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2022 Intergovernmental Case Law Update

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This session will survey recent appellate decisions from around the country related to UIFSA and the Full Faith and Credit for Child Support Act (FFCCSOA). Emphasis will be given to one state's enforcement and modification of another state's order (or, perhaps, orders issued/enforced by different countries). Written materials will provide a comprehensive review of related appellate decisions issued within the past year.



Intergovernmental Case Law Updates



Uniform Interstate Family Support Act (UIFSA) Jurisdiction to Establish or Enforce

- In a proceeding to establish or enforce or determine parentage a tribunal may exercise personal jurisdiction over a non-resident if:
 1. The individual is personally served in the state;
 2. The individual submits to the jurisdiction by consent in a record, entering a general appearance, or by filing a responsive document having the effect of waiving any consent to personal jurisdiction;
 3. The individual resided with the child in this state;
 4. The individual resided in this State and provided prenatal expenses or support for the child;
 5. The child resides in this state as a result of the acts or directives of the individual;
 6. The individual engaged in sexual intercourse in this State and the child may have been conceived by that act of intercourse; or
 7. There is any other basis consistent with the constitutions of this State and the United States for the exercise of personal jurisdiction.



UIFSA Jurisdiction to Modify - CEJ

- Issuing state begins with CEJ
- Issuing state loses CEJ when the parties and child have left the state.
 - Except – all parties are gone from the state but they consent on the record for the issuing state to retain CEJ.
 - At least one party remains in the state but they consent in writing to vest jurisdiction in another state.
- Once the issuing state has lost CEJ, UIFSA § 611 controls how to determine who has CEJ to modify.
- Generally, the “play away” rule – i.e. the party wanting the modification must “play away” in the opposing parties new home state. Except:
 - Parties may agree in writing to one state taking CEJ;
 - For international cases, written consent is not required if the issuing country lacks or refuses to exercise jurisdiction;
 - Where the parties now reside in the same new state, upon registration and petition the new State may modify the order; or
 - The issuing tribunal retains CEJ if one parties resides in a new state and one party resides outside of the United States.



Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) – Jurisdiction for Child Custody

- Home State
 - Where the child lives with a parent for 6 months before filing.
- Significant Connection
 - At least 1 parent in that state and substantial evidence in that state of the child's care, protection, training and personal relationships.
- More Appropriate Forum
 - Both the Home State and stat with Significant Connection decline to exercise jurisdiction on the grounds that another state is the more appropriate forum.
- No Other State with Jurisdiction
 - When none of the others exist.



Uniform Enforcement of Foreign Judgments Act (UEFJA) – Foreign Judgments

- This act provides a simplified way for enforcing judgments entered in another state, implement full faith and credit.
- Dictates the process for registering a foreign judgment in a jurisdiction where the obligor resides.



Full Faith and Credit for Child Support Orders Act (FFCSOA)

- General rule that each state
 - Shall enforce according to its terms a support order of another state that was made consistently with this section.
 - Shall not seek to modify that order except under certain circumstances.
- Has its own CEJ section slightly different from UIFSA
- Modification Rules
- Recognition of Child Support Orders
- Enforcement of Modified Orders



Tunstall v. Glidewell – Alabama (5/7/21)

- This is a pretty wild case – Tunstall alleged that CSUP workers – Edwards and Mosely violated his rights to due process, equal protection and freedom from unreasonable seizures.
 - Parties had a 1992 Separation Agreement with CSUP at \$750/mo..
 - Mom filed a separate maintenance action in Superior Court in Liberty County, GA and dad filed a counter-claim for divorce.
 - The separation agreement was temporarily approved and incorporated into the Courts order of April 1993.
 - While the separate maintenance petition was pending, Mom filed a petition for divorce in Georgia Court.
 - The final order in the separate maintenance action was entered on March 3, 1994 and incorporated the settlement agreement.
 - The final judgment and decree in the divorce action was entered October 13, 1994 and did not incorporate the settlement agreement nor did it include any provision for CSUP.



Tunstall, cntd.

- Mom signed up for IV-D services in 1995 in Baldwin County Alabama.
- CW – Mosely wrote notes to file a PFS because it didn't seem separation agreement was ever filed in court by client's attorney.
- In 1995, Juvenile Court Alabama enters an order for CSUP of \$370/mo., later modified to \$574.00.
- In 1995 URESA was in operation so you could have two different support orders running.
- Ultimately the Juvenile Court Orders were vacated by the court and much of father's contention is that he was wrongfully enforced against during the time the orders were entered prior to being vacated.



Constitutional Rights and Qualified Immunity

- Dad alleged CSUP workers falsified documents to get judgments against him and unlawfully seized his property.
 - Statute of Limitations on a 1983 claim had run. Also, the evidence Tunstall wanted to rely to make it an ongoing violation actually showed that the court didn't even rely on what he claimed was fraudulent.
 - Qualified Immunity – Edwards was operating under her color of law and at all times acted within her scope of authority so she can't be personally liable.
 - Equal protection – The child support system – ALECS generated notices based on what was the available judgments and rulings at the time. It is not an equal protection violation that later those judgments were vacated. At the time the notices generated they were valid orders and AL was bound to follow them.
 - Unlawful Seizure – Again the Orders were valid at the time so the seizure was valid at the time. Later invalidation of the orders doesn't change that AL was doing what it was supposed to do at the time.
 - Defamation – It isn't defamation to in put information into ALECS that submits a person to the credit bureau based on valid orders even if they later become invalid.
- Summary Judgment dismissal for CSUP workers.



Nassau County v. Ablog – NY (5/12/21)

- Parties have a 2009 Divorce with a support order – until the child turns 18 or graduates from high school so long as she is progressing towards graduation and will graduate before 19.
- Child lived with Mom until she died and father became the custodial parent. She turned 18 in 9/18 and got her GED and moved to NY in 2019.
- Child got on public assistance and NY filed for a support order on her behalf from father.
- Father filed to dismiss under UIFSA for lack of SMJ. He argues FL retains CEJ over his support obligation and that term'd when she turned 18.
- The support Magistrate denied his motion and held it wasn't a modification but a new application for support.



- Father was ordered to pay support of \$144/wk.. he objected, which was denied and he then appealed.
- On appeal – the Appellate Division held that under FFCSOA and UIFSA FL as the issuing state still retains CEJ. This petition while claiming to be a new PFS is a modification as it seeks to change the amount, scope, or duration of the existing support order. The NY order would change the duration so under the plain reading it is a modification.
- Lastly, since father still resides in FL that state has not lost CEJ over the support order.



Geren v. Geren, NE (5/19/21)

- Parties divorced in Nebraska in 2011 with support order. Order modified in Nebraska twice and then filed a stipulated modification that neither would pay support in 2016.
- In May, 2017 mom filed to modify the decree to obtain sole custody and move to Massachusetts. This was granted and the order also included that there would be no change to the CSUP order where neither is paying.
- In 1/18 the NE court dismissed the action for lack of prosecution and in 6/18 Mom filed to modify custody and CSUP in Middlesex Massachusetts.
- In 7/18 Father filed in NE to reinstate the case.
- The MA court found that NE retained SMJ and dismissed Mom's petition there.



- In 10/18 mom filed back in NE for support and the court entered a temporary order for father to pay her \$700/mo. effective 11/1/18.
- They held a trial on support 4/2020. Father had multiple jobs and income amounts during the relevant time periods and mom wanted to use zero for her but she's an attorney who chooses not to work so after some interjection by the judge they agreed to use MA minimum wage for her.
- Court ruled CSUP would stay at the \$700 per month from 11/1/18 to 6/30/19 then it would reduce to \$344/mo. 7/1/19. Mom appealed.
- Her issues, the temp csup amount, retro calculations, actual earnings v. potential earnings for dad, imputing income to her, and interjecting during her case presentation.



- She also raised jurisdictional issues in her brief and the court addressed those first:
 - Among those – did NE retain CEJ since the case had been dismissed when she filed in MA.
 - NE issued the order, mom child and dad all lived in NE when she filed her complaint, when she filed her modification in MA, father still lived in NE. NE never lost CEJ so it was correct for MA court to dismiss her complaint.
 - Mom used a NE case to try to argue a precedent, but that case dealt with NE state law and divorce where parties now lived in two different counties – this was an issue of jurisdictional priority where both counties could claim jurisdiction. Under UIFSA both MA and NE can't claim jurisdiction.
 - It is also common practice in NE for a civil case for the court dismiss for lack of prosecution and later reinstate for an issue like modification of support.
 - On her other complaints, they were not abuses of discretion.



In the Matter of: Haydee U. NY (5/19/21)

- Parties divorced in NY, Mom has custody of their triplets EP, OP, and ZP and Dad ordered to pay CSUP 3/1/10.
- 4/3/19 dad filed for support after the kids all began living with him and the court ordered Ms. U to pay him.
- At some point ZP and OP move to PA to live with mother thus triggering father's obligation to pay CSUP to mom for them.
- Father objects that the should not have to pay for ZP and OP as they are 19 and PA emancipation age is 18.
- Mr. P. and child EP still live in NY so NY still has CEJ, PA law doesn't apply. Accordingly the triplets are entitled to support until 21, marry, join the military or become self-supporting. Dad must pay for ZP and OP.
- Additionally, he didn't address mom's petition to terminate her support for EP as he is economically emancipated. He graduated HS and is engaged in fulltime paid employment. The court ordered the parties back to family court for a hearing on this issue.



State v. Laflamme, LA (6/4/21)

- Parties divorced 1/6/06 in NJ and a second order 5/6/14 entered a support order for father to pay mother \$659/wk. until the children moved to New Orleans at which time his CSUP would reduce to \$550/wk.. On 8/7/17 NJ COLA raised that to \$563.
- Ultimately, Mom and kids moved to LA and Dad moved to TX.
- While in TX, dad asked TX AG's office to review for modification.
- At the request of TX IV-D, a district attorney in LA filed to register and modify the NJ order and it was.
- LA court found oldest child emancipated and modified support to \$1,523/month.
- Mom objected and cited NJ law that child should be entitled to support until 23 as long as in school. A hearing was set, but delayed due to Covid emergency orders and reset for a Zoom conference.
- Mom admitted child still had not started college but would be in the fall.



- The court did rule that it was finding based on NJ law and NJ controlling the duration child was not in college so it was appropriate not to include him in the support order but mother could file to modify should he officially enroll in school.
- Father appealed – alleging the court used a hybrid of NJ and LA law to reach this conclusion and if NJ law applies then it couldn't have reached this conclusion.
- Discussion of UIFSA – LA can modify dad requested – play away rule so mod in LA is correct, but can't alter the duration – that is solely based in NJ.
- To the part in the order that said oldest child not included in modification that is affirmed, to the part that says mom could modify if he goes back to school that is vacated.
- In NJ the order terminates automatically at 19 and the child was 19 and not enrolled in college, the LA can't create a contingent right that by law wouldn't exist under NJ law.



Matter of Alava v Caceres, NY (6/17/21)

- NY Court registered Swiss For. Support Order. Father objected.
- On 7/22/19 the Trial court denied his objection and after a hearing on 5/29/19 dismissed his petition to vacate the registration.
- Switzerland is a foreign reciprocating country under UIFSA and thus the case should be analyzed under that statute.
- Father failed to prove the Swiss court failed to establish personal jurisdiction over him, which would be a defense to the registration.
 - He admitted they advised him of the petition and he failed to provide them contact information even though he was engaged in custody litigation in Switzerland and represented by counsel.
 - Contrary to his assertion the Swiss methods of service are consistent with our notions of procedure and due process and he was given meaningful notice of the foreign proceeding against him.
- Since the Swiss court properly exercised personal jurisdiction the family court was required to confirm the foreign support order.



Craig v. Gilchrist, OH (6/29/21)

- Dad ordered to pay \$204/wk. + \$50/wk. support order out of NJ.
- OH registered the NJ for enforcement because Dad now lives in OH.
- After hearing, the Magistrate ruled that father's due process rights were not violated and ordered the NJ order registered. Father did not object nor did he file an appeal of the 11/6/17 order.
- Father failed to pay and a contempt action was filed with a hearing on 11/29/18. The magistrate entered a 30 day suspended sentence provided father pay \$50/wk. on the arrears and set a status hearing for 1/24/19.
- 11 review hearings were held and father was entered into the Compass Program. Finally a hearing in 6/27/19 ordered him to serve 3 days of the 30 and 27 suspended, then another time 5 days with 22 suspended and lastly 10 days with 12 suspended. Up to this point he had not objected or appealed to the 11/6/17 registration order.
- He appealed on several issues including lack of personal jurisdiction.



- The court found that the trial court held an evidentiary hearing on registration, father participated, and the court rejected his arguments that the registration was invalid. His due process rights were not violated, and he didn't provide any of the stated defenses to registration.
- Father never appealed or that order. He's precluded from now arguing the registration was improper.



MJ v CR, HI (6/30/21)

- Mother and Father met in TX in 9/2014 and began dating, at that time mother was obtaining a divorce from her husband HF.
- Mother became pregnant in 1/2016 and moved into Father's home with her two children from her previous marriage with HF.
- Mother and father separated in 6/2016 and mother moved out. Around 7/2016 she and the children moved to Hawaii to live with her parents. She travelled between HI and TX for court and visitation with the children from her marriage with HF.
- This child was born in Honolulu 10/2016. In 9/2016 father filed a paternity action in TX and pursuant to that case father submitted to DNA testing that confirmed he was the child's father.



- In 11/2016 mother filed a petition in Hawaii for paternity, custody, child support and other payments from father under HI law. Father was personally served at his place of employment in TX.
- Father filed a special appearance and answer petition and argued the petition should be dismissed for lack of personal and subject matter jurisdiction. He declared he had only been to HI once on vacation as a teenager.
 - Never lived in the state, does not own property in HI, does not conduct any work in HI.
- He also challenged mom's residency and asserted the child was conceived in TX.



- At the pre-trial hearing in HI, the judge stated that he had spoken to the judge in TX and they agreed to HI taking jurisdiction over the matter.
- The temporary order issued stated that HI has jurisdiction over this case because HI is the home state of the child and may enter temp orders on custody, visitation, child support and related matters.
- Father again raised the issue of personal jurisdiction over him in his trial memo. The court ruled against him and entered custody, visitation, support and additional expenses.



- Under the UCCJEA – HI did have SMJ to make the initial child custody determination. Mother lived there and it was the child’s home state since birth. The initial custody determination under UCCJEA does not grant jurisdiction for support.
- Under UIFSA – HI could exercise personal jurisdiction over father in a support proceeding even it didn’t otherwise have it, if it showed “the child resides in this State as a result of the acts or directives of the individual”
- The family court found mother repeatedly requested his financial assistance and informed him that his failure to respond led her to make other living arrangements namely moving in with her parents in Hawaii. The court found this constituted an “act or directive” by father that caused the child to be in Hawaii.
- The appellate court held this was not reasonable. There is nothing in the record that mother told father she would move to Hawaii so he had no reason to think that might happen, her emails said she was “out of town” or “had to make other arrangements” and she invited him to multiple Dr’s appointments for the child in Texas. Lastly, mother’s financial issues can’t be solely attributable to father as she also had other children with HF and he had assisted her before by subletting apartments to her but refused to assist her after she moved out of father’s house.
- It is a violation of father’s due process that the commentary to UIFSA specifically cautions against.
- Orders on father’s paternity, child support and other monetary obligations from father are vacated.



Al-Bermani v. Fadul, OH (7/1/21)

- Parties divorced in VA in 2011. Order was for \$1,196/mo. 1/11 to 6/11 plus spousal of \$3,000 for 6 months or until Al-Bermani got full time employment, which she did on 3/1/11 as a result spousal was term'd and parties agreed to modify CSUP to \$2,186/mo. beginning 3/1/11.
- The order contemplated future change of employment for Fadul and provided parties were to readdress and recalculate support on 7/1/11 and continuing. Fadul claims they reached an extrajudicial agreement to modify to \$917/mo. on 7/28/11 and he began paying that amount. Al-Bermani denies this agreement was reached but agrees Fadul made the payments of \$917/mo. Fadul did file a petition to modify on 7/28/11 but it was never addressed in court.



- On 9/5/18, Al-Bermani filed a PRFSO in Cuyahoga County OH and attached her affidavit of arrearage. Fadul requested a hearing to contest registration. The court held a hearing over two dates to determine if registration was appropriate and if the arrears were correct.
- The Magistrate found that the VA order had not been modified, vacated or suspended and determined the arrearage Al-Bermani submitted was correct, namely \$109,134.
- Both parents objected, Fadul argued the registration should have been vacated by their extrajudicial agreement and he had made full payment on that order. Al-Bermani argued they should have awarded interest, updated the calculation to the date of the decision, reduce it to judgment and prohibited her from producing evidence of Fadul's fraudulent misrepresentations.
- The Court overruled all their objections and adopted the Magistrate's order in full.



- Fadul appealed. He alleged the court erred in not vacating the assignment because the extrajudicial agreement was contemplated by the divorce and implemented by the parties and he paid it in full. Mom cross-appealed on interest and being barred from putting on evidence of Fadul's fraudulent misrepresentations.
- The Court held – the order was not modified by the alleged extrajudicial agreement. Fadul never served Al-Bermani of his petition. Also, making partial payments of an order does not preclude registration, if it did everyone could make this argument.
- Lastly on Al-Bermani's claims, her claim for interest is an issue for the enforcement or modification of the order, but this is merely on registration. Likewise, her appeal of the fraudulent claims is only valid if the court were going to consider the extrajudicial agreement which isn't.



Monteith v Monteith, ME (7/27/21)

- On 6/3/19 IV-D filed to register a Maryland support order in Maine. Father objected and alleged 5 defenses including Maryland lacked jurisdiction to issue the order in the first place.
- The parties divorced in Maine in 2002 and the divorce included a child support order. At some point thereafter mom and the kids moved to Maryland and dad stayed in Maine.
- 10 years after the divorce Mom initiated a proceeding in Maryland to modify the Maine order. Neither party filed a consent in Maine to the Maryland courts exercise of jurisdiction to modify. Father did appear and participate in the Maryland proceedings. That order raised father's support and that is the order mom now tries to register in Maine.



- The Court concluded the Maryland modification order was void ab initio based on the parties' failure to file the required consents and it therefore vacated the registration based on that basis. It also determined that George had not waive his right to object to enforcement of that order.
- 2002 Divorce is valid – all in Maine at the time.
- 2013 registration and modification in Maryland is void. George never left Maine so it didn't lose jurisdiction so Maryland could only obtain jurisdiction if the parties filed written consents which they didn't do. But, George didn't object, that is the question to be decided in the current case.
- 2019 registration is correctly vacated. The failure to do the consents deprived Maine of jurisdiction and this is prohibited by UIFSA. George could have waived personal jurisdiction but this is subject matter jurisdiction and that can only be altered by adhering to the plain language of UIFSA.



Rush v. Calac, OH (7/28/21)

- Mother and Father married in 2006 with 1 child. Father is a member of the Rincon Band of Luiseno Mission Indians of the Rincon Reservation.
- Father receives 3 types of payments from the Rincon tribe generated from a casino operated on tribal lands; a “true-up” annual distribution (\$13,000 in 2019), a monthly per capita payment (\$5,250) and lastly a monthly “general welfare” payment (\$3,250).
- The “true up” and the per capita amounts are taxable income under federal income law, but the general welfare payment is not.
- In 2018, Father went to prison and gave his mother – Grandmother power of attorney and she paid all of the bills for both and he mother.
- In 2019, Mother filed for divorce, grandmother paid all of her bills while she also received \$45,000 in temporary spousal and child support.



- After the trial, the Magistrate decided Father's true-up and per capita distributions as income for purposes of spousal and child support, but excluded the general welfare payments. He did however, consider the general welfare payments when he divided marital assets.
- Mother appealed and argued the trial court erred in excluding the general welfare payments for spousal and child support:
 - In Ohio there is not a specific definition of income for spousal support but rather an exhaustive list of factors that must be considered, there the court did consider all factors and did utilize the general welfare payment in division of property but chose to exclude it from the spousal calculation based on all factors.
 - OH defines income for child support about the same way we all do – excluding means tested government programs – the trial court found that the IRS treats Native American Indiana general welfare payments in a similar way to TANF and SSI/other social service benefits that are not taxable income – likewise it would fall under the section of the OH code to make it not gross income for purposes of calculating child support.
 - No error on either grounds – if you have a case where the participant is receiving general welfare payments from their tribal affiliation those should not be counted as gross income for purposes of calculating child support.



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Chalmers v. Burrough, KS (8/27/21)

- This is a continuation from last year's legal update. Now in the Supreme Court of KS.
- Last year – the Appellate Court ruled that it was proper to dismiss Chalmers motion to register because it wasn't technically correct rather than hearing his motion to allow him to amend.
- Under UIFSA the Supreme Court said, the fact that he failed to comply with registration doesn't mean the court doesn't have subject matter jurisdiction and couldn't rule on his motion seeking to amend to comply with UIFSA. The Court should have ruled on that motion and then chosen to proceed or not based on the merits of his motion.



In re Marriage of Dribben, IL (9/10/21)

- Mom filed divorce in Illinois 5/13/08, before that judgment is entered mom, dad and the kids all moved to Missouri then on 10/14/11 IL court issued the judgment for dissolution which incorporated their marital settlement agreement.
- On 8/18/17 the dad filed a motion to modify the judgment of dissolution in St. Louis County, MO Circuit Court. On 11/9/18, parties filed a consent judgment with the MO Circuit Court which modified the terms of the original IL dissolution.
- After this on 9/15/19 mom filed a motion to modify the terms of the 10/14/11 judgment from IL in MO and garnishments.
- Dad files to quash the garnishments which the MO court granted and found it lacked jurisdiction to enforce the IL judgment as petitioner had not registered it as a foreign judgment for purposes of enforcement.
- On 1/3/20 mom files in IL Circuit Court to enforce the order and dad files to dismiss them. The Court granted his motion to dismiss on post majority educational support and expenses and granted in part the motion to dismiss the RTSC on the grounds that the court lacked SMJ where the IL judgment was no longer controlling on those issues where the consent judgment in MO modified the terms of CSUP.



- On appeal mom argues that IL maintained CEJ over the dissolution where the MO court did not modify the terms of child support.
- However, the consent judgment addressed the period where dad had sole custody and mom received child support from dad were he to file for reimbursement, mom could be ordered to pay those back however to avoid hardship on mother the court ordered dad's ongoing CSUP should terminate. Provisions regarding college, medical and extracurricular expense were to remain in full force and effect, except expenses for extracurricular and extraordinary expenses were to be agreed to by the parties in writing.
- This is in fact a modification of child support from the 2011 order. Therefore jurisdiction to enforce this order lies with Missouri Circuit Court. It was correct for the court to dismiss mom's petition.



Oskerson v. Boudette, Bnkrptcy. MT (9/24/21)

- Judge Hursh – “The parties to this proceeding share a long, litigious past. Boudette and Oskerson were married in 1994. Fourteen years later, they filed for divorce, and a decree of dissolution was entered in 2009. Following the [\[*2\]](#) dissolution of their marriage, Oskerson and Boudette entered a new phase in their relationship—**divorced, but hopelessly embroiled in litigation related to the decree of dissolution**, which included a judgment in favor of Oskerson for \$68,293.50, a lien on property owned by Boudette in Montana to secure that judgment, and an award of child support.”
- Parties are before the bankruptcy court to determine if the judgment debt and child support are excepted from Debtor’s discharge.
- AZ divorce – child support and a judgment for community funds used to buy a property in MT and a judgment lien on that MT property for that judgment.
- Boudette exhausted all appeals in AZ court and Supreme Court of AZ upheld these orders.



- Shortly after the Supreme Court ruled against him, Boudette quitclaimed the MT property to himself and his new spouse in 2011. Oskerson registered the Judgment in Broadwater County, MT pursuant to UEFJA (Uniform Enforcement of Foreign Judgments Act) in 2012. She took no other acts.
- In 2018, Boudette filed a Motion to Extinguish her judgment and alleged the AZ SOL had expired. MT State Court granted his motion and Oskerson appealed. MT Supreme Court overturned this, held that foreign judgments registered in MT are enforced the same as all judgments in MT so their 10 year SOL trumps AZ's 5 year SOL.
- Following this the MT Supreme Court issued a writ of execution to satisfy mother's judgment from the real property.
- There was a brief stay while Boudette filed a fruitless appeal to the Supreme Court of the US.



- Boudette then filed a voluntary Chapter 7 Bankruptcy case – Oskerson filed an adverse proceeding arguing, among other issues, foreclosure on the whole property, domestic support obligation is non-dischargeable under UIFSA and that her judgment lien secured by real property is non-dischargeable.
- Oskerson’s broad argument is also that all of Boudette’s claims in the bankruptcy are a last-ditch effort to try to invalidate the orders in AZ and MT courts that have already been fully litigated.
- Child Support Order is valid and enforceable – is not dischargeable.
- Domestic Judgment debt is not dischargeable. It is owed to a former spouse and was incurred in the course of a divorce or in connection with a divorce decree.
- Not necessary to consider if the judgment lien is exempt from discharge as the judgment itself. Two issues – the debt is non-dischargeable and further if she has a valid judgment lien tied to that judgment, her *in rem* right to enforce that interests remains intact following bankruptcy. Creditors may be barred from “collecting debts personally from the debtor (after discharge) but creditors rights to foreclose or otherwise realize on its collateral which is an *in rem* action against a specific property will often pass through the bankruptcy.”



Boston v. Franklin, AL (10/29/21)

- Father filed a petition to establish paternity and for custody and child support of twin girls in Alabama.
- Mother answered and asserted that father had already filed in TN and they already had a judgment ordering him to pay support to mom and she asserted since paternity was already established, AL should treat his petition as a petition to modify custody and CSUP.
- The court did treat it as such and denied modifying custody but did give father parenting time. Father filed to alter, amend or vacate the order and alleged the Court erred but also didn't have SMJ because the TN order wasn't registered under UIFSA or the UCCJEA.
- The court ruled against him again and from that he appealed.



Boston v. Franklin, AL (10/29/21)

- Father is correct – the order was never registered pursuant to UCCJEA so AL never got jurisdiction over child custody issues.
- Father is correct – the order was never registered pursuant to UIFSA so AL never got jurisdiction over CSUP issues.
- Because the registration requirements were not met, the orders were void and the case is remanded to dismiss father's action.



Matter of Ho, NY (11/3/21)

- Parties have 1 child together. Mom filed a PFS pursuant to UIFSA.
- The Court imputed income to father from a subchapter S corporation of which he was the sole shareholder, entered a support order based on that income and established retroactive arrears.
- Upon review the court discusses that it is proper to impute income to a party and it was appropriate to impute income to father in this case based on the S corporation. However, the record was devoid of any support for the amount chosen to impute him at. The support magistrate improperly used the gross receipts of the corporation without accounting for corporation returns and allowances or cost of goods sold.
- The Support Magistrate should have used the gross profits for its calculation. Remanded to recalculate and make a new determination.



Child Support 2 Collect, Inc. v. Anz, TX (11/12/21)

- Reginald and Patrice Anz were divorced in California in 2001 and Reginald was ordered to pay Patrice spousal support of \$2,050 for the rest of her life. Both parties moved to Texas.
- In 2014, after Reginald had fallen behind, Patrice hired Child Support 2 Collect to collect the spousal arrearages. Under the agreement they would get a fee of 33% and if Patrice took an action to affect their right to collect, they could file a claim for their 33% directly against Reginald.
- In February 2015, they filed in TX to register the CA order under UIFSA with Patrice as the petitioner and Reginald objected. He argued the CA order was ambiguous and enforcement was barred by the SOL.
- In July 2015, Patrice died.



- The district court abated the case to permit the probate court to determine whether Patrice's estate would join Child Support in pursuing the claim for spousal-support arrearages and whether probate court would assume jurisdiction over the claim.
- Patrice's estate agreed to waive it's 67% in the proceeds of the enforcement action without prejudice to Child Support 2 Collect's 33% under the contract and the probate court agreed it would not take jurisdiction over this issue and its enforcement should stay in district court.
- Child Support moved to intervene to collect its 33% assigned to it.
- Reginald filed for them to show authority as how they represent the estate and that their enforcement should be dismissed and to deny their intervention.



- At the hearing on the motions, the Court treated it as a trial on the merits even though Child Support's attorney said they weren't prepared for a trial on all issues as this was just on the motion to show authority. The court ruled anyway:
 - Using the dismissal in probate court and the estate declining to participate the district court dismissed Child Support's claims as they no longer had a client to represent and no claim to enforce so their case was dismissed with prejudice. Their attorney asked if they could respond and were told "You may not."
- Child Support appealed on due process grounds they were forced to argue issues without notice.



- Child Support did not receive proper notice of the issues that were heard and did object several times to proceeding on those issues. Their due process rights were violated so this was error, but did that error probably cause an improper judgment.
- Since, Child Supports attorney specifically said they didn't bring evidence to prove their case because they relied on the notice that the motion to show authority was the only thing set, the court's error violating their rights did probably cause the rendition of an improper judgment.
- Their second issue – that the court abused its discretion by granting the motion to strike their intervention was not considered since they already reversed on due process grounds.



Campbell v. New Jersey, NJ US Dist. Ct. (11/29/21)

- In 2004, Australia sought registration of a child support order in NJ pursuant to UIFSA. They allegedly only asked for registration not enforcement.
- Campbell opposed registration but lost and NJ enforced the order. At some point Campbell was incarcerated for 10 days in relation to the enforcement.
- He sued in federal court for money damage and to find that NJ is incorrect in enforcing this order against him.
- Sovereign Immunity – He states no exception to NJ sovereign immunity.
- Rooker-Feldman Doctrine – Federal court can't hear cases which are essentially appeals of state court judgments.
 - Here this is met. He lost in state court and his injuries arose from that state court judgment and he asks the Fed. Court to review NJ court's interpretation of the law.
- For both of these foregoing reasons his petition is dismissed.



Fludd v. Kirkwood, MD (12/16/21)

- “For nearly a decade, the parents of the two children at the center of this case have been fighting over custody and child support, flooding the docket in the Circuit Court for Montgomery County with over 500 entries. The litigation began in January 2012, when Donielle Kirkwood, appellee, filed a complaint for custody against Anthony Fludd, appellant. At the time, Ms. Kirkwood was fleeing her relationship with Mr. Fludd, which, she claimed, had turned abusive.”
- Ultimately, Ms. Kirkwood was given full custody of both children in 2015 and requested child support. It is unclear why the court didn’t rule on that for years.
- The issuance of the final custody order did not decelerate Mr. Fludd’s filings, instead he filed so much it was determined “abusive filing” by the court, the litigation stopped for a 2 year period until Mr. Fludd filed to modify custody and visitation in 2019.



- At the time of the hearing on this motion, the Court was informed that mom and the children had fled to TX and dad had moved to Washington DC.
- Accordingly, the court held a hearing on jurisdiction on 9/1/20. The parties agreed the court no longer had jurisdiction over child custody issues, but Ms. Kirkwood alleged the court retained jurisdiction over support. The court found in her favor that it did retain jurisdiction pursuant to the longarm provisions under UIFSA.
- Ms. Kirkwood testified to her financial burden and abuse Mr. Fludd inflicted upon her that made her afraid to ask for CSUP.
- The court issued CSUP at \$2,101 per month along with an order for 1 year of arrears \$25,212 and \$8,000 in attorney fees. Mr. Fludd appealed.



- Issues on appeal: does laches bar the court considering the petition for support from 4 years ago and does the trial court still have jurisdiction over Mr. Fludd to issue a support order.
- On Laches – the court discussed it not because it had merit but because they found it had none. They identified 33 states and DC and expressly addressed this issue and 28 have held that laches is either heavily disfavored or completely unavailable in actions for child support or child support arrears.
- Jurisdiction for Support – Mr. Fludd lived in MD when the petition was filed, vigorously litigated it even after he moved and specifically filed an answer to the petition for support. His obligation arose under the laws of MD and he was given notice and opportunity to be heard and accordingly the court had jurisdiction over him for support on 12/15/20.
- UIFSA -- The Circuit court correctly determined that by filing a response Ms. Kirkwood's motion for child support, entering a general appearance and affirmatively requesting relief from the court. Once Mr. Fludd's submitted to the jurisdiction, he couldn't "un-ring" the jurisdictional bell.



Statutory Updates and Legislative Trends



Federal Legislation

- S. 534 – Tribal Child Support Enforcement Act – This bill permits tribal child support enforcement agencies to access the Federal Tax Refund Offset Program to collect past-due support payments from the federal tax refunds of non-custodial parents. Additionally, it authorizes the IRS and the SSA to disclose certain tax information to tribal child support enforcement agencies to establish and collect child support orders and to locate those individuals owing such obligations. Lastly, it also permits the Department of Health and Human Services to reimburse tribal agencies for certain reporting costs related to Federal Parent Locator Service.
- Passed in the Senate on 7/13/21 – and has been held at the desk in the House since 7/16/21.
- This is still pending in the House unfortunately.



2022 State's Child Support and Family Law Legislation

- 32 states and territories have a total of 355 bills proposed in 2022 that would affect Child Support and Family Law.
- Taking out custody issues there are still 29 states and territories and 348 bills that were proposed in 2022.
- For Purposes of today I'm limiting us to the following states and territories:
 - Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, American Samoa, Guam, Northern Mariana Islands, Puerto Rico, Virgin Islands
- This got us to 22 states or territories and 286 bills related to child support.



Topic Trends

- Driver's License Suspension
- Gambling
- Public Assistance Requirements
- Interest
- Modification
- Caretakers
- Support beyond emancipation
- Parenting Time
- Termination of Parental Rights



Florida

- FL H 3083 – A bill that affects healthy family relationships and parentage by providing appropriation for the All Pro Dad's Fatherhood Literacy and Family Engagement. Pending in the House Appropriations Committee.
- FL H 3403 – A bill affecting parentage by providing appropriations for the Fatherhood Pride program. Pending in the House Appropriations Committee.



Georgia

- GA H 86 – Georgia Lottery Mobile Sports Wagering Integrity Act is a bill that affects intercepts and seizure by regulating sports wagering. Includes language for child support intercepts. State proceeds from this will benefit education. Pending House Rules Committee.
- GA S 142 – Lottery for Education is a similar bill to the one above. Pending House Rules Committee.
- GA H 457 – Domestic Relations bill affecting termination of child support, guidelines, adjustments and family law by providing for financial support for children beyond the age of majority for post-secondary education.



Illinois

- IL S 258 – Marriage and Dissolution of Marriage Act amends a section of the act to define insurance obligee as the person to whom a health insurance obligation is owed on behalf of a child and insurance obligor as the person who has an obligation to provide health insurance. Enacted 7/9/21.
- IL H 1800 – Domestic Violence Act amends the DV act to require anger management courses as part of a protective order. Pending – House Rules Committee.
- IL H 3876 – Amends the civil code to delete interest on child support judgments and provide instead that every child support judgment arising as operation of law from a child support order shall not bear interest. Pending – House Rules Committee.
- IL H 3914 – Positive Action Act – addresses systemic racism and barriers to increase workforce diversity in state employment. Provides for employees with child support orders. Provides career counseling opportunities for employees with child support arrears and ensure they are informed on the subject of non-payment and develop plans for the most effective career counseling opportunities for these employees. Enacted 8/27/21.
- IL H 4133 -- Pregnancy Expenses Act – provides that a biological father has a duty to pay a portion of the mother's pregnancy expenses, provides that the court shall order payment of the pregnancy expenses. Pending – House Executive Committee.



Illinois – Professional Licenses

- IL S 1674 – A bill to create the Traditional Asian Healing Therapist Licensing Act, includes language that the license can be suspended for non-payment of child support like other licensed professions. Pending – Senate Committee on Assignments Committee. Also IL S 1930
- IL H 1801 – A bill to amend the medical practical act to license naturopathic physicians and includes language that the license can be suspended for non-payment of support. Pending – House Rules Committee. Also IL S 1951.
- IL H 1824 – Behavior Analyst Licensing Act creates behavior analysts and assistant behavior analysts as licensed professions and includes language that it can be suspended for non-payment of child support.
- IL S 2243 – Music Therapy Licensing and practicing act provides for licensing professional music therapists and clinical music therapists and provides that the license can be suspended for non-payment of support. Pending – Senate Licensed Activities Committee.
- IL H 3585 – Dietician Nutritionist Practice Act provides licensure for dieticians and includes language that the license can be suspended for non-payment of support. Pending – House Health Care Licenses Committee.



Indiana

- IN S 188 – Revised Uniform Unclaimed Property Act, included that property under this act is subject to a claim for child support arrears, including collection costs and child support arrears that are combined with maintenance. Enacted 4/29/21.
- IN S 326 – Child Support Obligation of an Incarcerated Parent is an act that would provide that incarceration alone isn't a substantial change in circumstances warranting a modification would put the burden on the incarcerated individual. Failed.
- IN S 393 – Tax Refund for Child Support Arrears a bill to make child support arrears not eligible for intercept if the person is now the person with custody to whom a support order is payable to. Failed.
- **IN H 1055 – Tribal State Compact. Codifies the agreement between the Pokagon Band of Potawatomi Indians and the state for providing the conduct of tribal class III gaming. Includes intercept for child support. Enacted 4/19/21.**
- IN H 1199 – A bill related to license suspensions. For child support suspensions included requirements to work with obligors to make payment arrangements to get their suspension lifted. Enacted 4/2/21.



Iowa

- IA S 93 – Treatment of Veteran’s Disability Benefits. This would treat VA Disability the same as SSD for calculations of support. Pending – Senate Veteran’s Affairs Committee.
- IA H 416 – Support of a child. Would extend child support to 19 so long as the child is engaging in full-time and continuous high school up to age 19 or graduation whichever occurs first. Pending – Senate.
- IA H 441 – Criteria to Modify Support. If someone violated a protective order issued against them, the court shall use that fact in determining if a substantial change in circumstances has occurred to warrant a modification. Pending – House.



Maine

- ME H 44 – Children and TANF – Provides that if an adult recipient has their benefits sanctioned the child's portion shall remain. Enacted 6/8/21.
- ME H 157 – Parentage Act – Amends the VAP section to allow a presumed parent and an intended parent to sign the VAP. It also cleans up the procedure for doing a rescission.
- ME H 407 – Tribal State Enforcement of Child Support – Enhances Tribal state collaboration in enforcement of CSUP, provides the Penobscot Nation may serve notice on an obligor who is not in compliance to submit them to the appropriate licensing board. The person may request a hearing in Penobscot Nation Tribal Court to avoid submission. Licensing board must revoke the person's license if they are submitted. Provides for payment arrangements and other remedies to license revocation. Enacted 6/21/21.
- ME S 437 – Regulate Sports Betting – authorizes the Gambling Control Unit to regulate sports betting. Includes provision for intercept of winnings for CSUP arrears. Pending – Carryover – Senate.



Massachusetts

- MA S 997 – Survivors of Rape and Their Children Protections – Protects survivors of rape and their children by affirming that even if the court terminates the perpetrators rights to visitation it does not relieve him of the obligation to pay child support nor does it bar the child from being able to inherit from him. Pending – Joint Committee on the Judiciary.



Michigan

- MI S 170 – Weekly Dependent Care – Increases unemployment benefits based on the amount of dependents the person has. Pending – Senate Economic and Small Business Development Committee.
- MI H 5443 – Child Support Arrearage – Modifies the setting of a bond related to spousal or child support arrearage. Pending – House Judiciary Committee.
- MI H 5464 – Child Support Enforcement Program – Requires cooperation with child support enforcement program as a condition of food assistance eligibility. Pending – House Families, Children and Seniors Committee.



Minnesota

- MN S 350 – Public Safety – Repeals provisions that require suspension of a driver's license for arrears for child support or maintenance. Pending – Carryover – Senate Transportation Finance and Policy Committee.
- MN H 980 – Child Support – Modifies child support and arrears provisions, eliminates interest on child support judgments, modifies credits for support calculations. Pending – Carryover – House Ways and Means Committee. Also MN H 981, S 1519.
- MN S 1332 Human Services – Provides for a procedure to appeal good cause decisions, reporting noncooperation and transferring cases to Tribal Court. Pending – Carryover – Senate Human Services Reform Finance and Policy Committee. Also MN H 1436.



Missouri

- MO H 1254 – Forfeited Cash Bonds and Child Support – Allows a court to direct forfeited cash bonds in criminal non-support cases to the family support payment center for payment of child support arrears. Pending – House.
- MO H 1621 – Child Support Obligations for Unborn Children – Establishes provisions for child support for unborn children. Pending – House.
- MO H 1654 – Child Support Orders and Higher Education – Provides that a parent shall not be ordered to pay support for a child enrolled in an institute for vocational or higher education. Pending – House.
- MO H 1771 – Child Support – Provides that the court shall not order a parent to pay child support to the other for reasonable and necessary expenses if the parents are awarded equal time with the child. Pending – House.



New Hampshire

- NH H 228 – Calculation of Child Support – Provides a formula for the calculation of child support in cases with equal or approximately equal parenting time. Pending – Senate Judiciary Committee.



New Jersey

- NJ S 447 – Gross Income Taxes – Allows gross income tax refunds to be credited against a taxpayer's delinquent local property taxes and adjusts administration of setoffs against gross income tax refunds and homestead rebates or credits. Pending – Senate Community and Urban Affairs Committee.
- NJ S 522 – Child Support Arrearages Collection – Makes child support arrearages collectable anytime by public welfare or other social services board or agency against obligor or obligor's estate based on amount of public assistance provided due to the obligor's failure to pay support. Pending – Senate Judiciary Committee.
- NJ A 800 – Driver's License Suspensions – Provide that driver's license may not be suspended on grounds of failure to pay child support unless obligor is given an opportunity for a court hearing. Pending – Assembly Judiciary Committee. Also NJ A 3211, NJ S 3555.
- NJ S 1060 – Child Support Judgment as a Lien Only – Probation would file child support judgment lien only if the judgment exceeds one-month of child support due. Pending – Senate Judiciary Committee.
- NJ S 3757 – Child Support Wage Garnishment Accuracy Standards – Requires certain accuracy standards for child support wage garnishments. Seems to address double dipping by making sure total withheld can only be the total ordered. Pending Assembly Judiciary Committee.
- NJ A 4757 – Stat Administered Garnish Exemption Exceptions – Provides exceptions to garnish exemptions against benefits from State-administered pensions. Child Support is an exception. Pending – Assembly State and Local Government Committee.
- NJ AR 271 – Court Ordered Obligations Kiosks – Urges the Supreme Court to establish payment kiosks for court-ordered obligations. Pending – Assembly Judiciary Committee.



New Jersey

- NJ S 1076 – Child Support Reform Task Force – Establishes a task force on child support reform. Pending – Senate Judiciary Committee. Pending – Senate Judiciary Committee.
- NJ S 1695 – Child Support Expenses – Regulates authority to make provisions for educational expenses for unemancipated children. Pending – Senate Judiciary Committee.
- NJ A 2107 – Collection of Child Support – Clarifies procedures concerning collection of child support for children over a certain age when ordered. Physical or Mental incapacity. Pending – Assembly Judiciary Committee.
- NJ A 2299 – Offender Child Support Obligation Suspension – Directs the suspension, by operation of law, of certain offender's child support obligations. Pending – Assembly Law and Public Safety Committee.
- NJ A 2676 – Child Support Fund Disbursement – Directs portions of unclaimed child support trust fund to be used to balance certain unpaid receivables of state agency responsible for disbursement of child support, namely tax refund offset refund reversals. Pending – Assembly Judiciary Committee.
- NJ A 3035 – Insolvent Estate Child Support Judgments – Establishes separate class of claims against insolvent estates for child support judgments, modifies order for payment of claims by representative of insolvent estate. Pending – Assembly Judiciary Committee.



New York

- NY S 346 – Child Support Enforcement Program – Includes independent contractors (with more than \$2,500 in contracts) in the state directory of new hires to aid in the administration of the child support enforcement program. Enacted – 10/25/21.
- NY S 564 – Orders of Custody – Requires orders of custody to state whether law enforcement is authorized to remove a child or children in order to comply with and enforce such orders. Pending Senate Children and Families Committee.
- NY A 898 – Support Orders for Adult Children – Establishes a living allowance for adults with developmental disabilities. Enacted – 10/8/21. Also NY S 4467.
- NY A 2448 – Inmates Responsibility and Fair Wages Act – Inmates minimum wage is set at \$5.00 per week – funds can be garnished for child support. Pending – Assembly Correction Committee.
- NY S 2576 – Presumption of Shared Parenting of Minor Children – Establishes a presumption of shared parenting of minor children. Pending – Senate Children and Families Committee. Also NY A 5371.
- NY S 2586 – Social Services Districts Establishment of Paternity – Directs social services to take no action to establish paternity or child support when the applicant has established good cause to refuse to cooperate. Pending – Senate Children and Families Committee.



New York

- NY A 3041 – Debt Collection Agencies – Relates to licensed consumer debt collectors – exempts child support agency from that definition, unless that agency regularly collections non-child support, spousal support or alimony debts too. Pending – Assembly Consumer Affairs and Protection Committee.
- NY A 3063 – Support Order Violations and Jail – Eliminates the ability to commit a person to jail or place them on probation for violation of a support order. Pending – Assembly Judiciary Committee. Also NY S 7387.
- NY A 3282 – Administrative Driver’s License Suspensions – Allows an obligor the chance to have the court review an administrative license suspension. Pending – Assembly Children and Families Committee.
- NY A 3496 – Kinship Caregiver – Creates a defined class for kinship caregiver who is basically anyone with a positive prior relationship to the child and is acting as a parent for a child. Enacted – 7/16/21.
- NY A 4229 – Income Deduction – Requires employer to clearly show on pay stub where child support is deducted. Pending – Assembly Insurance Committee.



New York

- NY S 4631 – Inability to Pay Child Support as Affirmative Defense – Make this an affirmative defense rather than an element of the offense. Pending – Senate Codes Committee.
- NY S 5165 – Reduction of Child Support Obligation – Requires reduction of a support obligation by the amount of SSD the child is receiving directly.
- NY A 6425 – Deadbeats Most Wanted List and Worldwide Web Page – Establishes a deadbeats most wanted list and worldwide web page. Pending – Assembly Social Services Committee.
- NY A 6832 – Surrogacy Programs and Surrogacy Arrangements – Relates to requirements for surrogacy programs and criteria for surrogacy arrangements.
- NY S 7153 – Funds Paid to a Support Collection Unit – Funds paid to support unit that aren't able to be disbursed after 2 years of diligent locate efforts are to be paid over to the state comptroller. Pending – Senate. Also NY A 7942.
- NY A 7802 – Agreements and Stipulations of Child Support – Relates to stipulations and agreements of child support, explains when parts can be void and hearing process for them. Pending – Assembly Judiciary Committee.



New York

- NY A 7804 – Recurring Payments to the Non-Custodial Parent – Relates to recurring payments to the non-custodial parent in special circumstances involving joint or shared custody. Pending – Assembly Judiciary Committee.
- NY A 8383 – Noncompliance of Income Execution Orders – Relates to non-compliance of an employer or income payor on income executions orders, allows child support to count each failure as an instance of non-compliance. Pending – Assembly Judiciary Committee.
- NY A 8394 -- Temporary Spousal Support – Allows court to issue temporary spousal support when issuing temporary child support. Pending – Assembly Judiciary Committee.



North Carolina

- NC S 384 – Vehicle Registration Services – Streamlines the collection of overdue tolls and other overdue amounts that must be paid before a vehicle's registration is renewed. Child Support sanction is included. Pending – Senate Rules and Operations of the Senate Committee. Also NC S 384 also NC H 413.



Ohio

- OH S 17 – Supplemental Nutrition Assistance Program – Regards eligibility and requirements for SNAP, including CSUP cooperation. Pending – Senate Government Oversight and Reform Committee.
- OH H 83 – Child Support Laws – Makes changes to child support laws with regards to Caretakers. Pending – Senate.



Pennsylvania

- PA H 115 – Voluntary Acknowledgment of Parentage – Adds provisions relating to establishment of parent-child relationship for certain individuals, provides for VAP, registry of paternity, GT, proceedings to adjudicate parentage, assisted reproduction, surrogacy agreements and information about donors. Pending – House Judiciary Committee.
- PA H 1391 – Dissolution of Marriage – Proposed integrated amendments to the Constitution, provides for hearing and deciding cases on dissolution of marriage, custody, child support, spousal support, alimony, equitable division of marital property and related family law matters. Pending – House Judiciary Committee.
- PA H 1731 – Advisory Committee On Greater Fatherhood Involvement – Provides for powers and duties on the commission. Pending – House Children and Youth Committee.



Rhode Island

- RI H 5257 – Fair House Practices Act – Prohibits discrimination in house against those persons with a “lawful source of income” and defines that as CSUP, Alimony, SSI, TANF, medical or veterans assistance, house subsidiary programs, etc.... Enacted 4/15/21.
- RI S 223 – Human Services Works Program – Amends current law so that child support and arrears would be exempt from income for eligibility for State Works Program. Pending – Senate Finance Committee.
- RI S 538 – Child Support – Allows for extension of child support beyond emancipation if the children are attending 2 or 4 year college and still live with the custodial parent. Pending – Senate Judiciary Committee.
- RI S 672 – Criminal Procedure Award of Compensation Damages – Creates an action at law for a person who was wrongfully convicted. Includes a release from state owed child support debt and legal fees to address arrears due to this. -- Enacted – 7/8/21.



Rhode Island

- RI H 5308 – Support for Children – Eliminates any award of interest by the family court in any enforcement proceeding for failure to make child support payments. Pending – House Judiciary Committee.
- RI H 5378 – Child Support Intercept Act – Expands child support interception to insurance payments to include life insurance proceeds payable to the non-custodial parents who are the beneficiary of the policy. – Pending – House Judiciary Committee.
- RI H 5932 – Child Care Subsidy Eligibility – Authorizes both parents to seek financial child care benefits not just custodial parent. Pending – House Finance Committee.



South Carolina

- SC S 266 – Child Support Obligations – Relates to CSUP obligations, provided that an offender sentenced to 90 or fewer days and is employed and is able to maintain employment may serve their sentence when he's not working. Provides for wage garnishment to satisfy child support. Pending – Senate Judiciary Committee.
- SC H 3167 – Child Support Through License Revocation – Relates to child support enforcement through license revocation, changed the definition of license to exclude drivers' licenses, commercial hunting, fishing and trapping licenses and business, occupational and professional licenses. Pending – House Labor, Commerce and Industry Committee.
- SC H 3168 – Parenting Plans – Relates to parenting plans, creates a presumption that it is in the child's best interests to spend equal time with each parent, with exceptions. Court must make findings of fact if it deviates. Pending – House Judiciary Committee.
- SC H 3566 – Wrongful Imprisonment Monetary Recovery – Provides that persons who have been wrongfully convicted and imprisoned may recover monetary value of their loss, includes provision for child support and arrearages. Pending – House Judiciary Committee.
- SC H 3965 – Retroactive Child Support – authorizes the award of retroactive support in the discretion of the court. -- Pending – House Judiciary Committee.



South Carolina

- SC H 4050 – Inmate Wages Disposition – An inmate who is allowed to work but makes less than the federal minimum wage shall not have the cost for room and board deducted from their wages, however they will have up to 35% of those wages withheld for child support. Pending – House Judiciary Committee.
- SC H 4231 – Pregnancy Expenses Father Payment Requirements – Biological father must pay 50% of mother's pregnancy expenses, with exceptions. Pending – House Judiciary Committee.



Tennessee

- TN H 104 – Paternity – Increases from 60 -180 days the time limit in which to file to rescind a paternity affidavit, removes the 5 year SOL to challenge a VAP on the basis of fraud, duress or mistake. Pending – House.
- TN S 198 – Criminal Procedure – Removes the requirement that person must be current in all child support obligations to be eligible for voting rights restoration. Pending – Senate Judiciary Committee. Several others on this topic.
- TN S 274 – Child Custody and Support – Removes custody, visitation and inheritance rights of a parent convicted of statutory rape, aggravated statutory rape, statutory rape by an authority figure, or lesser included offense of rape from which crime the child was conceived. Enacted – 4/20/21.
- TN H 450 – Child Custody and Support – Removes authorization to revoke, deny, suspend or restrict driver license and professional licenses of obligors who have been certified as non-complaint as long as obligor has made one or more payments. Pending – House Civil Justice Committee.
- TN H 765 – Child Support Orders for Low Income Persons – Removes the requirement of a significant variance to provide a lower threshold for modification of support orders for low income parents, allows the IV-D office to seek a modification once aware of a change in circumstances for a party to the case. Enacted – 4/22/21.
- HB 1866 – Would allow judges the discretion to strip child custody or visitation rights from alternative residential parents or noncustodial parents who are three years or more behind on child support. Pending – Senate Judiciary Committee.
- HB 1834 – Drunk Driving – Would require a person convicted of vehicular manslaughter of a parent of a minor child to provide maintenance until the child reaches 18 or graduates from high school. The amount would be determined based on the needs of the child, the surviving parent or guardian or the State if the child is in custody of DCS. The standard of the living of the child had their parent survived would be a factor too. Passed – pending Governor approval.



Vermont

- VT H 221 – Parental Rights and Responsibilities – Creates a rebuttable presumption that shared parenting time is in the child's best interest. Pending – House Judiciary Committee.
- VT H 389 – Child Support and Disposition Hearing Process – Authorizes administrative hearings for the purposes of establishing or modifying child support orders. Pending – House Judiciary Committee.



Wisconsin

- WI A 10 – Child Support – Relates to certification of child support debt for the support lien docket and partially suspends an administrative rule by DCF to only report it at a certain threshold. Pending – Assembly State Affairs Committee. WI S 36 also.
- WI S 105 – Child Support Obligation – Calculates the child support obligation and elimination of family support. No new family support orders, existing ones may still run these are orders that combine support and maintenance in one order. Enacted – 5/21/21.
- WI S 104 – Exclusion of Certain Military Allowances – Excludes certain military allowances from income or purposes of calculating child support. Excludes area variable house costs from income. Pending – Assembly.



Resource for State Bills Research

National Conference of State Legislatures

<http://www.ncsl.org/research/human-services/child-support-and-family-law-database.aspx>



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