



ERICSA

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*Jazzin' It Up
for Children
and Families*

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& EXPOSITION**

Rise to the Challenge: Advanced UIFSA Scenarios

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SCENARIO #1

There is a 2019 child support order from Alabama for Artie to pay \$300/month to Annie. In 2020 Artie moves to Arkansas, but AL continues to enforce their order via interstate IWO. In 2021 Annie moves to Arizona, but she does not apply for child support services in AZ so AL continues to send support payments directly to Annie. Now Artie is incarcerated in AR for a period of at least one year. For the purposes of this scenario, let's say that AL has a statute that says that whenever the person paying support is incarcerated for a period of at least 6 months a child support order is automatically reduced to \$0 for the duration of the incarceration. However, Annie does not want this because she wants the order to continue to accrue arrears because she believes Artie will be employable when his incarceration ends. As the AL worker, would you have the order modified by operation of law?



SCENARIO #2

There is a 2018 California child support order for Charles to pay Carol \$500/month. Charles moves to Colorado and stops paying, so the CA order is registered in CO for enforcement. While in CO Charles has a new case opened against him with the CP Christine, and in 2020 a CO child support order is established for him to pay \$400/month to Christine for their child. Now Charles begins receiving SSI and SSD in CO. As this is one of the case closure criteria in CO (for the purposes of this scenario), the case with Christine is closed. CO informs CA of the SSI & SSD and requests permission to close their case, but as this is not one of the case closure criteria in CA (again, for the purposes of this scenario), CA tells CO to keep their case open. As the CO worker, what do you do regarding the case for Carol with CA? Also, does Christine have any recourse to keep her child support case open?



SCENARIO #3

In 2017 Ingrid and Iris are married in Illinois and adopt a child together. In 2019 Ingrid and Iris get divorced and Ingrid is ordered to pay \$600/month to Iris through the IL SDU. Immediately after the divorce Iris goes on Public Assistance in IL and some TANF arrears accrue. In 2020 Ingrid moves to Iowa and stops paying, so the IL order is registered in IA for enforcement. In 2021 Iris moves to Indiana and goes on Public Assistance, so IA begins directing payments to the IN SDU. IL wants to close their case other than collection of their own TANF arrears to be paid through their SDU, but they do not want current support to go through their SDU on the active case. IL sends a “Child Support Agency Request for Change of Support Payment Location Pursuant to UIFSA § 319” to IN to stop their own SDU’s involvement in the current support case and have all payments on the case go to the IN SDU. As the IN worker, is the IL request appropriate? Which state now becomes the official recordkeeper?



SCENARIO #4

Walter and Wendy have a 2016 Wisconsin child support order requiring Wendy to pay Walter \$700/month for their 3 children.

- In 2017 the child Will moves in with Grandma in Wyoming.
- In 2018 the child Willow moves in with Aunt in Washington.
- In 2019 the child Wyatt moves in with Wendy in Wisconsin.
- In 2020 Walter moves to West Virginia.

Now Wendy comes into the WI child support office and requests that she begin to receive support for the one child, and she wants the support to go retroactive to when she first took custody of Wyatt. Grandma and Aunt have both contacted your office and say that they now want support as well, even though they currently reside in different states. As the WI worker, what actions do you take on this case, and where? What about the retroactivity?



SCENARIO #5

Scott and Susan are married in South Carolina in 2015. In 2017 Scott moves out to parts unknown, but there is never a divorce. In 2019 Susan gives birth to a child. Scott's name is put on the birth certificate since they are still married, even though Susan has not seen him in over two years. Parentage for bio dad vs presumed dad. Disestablish vs exclude, non-access vs intact household. Now Susan applies for child support services in South Carolina, and a two-state packet is sent to South Dakota requesting establishment of paternity and support against the alleged biological father Steven. What should SD do with this case? For purposes of discussion, what (if anything) would be different if Scott never moved out of the SC household but Susan is still saying that Steven in SD is the father?



SCENARIO #6

Oliver and Olive are both tribal members of the Osage Nation and they have a child together in 2016, and a tribal child support order is established for Oliver to pay \$250/month. In 2018 Olive and the child move to Ohio, and the Osage Nation IV-D office continues to send support to her directly. In 2020 Oliver loses his regular job and has the Osage Nation order modified to include only “in-kind” support instead of a specific dollar amount, as he is only able to provide certain non-cash payments. In 2021 Oliver moves to Oklahoma (outside of the Osage Nation) and stops paying. What can the Osage Nation do to enforce their order? Now Olive comes into the Ohio IV-D agency and says that she has heard that Oliver is now employed, so she wants an increase in support including a monthly cash amount. Which tribunal has jurisdiction to modify the Osage Nation child support order?



SCENARIO #7

There is a 2018 Texas child support order for Tom to pay Terri \$800/month in support for their two children. A subsequent enforcement petition in 2019 resulted in a money judgment for \$5,000 and a repayment amount of \$100/month. Now Tom moves to Tennessee and is not paying support, so the TX order is registered there for enforcement. Now Tom gets a job and TN sends an IWO to the employer for \$800/month + \$200/month to collect the arrears, as TN regulations require an additional administrative amount of 25% of the current support obligation to recoup arrears. TX informs TN of the \$100/month arrears recoupment amount as per their court order. What should the correct recoupment amount be?



SCENARIO #8

In 2015 Virginia issued a child support order for Vinnie to pay Victoria \$750/month in support for their three children. In 2017 Vinnie moved to Vermont and stopped paying support, so Victoria went on Public Assistance and the Virginia order was registered in Vermont for enforcement. In 2019 Victoria and the children also moved to Vermont and the order was registered and modified in VT. In 2021 Vermont sends Vinnie's new employer an IWO for current support as well as an additional amount to recover a large arrearage owed to Victoria. Now Virginia sends their own IWO to the employer to recover their TANF arrears. Is this permissible? Or is this considered double dipping?



BONUS SCENARIO

Nikolai has a child support order where he must pay support to Nancy. Nancy wants a modification. Who has jurisdiction to modify under each of the following scenarios, assuming no consent by the parties to transfer jurisdiction elsewhere?

1. New York order, Nikolai in New Jersey, Nancy in Norway.
2. New York order, Nancy in New Jersey, Nikolai in Norway.
3. Norway order, Nikolai in New Jersey, Nancy in New York.
4. Norway order, Nancy in New York, Nikolai in Norway.
5. Norway order, Nancy in New York, Nikolai in Netherlands.
6. Norway order, Nikolai in New York, Nancy in Netherlands.



THANK YOU!

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