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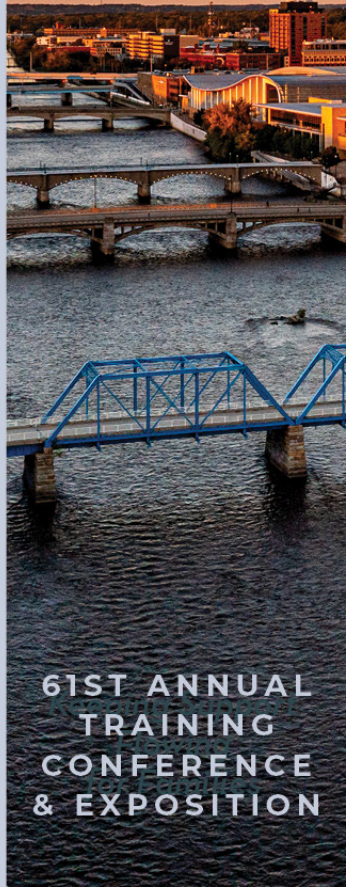
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Advantages of One-State Action

- Saves time – no need to involve another agency or tribunal
- Establishing?
 - Your state laws apply - support guidelines, duration of support
- Modifying?
 - Your state laws apply – support guidelines
 - Initial controlling order locks in nonmodifiable terms
 - Your state will have CEJ to modify as long as reqts of UIFSA Section 205 met
- Enforcing?
 - Enforcement decision within your control
 - Your state's laws apply – enforcement remedies, statute of limitations



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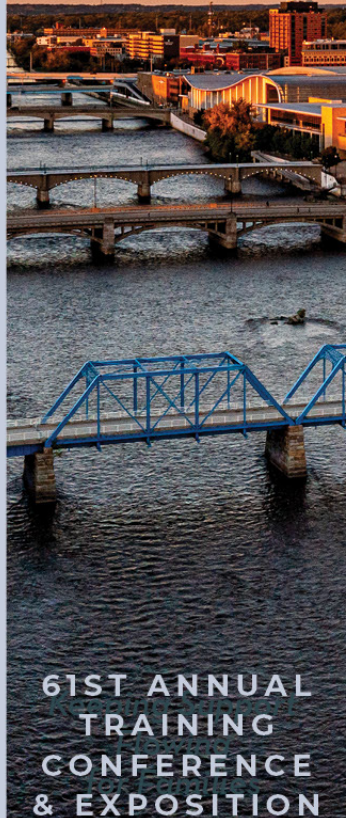
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Limitations of One-State Action

- Establishing?
 - Might have trouble locating NCP or serving process
 - Will a limited services Transmittal 3 request help?
- Enforcing?
 - Obligor might be a job hopper
 - May need agency where obligor lives or has assets to use their enforcement remedies



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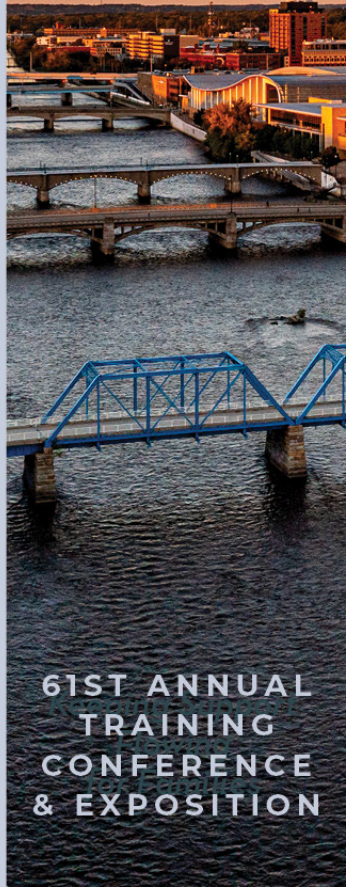
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Transmittal # 3 Supports One-State Actions

- Federal regulations at 45 CFR 303.7(a)(8) govern limited services requests
 - Some limited service requests are mandatory
 - Some limited service requests may be provided at state option
 - Form distinguishes between mandatory and state option requests
- Remember to include Child Support Agency Confidential Information Form



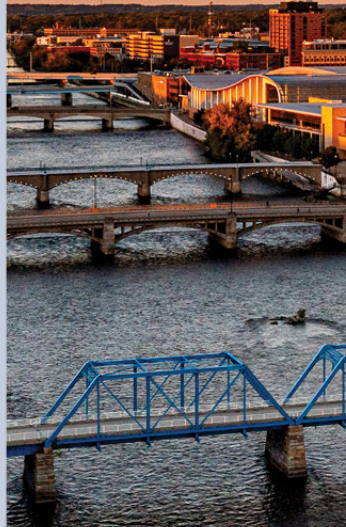
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Transmittal #3

CHILD SUPPORT ENFORCEMENT TRANSMITTAL #3 – REQUEST FOR ASSISTANCE/DISCOVERY	
The information on this form may be disclosed as authorized by law.	
If you are not the intended recipient, you are hereby notified that any use, disclosure, distribution, or copying of this form or its contents is strictly prohibited.	
☐ Child Support Agency Confidential Information Form Attached	
Petitioner: Legal Name (first, middle, last, suffix)	IV-D Case: ☐ TANF ☐ IV-E Foster Care ☐ Medicaid Only ☐ Former Assistance ☐ Never Assistance
Tribal Affiliation (if applicable)	
Respondent: Legal Name (first, middle, last, suffix)	
Tribal Affiliation (if applicable)	
To: (Agency Name and Address)	Assisting Locator Code: _____ State _____ Assisting Case Identifier: _____ Assisting Tribunal Number: _____
From: (Agency Name and Address)	Requesting Locator Code: _____ State _____ Requesting IV-D Case Identifier: _____ Requesting Tribunal Number: _____
NOTE: ☐ Nondisclosure Finding/Affidavit attached ☐ This form sent through EDE ☐ This request or information sent through CSENet	



Limited Services Request

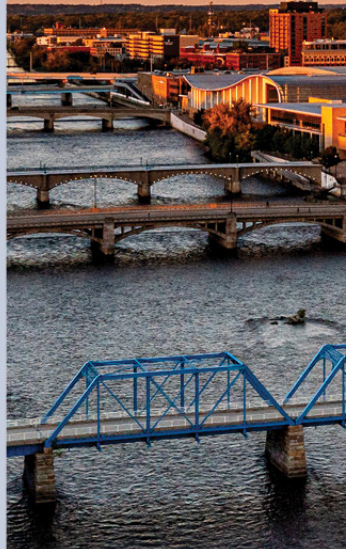
Section I. Action:

The requesting agency asks for the following required limited service(s):

1. ☐ Copy of:
 - ☐ Support order(s)
 - ☐ Must be certified
 - ☐ Payment record(s)
 - ☐ Must be certified
2. ☐ Assistance with service of process
3. ☐ Assistance with genetic testing
4. ☐ Assistance with teleconference for hearing or deposition
5. ☐ Assistance with administrative review
6. ☐ Assistance with discovery
7. ☐ Assistance with AEI

The requesting agency asks for the following limited service(s), which may be provided at state option:

8. ☐ Assistance with a lien
9. ☐ Financial data/proof of respondent's income
10. ☐ Other: _____



Q & A: Limited Service Request for Service of Process

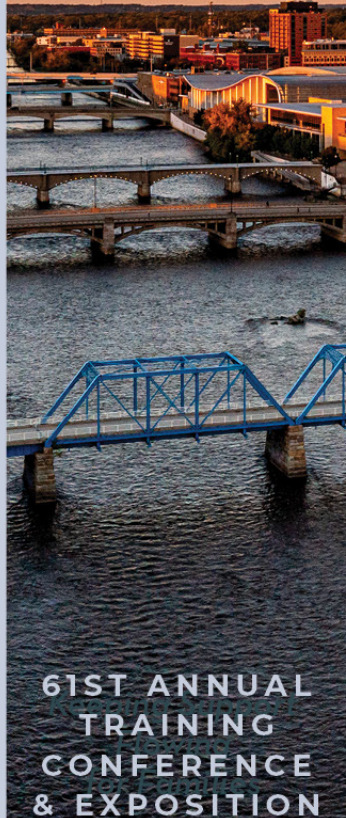
Must a requesting agency try to serve process itself before using CSE Transmittal #3 to ask for assistance with service?

No. Federal regulations do not require a state to attempt service of process itself before requesting the limited service of service of process. Source: PIQ-20-01

- Form instructions have been clarified:
Check item 2 “Assistance with service of process” if you want assistance with service of process. **Although not required**, you may directly contact . . . the sheriff . . . to request personal service of process in the other jurisdiction. In that event, send the request for assistance/discovery on the CSE Transmittal #3 only if such attempts have been unsuccessful. . .



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Two-State Intergovernmental IV-D Case

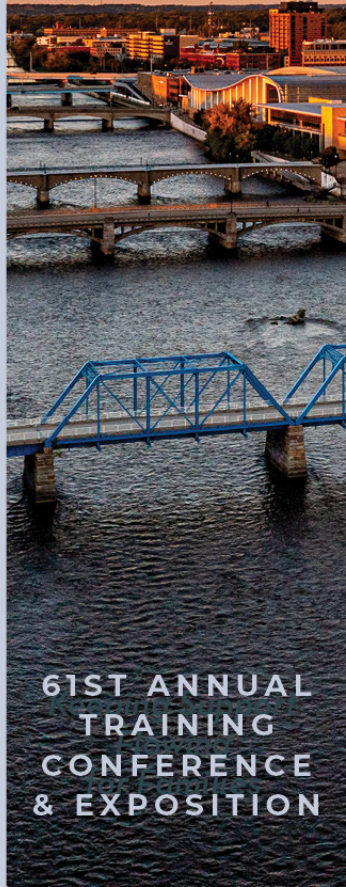
- Defined at 45 CFR 301.1
- A IV-D case in which the noncustodial parent lives/works in a different jurisdiction than the custodial parent and child(ren)
 - State
 - Tribe
 - Foreign country

AND

- The initiating agency has referred it to a responding agency for services.



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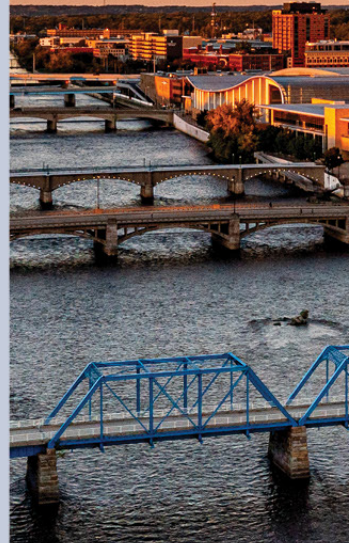
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Establishment – Two-State

- Complete required federal forms

INTERGOVERNMENTAL FORMS MATRIX	
Requests to Open an Intergovernmental IV-D Case	
Intergovernmental forms: https://www.acf.hhs.gov/css/resource/uifsa-intergovernmental-child-support-enforcement-forms	
Intergovernmental forms requirements are listed below. Additional documents may be required, depending on the case circumstances and responding state requirements. Check the Intergovernmental Reference Guide (IRG), contact the responding state, or do both to determine requirements before sending a case. International cases with Hague Child Support Convention countries require different forms. See AT-17-06 for information about Hague Convention forms.	
Action Requested	Federal Forms Required
Establish parentage* and establish and enforce a support order for • Current support • Retroactive child support • Medical support only	1. Child Support Enforcement Transmittal #1 – Initial Request (Check action 1; also check 2.A and/or B or C.) 2. Child Support Agency Confidential Information Form 3. Uniform Support Petition 4. General Testimony 5. Personal Information Form for UIFSA § 311 6. Declaration in Support of Establishing Parentage (for each child)
Establish and enforce a support order for • Current support • Retroactive child support • Medical support only	1. Child Support Enforcement Transmittal #1 – Initial Request (Check action 2.A and/or B or C.) 2. Child Support Agency Confidential Information Form 3. Uniform Support Petition 4. General Testimony 5. Personal Information Form for UIFSA § 311
For cases with existing responding tribunal	1. Child Support Enforcement Transmittal #1 – Initial Request

https://www.acf.hhs.gov/sites/default/files/documents/ocse/intergovernmental_forms_matrix.pdf

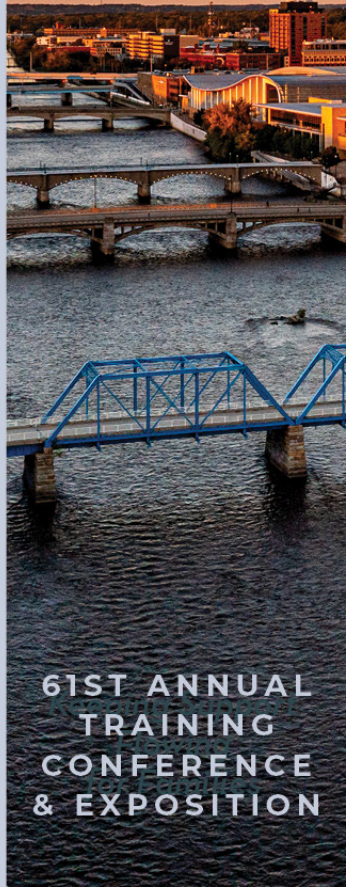


Establishment – Two-State

- Transmit to Central Registry in responding state with personal jurisdiction over respondent
- Role of Central Registry



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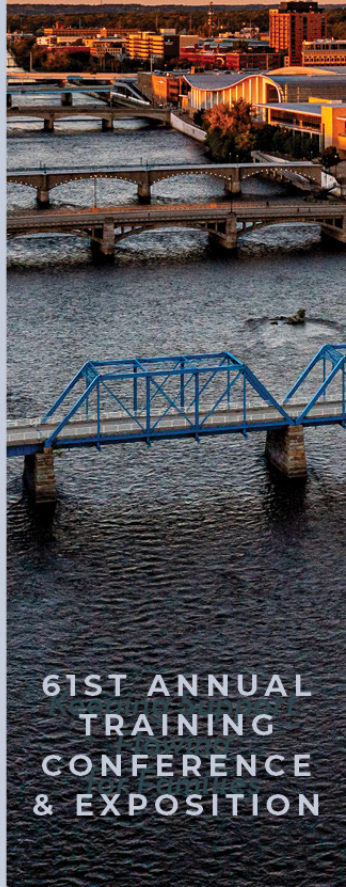
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Applicable Law

- UIFSA, Section 303
 - Responding tribunal to determine the duty of support and the amount payable in accordance with the law and support guidelines of the responding state.
- UIFSA, Section 401
 - In parentage establishment cases, responding tribunal may issue a temporary support order under certain circumstances



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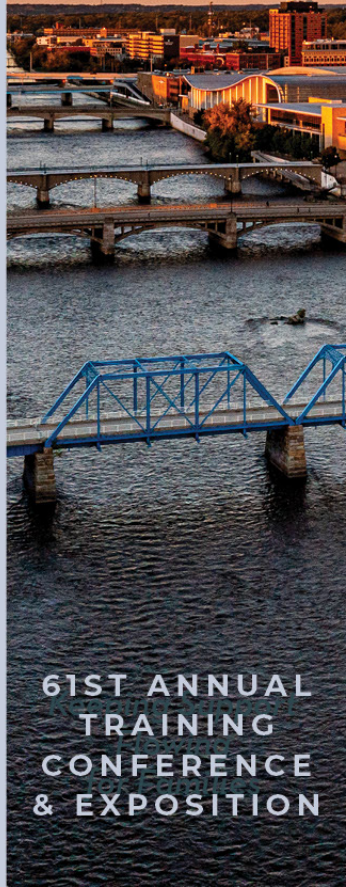
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Enforcement – Two-State

- Complete required federal forms
- Transmit to Central Registry in responding state with personal jurisdiction over obligor or in rem jurisdiction over obligor's assets



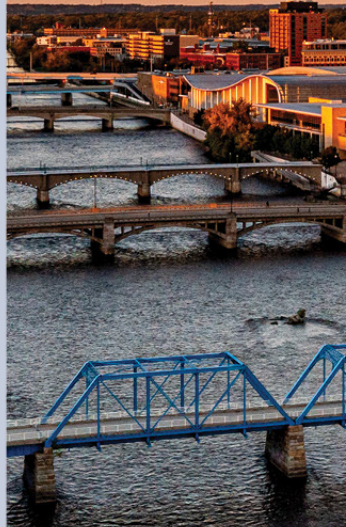
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Enforcement – Required Forms

For cases with existing responding tribunal orders: • Enforce • Enforce arrears only • Change person/entity entitled to receive funds and enforce	1. Child Support Enforcement Transmittal #1 – Initial Request (Check action 3.A, D, or E.) 2. Child Support Agency Confidential Information Form
For cases with existing orders from another jurisdiction (not the responding state): • Register and enforce • Register and enforce arrears only	1. Child Support Enforcement Transmittal #1 – Initial Request (Check action 4.A or D.) 2. Child Support Agency Confidential Information Form 3. Letter of Transmittal Requesting Registration

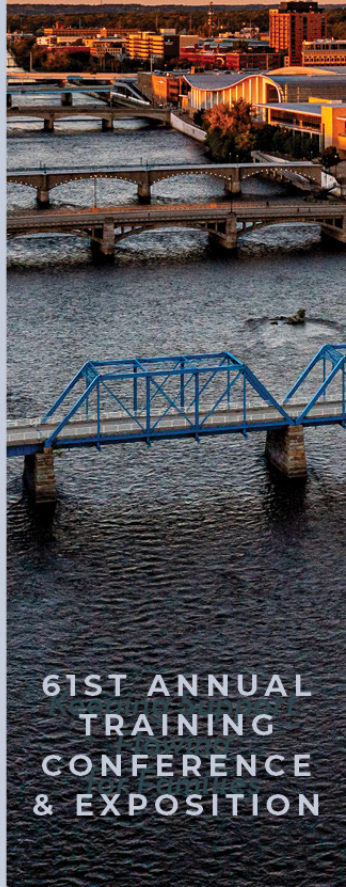


Registration for Enforcement

- UIFSA, Sections 601 through 608
- 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
- Registering state can consider administrative enforcement without registration, even if initiating state has requested registration



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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



Applicable Law

- UIFSA, Section 604

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

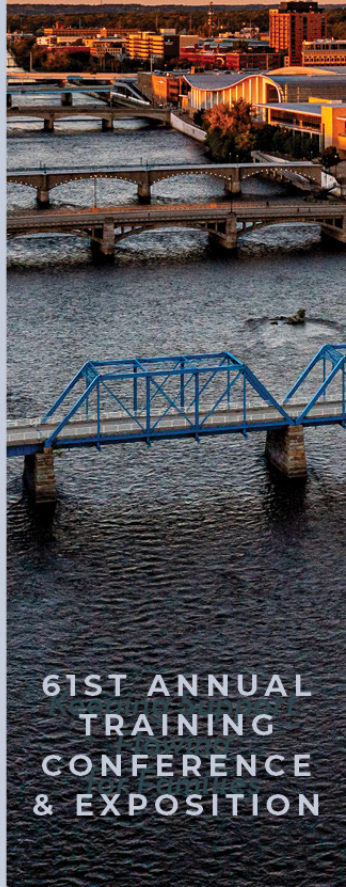
Statute of limitations for enforcing arrears is governed by law of issuing state or enforcing state, whichever is longer.

Modification – Two-State

- Complete required federal forms
- Transmit to Central Registry in responding state that has modification jurisdiction under UIFSA and that has personal jurisdiction over respondent



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Modification – Required Forms

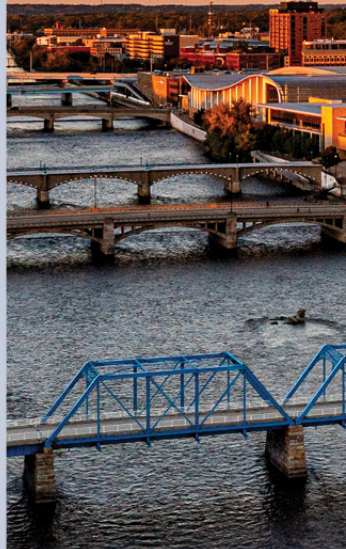
For cases with existing responding tribunal orders:

- Modify and enforce
- Modify then close the intergovernmental IV-D case

1. Child Support Enforcement Transmittal #1 – Initial Request (Check action 3.B or C.)
2. Child Support Agency Confidential Information Form
3. Uniform Support Petition
4. General Testimony
5. Personal Information Form for UIFSA § 311



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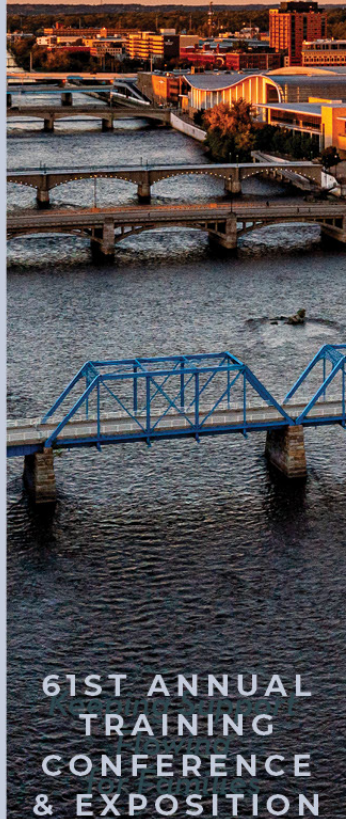


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Modification – Required Forms (cont'd)



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For cases with existing orders from another jurisdiction (not the responding state):

- Register, modify, and enforce
- Register, modify, then close the intergovernmental IV-D case

1. Child Support Enforcement Transmittal #1 – Initial Request (Check action 4.B or C.)
2. Child Support Agency Confidential Information Form
3. Letter of Transmittal Requesting Registration
4. Uniform Support Petition
5. General Testimony
6. Personal Information Form for UIFSA § 311

Scenario #4 Modification

- OH order
- Oblige and children live in IN
- Obligor lives in KY

Can obligee seek modification in OH?

- (a) Yes, because OH issued order
- (b) No, because no party lives there
- (c) Yes, if both parties consent for OH to retain jurisdiction to modify its order

Vote: (a), (b), or (c)

Scenario #4 Modification

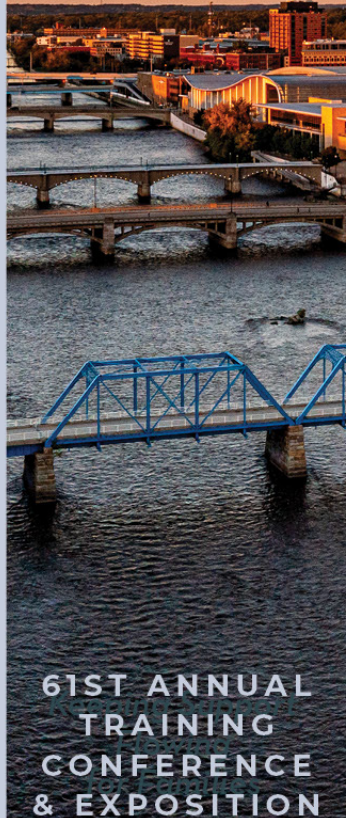
Correct answer is (c).

Under UIFSA Section 205(a)(2), even if no party or child lives in the issuing state, the obligee and obligor can consent for the issuing state (OH) to retain modification jurisdiction.

What factors may affect obligee's decision on where to seek modification?



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Registration for Modification – CEJ State

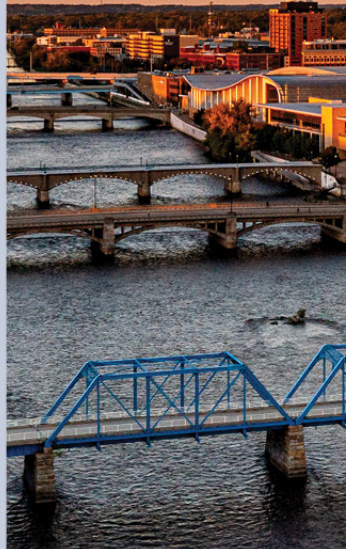
If there is a CEJ state, another state can register and modify the order only if:

- The registering state 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)



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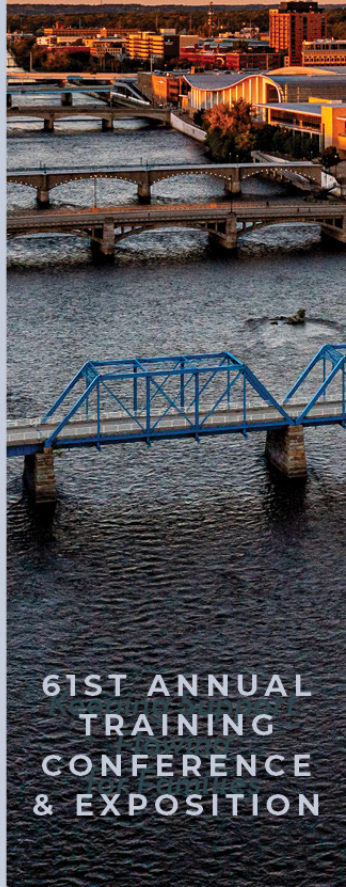
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Registration for Modification – No CEJ State

- 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



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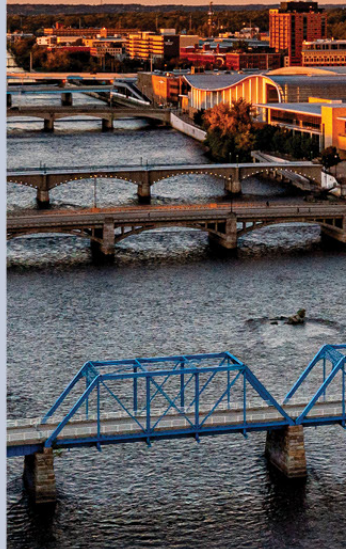
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Registration for Modification – No CEJ State – Section 611(a)(1)

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



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Example of Modification Jurisdiction Under Section 611(a)(1)



TENNESSEE

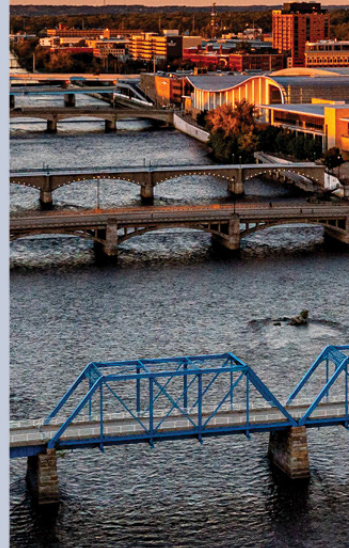


NORTH CAROLINA



SOUTH CAROLINA

- Obligee seeks increase in support.

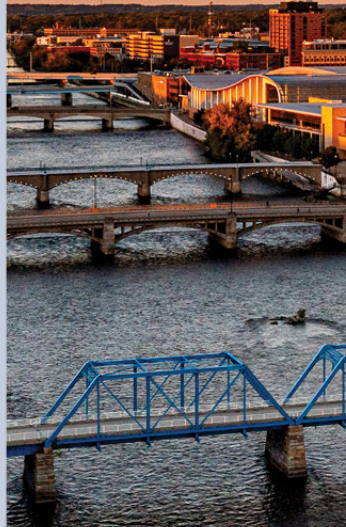


Registration for Modification – No CEJ State – Section 613

- Tribunal must find all requirements are met:
 1. All individual parties reside in registering state; and
 2. 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.



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Example of Modification Jurisdiction Under Section 613

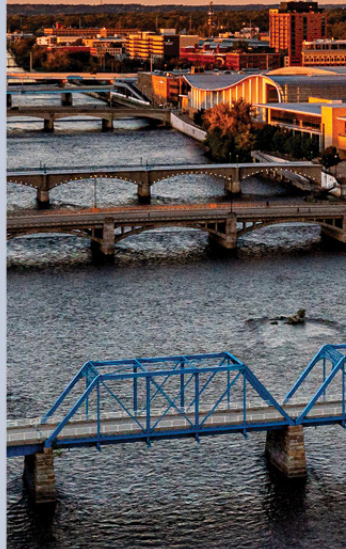


TENNESSEE



FLORIDA

- Obligee or obligor seeks increase in support.



Applicable Law

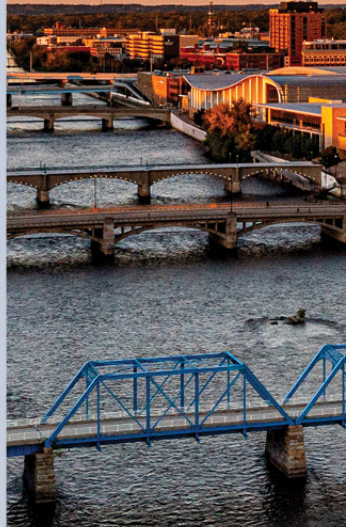
- UIFSA, Sections 604 and 611

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



Electronic Tools

- CSENet
- EDE
- QUICK
- IRG
- FCR Query
- ICR
- Communication Center 

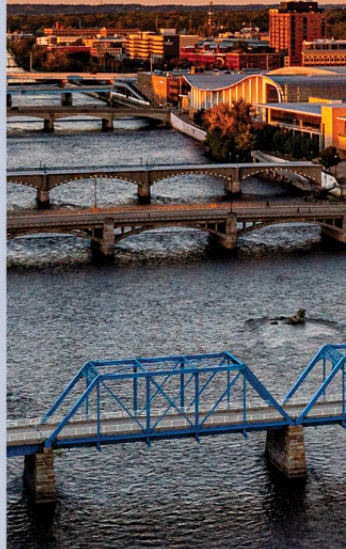
[U.S. Department of Health & Human Services](#)
[Administration for Children & Families](#)
[Select an ACF Office](#)

OFFICE OF CHILD SUPPORT SERVICES

An Office of the Administration for Children & Families



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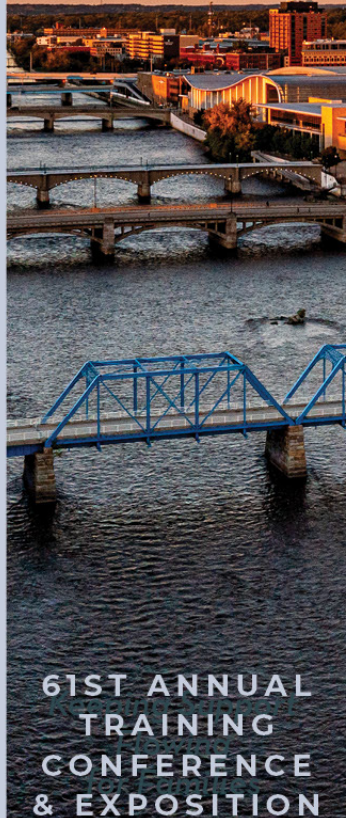
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Resources - UIFSA

- UIFSA 2008: [Model Act version of UIFSA 2008 with comments](#)
 - Or your own state's online statute site
- OCSE-AT-20-14: Updated Interstate Child Support Policy
- OMB 0970-0085: Intergovernmental Child Support Forms (published Feb. 13, 2023),
<https://www.acf.hhs.gov/css/form/intergovernmental-child-support-enforcement-forms>
- OCSE-PIQ-20-01: Using the Intergovernmental Forms for Case Processing
- Essentials for Attorneys in Child Support Enforcement, 4th Ed. (July 2021), Chapter 13: Intergovernmental Child Support Cases,
<https://www.acf.hhs.gov/css/training-technical-assistance/essentials-attorneys-child-support-enforcement>



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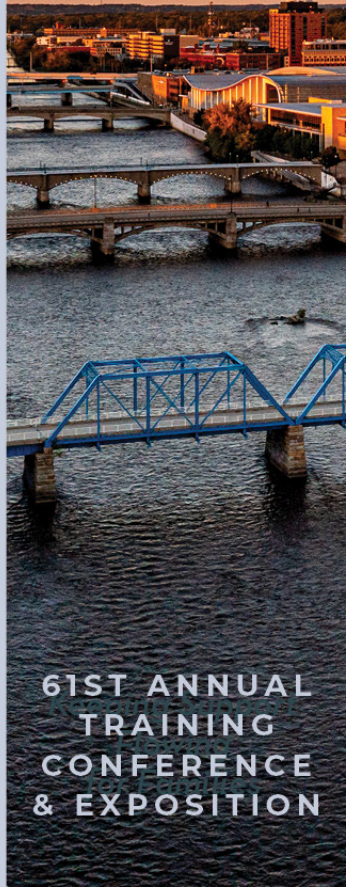


Additional Resources

- OCSE-AT-17-07: Interstate Child Support Payment Processing,
https://www.acf.hhs.gov/sites/default/files/documents/ocse/at_17_07_a.pdf
- Interstate Case Processing Training,
www.acf.hhs.gov/css/resource/interstate-case-processing-training-materials
- OCSS Intergovernmental Forms Matrix,
https://www.acf.hhs.gov/sites/default/files/documents/ocse/intergovernmental_forms_matrix.pdf



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Contact Information:

Meg Haynes

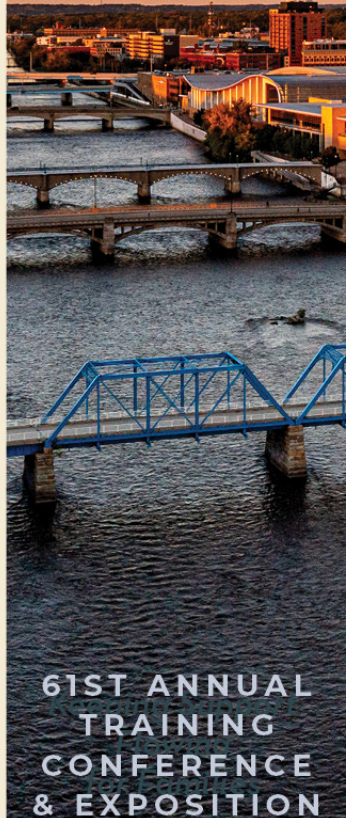
mcampbellhaynes@outlook.com

Patterson Poulson

patterson.poulson@floridarevenue.com



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