



ERICSA 63RD ANNUAL TRAINING CONFERENCE & EXPOSITION

MAY 3-7, 2026

Milwaukee

WISCONSIN

Intermediate Intergovernmental

Laura Bernacki Stone, Moderator
Porter County Prosecutor's Office (IN)

Dakota Bellinger
Bradford County Domestic Relations (PA)

Ryan Morrow
Office of the Attorney General of Texas

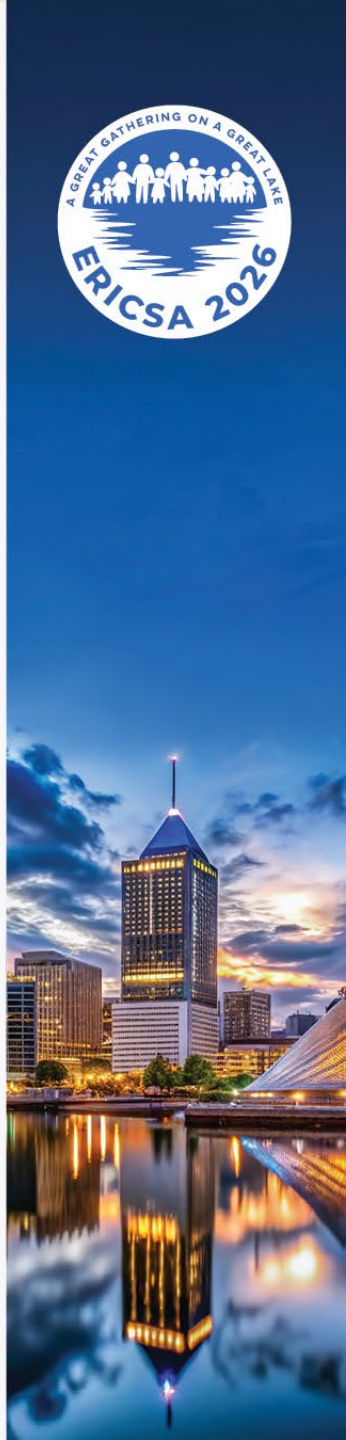


What is UIFSA

Unintelligible
Irritating
Frustrating
Suspicious
Act



Uniform
Interstate
Family
Support
Act



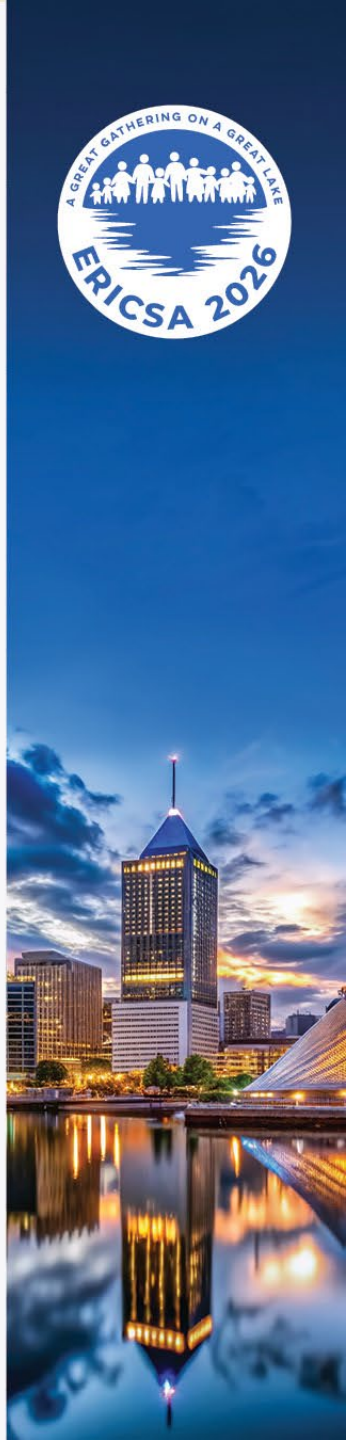
Uniform Interstate Family Support Act

UIFSA issues:

- Establishment of parentage
- Establishment of current support
- Retroactive support judgment
- Enforcement and modification of support

UIFSA does not address:

- Conservatorship
- Possession and access



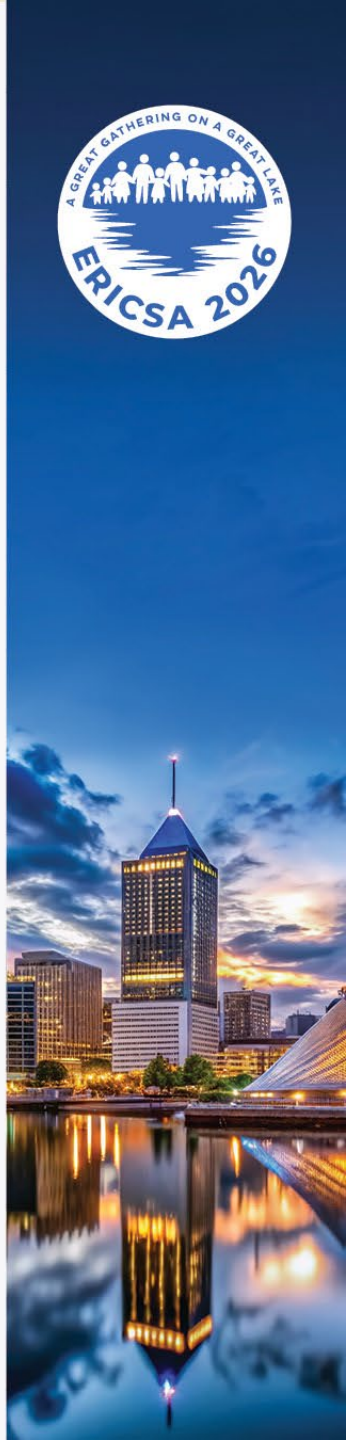
Uniform Interstate Family Support Act

Two types of UIFSA cases

1. Initiating - The state that forwards a petition or pleading to another state.
2. Responding - The state that receives a petition or pleading for filing from another state.

Tribunal

- “Tribunal” means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage of a child. UIFSA § 102 (29)



Building on the Basics

Intergovernmental Workflow

Jurisdiction / Choice of Law

Establishments, Registrations,
Enforcements, and Modifications

Practical Considerations



Basic Intergovernmental Analysis

Action depends on:

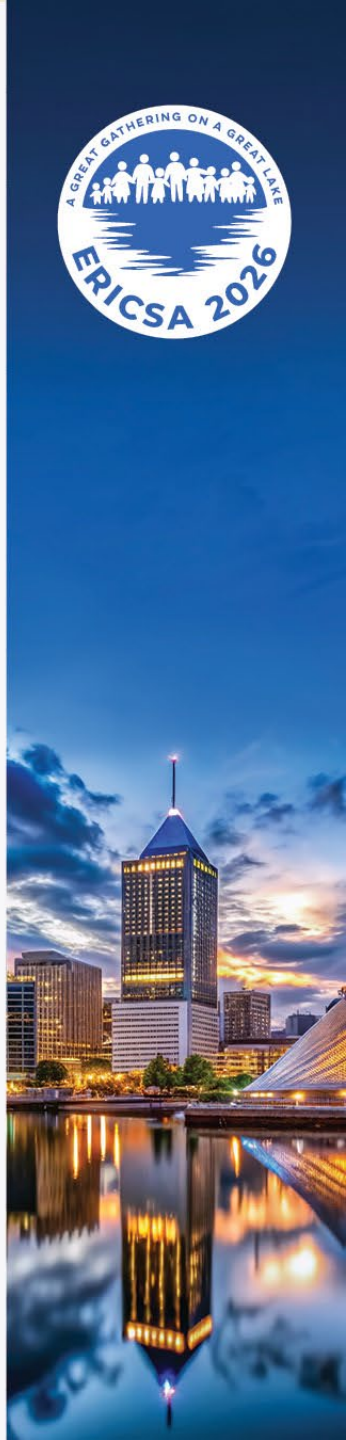
Who lives where?

How did we get the case?

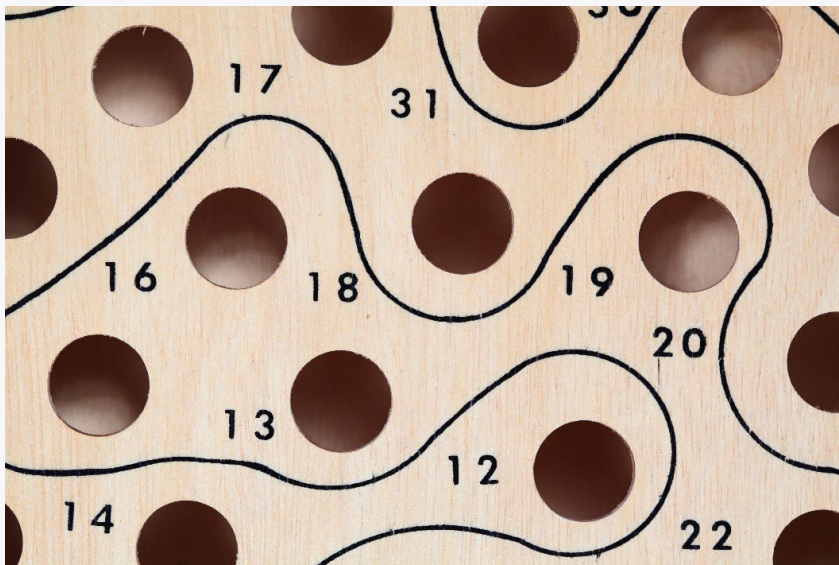
What is being requested?

Interstate Activities

- 1) Establishment
- 2) Enforcement
- 3) Modification
- 4) Change of Beneficiary
- 5) Payment Forwarding /
Redirection

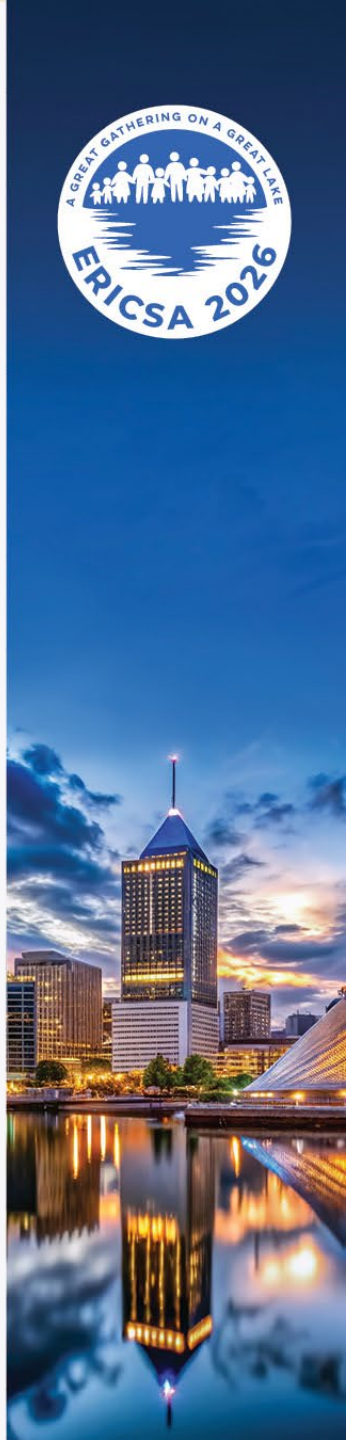


A Jurisdictional Decision Point



- One State vs Two State Solution
- Can the other state do what I need?
- Is there a form for that?

Practice Point: Consider a one-state solution first



Pillars of Jurisdiction

Subject
Matter

Personal

Long Arm

In Rem

Continuing,
Exclusive



Jurisdiction Decoded



Subject Matter

Does the court have the power to hear the issues?

Courts of General or Specific Jurisdiction

Personal

Does the court have power over the person?

Long Arm

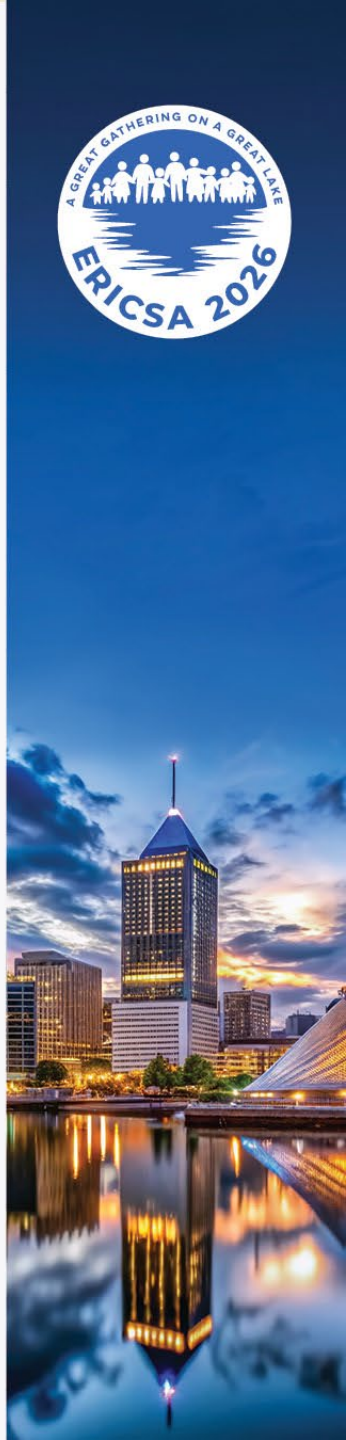
Continuing, Exclusive

Once an order exists, the issuing tribunal has the exclusive power to modify that order

In Rem

Jurisdiction over Property

Generally, used for specific enforcement remedies



Jurisdiction: The Foundation of an Order



Personal
Jurisdiction



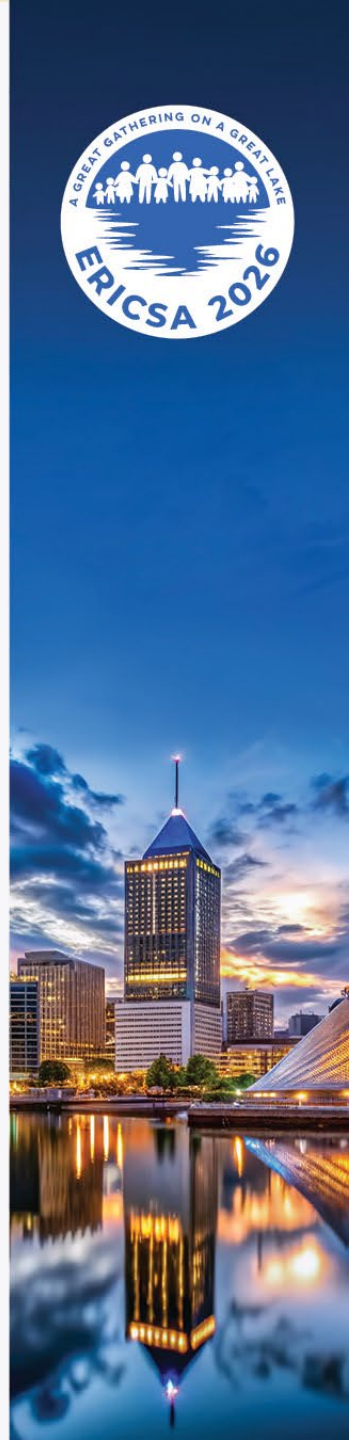
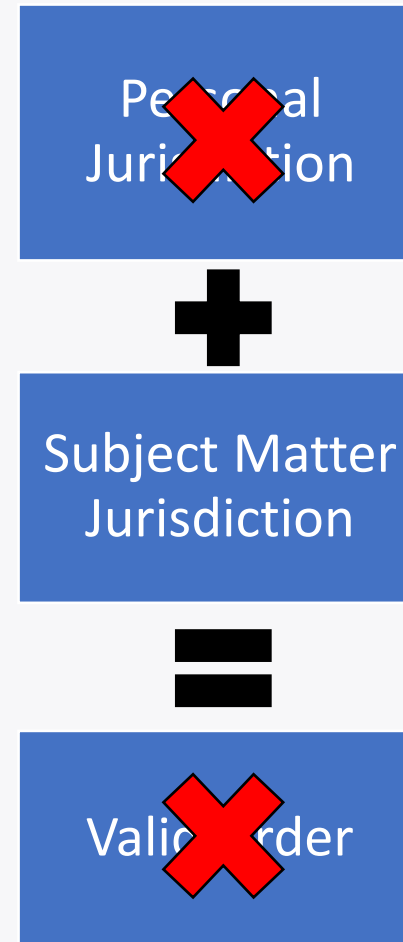
Subject Matter
Jurisdiction



Valid Order



Jurisdiction: The Foundation of an IG Problem



Long Arm Jurisdiction

- Exercising personal jurisdiction over a non-resident
- Based upon non-resident's conduct in the forum state
- Most common for establishment

Served within the state

Submits to Jurisdiction

Lived in the state with the Children

Lived in the state and Provided Pre-natal Expenses or Support

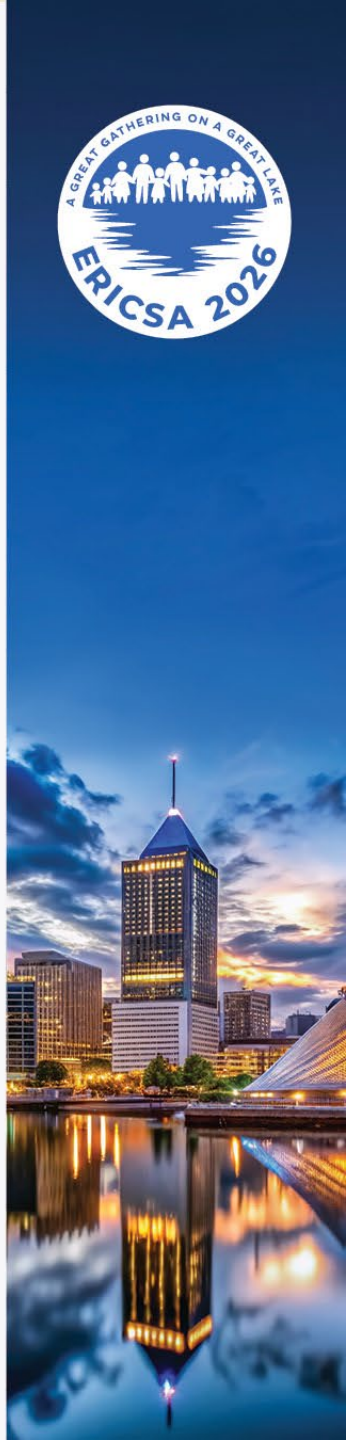
Child in the state due to Acts or Directives

Sex in the state

Acknowledgement or claim of paternity in the state

Constitutional Basis

UIFSA § 201



Intergovernmental Equation



Who Is Asking

- CP / Obligee
- NCP / Obligor
- Third Party
- Other State

What is Being Requests

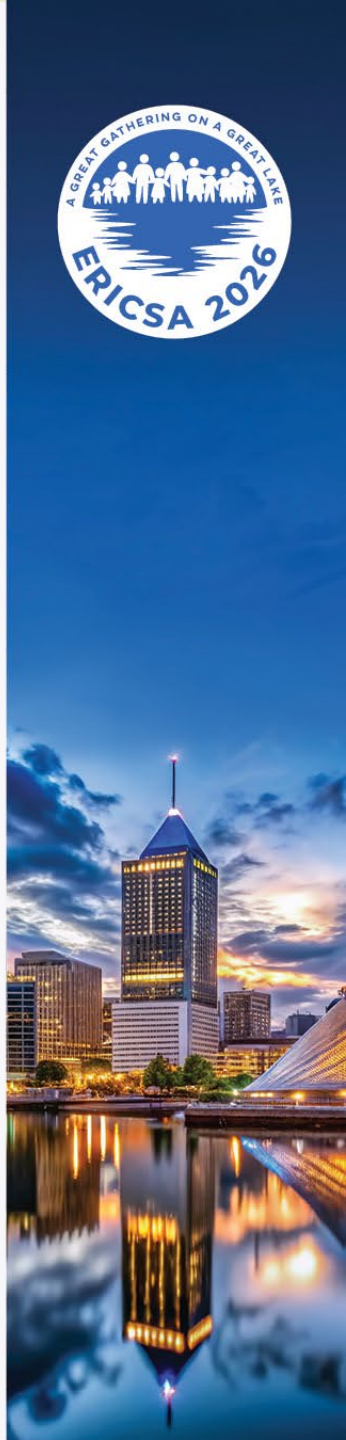
- Establishment
- Enforcement
- Modification
- Change of Status
- Forwarding / Redirection

Who Lives Where

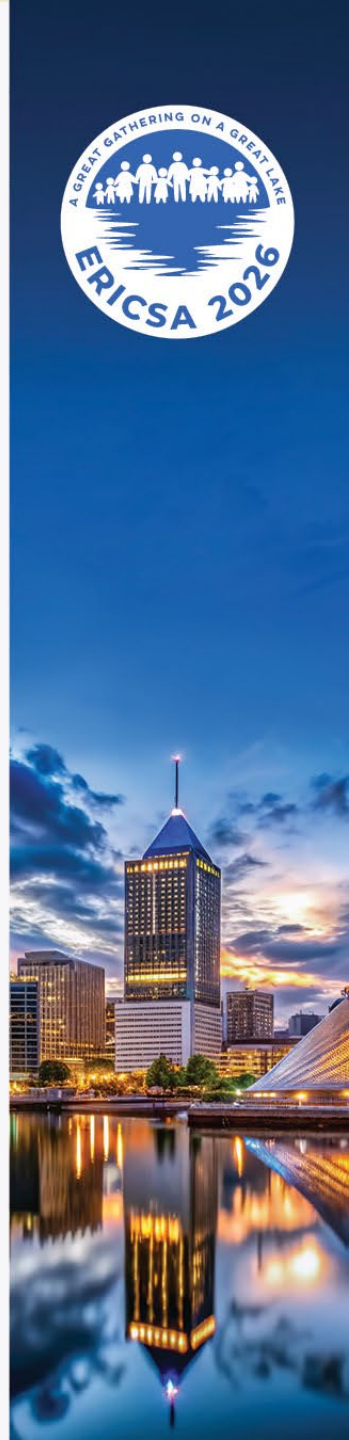
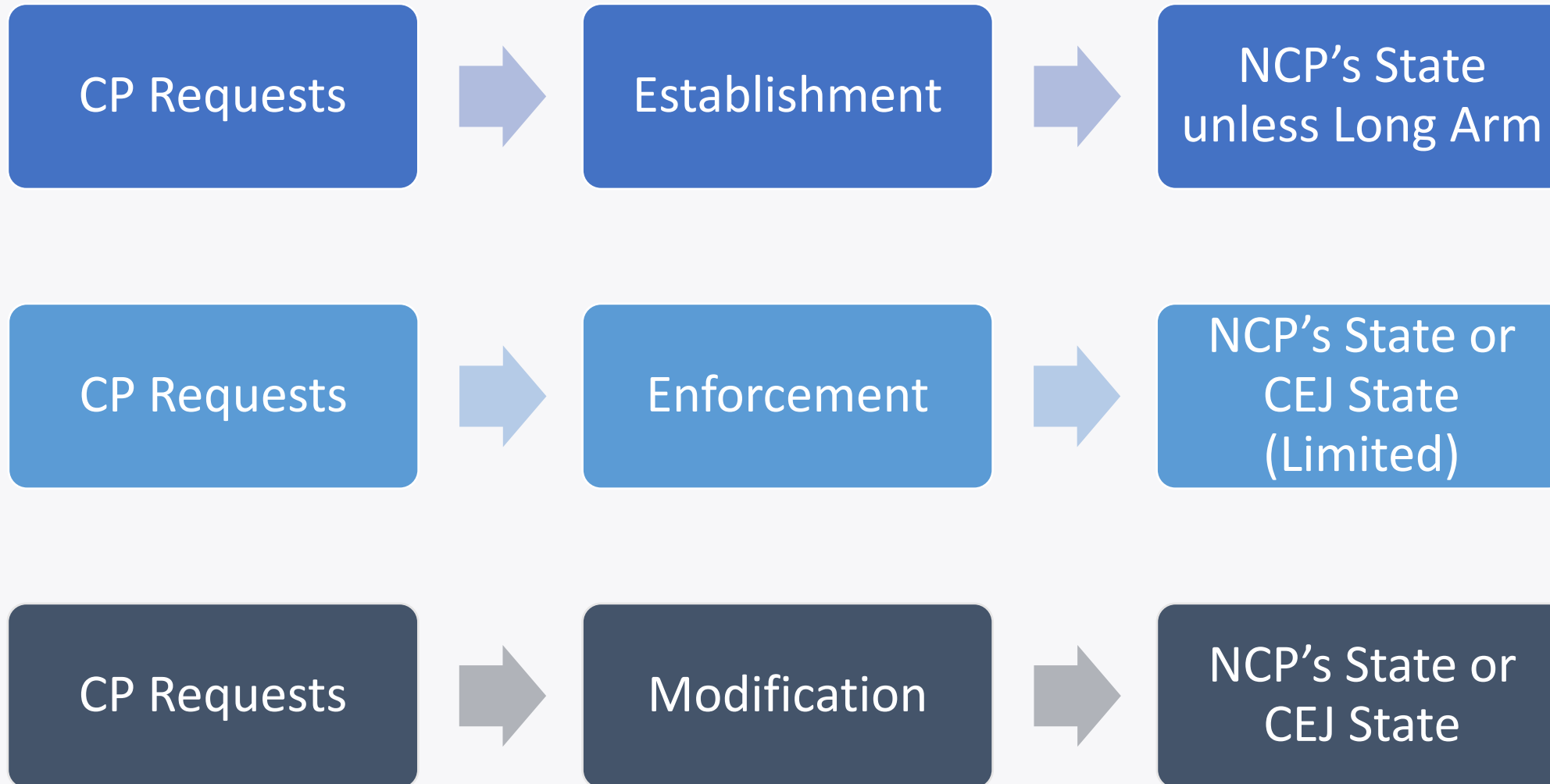
- CP
- NCP
- DP
- Third Party



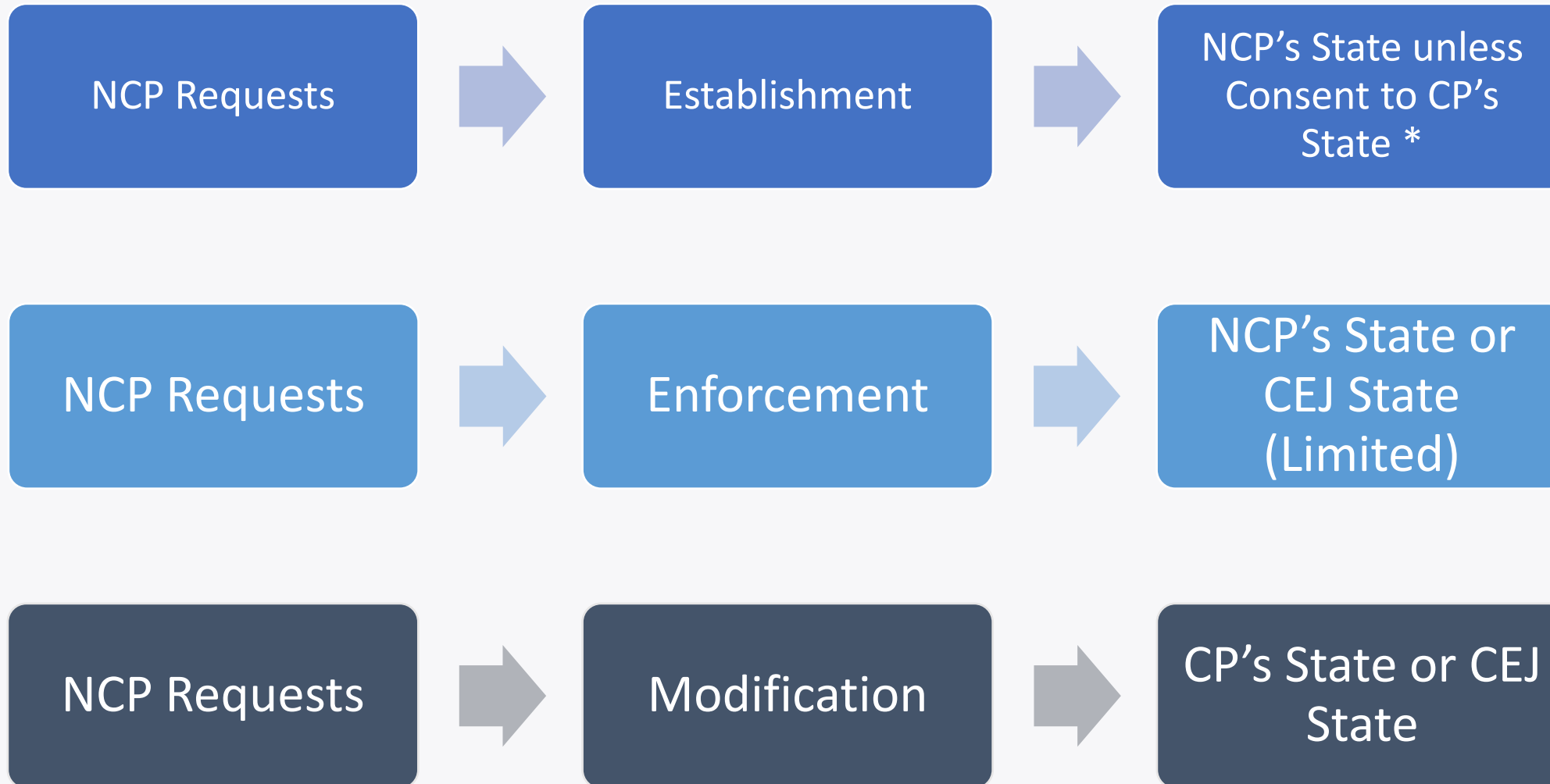
JURISDICTION



Intergovernmental: CP Requests

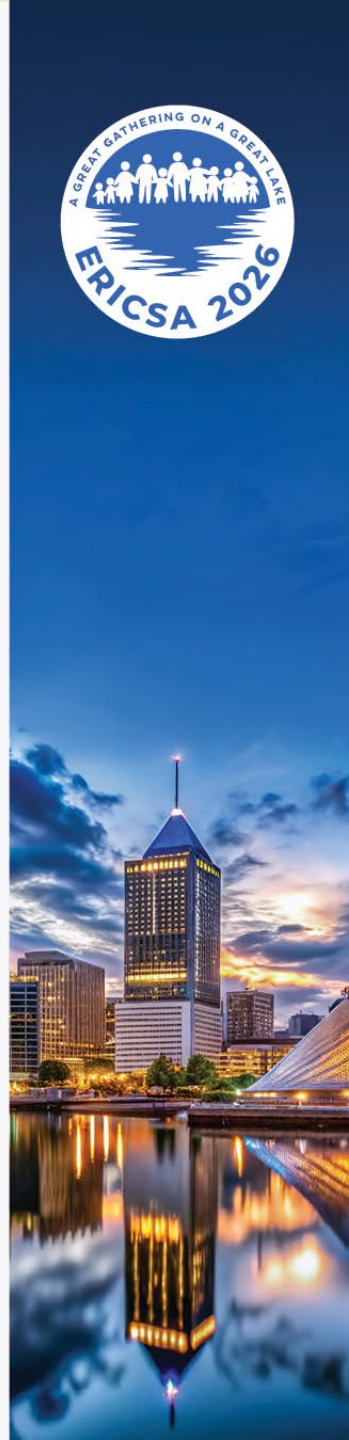


Intergovernmental: NCP Requests



Continuing, Exclusive Jurisdiction

- A tribunal that issued a child support order exercises CEJ if the:
 - Order is the controlling order, AND
 - At the time of the filing of a request for modification, one of the individual parties to the support case resides in the state; OR
 - Consent of the parties
 - UIFSA § 205



Choice of Law

- **Issuing State Governs:**

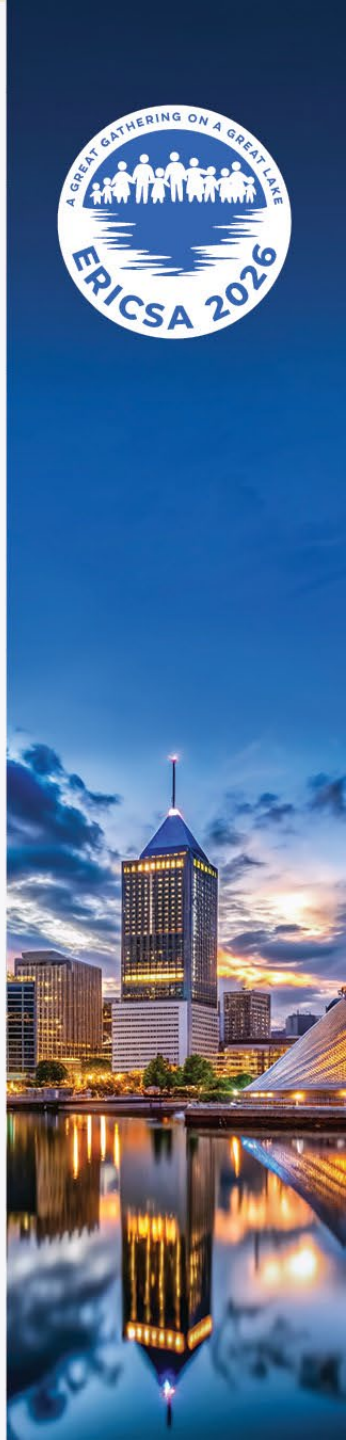
- (1) the nature, extent, amount, and duration of current payments under a registered support order;
- (2) the computation and payment of arrearages and accrual of interest on the arrearages under the support order; and
- (3) the existence and satisfaction of other obligations under the support order.

- **Responding State Governs:**

- Procedures and remedies to enforce current support and collect arrears and interest

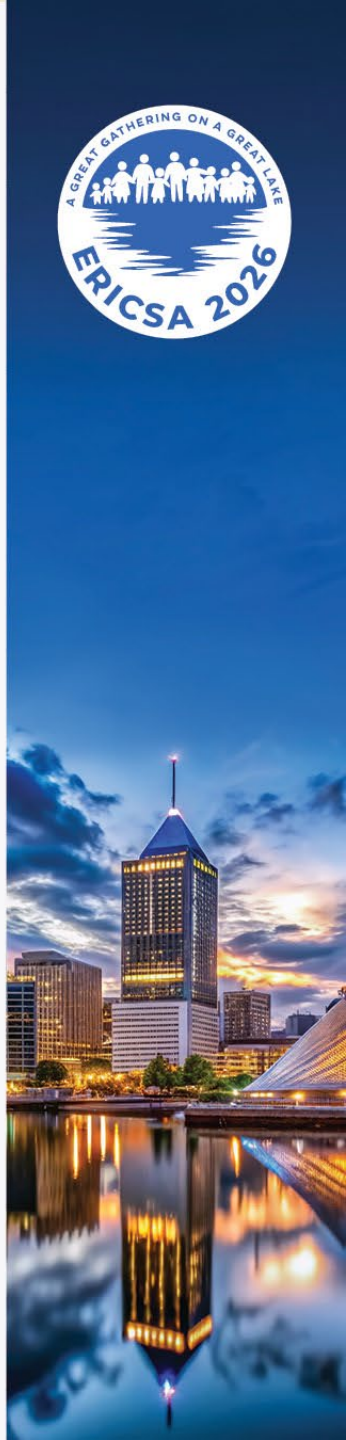
- **Variables:**

- State / Tribal Policy regarding Case Types
- State vs Customer Owned Arrears / Interest Only Cases
- Emancipation Dates
- Statutes of Limitations



The Role of Policy: Differences and Discrepancies

- Interest
 - Must be accepted and enforced
 - Rate (if any) is controlled by the issuing state or foreign country
 - Cannot always be calculated
- Fees
 - Must be accepted and enforced
- Change in Payee
 - Done administratively or judicially
 - Or not at all!
- Communication is Key



UIFSA Establishment

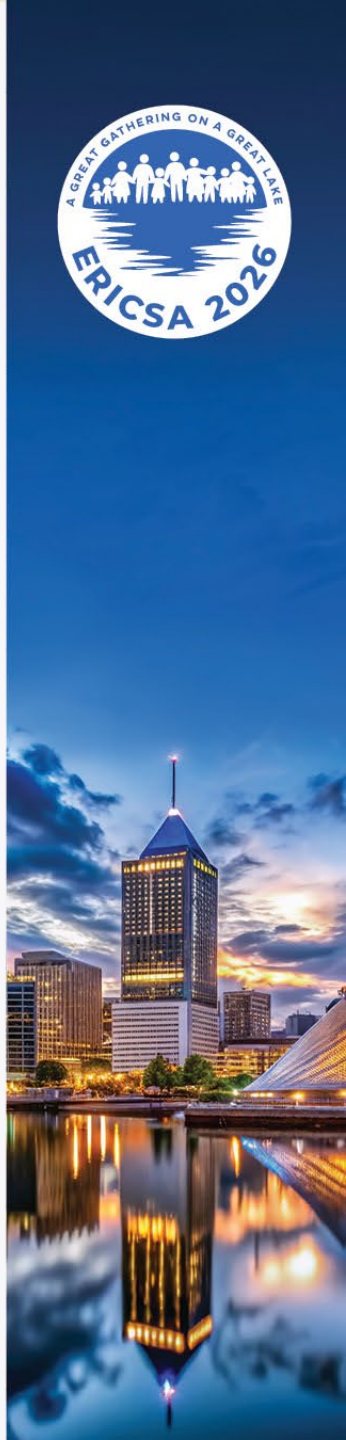
In General

- Do not set custody / conservatorship or visitation

Choice of Law

- Responding state's law regarding:
 - Paternity
 - Obligations
 - Duration

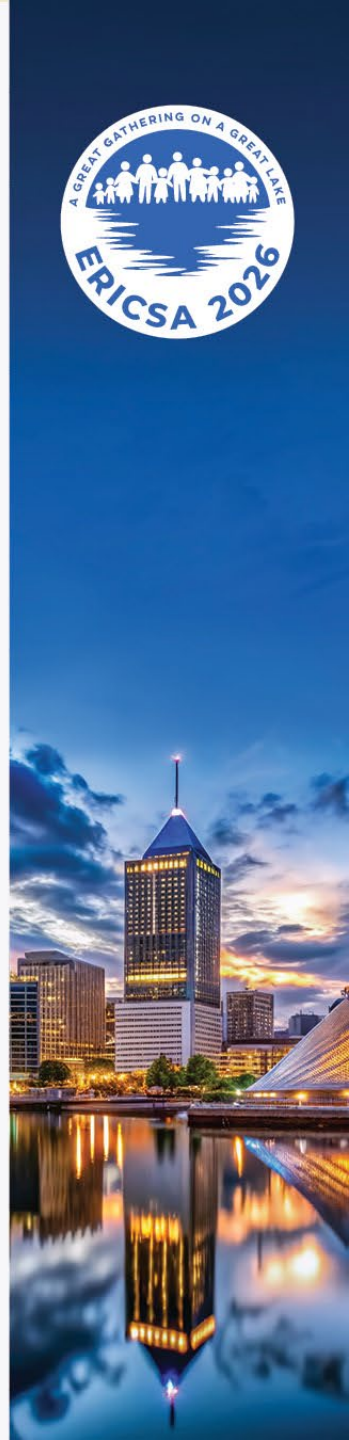
Calculating Support



Calculating Support

- Income Shares Model (41 States and Territories)
 - Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming, Guam, Virgin Islands.
- Percentage of Income Model (6 states)
 - Flat Percentage: Alaska, Mississippi, Nevada, and Wisconsin
 - Varying Percentage Model: North Dakota and Texas
- Melson Formula (3 states)
 - Delaware, Hawaii, and Montana

National Conference of State Legislatures
www.ncsl.org/human-services/child-support-guideline-models



UIFSA Enforcement

In General

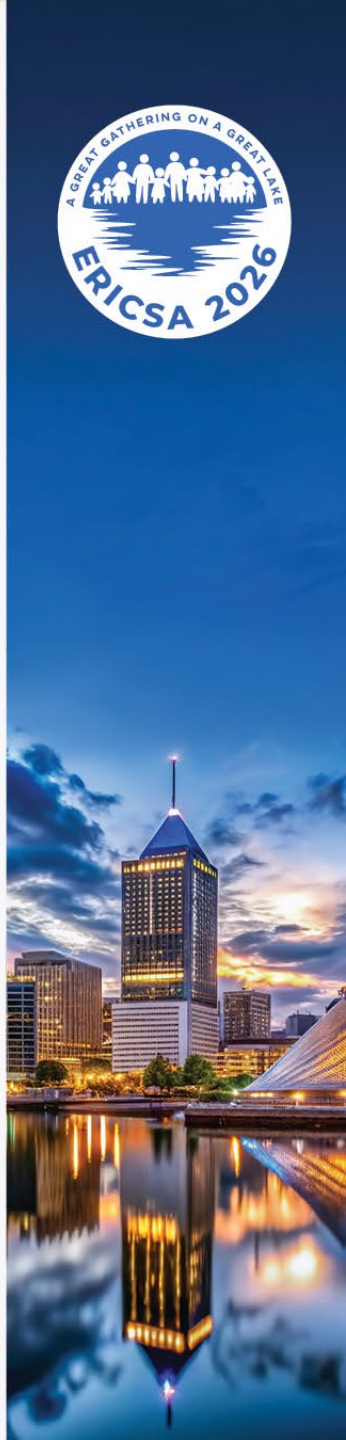
- Any court with jurisdiction can enforce a support order

Registration

- Process to bring the out of state order to your state
- Does not create a new order nor does it modify the controlling order

Enforcement

- Enforce as if it were any other case



Registration: The Ticket to Litigation



Registration – UIFSA / Foreign Order

UIFSA § 605

Notice

Original Model Rules: 20 Days

Texas moved to 30 days in 2021.

Tex. Fam. Code § 159.605

Recognition – Hague Convention

UIFSA § 707

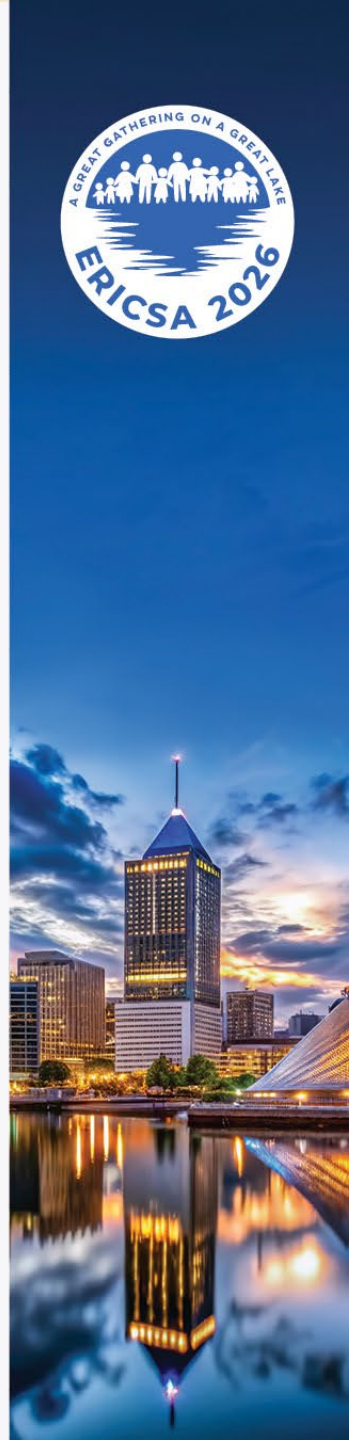
Notice

Contest of a Convention Order must be filed not later than 30 days after notice

Contest must be filed not later than 60 days after notice if the party does not live in the United States



* Greaney, Dan & Scott III, Swinton O., 1997, December 7. *Reality Bites*, Season 9 Episode 10. The Simpsons. Fox Broadcasting Co.



Is Registration Necessary

- Registration Necessary

- Alabama - Williams v. Williams, 91 So. 3d 56 (Ala. Civ. App. 2012)
- New York - Auclair v. Bolderson, 6 A.D.3d 892, 775 N.Y.S.2d 121 (2004)
- Nebraska - Lamb v. Lamb, 14 Neb. App. 337, 707 N.W.2d 423 (2005)
- Wisconsin - Cepukenas v. Cepukenas, 221 Wis. 2d 166, 584 N.W.2d 227 (Ct. App. 1998)

- Formal Registration Not Required

- Texas - Kendall v. Kendall, 340 S.W.3d 483 (Tex. App.—Houston [1st Dist.] 2011, no pet.)
- Washington - In re Marriage of Owen & Phillips, 126 Wash. App. 487, 108 P.3d 824 (2005)
- Mississippi - Nelson v. Halley, 827 So. 2d 42 (Miss. Ct. App. 2002)



Defenses to Registration

Issuing tribunal
lacked personal
jurisdiction

Order was
obtained by fraud

Order has been
vacated,
suspended, or
modified

Issuing tribunal
has stayed the
order pending
appeal

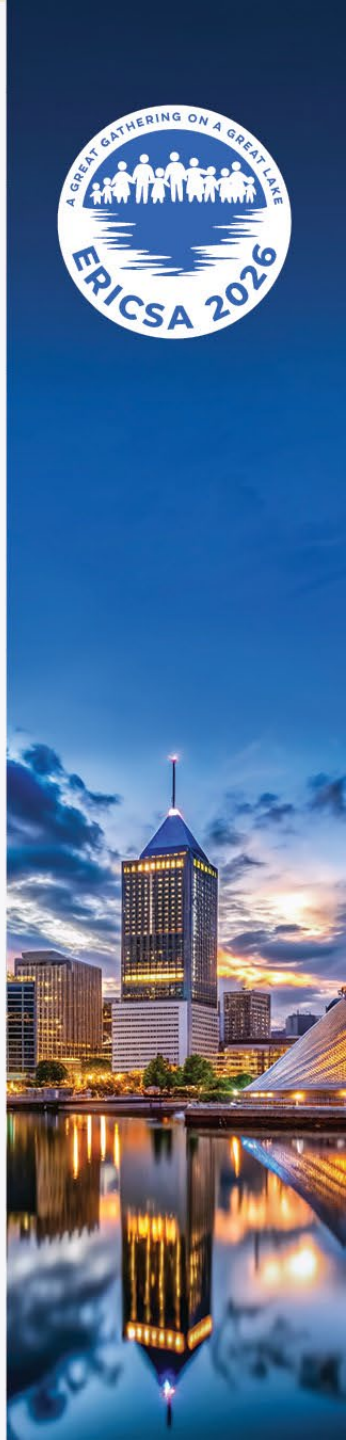
Defense under the
law of this state to
the remedy
sought

Full or partial
payment

Statute of
limitation
precludes
enforcement

Alleged controlling
order is not the
controlling order

UIFSA § 607



Defenses to Recognition

Incompatible with Public Policy

Lacked Personal Jurisdiction

Not Enforceable in the Issuing Country

Obtained by Fraud
(Procedural)

Lacks Authenticity or Integrity

Identical Proceeding Pending in this State Filed First

Order is Incompatible with a More Recent Support Order

Full / Partial Payment

Respondent Did Not Receive Notice / Was Not Entitled to Notice

Order was an Improper Modification

UIFSA § 707



Judicial Remedies

Contempt

Community
Supervision /
Probation

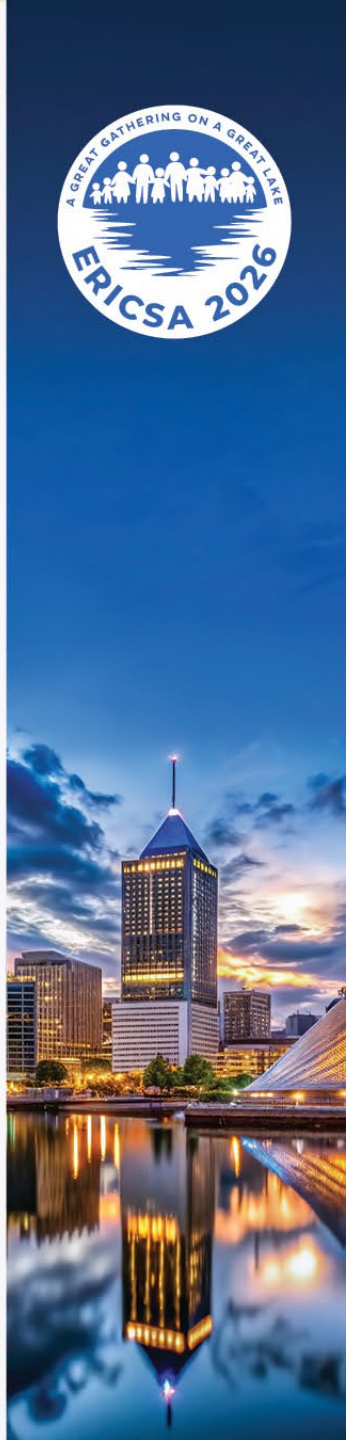
Employment
Programs

Judgments

Revocation

License
Suspension

Property Lien



Administrative Remedies

Delinquency
Letters/Lump
Sum Letters

Collection Calls

Lottery
Intercept

Administrative
Income
Withholding

Social Security
Disability

National
Medical
Support Notice

State Debt Set-
Off

UIB

Worker's
Compensation

Federal Tax
Refund
Intercept

Passport Denial

Financial
Institution Data
Match

Credit Bureau
Reporting

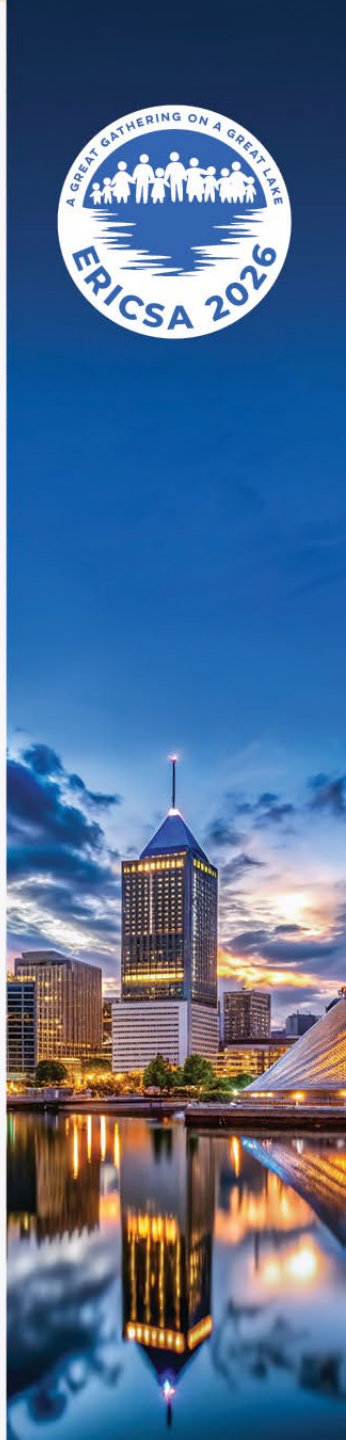
License
Suspension /
Denial of
Renewal

Denial of Motor
Vehicle
Registration

Lien/Levy

Insurance
Intercept

Administrative
Contempt



UIFSA Modification

Change of Continuing Exclusive Jurisdiction

- UIFSA § 205
- Court assumes jurisdiction from the CCEJ
- Upon modified order, modifying court is now the CCEJ

Choice of Law

- Modifying State's Law

Limitations

- Duration cannot be modified
 - Except for indefinite support
- UIFSA § 611



Assuming Jurisdiction to Modify

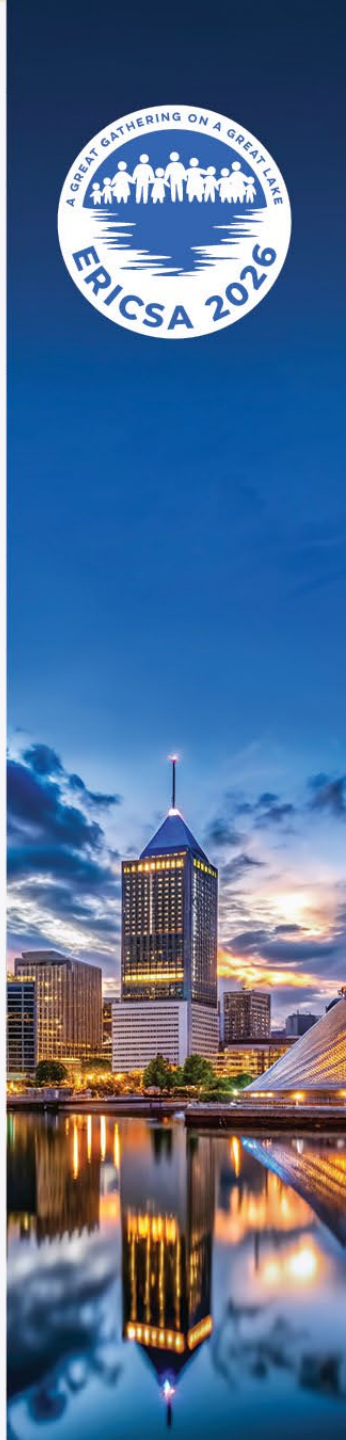


Domestic Order

- Everyone Lives in the Same State
- Everyone Leaves (Play Away)
- Everyone Agrees
- Multiple Orders and Everyone Leaves

International Order

- One Party Outside the Country
 - UIFSA § 611 (f)
- Foreign Country: Lacks or Refuses Jurisdiction
 - UIFSA § 615
- Hague Convention Order
 - UIFSA § 711

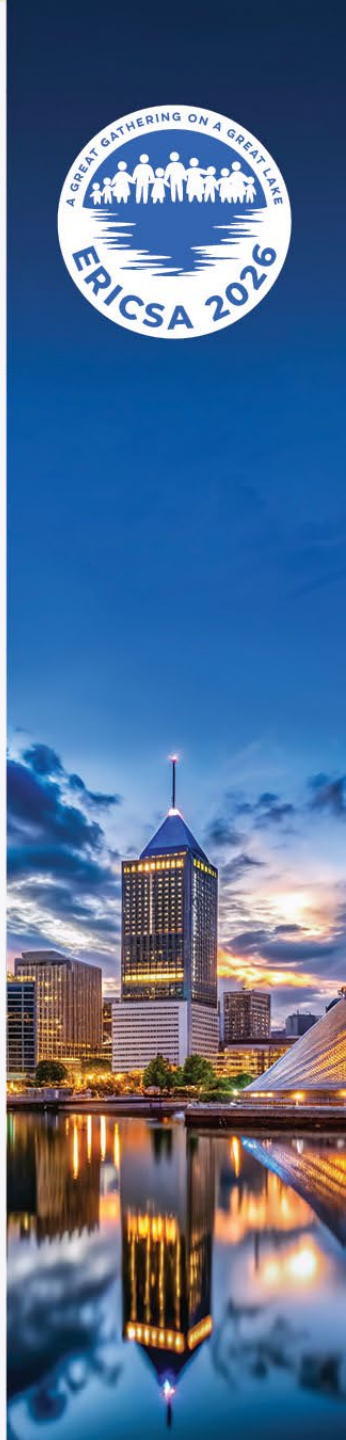


Ryan's Rule for Jurisdiction to Modify

$$2 > 1$$

“It’s math so easy,
even a lawyer can do it!”

- Ryan



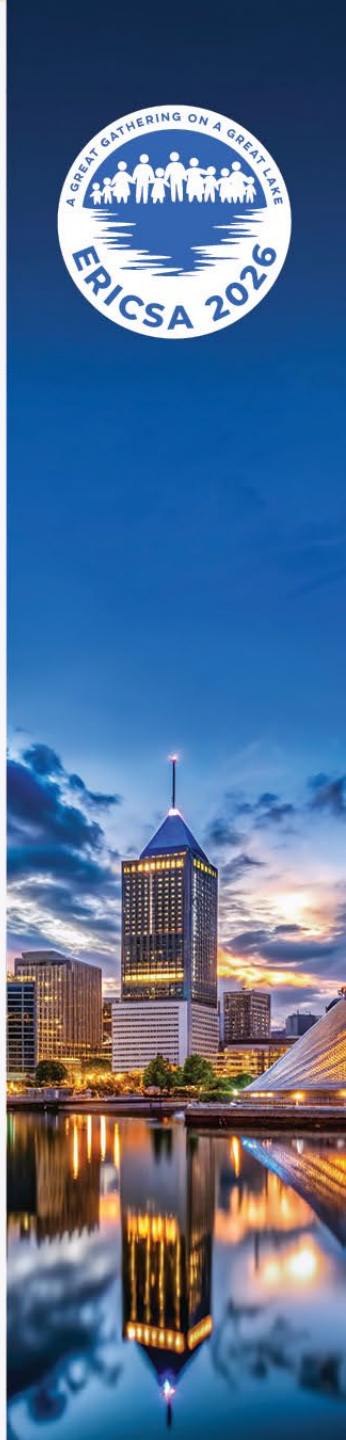
Ryan's Rule: $2 > 1$

Information
Needed

1. Order Issuing State

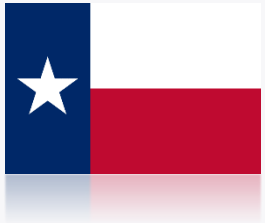
2. CP / DP State

3. NCP State



Ryan's Rule: Example 1

Order



Texas

CP / DP



Texas

NCP



Nevada

- $2 \text{ (TX)} > 1 \text{ (NV)}$
- Texas keeps jurisdiction



Ryan's Rule: Example 2

Order



Maryland

CP / DP



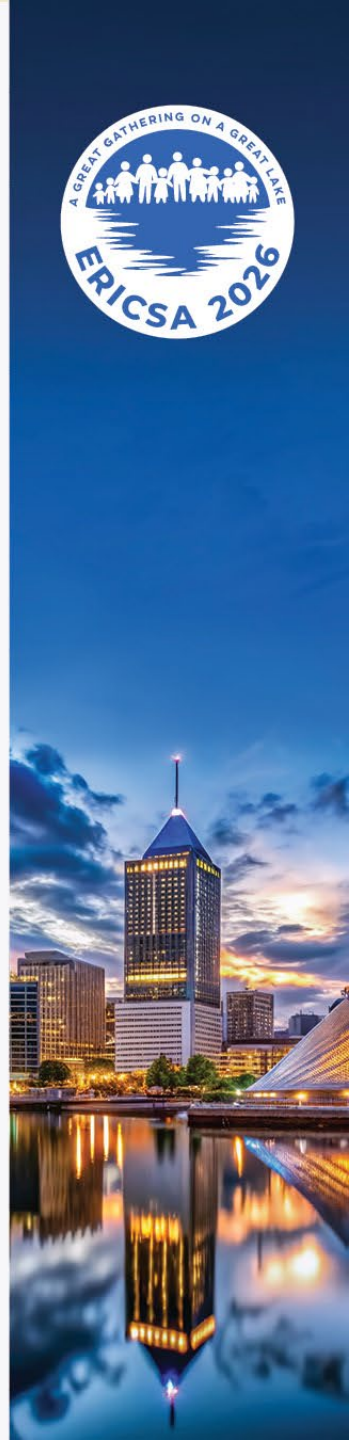
Colorado

NCP



Colorado

- 2 (CO) > 1 (MD)
- Colorado assumes jurisdiction



Ryan's Rule: Example 3



Order



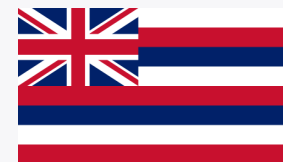
New Mexico

CP / DP



Wisconsin

NCP



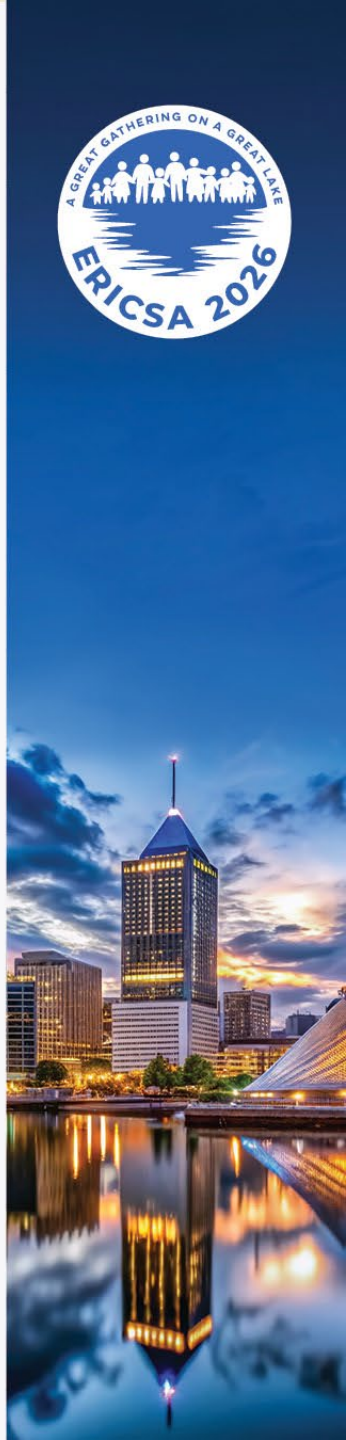
Hawaii

- $1 \text{ (NM)} = 1 \text{ (WI)} = 1 \text{ (HI)}$
 - Play Away
 - Who is requesting?



Federal Standardization

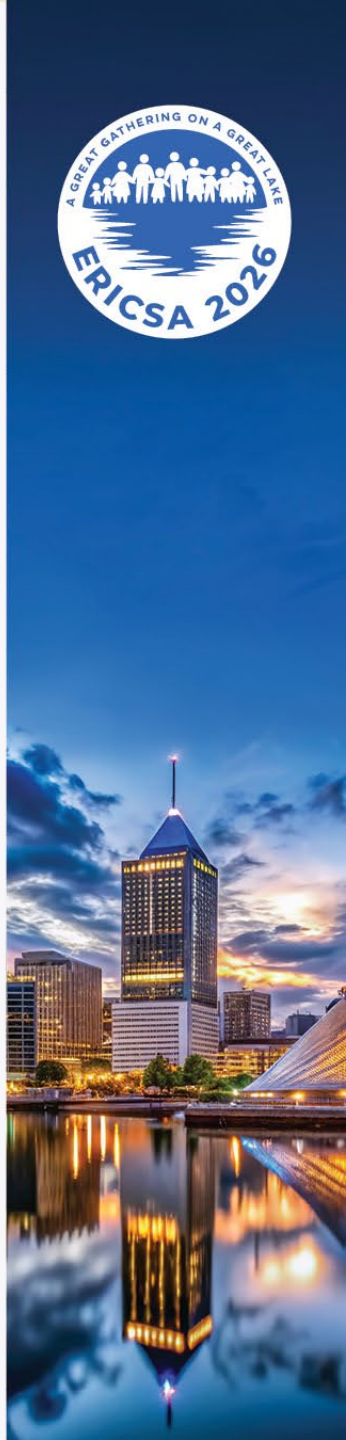
- Every state is federally mandated to have a Central Registry
 - CFR § 303.7(b).
- Responsible for:
 - Receiving incoming intergovernmental cases.
 - Responding to inquiries.
- Tribes are not required to have a Central Registry. The tribal IV-D agency should be contacted for all information that would otherwise be handled by a state Central Registry.



Federal Timeframes

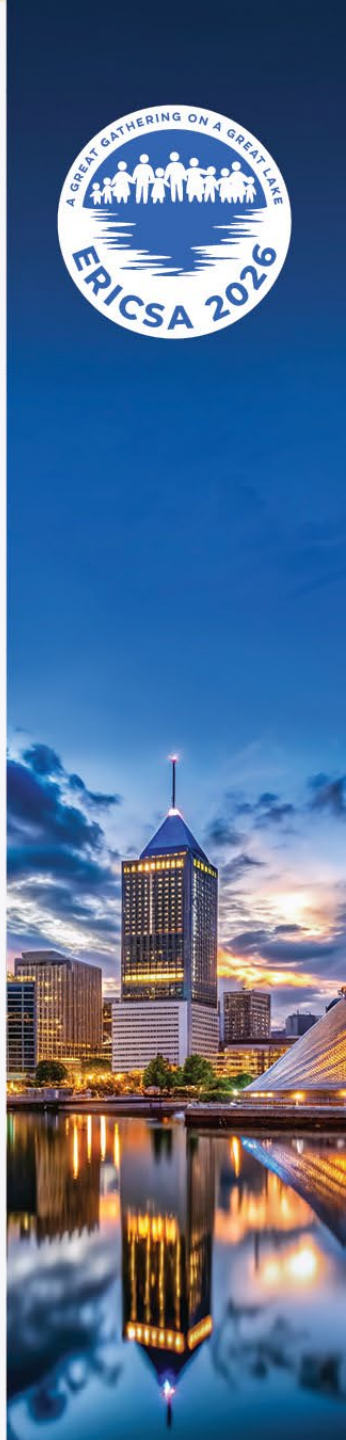
Within ten working days of receipt of an intergovernmental IV-D case, the central registry must:

- Review the request for completeness;
 - Forward the case for location services or appropriate agency for processing;
 - Acknowledge receipt of the case and request any missing documentation; and
 - Inform the initiating agency where the case was sent for action.
 - If documentation is incomplete, forward the case for any action that can be taken pending necessary action by the initiating agency.
-
- (45 CFR §303.7(b)(2))



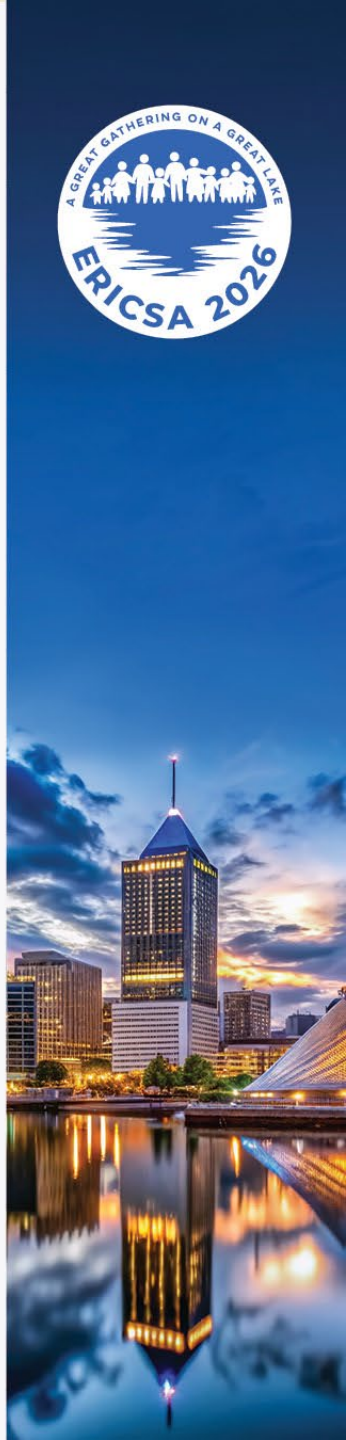
Federal Timeframes

- Within five working days of receiving a status request for a case status review, the central registry must:
 - Respond to the request, and
 - Provide assistance.45 CFR §303.7(b)(4)
- Status requests may be sent in one of the following ways:
 - CSE Transmittal #2 – Subsequent Actions
 - Email
 - Telephone
 - CSENet (for states, not tribes)



Limited-Service Requests

- Achieve:
 - Maintain Long Arm Status
 - Effectuate enforcement measures
 - Bank Seizures
 - Assist in Locate
 - Address
 - Income
 - Assets
 - Assist in Establishment
 - Genetic Testing
 - Discovery
- Require:
 - Transmittal #3
 - Review IRG
 - Can the other jurisdiction process this?
 - Do they require anything further?
 - Confidential Info Form



Family Violence Issues

- UIFSA § 316
 - If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by disclosure of specific identifying information, that information must be sealed and may not be disclosed to the other party or the public. After a hearing in which a tribunal takes into consideration the health, safety, or liberty of the party or child, the tribunal may order disclosure of information that the tribunal determines to be in the interest of justice.



Limitations

§ 201 - Bases For Jurisdiction over Nonresident

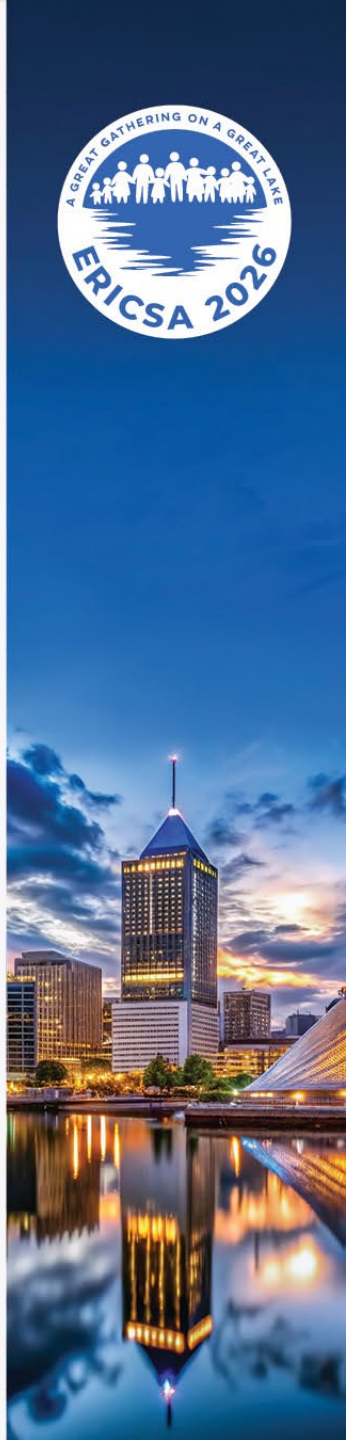
§ 202 – Duration of Personal Jurisdiction

§ 314– Limited Immunity of [Petitioner]

§ 610 – Effect of Registration for Modification

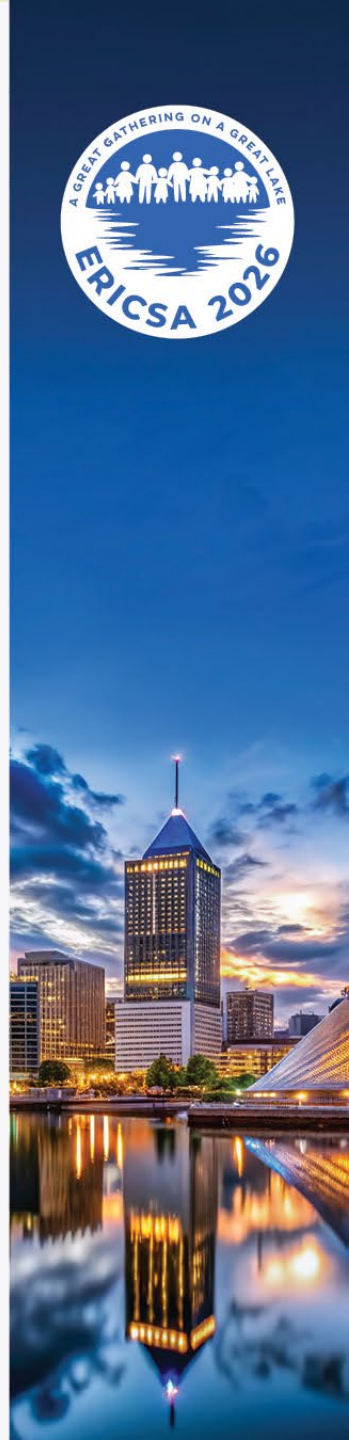
§ 611(c) – Cannot modify parts of an order that could not be modified in the order issuing state.

§ 611(d) - Duration cannot be modified, except in cases of indefinite support.



Reminder on Terminology

- Ensure you are speaking the same language
 - With other jurisdictions AND clients
- Recognize there will be differences
 - Don't nitpick
 - i.e. a certification of arrears, certified balance, arrears calculation are likely all functional equivalents
- Use universal terms
 - E.g. NCP, Judicial Enforcement
- Avoid legalese when appropriate
 - Pro se, per curiam



Questions

- Laura Bernacki Stone, Moderator
Porter County Prosecutor's Office (IN)
Laura.Stone@Porterco.org
- Dakota Bellinger
Bradford County Domestic Relations (PA)
DakotaBellinger@PACES.com
- Ryan Morrow
Office of the Attorney General of Texas
Ryan.Morrow@oag.Texas.gov

