



**ERICSA 62ND ANNUAL
TRAINING CONFERENCE & EXPOSITION**

MAY 18-22, 2025

NORFOLK

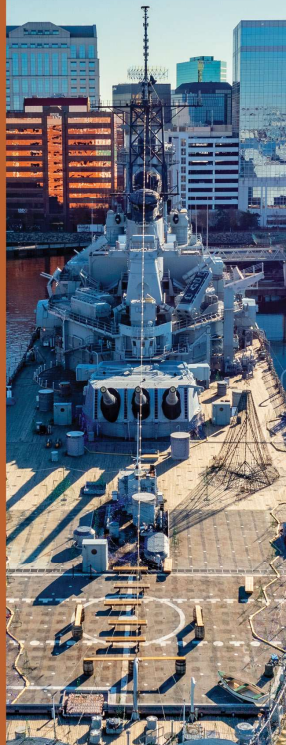
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Intergovernmental Case Law Update

Ethan C. McKinney, JD
Child Support Leader
AWS - State and Local Government

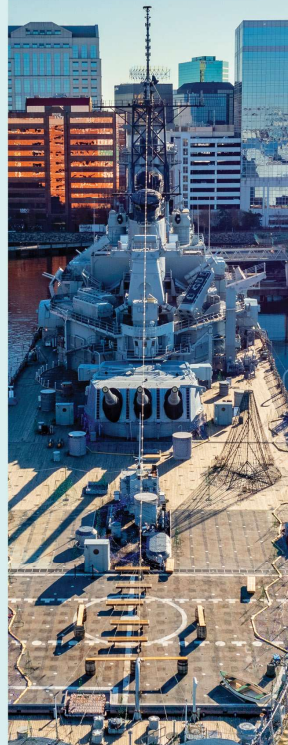


In this session, we will discuss recent appellate decisions from around the country related to the Uniform Interstate Family Support Act (UIFSA) and the Full Faith and Credit for Child Support Act (FFCCSOA). We will focus on cases where one tribunal is enforcing or modifying another tribunal's order. We will also review any case that has broad application across the IV-D program and review new or pending legislation to highlight national trends. Written materials will provide a comprehensive review of related decisions issued within the past year.



WHITTON v. WHITTON (NKA PETERSON), Nos. WD86940, WD86952. Court of Appeals of Missouri, Western District, Third Division. February 19, 2025

- Mother (Heather Whitton/Peterson) and Father (Jon Whitton) were divorced in 2014 in Kansas, with the children residing with Mother.
- Father was ordered to pay \$1,413/month in child support, later increased to \$2,155/month in 2017.
- In 2020, Father filed a motion to modify child support in Kansas.
- The case was eventually transferred to Missouri in 2022.
- The Missouri court retroactively modified Father's child support to \$1,044-\$1,138/month starting June 2021.
- Mother filed a motion for contempt for Father's failure to pay \$28,530.25 in child support arrearage.
- The court found Father in willful contempt but did not hold him in contempt, citing his "good cause" belief that the arrearage would be eliminated.



WHITTON v. WHITTON (NKA PETERSON), Nos. WD86940, WD86952. Court of Appeals of Missouri, Western District, Third Division. February 19, 2025

- The court erred in making the modification retroactive to June 2021 instead of the date Father's Missouri motion was served (November 2022).
 - Father registered his case under UEFJA instead of UIFSA and UEFJA does not allow for the transfer of pending matters.
 - The only valid modification motion was the one father filed in 2022.
- The court erred in finding "good cause" based on Father's belief, as true "good cause" requires an inability to pay.
- The court's denial of attorney's fees to Mother was also reversed.
- The case was remanded to the trial court to:
 - Modify child support retroactively only to November 2022
 - Reconsider the contempt motion
 - Award reasonable attorney's fees to Mother if appropriate.



**IN THE MATTER OF MARIA CRISTINA JARERO PENICHET
AND KENNETH CORROON**, No. 2023-0678 Supreme
Court of New Hampshire. February 7, 2025 2025 N.H. 8

- This case dealt with the enforcement of a child support order from a Mexican court in New Hampshire under the Uniform Interstate Family Support Act (UIFSA).
- The mother filed for child support from the father in a Mexican court, which entered a temporary support order.
- The father contested the registration and enforcement of the Mexican order in New Hampshire, arguing the Mexican court lacked personal jurisdiction over him.
- The mother argues that by executing a formal stipulation "providing for his son to live in Mexico, and having no child support agreement in place, [the father] should have anticipated a child support action being brought in Mexico, where his child and [the mother] live.
- The New Hampshire court agreed with the father, finding he did not have sufficient minimum contacts with Mexico to justify the Mexican court's exercise of personal jurisdiction.



**IN THE MATTER OF MARIA CRISTINA JARERO PENICHET
AND KENNETH CORROON**, No. 2023-0678 Supreme
Court of New Hampshire. February 7, 2025 2025 N.H. 8

- The court applied the due process requirements for personal jurisdiction, finding the father did not purposefully avail himself of Mexico's laws and protections.
- Father never moved to Mexico, does not own property in Mexico or do business in Mexico and had not been to Mexico since 2017 for the child's baptism.
- The mere fact the mother and child moved to Mexico after the parties' custody agreement did not confer jurisdiction over the father in Mexico.
- The court denied the mother's request to reopen the record after the initial hearing, finding she did not show why the new information could not have been presented earlier.
- The New Hampshire court affirmed its decision to deny registration and enforcement of the Mexican child support order.



**JULIUS PHILLIPS, Plaintiff, v. SCHENECTADY CHILD
SUPPORT UNITE, et al.**, Defendants. No. 1:24-CV-853
(BKS/PJE) United States District Court, N.D. New York.
March 24, 2025

- Plaintiff Julius Phillips filed a pro se complaint against various state and local government entities and officials related to an ongoing child custody/support case.
- Phillips appears to be challenging a state court child support order and garnishment of his wages.



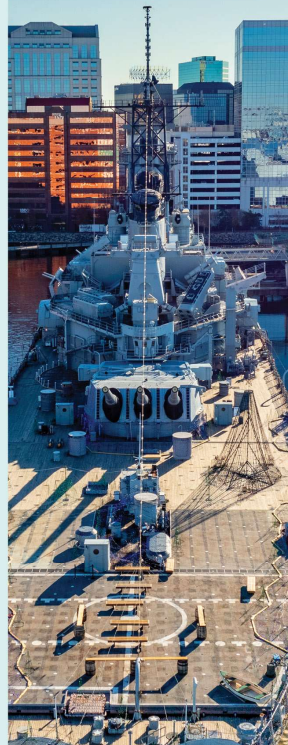
**JULIUS PHILLIPS, Plaintiff, v. SCHENECTADY CHILD
SUPPORT UNITE, et al.**, Defendants. No. 1:24-CV-853
(BKS/PJE) United States District Court, N.D. New York.
March 24, 2025

- The court found the Rooker-Feldman doctrine bars the federal court from reviewing and rejecting the state court's child support order and judgment.
 - Phillips "lost in state court" and is complaining of injuries caused by the state court judgment.
- The court also found the Younger abstention doctrine requires it to abstain from interfering in the ongoing state court child custody/support proceedings.
 - These proceedings implicate important state interests and Phillips has an adequate opportunity to raise his federal claims in state court.



JULIUS PHILLIPS, Plaintiff, v. SCHENECTADY CHILD
SUPPORT UNITE, et al., Defendants. No. 1:24-CV-853
(BKS/PJE) United States District Court, N.D. New York.
March 24, 2025

- The court found the defendants, as state agencies and officials, are entitled to sovereign immunity under the 11th Amendment.
 - Claims for damages against them in their official capacities are barred.
- The court found the child's attorney is not a state actor, so Phillips cannot pursue a § 1983 claim against her.
- The court determined Phillips cannot bring a private cause of action under the Federal Consumer Credit Protection Act, which is enforced solely by the Department of Labor.
- The court recommended dismissing Phillips' complaint in its entirety without prejudice and without leave to amend, as the issues cannot be cured through better pleading.



ROBERT MAURICE JONES, Plaintiff, v. MAHONING COUNTY CHILD SUPPORT ENFORCEMENT AGENCY, et al., Defendants. No. 4:24-CV-1908. United States District Court, N.D. Ohio, Eastern Division. February 6, 2025

- Case out of Cuyahoga County. Plaintiff Robert Maurice Jones filed a pro se complaint against various state and county agencies, judges, and attorneys related to his child support obligations and consequences for non-payment.
- As of 2010, Jones owed over \$12,000 in child support arrearages to three different women and the Ohio Department of Jobs and Family Services.
- In 2010, a criminal action was initiated against Jones for non-payment of child support, and he was sentenced to 5 years of community control.
- Jones' license was suspended for non-payment of child support, and in 2021 he was denied a passport due to over \$5,000 in child support arrearages.
- In 2024, the Probate Court allowed Jones' portion of his father's estate to be garnished to pay child support arrearages.



ROBERT MAURICE JONES, Plaintiff, v. MAHONING COUNTY CHILD SUPPORT ENFORCEMENT AGENCY, et al., Defendants. No. 4:24-CV-1908. United States District Court, N.D. Ohio, Eastern Division. February 6, 2025

- The court found it lacks subject matter jurisdiction to overturn the state court child support orders under the Rooker-Feldman doctrine.
- The court held res judicata bars Jones from re-litigating issues already decided in the prior state court proceedings.
- The court found the judges, prosecutors, and state agencies/officials are entitled to absolute/sovereign immunity from Jones' § 1983 claims.
- The court determined Jones failed to state a plausible claim for a violation of his constitutional rights, including his right to travel.
- The court dismissed Jones' complaint in its entirety without prejudice for lack of subject matter jurisdiction.



C.M., Petitioner, v. S.J., Respondent. No. 2024-51653.
Family Court, Kings County. September 24, 2024. 2024
NY Slip Op 51653(U).

- In 2015, the mother (C.M.) filed a paternity petition alleging S.J. was the biological father of the child.
- In 2016, a Support Magistrate issued an order of filiation declaring S.J. was the father, but the order was later vacated after S.J. filed objections.
- In 2021, the mother filed a new child support proceeding against S.J. under the Uniform Interstate Family Support Act (UIFSA).



C.M., Petitioner, v. S.J., Respondent. No. 2024-51653.
Family Court, Kings County. September 24, 2024. 2024
NY Slip Op 51653(U).

- During a 2016 court appearance, a man (later identified as the mother's husband, J.W.) was observed with the child, and the child referred to him as "daddy" multiple times.
- The mother married J.W. in 2016, and they have resided together in South Carolina with the child since then.
- The child refers to J.W. as "daddy," and J.W. functions as the child's father, taking her to appointments, helping with homework, etc.
- The mother and J.W. explained to the child that S.J. is her biological father, and the child has developed a relationship with S.J.'s daughter.



C.M., Petitioner, v. S.J., Respondent. No. 2024-51653.
Family Court, Kings County. September 24, 2024. 2024
NY Slip Op 51653(U).

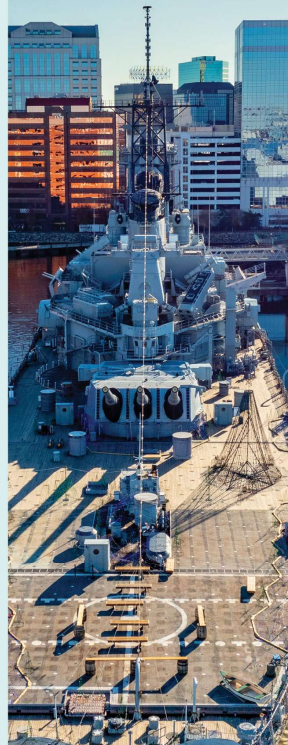
- The court evaluated whether the doctrine of equitable estoppel should preclude the determination of S.J.'s biological paternity.
- The court found S.J. established the mother acquiesced in the child's close relationship with J.W. as a father figure.
- However, the court determined S.J. failed to show the child would suffer harm if S.J. was determined the biological father, given the child's existing knowledge and relationships.
- Therefore, the court ordered DNA testing to determine S.J.'s paternity, finding equitable estoppel did not apply despite the child's strong relationship with the mother's husband.



STATE OF WISCONSIN ONEIDA COUNTY CHILD SUPPORT AGENCY, Plaintiff, v. ORION A. LOGALBO, Defendant.

No. 24-cv-278-wmc. United States District Court, W.D. Wisconsin. July 3, 2024

- The Wisconsin Oneida County Child Support Agency filed a civil case against Orion Logalbo.
- The court previously remanded the case to state court for lack of federal subject matter jurisdiction.
- Logalbo filed a motion for reconsideration of the remand order.
- Logalbo argued the court has jurisdiction over this child support dispute under:
 - Section 460 of the Social Security Act
 - The Uniform Interstate Family Support Act (UIFSA) and the Hague Convention



STATE OF WISCONSIN ONEIDA COUNTY CHILD SUPPORT AGENCY, Plaintiff, v. ORION A. LOGALBO, Defendant.
No. 24-cv-278-wmc. United States District Court, W.D. Wisconsin. July 3, 2024

- The court rejected Logalbo's arguments, reaffirming that child support disputes are "one of the matters most clearly allocated to the state courts in our federal system."
- The court found Logalbo did not identify any manifest errors of law or fact in the court's prior conclusion that it lacks subject matter jurisdiction.
- The court dismissed Logalbo's general arguments about "sovereign citizens" and claims against the judge as unsupported.
- The court denied Logalbo's motion for reconsideration, reiterating that his remedy, if any, must be pursued in state court.
- The court emphasized its federal jurisdiction is limited, and child support matters fall within the jurisdiction of state courts.



HANNAH O. EDWARD v. OYEKUNLE S. OYELAKIN

Appellant. No. 2144 EDA 2023. No. J-A10045-24.
Superior Court of Pennsylvania. December 4, 2024.

- Memorandum Opinion – Do not cite.
- Child was born in 2010 to mother (Hannah O. Edward) and father (Oyekunle S. Oyelakin), who were not married. Child born in Pennsylvania.
- In 2020, mother and Child now reside in Ireland, filed a child support complaint against father under the Uniform Interstate Family Support Act (UIFSA).
- An interim child support order was entered requiring father to pay \$1,156.76 per month.



HANNAH O. EDWARD v. OYEKUNLE S. OYELAKIN

Appellant. No. 2144 EDA 2023. No. J-A10045-24.
Superior Court of Pennsylvania. December 4, 2024.

- In 2022, father filed a petition to amend the child's birth certificate, alleging mother used a false identity of "Olusola Hannah Edward."
- After a hearing, the court dismissed father's petition, finding mother's name on the birth certificate was her legal name.
- Father did not appeal the dismissal of his birth certificate petition.



HANNAH O. EDWARD v. OYEKUNLE S. OYELAKIN

Appellant. No. 2144 EDA 2023. No. J-A10045-24.
Superior Court of Pennsylvania. December 4, 2024.

- The court found the doctrine of collateral estoppel precluded father from re-litigating the issue of mother's alleged false identity in the child support case.
- The court determined father had a full and fair opportunity to present evidence on the identity issue in the prior birth certificate case.
- The court rejected father's argument that his pro se status in the prior case denied him due process, stating pro se litigants are held to the same standards.
- Genetic testing confirmed father's paternity, and the court ordered the birth certificate amended and child support payments to mother.



In re the Marriage of: Jessica Suzanne Cross, petitioner, Respondent, v. Joseph Drew Cross, Appellant. No. A24-0477. Court of Appeals of Minnesota. November 12, 2024.

- Jessica Cross (mother) and Joseph Cross (father) were previously married and have 3 minor children.
- In 2019, the court ordered father to pay \$1,032 per month in child support based on the parties' stipulated incomes.
- In 2021, father moved to modify the child support order.



In re the Marriage of: Jessica Suzanne Cross, petitioner, Respondent, v. Joseph Drew Cross, Appellant. No. A24-0477. Court of Appeals of Minnesota. November 12, 2024.

- Father reported he now works for a nonprofit and took a "vow of poverty," reducing his income.
- Father also disclosed earnings from his self-employment as a personal trainer and a housing allowance.
 - His income was calculated based on personal training income, veteran benefits and housing allowance.
- Mother did not provide updated financial information, so the court used her prior potential income of \$3,333/month.
- The court modified father's child support to \$408/month based on the updated financial information.
- Mother later moved to further modify child support, citing a change in circumstances.



In re the Marriage of: Jessica Suzanne Cross, petitioner, Respondent, v. Joseph Drew Cross, Appellant. No. A24-0477. Court of Appeals of Minnesota. November 12, 2024.

- The court did not abuse discretion in declining to deduct father's claimed vehicle expenses from his self-employment income.
- The court properly included father's overtime/self-employment earnings in calculating his gross income.
- However, the court erred in calculating mother's gross income by disregarding her income from the jointly operated Graydon Home LLC business.
- The court's findings were insufficient to determine if mother was voluntarily underemployed.
- The appellate court affirmed the child support calculation for father but reversed and remanded for the court to properly consider mother's income from the joint business.



Clinton Frederick Bravo, Petitioner, v. Anne-Marie Josephine Johnson, f/k/a Anne-Marie Josephine Donlan, Respondent. No. 1D2024-1057. Florida Court of Appeals, First District. November 13, 2024.

- The parties, Australian citizens, have an 18-year-old daughter.
- In 2010, an Australian court awarded the parties equal timesharing and incorporated a child support agreement.
- In 2018, the Australian court allowed the mother and daughter to permanently relocate to the U.S., terminating the child support agreement.



Clinton Frederick Bravo, Petitioner, v. Anne-Marie Josephine Johnson, f/k/a Anne-Marie Josephine Donlan, Respondent. No. 1D2024-1057. Florida Court of Appeals, First District. November 13, 2024.

- After relocating to the U.S., the mother and daughter moved to Florida without informing the father in Australia.
- This prevented the father from exercising his timesharing rights under the 2018 Australian order.
- In 2019, the father registered the 2018 Australian timesharing order in Florida under the UCCJEA to enforce his rights.
- In 2020, the mother filed a petition in Florida seeking to modify timesharing and child support.



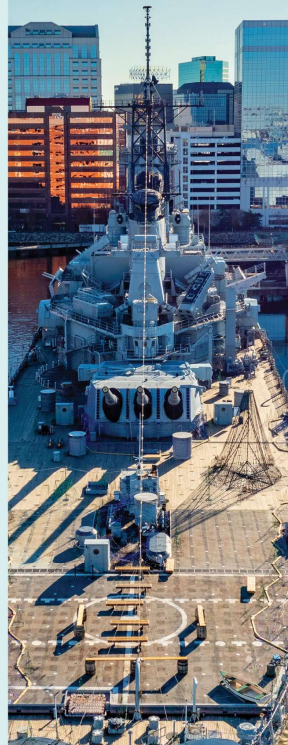
Clinton Frederick Bravo, Petitioner, v. Anne-Marie Josephine Johnson, f/k/a Anne-Marie Josephine Donlan, Respondent. No. 1D2024-1057. Florida Court of Appeals, First District. November 13, 2024.

- The Florida court lacks jurisdiction to modify the Australian child support order under the Uniform Interstate Family Support Act (UIFSA).
- The Australian court retained continuing, exclusive jurisdiction over the child support order, and the mother did not allege the Australian court lacked or refused jurisdiction.
- The father properly and timely raised the jurisdictional challenge, which the Florida court is required to recognize.
- The Florida appellate court granted the father's petition for writ of prohibition, directing the trial court to dismiss the mother's petition to modify the Australian child support order.



In the Matter of Valerie O'Connor, appellant, v. Kenneth Shaw, respondent. Nos. 2022-07346, 2022-07348, Docket No. F-11125-19. Supreme Court of New York, Second Department. December 4, 2024. 2024 NY Slip Op 06046

- The parties divorced in Colorado in 2018 and had a child support order under Colorado law.
- In 2018, the parties and their children relocated from Colorado to New York.
- In 2020, the mother filed a petition in New York to modify the Colorado child support order.



In the Matter of Valerie O'Connor, appellant, v. Kenneth Shaw, respondent. Nos. 2022-07346, 2022-07348, Docket No. F-11125-19. Supreme Court of New York, Second Department. December 4, 2024. 2024 NY Slip Op 06046

- The Colorado child support order required the parties to recalculate child support annually under Colorado law.
- After a hearing, the New York support magistrate applied Colorado law and increased the father's child support obligation to \$1,544.29 per month.
- The mother objected, arguing the New York court should have applied New York law in recalculating the support.



In the Matter of Valerie O'Connor, appellant, v. Kenneth Shaw, respondent. Nos. 2022-07346, 2022-07348, Docket No. F-11125-19. Supreme Court of New York, Second Department. December 4, 2024. 2024 NY Slip Op 06046

- Under the Uniform Interstate Family Support Act (UIFSA), the Colorado no longer had continuing, exclusive jurisdiction over the child support order. Both parties and the children reside in NY and the Colorado order was registered in NY.
- When the parties and child relocated to New York, the New York court was required to apply New York's procedural and substantive law in modifying the Colorado order.
- The New York court erred by applying Colorado law instead of the New York Child Support Standards Act in recalculating the father's support obligation.
- The appellate court reversed the New York court's order and remanded for recalculation of the father's child support under New York law.



Kyle Hart v. Johanna Swift. No. 24-AP-086. Supreme Court of Vermont. October 11, 2024.

- The parties were divorced in Massachusetts in 2018 pursuant to a separation agreement.
- The agreement ordered the husband to pay the wife \$1,050 per week in indefinite spousal support.
- The children were 15 and 18 at this time and the parties agreed that neither party shall pay child support to the other.
- In 2023, the husband moved to register the Massachusetts divorce order in Vermont and sought to modify the spousal support.



Kyle Hart v. Johanna Swift. No. 24-AP-086. Supreme Court of Vermont. October 11, 2024.

- The parties' separation agreement stated it was governed by Massachusetts law and that Massachusetts courts would have exclusive jurisdiction.
- Under the Uniform Interstate Family Support Act (UIFSA), Vermont courts lack jurisdiction to modify a spousal support order issued by another state that has continuing, exclusive jurisdiction.
- Massachusetts law gives the issuing Massachusetts court continuing, exclusive jurisdiction to modify the spousal support order.
- The parties' separation agreement also explicitly stated Massachusetts courts would have exclusive jurisdiction over the agreement.
- The Vermont Supreme Court affirmed the dismissal of the husband's motion to modify the Massachusetts spousal support order for lack of jurisdiction.



TIFFINI PATERAS, Plaintiff and Respondent, v. THOMAS ARMENTA, Defendant and Appellant; SANTA BARBARA COUNTY DEPARTMENT OF CHILD SUPPORT SERVICES, Intervener and Respondent. 2d Civ. No. B336065. California Court of Appeals, Second District, Sixth Division. February 27, 2025

- Thomas and Tiffini had a five year relationship and one child, did not marry and separated in 2017. Thomas is a “Chumash Descendent.”
- Thomas Armenta appealed child support and attorney fee orders in favor of Tiffini Pateras, the mother of his child.
- Key issue: Whether Armenta's \$5,000 monthly payments from the Santa Ynez Band of Chumash Indians' general welfare program should be considered as income for calculating his child support obligations.



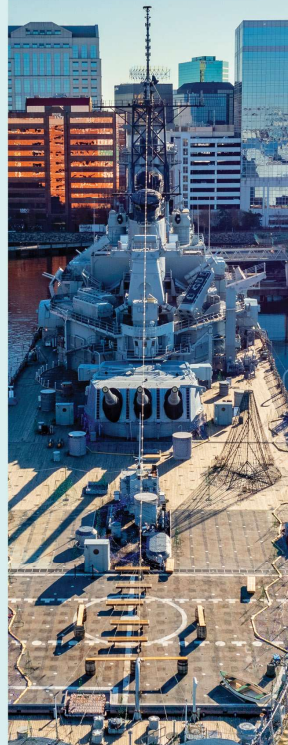
TIFFINI PATERAS, Plaintiff and Respondent, v. THOMAS ARMENTA, Defendant and Appellant; SANTA BARBARA COUNTY DEPARTMENT OF CHILD SUPPORT SERVICES, Intervener and Respondent. 2d Civ. No. B336065. California Court of Appeals, Second District, Sixth Division. February 27, 2025

- Tribal welfare payments can be considered as income for child support, even if they are not taxable under federal law. (Conflicts with other cases, see Rush v. Calac).
- The statutory exception for "need-based public assistance" programs is narrow and does not apply to Armenta's tribal payments, as he did not demonstrate they were based on financial need.
- The court found Armenta, who earns \$114,000 annually, did not prove the tribal payments were restricted to low-income tribal members. He argued he wasn't given an evidentiary hearing but the record was clear that he was given that opportunity.
- The court's decision did not conflict with federal law or the sovereignty of the Chumash tribe because the court was not telling the tribe how to regulate or classify its property and was not exercising any authority over the tribe, merely over the parties before it in California Court.



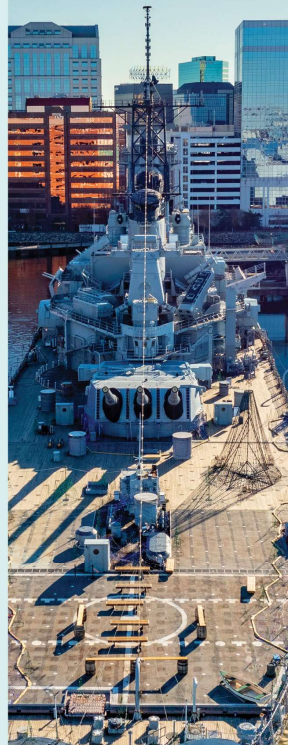
Joseph C. Dickerson, Jr., Appellant-Respondent v. Genya Toney, Appellee-Petitioner and State of Indiana, Appellee-Intervenor No. 24A-RS-1492. Court of Appeals of Indiana. March 3, 2025.

- Joseph C. Dickerson, Jr. (Father) and Genya Toney (Mother) have a child together, A.D.T. Both were living in PA.
- Father at some point moved to Marion County, IN.
- Mother opened a case in Philadelphia PA and they sent a UIFSA to MCPO.
- In 2014, an Indiana court ordered Father to pay \$139/week in child support under the Uniform Interstate Family Support Act (UIFSA) and to make all payments through the Indiana State Central Collection Unit (INSCCU).
- After the order was established, the parents discussed a private agreement where Father would pay Mother directly.
- The Pennsylvania IV-D Office sent a Transmittal 2 to MCPO to terminate the support order, citing Mother's request, and requesting an updated arrears balance. They later certified a \$0 arrearage.
- Father continued to make payments to INSCCU and PA started returning his payments to him.
- The Pennsylvania IV-D Office sent a second Transmittal 2 to MCPO to terminate the support order, citing Mother's request, and certified \$0 arrears.



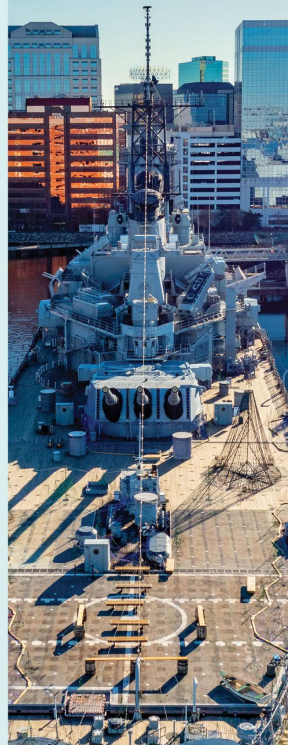
Joseph C. Dickerson, Jr., Appellant-Respondent v. Genya Toney, Appellee-Petitioner and State of Indiana, Appellee-Intervenor No. 24A-RS-1492. Court of Appeals of Indiana. March 3, 2025.

- Father believed the support order had been terminated and he started paying Mother directly. He paid most years between 2014 and 2022 and MCPO took no enforcement actions.
- In 2021, Mother opened a new CSUP action in Delaware County, PA and they sent a request to MCPO to provide copies of the orders from 2014.
- In 2022, MCPO resumed enforcing the original 2014 Indiana support order, claiming over \$56,000 in arrears, issued IWO and submitted the debt to tax offset and credit bureaus.
- Father filed to modify support, recalculate arrears and argued there was no support order in effect so should be no arrears.
- The trial court initially agreed with father, found that order was terminated as of 10/16/14 and that father's wages and tax refunds were improperly withheld and emancipated the child at 18 under PA law.



Joseph C. Dickerson, Jr., Appellant-Respondent v. Genya Toney, Appellee-Petitioner and State of Indiana, Appellee-Intervenor No. 24A-RS-1492. Court of Appeals of Indiana. March 3, 2025.

- MCPO filed a motion to correct error alleging the court misinterpreted the legal effect of the transmittals and that Indiana support order can run until 19.
- The court granted the states motion finding the IN order was the only valid order and enforceable from when it began on 8/28/14 until the child's 19th birthday, his arrearage was not \$0 and father was to be given credit for all payments made through INSCCU and made directly to mother. Father appealed.
- The parties testimony differed – father that they decided to terminate support and mother that she accepted that father could pay her what he could directly and she would withdraw her request with the IV-D office but she never intended to terminate the support.
- The appellate court found:
 - The Indiana support order remained valid and enforceable under UIFSA
 - The parents could not privately terminate or modify the order without court approval
 - The trial court did not abuse discretion in granting the State's motion to correct error and denying Father's motion for relief.



Santina Stone v. Dale Henneke (Office of Child Support, Appellant) No. 23-AP-254. Supreme Court of Vermont. 2024 VT 26. May 3, 2024.

- Mother and father were previously married and lived in Canada with their child.
- In 2010, a Canadian court ordered father to pay \$1003 CAD per month in child support and \$2250 CAD per month in spousal support.
- The order did not specify how to do currency conversion, even though they knew Mother would be moving to Vermont.
- After mother and child moved to Vermont, father moved to New Mexico and the Ontario support agency stopped providing services to mother and she requested services from VT OCS.
- The Vermont Office of Child Support (OCS) did not register the order, but began collecting the support payments from father administratively.
- OCS used the Bank of Canada exchange rate in effect on 2/23/10 the date of the CA order to convert from CAD to USD.



Santina Stone v. Dale Henneke (Office of Child Support, Appellant) No. 23-AP-254. Supreme Court of Vermont. 2024 VT 26. May 3, 2024.

- From 11/13 to 4/17, OCS Collected \$3,093.08 USD per month from father and when spousal order terminated collected \$953.69 USD per month.
- OCS did not adjust the amounts based on fluctuations in the exchange rate and father never objected to the amounts or sought to modify the order.
- In October 2020, OCS filed to register the order to modify it to zero because the child no longer was living with mother and to adjudicate an arrearage that built up when father missed some payments in 2018 and 2019 and made partial payments for several months.
- Father objected to the amounts alleging they should have used the exchange rate in effect at each payment.



Santina Stone v. Dale Henneke (Office of Child Support, Appellant) No. 23-AP-254. Supreme Court of Vermont. 2024 VT 26. May 3, 2024.

- The Magistrate held it was permissible to use the exchange rate on the date of the CA order.
- However, after considering case law from other states, OCS should recalculate the arrears using the exchange rate on the first day of each year and directed OCS to submit an updated arrearage figure.
- OCS submitted the new calculation which showed instead of owing arrears, father was overpaid \$11,892.13 USD and court ordered mother should pay that back to father.
- Everyone appealed – father wanted conversion on each payment, mother and OCS that this created an impermissible retroactive modification.



Santina Stone v. Dale Henneke (Office of Child Support, Appellant) No. 23-AP-254. Supreme Court of Vermont. 2024 VT 26. May 3, 2024.

- The Vermont family division had discretion under the Uniform Interstate Family Support Act (UIFSA) to use a different currency conversion method than OCS when calculating arrears as no one had asked for the order to be registered before.
- The court could convert the amounts using the exchange rate in effect each year, rather than the rate on the date of the original order.
- This allowed the court to account for fluctuations in the exchange rate and arrive at a more equitable calculation of arrears.
- However, the court erred in ordering the mother to repay father for the overpayment resulting from the recalculation, as the overpayment should have been deemed a gratuity to the child.



GABRIELA CAVALCANTI LYRA, Plaintiff-Appellee, v. JUSTIN KYLE KING, Defendant-Appellant. No. 369216.
Court of Appeals of Michigan. February 19, 2025.

- Gabriela Cavalcanti Lyra, who lives in Brazil, sought child support from Justin Kyle King, who lives in Michigan, for their child LCK born in Brazil.
- Lyra filed an application under the Uniform Interstate Family Support Act (UIFSA), supported by a Brazilian birth certificate listing King as the father.
- King denied paternity and requested a paternity determination, but the trial court ordered him to pay child support based solely on the birth certificate.
- Separately King filed his own paternity action alleging he was the father of LCK.



GABRIELA CAVALCANTI LYRA, Plaintiff-Appellee, v. JUSTIN KYLE KING, Defendant-Appellant. No. 369216.
Court of Appeals of Michigan. February 19, 2025.

- The plaintiff argued that he couldn't challenge paternity b/c it had already been established by law.
- The trial court was empowered to enter a support order only after a finding that a duty to support existed.
- The trial court accepted plaintiff's contention that the man's name on the birth certificate in Brazil was legal parentage.
- The trial court did not require plaintiff to provide any proof for this contention.



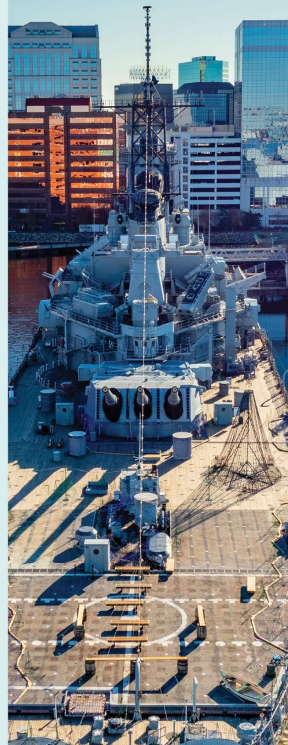
GABRIELA CAVALCANTI LYRA, Plaintiff-Appellee, v. JUSTIN KYLE KING, Defendant-Appellant. No. 369216.
Court of Appeals of Michigan. February 19, 2025.

- The trial court erred by ordering child support based only on the birth certificate, without requiring proof that King's paternity was legally established under Brazilian law.
- Under the UIFSA, the trial court was required to apply Michigan law, which places the burden on the party asserting paternity to prove it was legally determined.
- Merely listing King's name on the birth certificate, without more, was insufficient to establish his duty of support under Michigan law.
- The case was remanded for the trial court to properly determine whether King's paternity was established under Brazilian law, or to allow King to challenge paternity.



MALCOLM MARCUS HART, Plaintiff, v. OFFICE OF THE ATTORNEY GENERAL - CHILD SUPPORT DIVISION, Defendant. No. 24-CV-3123 (LTS) United States District Court, S.D. New York. July 31, 2024.

- Plaintiff Malcolm Marcus Hart sues the Child Support Division of the New York Attorney General's Office.
- Asserts claims under 42 U.S.C. § 1983.
- He appeared *in forma pauperis* and used a form document for his filing.
- In the box on the form he states that he wants to terminate his child support case, remove liens, and obtain reimbursement for past payments.
- In the “Summary of Events” box he wrote:
 - Plaintiff alleges that he mailed Bronx County Family Court Support Magistrate Joel Serrano a “Notice of Acceptance Honor” and a “Notice of Non-response and Opportunity to Cure.” [2] (Id. at 11.) Serrano, however, “refused to send the confirmation that the accounts for [Plaintiff’s Family Court case] has been adjusted and settled, nor a notice of dishonor f[rom] a qualified third party excusing his refusal” in the 10 days that Plaintiff gave Serrano to respond. (Id.) Plaintiff alleges that “through [Serrano’s] non-response,” Serrano “thereby agree[d] thro[ugh] silence (acquiescence) that the judgment [in Plaintiff’s case] has been satisfied, released, or discharged” and that the “agency [Serrano] represents has no capacity to pursue collection on said account and us hereby estopp[ed].” (Id. at 11-12.) Plaintiff makes similar allegations with respect to Bronx Family Court Judge Sarah P. Cooper. (See id. at 14-15.)



MALCOLM MARCUS HART, Plaintiff, v. OFFICE OF THE ATTORNEY GENERAL - CHILD SUPPORT DIVISION, Defendant. No. 24-CV-3123 (LTS) United States District Court, S.D. New York. July 31, 2024.

- Claims against state agency dismissed based on Eleventh Amendment immunity
- Court abstains from intervening in plaintiff's pending state court child support proceedings under Younger abstention doctrine
- Claims seeking to overturn state court child support orders dismissed under Rooker-Feldman doctrine - federal court lacks jurisdiction to review and reject state court judgments
- Court denies leave to amend, finding defects in complaint are incurable
- Court warns plaintiff that further meritless litigation challenging state child support proceedings may result in filing restrictions



Kristin Ann Tix, n/k/a Kristin Ann McGowan, Plaintiff, v. Robert William Tix, Defendant. No. 24-cv-1824 (KMM/ECW) United States District Court, D. Minnesota. November 26, 2024

- Kristin Tix (non-tribal member) and Robert Tix (Prairie Island Mdewakanton Dakota Indian Community) (PIIC) were married and had 3 children, all tribal members.
- They lived off the tribal reservation during their marriage.
- They supported their family with Robert's income which came from tribal per capita payments. \$198,000 in 2021 and \$172,000 in 2022.
- Both parties filed for divorce, Robert in tribal court and Kristin in state court.
- Roberts moved to dismiss the state court action and the state court deferred to tribal court and stayed all proceedings.
- Kristin moved to dismiss in tribal court but the tribal court asserted jurisdiction over the divorce proceedings.



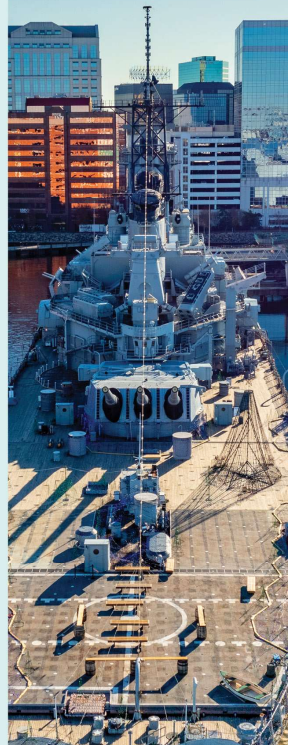
Kristin Ann Tix, n/k/a Kristin Ann McGowan, Plaintiff, v. Robert William Tix, Defendant. No. 24-cv-1824 (KMM/ECW) United States District Court, D. Minnesota. November 26, 2024

- Kristin twice tried to appeal the state court's decision transferring jurisdiction to tribal court.
- Tribal Court held an evidentiary hearing over 4 days and found:
 - Kristin was not entitled to spousal, as Robert's only income was the per capita and there is a provision in the PIIC judicial code prohibits using per capita to set spousal orders.
 - Robert was required to pay monthly child support to Kristin.
 - Parenting time was to be equal.
- Kristin appealed the Tribal Court's final order and the order denying her motion to dismiss to the PIIC court of appeals.



Kristin Ann Tix, n/k/a Kristin Ann McGowan, Plaintiff, v. Robert William Tix, Defendant. No. 24-cv-1824 (KMM/ECW) United States District Court, D. Minnesota. November 26, 2024

- The PIIC Tribal Court of Appeals issued an order affirming both decisions.
 - It denied her argument for lack of personal jurisdiction over her and subject matter over the dispute because she is not a member of the tribe and never lived on tribal land.
 - It based this decision on Kristin's voluntary decision to marry a Tribal member, her numerous contacts with the PIIC.
 - Further that as a sovereign nation the Tribe had the power to exercise jurisdiction over its member's domestic relations and federal law did not preclude it from deciding this case.
- Dissatisfied with that finding, Kristin filed this action alleging the Tribal Court exceeded the lawful limits of its jurisdiction and seeking to find those orders null and void and enjoin Robert from seeking to enforce them in tribal or state courts.



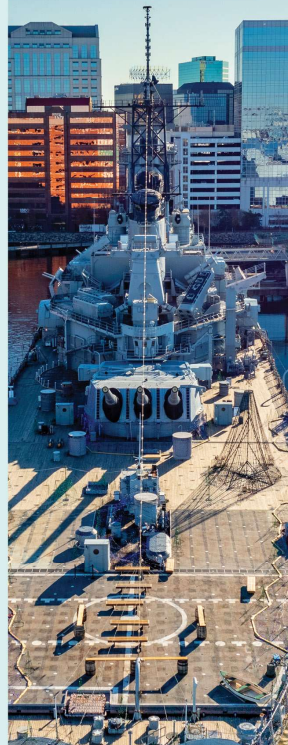
Kristin Ann Tix, n/k/a Kristin Ann McGowan, Plaintiff, v. Robert William Tix, Defendant. No. 24-cv-1824 (KMM/ECW) United States District Court, D. Minnesota. November 26, 2024

- The federal district court found that the tribal court properly exercised jurisdiction over the divorce proceedings under the first Montana exception:
 - Kristin had entered into a consensual relationship with a tribal member through her marriage to Robert
 - Kristin could reasonably anticipate the tribal court exercising jurisdiction given her contacts with the tribe (e.g. receiving tribal benefits, children's tribal membership)
- The district court rejected Kristin's arguments that the tribal court lacked personal jurisdiction over her as a non-member
- The district court denied Kristin's motion for summary judgment and granted summary judgment to Robert, upholding the tribal court's jurisdiction and orders.



LESLIE J. TORGERSON, Plaintiff and Appellant, v. TERRI A. TORGERSON, Defendant and Appellee. No. 30046-r-JMK.
Supreme Court of South Dakota. August 21, 2024. 2024 S.D. 50

- Leslie and Terri were married, with Terri being an enrolled member of the Sisseton Wahpeton Oyate (SWO) tribe and Leslie being a non-Indian.
- They lived in Sisseton, South Dakota, on fee land within the original boundaries of the Lake Traverse Indian Reservation.
 - The Supreme Court disestablished the Lake Traverse Reservation through an act of Congress in 1891. See: DeCoteau v. District County Court, 420 US 425. 1975.
- Between 1994 and 2004, the couple owned and operated Dakota Sioux Fuel and Propane, Inc., which was incorporated under Terri's name and held a tribal charter.
- During its operation, the corporate conducted business with SWO and had some involvement in the tribal court system.
- The corporation was dissolved on July 1, 2004 and since then Leslie has not conducted business with SWO or on SWO's tribal lands.



LESLIE J. TORGERSON, Plaintiff and Appellant, v. TERRI A. TORGERSON, Defendant and Appellee. No. 30046-r-JMK.
Supreme Court of South Dakota. August 21, 2024. 2024 S.D. 50

- Terri filed for divorce in the SWO tribal court, while Leslie filed for divorce in state court in Roberts County.
- Leslie challenged the tribal court's jurisdiction, but the tribal court denied his motion, finding it had jurisdiction.
 - Leslie is not an SWO member but his wife and children are, he resides within the boundaries of the Lake Traverse Reservation and is employed by a tribal entity. Terri a tribal member filed this action and was first to file in tribal court v. Leslie's action in state court.
- The state circuit court then dismissed Leslie's case, finding the tribal court order was entitled to full faith and credit.



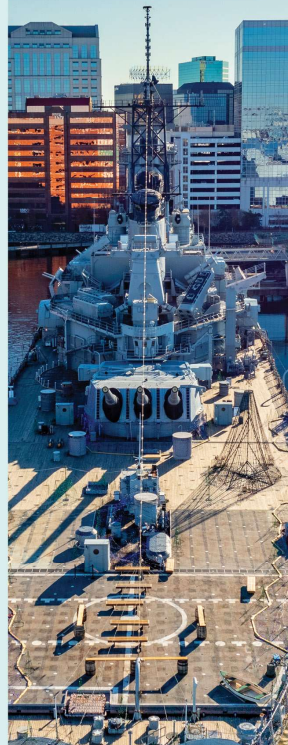
LESLIE J. TORGERSON, Plaintiff and Appellant, v. TERRI A. TORGERSON, Defendant and Appellee. No. 30046-r-JMK.
Supreme Court of South Dakota. August 21, 2024. 2024 S.D. 50

- The South Dakota Supreme Court reversed the circuit court's decision.
- The court held that the tribal court order was not entitled to full faith and credit, but rather should have been evaluated under the principles of comity under SDCL 1-1-25.
- The court found the tribal court lacked both subject matter and personal jurisdiction over the divorce proceedings involving the non-Indian spouse, Leslie.
- The case was remanded for further proceedings consistent with the comity analysis under state law.
- This case turns on the reading of Montana v. US, 450 US 544 (1981).
 - Leslie is a non-Indian and his marriage to Terri is insufficient to trigger either of the Montana exceptions. i.e. entering into a consensual relationship with the tribe or tribal members through commercial dealing or when the conduct may effect political integrity, economic security, or the health or welfare of the tribe.



In the Matter of the Marriage of ALEXANDER WENDELL HOAG, Appellant, and CAROL ANN SLATER f/k/a CAROL ANN HOAG, Respondent. No. 84754-6-I. Court of Appeals of Washington, Division 1. January 6, 2025

- Alexander Hoag and Carol Slater divorced in 2014 and have two sons, William and Andrew.
- Prior to the divorce, Hoag's parents created Uniform Transfers to Minors Act (UTMA) accounts in Michigan for the sons' education.
- Subsequently Alexander's parents also created the Hoag Trust with Comerica Bank as trustee and Alexander as beneficiary to provide for beneficiary's support or maintenance but the primary concern are health needs and grandchildren's education through grad school.
- The 2014 divorce decree ordered the sons' postsecondary education to be paid by the trust fund set up by Hoag's parents.
- Subsequent orders in 2016 and 2018 reiterated that the Hoag Trust fund was expected to pay for the sons' education, with Hoag personally responsible if the trust was unavailable.



In the Matter of the Marriage of ALEXANDER WENDELL HOAG, Appellant, and CAROL ANN SLATER f/k/a CAROL ANN HOAG, Respondent. No. 84754-6-I. Court of Appeals of Washington, Division 1. January 6, 2025

- In 2019, Hoag filed a motion for clarification seeking to pay the sons' expenses from the UTMA accounts, which was initially granted but later revised and reversed.
- Comerica Bank filed an action in Wayne County, MI requesting instruction for payment of educational expenses from the UTMA accounts. The court ordered payment from those accounts and if the payments were not made would take them from the Hoag Trust.
- In 2022, Hoag filed another motion for clarification seeking to pay into the court registry, which the court treated as an improper attempt to modify the prior order.



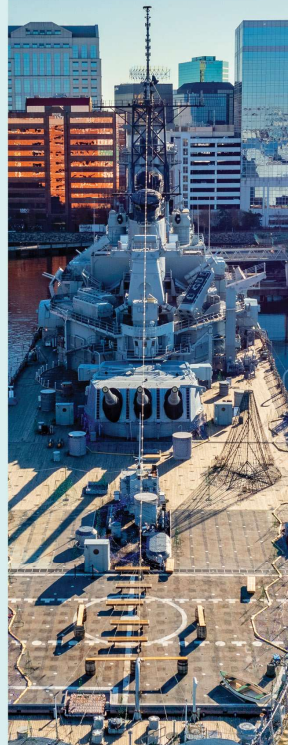
In the Matter of the Marriage of ALEXANDER WENDELL HOAG, Appellant, and CAROL ANN SLATER f/k/a CAROL ANN HOAG, Respondent. No. 84754-6-I. Court of Appeals of Washington, Division 1. January 6, 2025

- The court held that Hoag's 2022 motion was properly treated as a request to modify the child support order, rather than a clarification, as it sought to change the source of payment from the trust to the UTMA accounts.
- The original order specified exactly how they were to be paid and the court viewed changing this as a modification not merely a clarification.
- The Washington court retained exclusive jurisdiction over the child support order under the Uniform Interstate Family Support Act, so the Michigan probate court order could not override the Washington order.
- The court found no judicial bias or improper "dicta" in the trial court's rulings.
- The requests for attorney's fees by both parties were denied due to inadequate presentation.



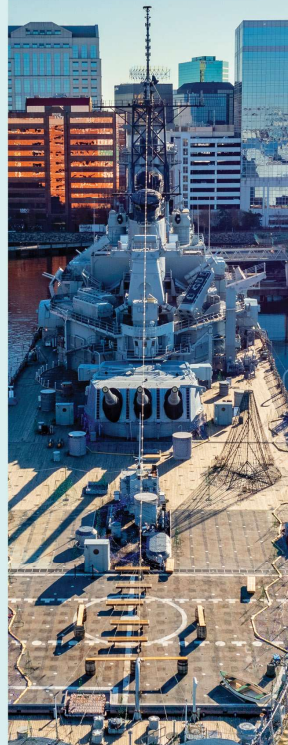
ATTORNEY GRIEVANCE COMMISSION OF **MARYLAND v. STEPHEN E. WHITTED.** AG No. 47- 2021. Maryland Supreme Court. August 1, 2024.

- Stephen E. Whitted was an attorney admitted to practice in Maryland, Georgia, and Washington D.C.
- In 2007, Whitted divorced his wife Lori Jordan in Georgia, with orders for child support and division of assets.
- Whitted repeatedly failed to pay child support and filed numerous retaliatory lawsuits against Jordan, her lawyers, and judges involved in the case.
- The litigation spanned multiple jurisdictions over many years, with Whitted making frivolous claims that were repeatedly rejected by the courts.
- Whitted was found in contempt of court, ordered to pay over \$169,000 in child support arrears, and sanctioned for his abusive litigation tactics.
- The Attorney Grievance Commission of Maryland filed disciplinary charges against Whitted for violations of the Washington Rules of Professional Conduct.



ATTORNEY GRIEVANCE COMMISSION OF **MARYLAND v. STEPHEN E. WHITTED.** AG No. 47- 2021. Maryland Supreme Court. August 1, 2024.

- The Maryland Court of Appeals found that Whitted violated the Washington ethics rules by bringing frivolous claims and making dishonest misrepresentations to the courts.
- The court rejected Whitted's arguments that the charges were motivated by improper purposes and that as a pro se litigant he was not subject to the ethics rules.
- The court found multiple aggravating factors, including dishonest motive, pattern of misconduct, and refusal to acknowledge wrongdoing.
- The appropriate sanction was determined to be an indefinite suspension from the practice of law in Maryland.



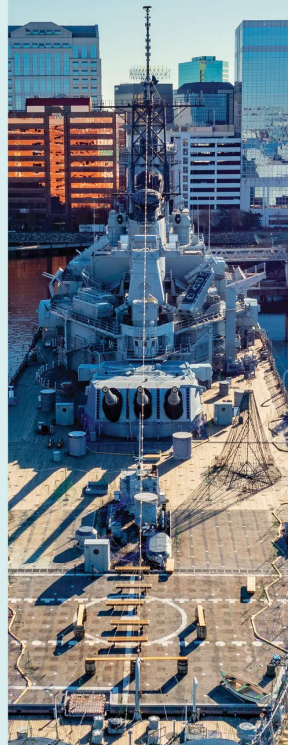
JEFFERY C. FRAZIER APPELLANT/ CROSS-APPELLEE v. JANA BLAND APPELLEE/ CROSS-APPELLANT PAIGE BLAND APPELLEE. No. CV-22-683. Court of Appeals of Arkansas, Division II. 2024 Ark.App. 494. October 9, 2024

- Jana Bland and Jeffery Frazier had a brief relationship, and Jana became pregnant with their daughter Paige in 1998.
- Jana did not pursue paternity or child support from Jeffery at the time, and Paige was raised by Jana and her ex-husband Mike Bland.
- When Paige was approaching adulthood, Jana sought retroactive child support from Jeffery through the Office of Child Support Enforcement.
- Jeffery raised several affirmative defenses, including laches, to Jana and Paige's claims for retroactive child support.
- The trial court found laches applied to Jana's claim but not Paige's, awarding Jana \$18,138 and Paige \$163,601 in retroactive support.



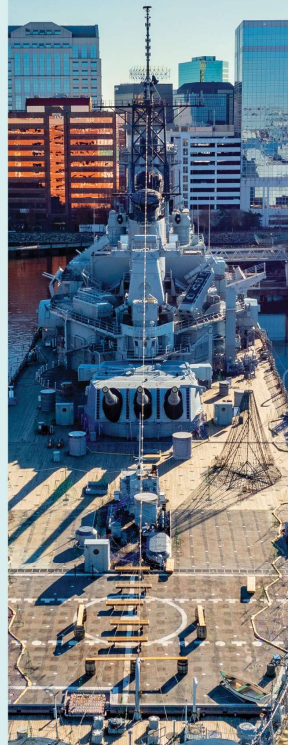
JEFFERY C. FRAZIER APPELLANT/ CROSS-APPELLEE v. JANA BLAND APPELLEE/ CROSS-APPELLANT PAIGE BLAND APPELLEE. No. CV-22-683. Court of Appeals of Arkansas, Division II. 2024 Ark.App. 494. October 9, 2024

- The Arkansas Court of Appeals affirmed the trial court's finding of laches against Jana's claim, based on her unreasonable 18-year delay in seeking support.
- However, the court reversed the award to Paige, holding that under the "singular obligation" principle, the laches defense that barred Jana's claim also barred Paige's claim for the same child support arrearage. See, Chitwood, 2014 Ark. 182, at 7, 433 S.W.3d at 249.
- The court concluded that once the mother's claim was barred by laches, the adult child's subsequent claim for the same arrearage was also precluded.



JEFFERY C. FRAZIER APPELLANT/ CROSS-APPELLEE v. JANA BLAND APPELLEE/ CROSS-APPELLANT PAIGE BLAND APPELLEE. No. CV-22-683. Court of Appeals of Arkansas, Division II. 2024 Ark.App. 494. October 9, 2024

- The trial court found that laches applied to Jana's claim for retroactive child support, based on the following:
 - Jana had the necessary information to locate Jeffery and establish paternity/child support at all times, but chose not to do so until Paige was almost an adult.
 - When asked why she didn't pursue it earlier, Jana said "It would be within my right to do it then or now."
 - It appears Jana's motivation was to get 18 years of retroactive support for Paige's upcoming college costs, rather than Jeffery paying support during Paige's minority.
 - By waiting until Paige was almost 18, Jana sought a lump sum judgment rather than having Jeffery pay support over time.
- The appellate court stated it could not say the trial court's finding of laches against Jana's claim was clearly erroneous given these circumstances.



Statutory Update and Legislative Trends

- In the areas of Child Support and Family Law there are currently 253 bills spanning 15 states that had some type of action in the past year.



Alabaman, DC, and Guam

Alabama:

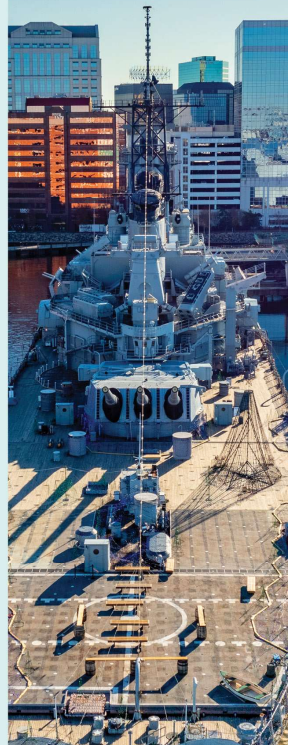
- **AL H 39** Amendments to the putative father registry - would require DHR to provide information to attorneys licensed in the state who intend to file a petition for adoption of the child and to any court. Pending.

DC:

- **DC B 42** - Removes waiting periods for divorce, legal separation, and annulment and adds the history of physical, emotional, or financial abuse by one spouse against the other to the list of relevant factors to consider awarding alimony and distribution of marital property and award exclusive use of family home. Enacted.
- **DC B 532** - Authorize the Mayor to issue marriage licenses and authorize temporary marriage officiants when the Clerk is not issuing marriage licenses due to a federal government shutdown. Enacted.

Guam

- **GU B 240** - Relates to effectively distributing and disposing of undistributed child support funds.



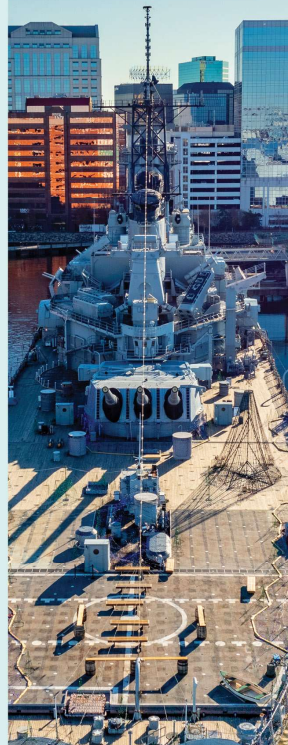
Illinois

- **IL S 2961** - Requires the court to verbally provide notice to the obligor of the existing and ongoing obligations to make payments, ability to request modification and penalties for falling in arrears. Pending.
- **IL S 3126** - Requires gaming licensees to withhold for child support and other state owed debts. Pending.
- **IL S 3147** - Amendments to parentage laws that no matter how it is established must enter child support as part of the marriage and dissolution of marriage act. Pending.



Illinois

- **IL S 3284** - Amends the Marriage and Dissolution of Marriage Act, removes language providing that no maintenance shall accrue while a party is imprisoned for failure to comply with the court's order for the payment of the maintenance, adds criteria for determining child support if a parent is unemployed or underemployed, allows a court to impute income to a party only upon conducting an evidentiary hearing or agreement of the parties, provides that incarceration shall not be considered voluntary unemployment. Enacted.
- **IL S 3367** - provides that the Department shall adopt rules no later than the specified date regarding referral of Title IV-E foster care maintenance cases to the Department of Healthcare and Family Services for child support enforcement services under Title IV-D of the Social Security Act. Enacted.



Illinois

- **IL H 4163, IL H 4322** - Amends the Marriage and Dissolution of Marriage Act, provides that if a defendant is found guilty of aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof where the violation has resulted in the death of another, the court shall order the defendant to pay an amount reasonable and necessary for support of the minor child or children of any victims, provides for the calculation of child support for a defendant ordered to pay. Pending.
- **IL H 5548** - Amends the Marriage and Dissolution of Marriage Act, excludes from the definition of abuse obtaining, seeking, or facilitating lawful health care for a minor child by a parent or person in loco parentis, requires the court to consider in determining parental responsibilities and parenting time a parent's affirmation of the child's gender identity or gender expression in a way that promotes the child's overall health and well-being, including accessing lawful health care.



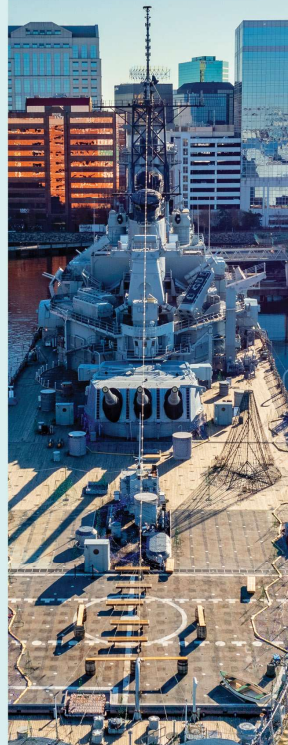
Massachusetts

- **MA H 4970** - Ensures legal parentage equality, provides for records of birth, name, and sex, replaces certain references to paternity with parentage, provides for nonmarital children and parentage of children, provides that a child shall have the same rights and protections under law to parentage without regard to the marital status, gender, gender identity or sexual orientation of their parents or the circumstances of their birth, including whether the child was born as a result of assisted reproduction or surrogacy. Enacted.



Michigan

- **MI S 928** - Modifies medical expenses related to birth of a child born out of wedlock paid by Medicaid, confers upon circuit courts jurisdiction over proceedings to compel and provide support of children born out of wedlock, prescribes the procedure for determination of such liability, authorizes agreements providing for furnishing of such support and to provide for the enforcement thereof, prescribes penalties for the violation of certain provisions. Enacted.
- **MI H 5211** - Confers upon circuit court's jurisdiction over proceedings to compel and provide support of children born out of wedlock, prescribes the procedure for determination of such liability, authorizes agreements providing for furnishing of such support and to provide for the enforcement thereof, prescribes penalties for the violation of certain provisions of this act, relates to an action under this act must be brought in the circuit court by the mother, the father, a child who became a specified years of age. Enacted.



Michigan

- **MI H 5212** - Provides procedures to determine the parentage of children in certain circumstances, allows acknowledgments, determinations, and judgments relating to parentage to be set aside in certain circumstances, provides for the powers and duties of certain state and local governmental officers and entities. Enacted.
- **MI H 5213** - Creates the Summary Support and Paternity Act, establishes a procedure for determining paternity and support, prescribes the duties and responsibilities of certain state departments and agencies, concerns a child conceived through the use of assisted reproduction that does not involve surrogacy if the parents of the child may be determined under the Assisted Reproduction and Surrogacy Parentage Act. Enacted.



New Jersey

- **NJ AJR 36, NJ SJR 106** - Establishes the Domestic Violence and Legal Access Task Force. Pending.
- **NJ S 163** - Establishes presumption of joint legal and physical custody in child custody matters. Pending.
- **NJ A 266** - Prohibits award of custody or visitation rights to persons convicted of certain sex crimes against minors. Pending.
- **NJ A 498** - Requires court to consider additional factors (abuse) in awarding custody of child. Pending.
- **NJ A 531** - Establishes Parents' Bill of Rights. Pending.
- **NJ S 886** - Provides for establishment of child support lien against life insurance proceeds, requires insurers perform child support judgment search. Pending.



New Jersey

- **NJ A 916** - Establishes the State Council on Responsible Fatherhood and Responsible Fatherhood Fund. Pending.
- **NJ S 1090** - Prohibits suspension of driving privileges and arrest for certain crimes and offenses. Takes away automatic suspension for child support but still allows court discretion to suspend. Pending. Also see NJ S 1538. Pending.
- **NJ A 1149** - Establishes the Task Force on Child Support Reform. Pending.
- **NJ A 1533** - Requires orders of restitution to child of parent or guardian killed by drunk driver. Pending.
- **NJ A 1557** - Subjects unclaimed property to judgment debtor search, prioritizes unpaid child support judgment. Pending.



New Jersey

- **NJ A 2058** - Directs the suspension, by operation of law, of certain offenders child support obligations, provides that unless otherwise provided in a court order or judgment, the obligation to pay current and past due child support, and the judicial enforcement of such an obligation, shall be automatically suspended by operation of law without order by the court for any period exceeding a specified number of consecutive days in which the person ordered to pay support is incarcerated or placed in detention. Pending.
- **NJ S 2331** - Provides that any current child support obligation or any unpaid outstanding arrears balance of a court ordered child support obligation, all unsatisfied civil judgments based on such obligation, all warrants issued solely based on the alleged failure to pay or the sole purpose of enforcing an obligation, or any current outstanding lien which is owed to reimburse the Division of Child Protection and Permanency for maintenance costs incurred while a child was in its care or custody, are deemed null and void. Enacted.



New Jersey

- **NJ S 2704** - Provides that Probation Division would file child support judgment as a lien only when amount of judgment equals or exceeds amount of child support due for a specified number of month period. Pending.
- **NJ A 2836** - Requires certain county inmates be provided with reentry assistance before their release. Including child support information. Pending.
- **NJ S 3273** - Requires court to order financial support for child if child's parent or guardian is killed by drunk driver. Pending.
- **NJ A 3421** - Establishes separate class of claims against insolvent estates for child support judgments, modifies order for payment of claims by representative of insolvent estate. Pending.
- **NJ A 4346** - Provides for establishment of child support lien against life insurance proceeds, requires insurers perform child support judgment search. Pending.



New York

- **NY A 1522** - Relates to child support for children attending a college ROTC program, a military college, a military preparatory school or one of the United States military academies. As long as under 21 not emancipated. Failed.
- **NY S 2601** - Prohibits fees for benefit banking services, defines as any medical assistance card, food stamp assistance card, public assistance card, or any other identification, authorization card or electronic access device issued by the State or a social services district, provides that no operator or owner of an automated teller machine shall impose any fee for benefit banking services attributable to the use of a card. Vetoed by Governor.
- **NY A 3671** - Establishes a presumption of shared parenting of minor children in matrimonial and family court proceedings. Failed.



New York

- **NY A 4921** - Relates to proceedings for the judgment of parentage of a child conceived through assisted reproduction, provides that the hospital birth registrar shall report the parentage of the child on the record of live birth in conformity with the judgment of parentage, if the judgment is issued before the birth, provides that the surrogacy agreement shall state that the intended parent or parents will be responsible for all medical costs of the person acting as surrogate associated with their preconception care. Enacted.
- **NY S 5269** - Authorizes expedited settlement conference processes for establishing child support orders where both parties voluntarily agree on the process. Failed.



New York

- **NY A 5559** - Requires a defendant who causes the death of a person with children due to driving while intoxicated or impaired to pay for child support of such children until they reach the age of 18 years old. Failed.
- **NY A 10571** - Relates to the filing of objections to support magistrate determinations in child support, paternity and parentage proceedings in family court and to the time-limit for appeals in all categories of family court cases to include timing after electronic submission of order. Failed.



North Carolina, North Dakota

- **NC S 885** - Establishes and allows the use of assisted reproduction, surrogacy, and associated agreements and relationships, appropriates funds to provide education and training related to this act. Failed.
- **ND D 378** - Relates to the emancipation of a minor over 16 but under 18. Pending.



Ohio

- **OH H 5** - Provides that the probate court has exclusive jurisdiction to hear and determine petitions for adoption, provides that a final decree of adoption shall not be issued and an interlocutory order of adoption does not become final until, among other things, the person to be adopted has lived in the adoptive home for at least a certain period after placement, provides for foster caregiver adoption, specifies when consent to adoption is not required, provides for child support enforcement agency notification. Enacted.
- **OH S 176** - Allows child support orders to be issued, modified, or extended for children over 18 with a disability. Failed.
- **OH H 526** - Regards the pass-through of support payments under the State Works First program. Failed.



Oregon

- **OR SB 1011** – Would allow federally recognized tribes in OR to submit a request to the Governor for the retrocession of PL 280 Jurisdiction and regain control over civil and criminal matters that take place on tribal land. In House Committee.



Rhode Island

- **RI S 2213** - Allows for child support payments when a child is domiciled in the home of the custodial parent and principally dependent on said parent until the child is 21, or 23 if said child is enrolled in an educational program. Failed.
- **RI S 2424** - Provides for a parents' bill of rights preventing the state or any governmental entity from infringing on the fundamental rights of parents in the upbringing of their children, spells out the rights of parents with respect to the health, education and welfare of their minor children, provides that violations of the act would result in civil, criminal and/or administrative penalties. Failed.
- **RI S 2825, RI H 7975** - Permits state child support agencies to bring actions under the child support statute on behalf of a noncustodial parent who is incarcerated and unable to pay child support. Does not prohibit court from denying the mod if incarceration is for felony non-support or civil contempt for non-payment. Enacted.



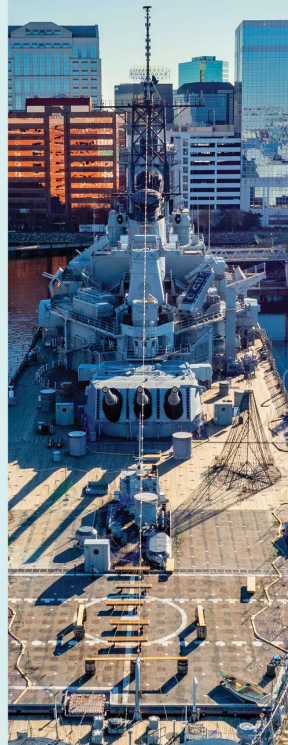
Rhode Island

- **RI H 7122** - Relates to human services, relates to the Rhode Island works program, removes the requirement that families consent to, and cooperate with the department of human services in establishing paternity and enforcing child and medical support orders as a condition of eligibility for childcare assistance. Failed.
- **RI H 8172** - Allows a board to modify an obligor's license to a Provisional Employment Operator's License allowing the obligor the ability to operate a motor vehicle during designated hours of employment. Failed.



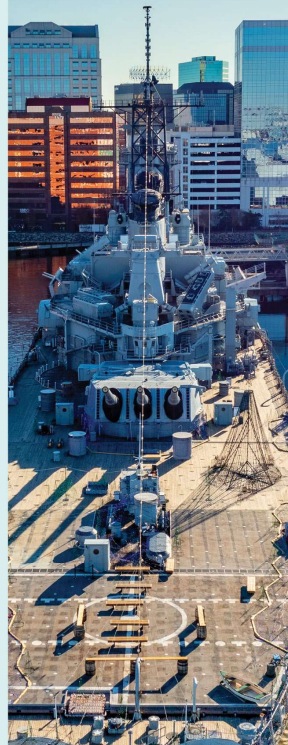
Virgin Islands

- **VI B 226** - Requires the minimum child support amount to be a specified amount per month. Enacted.
- **VI B 318** - Enacts Jah Niquas Law, requires a defendant to pay restitution in the form of child maintenance if the victim of the offense was the parent or guardian of a minor child or dependent and if the defendant was convicted of negligent homicide by means of a motor vehicle while under the influence of or affected by intoxicating liquor or narcotic drugs or was convicted of driving of driving under the influence of intoxicating liquors or controlled substances which results in an accident. Failed.



Virginia

- **VA H 294** - Relates to protective order in case of family abuse, relates to termination of temporary order of child support, provides that when a court includes a temporary child support order with the issuance of a protective order in the case of family abuse, such temporary child support order shall terminate when a court determines child support in a subsequent proceeding or when the protective order expires, whichever occurs first. Enacted.
- **VA S 655** - Relates to Virginia Employment Commission, relates to appeals proceedings, relates to appeal tribunals and the Board of Review, specifies that any determination made by the Virginia Employment Commission in regards to any amount required to be deducted and withheld from unemployment compensation for purposes of child support obligations is final, contains a number of technical amendments related to the Commissions appeals proceedings.



Virginia

- **VA H 784** - Relates to entry or modification of child and spousal support orders, relates to determination of support overages, specifies that all orders directing or modifying the payment of spousal support where there are minor children whom the parties have a mutual duty to support and all orders directing the payment of child support shall contain a statement as to whether support overages exist and certain details about such overages. Enacted.
- **VA H 1104** - Relates to wrongful death, relates to death of parent or guardian of child resulting from driving under the influence, relates to child support. Failed.



Virginia

- **VA H 784** - Relates to entry or modification of child and spousal support orders, relates to determination of support overages, specifies that all orders directing or modifying the payment of spousal support where there are minor children whom the parties have a mutual duty to support and all orders directing the payment of child support shall contain a statement as to whether support overages exist and certain details about such overages. Enacted.
- **VA H 1104** - Relates to wrongful death, relates to death of parent or guardian of child resulting from driving under the influence, relates to child support. Failed.



Wisconsin

- **WI S 375** - Relates to child support in the case of a parent convicted of sexual assault that results in the conception of a child. TPR without terminating child support obligation. Failed.
- **WI A 510** - Concerns rights reserved to a parent or guardian of a child. Parental bill of rights type bill. Vetoed.



Sources

- National Indian Law Library
 - <http://www.narf.org/nill/bulletins/news/currentnews.html>
- National Conference of State Legislatures – Child Support and Family Law Legislation Database
 - <https://www.ncsl.org/human-services/child-support-and-family-law-legislation-database>



Contact Information

Ethan McKinney, JD
Child Support Leader

[AWS – State & Local Government, HHS](#)

ethmck@amazon.com

574-876-9488

