



A Brief History of Interstate Cases

David Morris

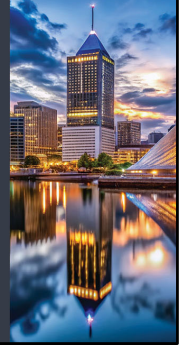
Indiana Prosecuting Attorneys Council

Christina Mahoney

Office of the Illinois Attorney General

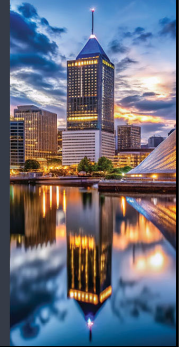
Latalya Stevens

Florida Department of Revenue

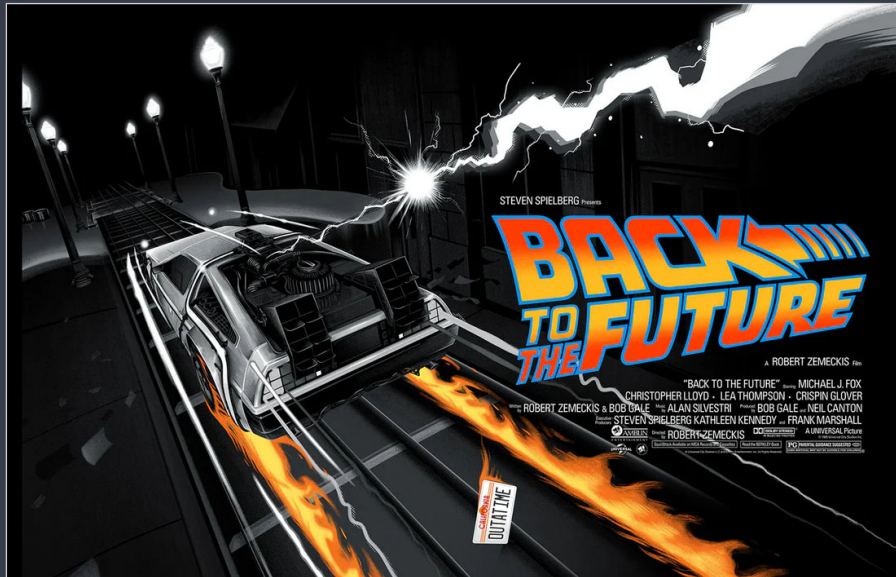


SESSION DESCRIPTION

This workshop will provide a brief history of legislation before UIFSA was passed and UIFSA's relationship to FFCCSOA. We will also explore possible changes in UIFSA practice moving forward.



What does it mean when we say that a case is a UIFSA case? What is the history behind UIFSA? How did we get here? This workshop will give a brief history of the legislation before UIFSA was passed, as well as the relationship between UIFSA and FFCCSOA, including a discussion of the principles of UIFSA. Our current version of UIFSA was passed over 17 years ago; what changes would we like to see in the UIFSA practice moving forward? Beginners to intergovernmental case processing, as well as more advanced workers and attorneys, will benefit from this session.

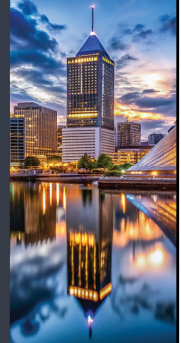


UIFSA - Past, Present, & Future

PRE-1950



Corner grocery store – early 1900's



Pre-1950 - **Uniform Desertion and Non-Support Act** (1910) imposed criminal penalties on husbands or fathers who deserted or willfully neglected or refused to provide support for their wives or children. Two drawbacks:

1. It provided only criminal remedies; and
2. It lacked interstate provisions

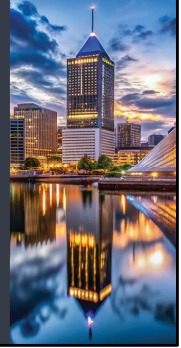
URESA was adopted in part as a response to flaws in that earlier act and the need for interstate support enforcement in an increasingly mobile society.

---*Interstate Child Support Remedies*, Margaret Campbell Haynes

BIGGEST EVENTS OF 1950



Start of Korean War



The Korean War began on June 25, 1950, when approximately 75,000 soldiers from the North Korean People's Army crossed the 38th parallel—the boundary between the Soviet-backed North and pro-Western South—to invade South Korea. This surprise attack aimed to unify the peninsula under communist rule, triggering immediate intervention from the United States and the United Nations.

BIGGEST EVENTS OF 1950

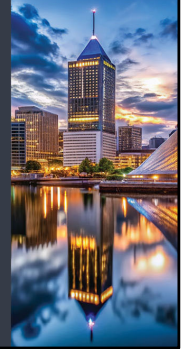


First kidney transplant



June 17, 1950 – First cadaveric kidney transplant, performed by Richard Lawler, MD, at Little Company of Mary Hospital, Evergreen Park, IL. The patient was Ruth Tucker, a 49-year-old with polycystic kidney disease (PKD).

BIGGEST EVENTS OF 1950



- URESА first adopted in 1950, amended in 1952 and 1958. RURESА adopted in 1968. Eventually replaced by UIFSA.
- New York - first state to enact URESА in 1950. Afterward, other states rapidly followed, and URESА became widely adopted throughout the 1950s and 1960s before later being revised in 1968 (RURESА) and ultimately replaced by the Uniform Interstate Family Support Act (UIFSA) in 1992.

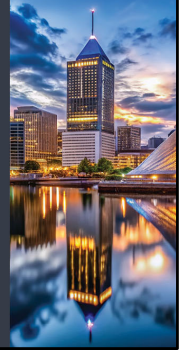
RURESА involved two important changes to URESА.

1. RURESА provided for introduction of evidence from obligee to avoid one-sided hearings.
2. RURESА provided for a registration process. But even when used, this proved confusing and was not uniformly applied.

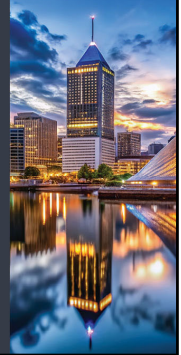
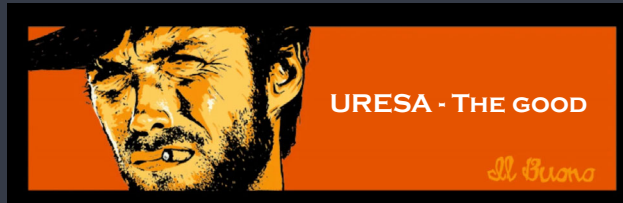
The amendments sought to correct a problem created by URESА where the responding court would only have evidence from the obligor and not have any evidence from the initiating state or the obligee. The responding court with one-sided representation would hold for the obligor; thus, the result would not serve the purpose of URESА. The Commission's solution was to amend URESА so that the initiating state and the obligee would provide evidence to be sent to the responding court along with the case file. The initiating court presented to the responding court evidence of the obligee's case, so the responding court would have both representations of the case.

The Commission provided a second method for obtaining redress under the category of civil enforcement. The new method provided for the obligee to register the foreign support order in a court of the obligor's state, and present that case directly to the foreign court.

URESА



The Good, the Bad and the Ugly
1966 Film starring Clint Eastwood, Eli Wallach, and Lee Van Cleef

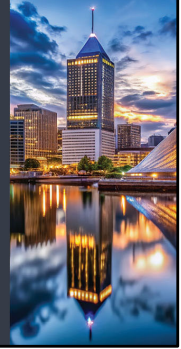


- Allowed support establishment / enforcement actions across state lines
- Allowed party to pursue action without traveling to other state
- Provided for testimony by documentation
- Codified “Runaway Pappy” Acts

"Runaway Pappy" acts refer to 20th-century U.S. laws, specifically the Uniform Reciprocal Enforcement of Support Act (URESА) of 1950, designed to compel noncustodial parents—often fathers fleeing across state lines—to pay child support. These state-level laws allowed enforcement of support orders across state jurisdictions, aiming to reduce welfare burdens.

In 1950, the NCCUSL and the American Bar Association developed and approved URESА, a state-level model law that was enacted in all 50 states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands. The model law was amended in 1952 and 1958 and revised in 1968. In its early years, URESА was often called the "Runaway Pappy Act." Its purpose was to put the responsibility for pursuing and enforcing child support cases on prosecutors in the states. It also provided a system for the interstate enforcement of child support orders without requiring the person seeking child support or their legal representative to go to the state in which the noncustodial parent resided. After passage of URESА, the court system of one state had the authority to enforce the child support orders of another state, and noncustodial parents who moved across state lines could not as easily avoid paying child support.

---<https://www.congress.gov/crs-product/R47630>



- Confusion between substantive and procedural law
- Incentivized forum shopping
- Limited basis for long-arm jurisdiction
- Pre-IV-D confusion as to which office was responsible for processing URESA requests

Confusion between substantive and procedural law –

- Does applying a foreign state's guidelines when modifying support constitute a substantive or procedural change?
- If substantive, does application of that substantive law contravenes some public policy?

Incentivized forum shopping –

- Moving to a different state to obtain a more favorable child support order
- 1950 version – obligee could decide which law to apply when establishing a support obligation; fixed in 1952 version

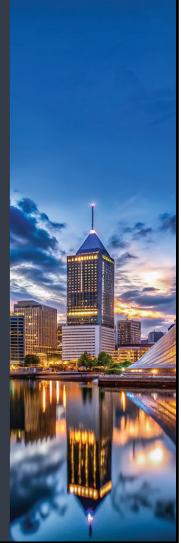
Limited basis for long-arm jurisdiction –

- At least less specific than we have today under UIFSA
- Many states did not extend personal jurisdiction over non-resident defendant to full extent of state or federal due process clause. (See *International Shoe Co. v. Washington*, 326 U.S. 310 (1945) (fair play and substantial justice))

Pre-IV-D confusion as to which agency was responsible for processing URESA requests

- Many states employed a combination of offices to handle various aspects of a case
 - E.g., one to assist obligee complete paperwork, another for filing a petition with the clerk, another to enforce the resulting order

The Commission intended to correct the problem of inconsistent multiple orders by only allowing the support orders to be modified based upon a single state's law. In theory, states A, B and C could only modify a support order based upon the original state's law; thus, all the support orders should be identical. In practice, however, this rule created ambiguities concerning whether child support guidelines are procedural or substantive, and if substantive, whether application of that substantive law contravenes some public policy. Therefore, it became possible that there could be multiple orders based upon different states' child support guidelines.



- Early versions lacked paternity provisions
- No right of party to appear remotely in responding court
- Defenses to URESA action were not clearly defined
- Required I/J's permission to send URESA to responding state

Early URESA versions lacked paternity provisions – leading some courts to hold that paternity could not be established under URESA. This was fixed in 1968 version (RURESА)

Allowing non-resident party to appear telephonically or by video was permissive, not mandatory. UIFSA fixed that.

Defenses to URESA action were not clearly defined –

- Early URESA versions did not specify any available defenses to contest a URESA action.
- This was fixed in the 1958 version, which allowed a party to assert “*any defense available on an action to enforce a valid judgment,*” but was otherwise not specific
- Now, UIFSA, § 607 provides eight specific bases for contesting registration of a foreign support order.

Certificate and Order – (see detailed view on following slides)

- I/J certified:
 - (a) – obligor owes a duty of support; and
 - (b) court of the responding state may obtain jurisdiction over the obligor or the obligor's property
- Certificate and order was not a support order and had no binding effect on the responding jurisdiction. Rather, it approximates a probable cause finding in a criminal case.
 - But some cases held otherwise. See, e.g., *Davis-Roper v. Estate of Schroeder*, 179 N.E.3d 984 (Ind.Ct.App. 11/9/21) (trial court erred in refusing to admit into evidence during an heirship proceeding a certified copy of a 1996 Alabama URESA Certificate & Order a woman introduced to prove she was the granddaughter of a decedent and thus entitled to a share of his estate. The appellate court opined that had the trial court admitted the woman's exhibit at trial, the court would have had before it evidence that the woman “had established paternity” in the grandfather's son before the son's death, and thus, was an heir to her grandfather's estate.)

COURT/ADMINISTRATIVE AGENCY IDENTIFICATION AND CASE NUMBER	
MARION COUNTY CIRCUIT COURT	
49C019505 RS1222	
PETITIONER	
STACY	
RESPONDENT	
RONALD	
FILED	
XX IV-D NON IV-D	
MAY 19 1995	
OTHER REFERENCE NUMBER	
22165241 EB	
JAN 19 1995	
MARION COUNTY CIRCUIT COURT	
CERTIFICATE AND ORDER	
The undersigned, John Ryan, Judge of the above named Court, hereby certifies as follows:	
1. On a petition was filed by the petitioner in this Court in a proceeding against the respondent under the provisions of the reciprocal support statute seeking support of the dependents named in the attached petition.	
2. The respondent is believed to reside in your jurisdiction at: 4567 MANDEVILLE CT COLUMBUS, OH 43232	
3. In the opinion of the Judge, the enclosed petition and testimony set forth facts from which it may be determined that the respondent owes a duty of support to the named dependents and that such petition should be dealt with according to law.	
4. All payments should be made payable to and sent to: MARION COUNTY CLERK CHILD SUPPORT DIVISION W123 CITY-COUNTY BUILDING INDIANAPOLIS, IN 46204	
WHEREFORE, it is ORDERED that three copies of this Certificate, with the petition, testimony, and the required copies of this state's reciprocal support statute, be transmitted to: Bureau of Child Support ATTN: Central Registry Department of Human Services 30 East Broad Street, 27th fl. Columbus, OH 43226	
DATE	SIGNATURE (JUDGE)
MAY 19 1995	[Signature]
3 copies to responding jurisdiction	
1 file copy for initiating jurisdiction	
page 1 of 1	



Certificate and Order – full view

CLERK OF THE
MARION CIRCUIT COURT

CERTIFICATE AND ORDER

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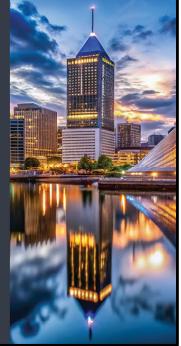
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Problems created in establishing a new cause number –

- New cause numbers created
- Parties would file petitions – including Petitions to Modify – under the Certificate and Order Cause
 - Required cleanup years later



- Each state enacted different versions of URESА
- Non-standard forms used by many states and counties
- Some jurisdictions applied URESА county to county
- Effect of registration was unclear

Each state enacted different versions of the same law

- Even if state adopted URESА in its model form, some states adopted 1950 version, some 1952 version, others 1968 version (RURESА)
- Many states adopted some provisions from each
- This made it impossible for attorneys in one state to know the law in other states

Some jurisdictions applied URESА county to county

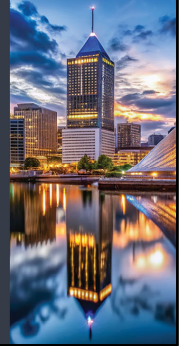
- Disagreements between states---and within some states---as to whether to apply URESА to intrastate actions

Effect of registration was unclear -

- Confusion as to whether registration procedures modified original order or other state's order.
- Even where order was registered, courts were inconsistent as to what that meant - Compare *Burke v. Burke*, 617 N.E.2d 959 (Ind.Ct.App. 1993) (modifying registered order modifies original order) with *Beach v. Beach*, 642 N.E.2d 269 (Ind.Ct.App. 1994) (modifying registered order does not modify original order).



- Collecting arrears w/o registration was iffy
- Collecting arrears for emancipated children was iffy
- No priority rule where multiple states all claim state's arrearages



Collecting arrears w/o registration was iffy

- Some states said can't use URESА to collect arrearages – it's a money judgment, so use UEFJA, not URESА.

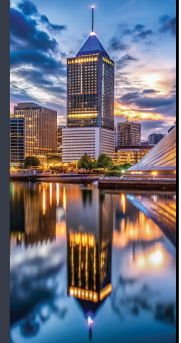
Collecting arrears for an emancipated child –

- Some states allowed arrears collections for emancipated children only upon registration of the original order

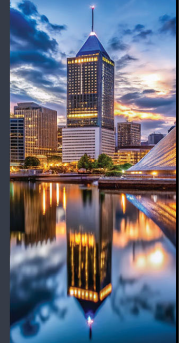
Disagreement re applying URESА to intrastate actions

- Created issues even within some states, let alone between states

No priority rule where multiple states all claim state's arrearages – still an issue under UIFSA



- Multiple, inconsistent orders
 - Each was independently modifiable
 - Each subject to its own age of emancipation
 - Each subject to its own statute of limitation
-
- Obligor must pay highest of the orders at any one time
 - Everyone is angry –
 - CP angry and confused – since order in RJ was frequently lower, CP mad when payments she received were less
 - NCP angry and confused when he learned he owed the difference between what he was told to pay by his local judge and the higher order(s)
 - Child support practitioners are frustrated trying to calculate the obligor's arrearage and keep all these payments straight.



- No direct income withholding provision
- Conflict with FCCSOA
- Arrearage calculation chaos

No direct I/W provision –

- Congress did not mandate that states adopt interstate income withholding until 1986 (Child Support Enforcement Act of 1984), which required states to enact laws allowing interstate i/w. Federal extensions gave states until 1986 to adopt.
- Practical problems with income withholding
 - Some states set lower limits on withholding than the federal limit
 - Since inconsistent orders, which one to garnish?
 - Different definitions of income between states; for example:
 - Self employment income
 - Accounts receivable?
 - Commissions?
 - Interest
 - Stock dividends
 - No access to interstate IWOs by private lawyers

Conflict with FFCCSOA (Full Faith and Credit for Child Support Orders Act) – 28 U.S.C. § 1738B, effective October 20, 1994.

- Federal preemption issues that continued on into UIFSA

Arrearage calculation issues – trying to manage payments made through different states on multiple, independent orders

FINDING GOLD AND MOVING ON



UIFSA



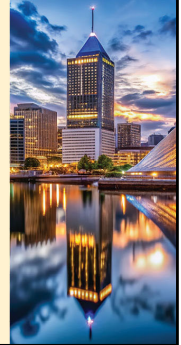
UIFSA was promulgated in 1992 by the Uniform Law Commission, and Texas was the first state to adopt it legislatively. (Arkansas and Texas adopted in 1993). Other states followed throughout the mid-1990s, especially after Congress effectively required nationwide adoption through federal welfare reform to ensure compliance with interstate child-support enforcement mandates.



UIFSA: The Present
Stability, Strain, and Strategic Adaption

WHAT UIFSA GOT RIGHT

- One-order system
- CEJ
- Clear modification rules
- Long-arm jurisdiction
- Hague integration



Jurisdictional Framework

- Broad jurisdiction to establish
- Limited jurisdiction to modify
- Orders entitled to full faith and credit



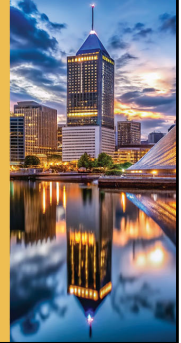
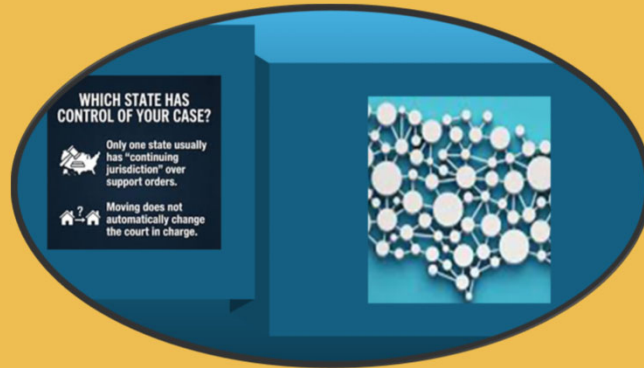
Designed to prevent multiple competing orders

Jurisdictional Limitations

- Long-arm jurisdiction (UIFSA §§ 201-201)
- Maximum constitutional reach for establishment
- Immediate limits on modification



Kulko v. Superior Court, 436 U.S. 84 (1978)



CEJ in Practice

Controlling Order

- One order → controls
- Multiple orders →
 - ✓ Child's home state
 - ✓ Otherwise, most recent

Limited Exception

- Jurisdiction can shift by consent (on the record)
- Must have connection to new state

Residence Matters

- UIFSA = residence, not domicile
- Check how your state defines it

The "Away Game" Rule

- Modification → file in other party's state
- No home court advantage

Bottom Line:

One order. One controlling state. One place to modify.

The "Away Game"

State A (Original Order)

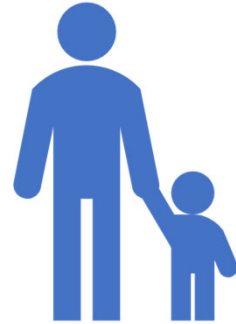
↓ CEJ

Modification sought, but:

CP → State B

NCP → State C

- State A loses CEJ – everyone left
- CP wants mod – file in State C
- NCP wants mod – file in State B





DURATION OF SUPPORT



What changes and what doesn't



New state applies:
Its own guidelines
Its own procedure



BUT
Duration stays with original order



CHILD SUPPORT IN ALABAMA

Child support in Alabama ends when a child reaches 19, the legal age of majority. This law reflects the state's belief that children become financially independent adults at this age. Unlike

ends at 18,
limit at 19,
de in 1975.

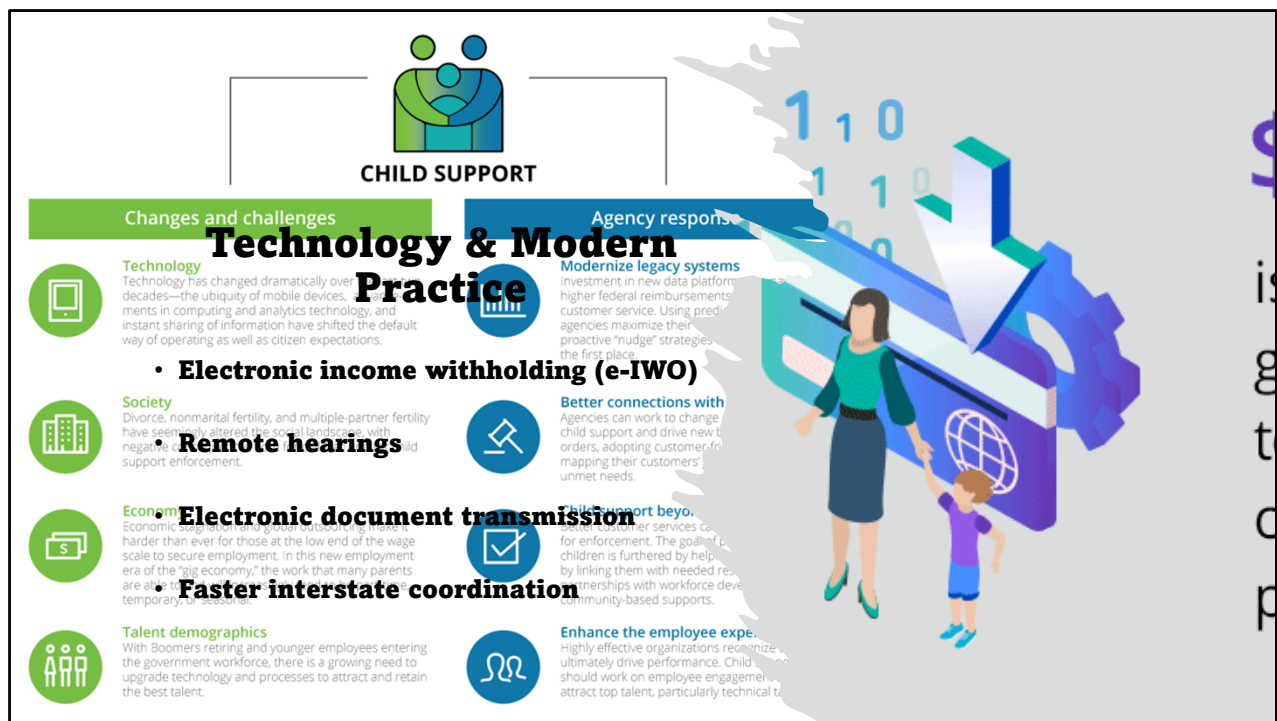
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WHEN DOES
CHILD SUPPORT
END IN OHIO?

ON OF CHILD
T PAYMENTS
HIGH
SCHOOL
GRADUATION
→
VER IS LATER





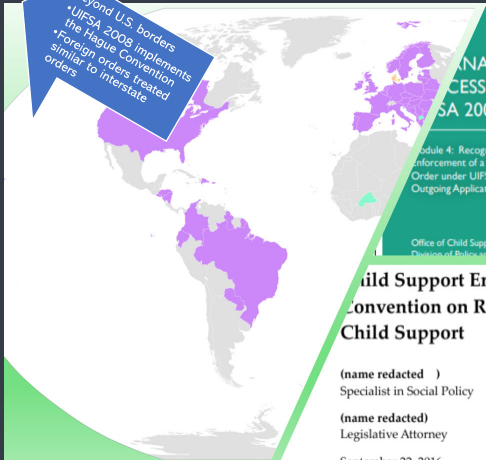
INTERNATIONAL APPLICATION

BUT

- Must satisfy due process (Kulko)
- If no jurisdiction, U.S. court may establish new order

Beyond U.S. borders

- UIFSA 2008 implements the Hague Convention
- Foreign orders treated similar to interstate orders



INTERNATIONAL CASE PROCESSING UNDER UIFSA 2008

Module 4: Recognition and Enforcement of a Convention Order under UIFSA (2008) – Outgoing Application

Office of Child Support Enforcement
Division of Policy and Training

Child Support Enforcement and the Hague Convention on Recovery of International Child Support

(name redacted)
Specialist in Social Policy

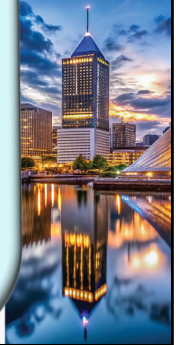
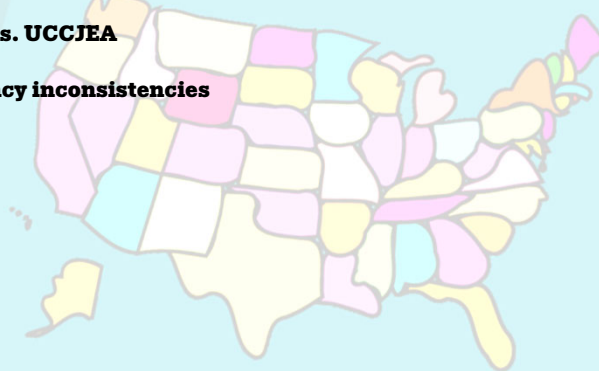
(name redacted)
Legislative Attorney

September 22, 2016




Persistent Challenges

- **CEJ misunderstandings**
- **Modification errors**
- **Registration confusion**
- **UIFSA vs. UCCJEA**
- **Residency inconsistencies**



STRUCTURAL TENSION

UIFSA depends
on:

- Uniform interpretation
- Reciprocity
- Cooperation

Pressure points:

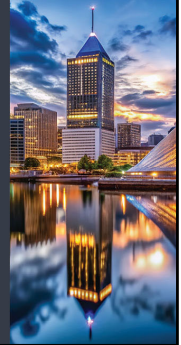
- Increased mobility
- International cases
- Resource constraints



The Future

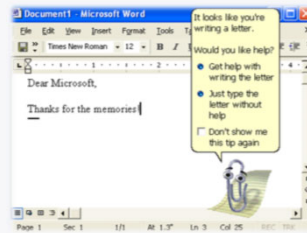


Anyone know who these folks are?



The Jetsons was set in year 2062, exactly 100 years in the future from its debut year which was 1962 which is close to 1968 when RURESA was adopted

Artificial Intelligence



Assistance to Parents

- Provide case updates
 - Case balance
 - Payment options
- General information about child support
 - "How can I modify my order?"
 - "How can I submit documents?"

Assistance to Caseworkers

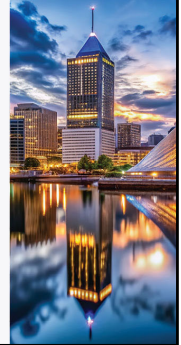
- Subject Matter Expert available on every desktop
 - Provide Decision making support
 - Setting up Payment Agreements
 - Recommendations on next enforcement actions
 - Referrals to other services
- Automated Case Triage and Prioritization
 - Identify cases with High balances
 - Identify cases that need follow up
 - Help provide proactive services
 - Court prep



Who remembers Clipper from Microsoft in the 90s and early 2000s? While not AI by modern standards because it used simple algorithms to guess user needs, it was a precursor to AI assistants that analyzed user behavior

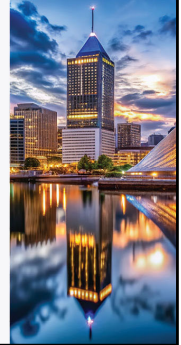
Continued rethinking Enforcement Remedies

- **Employment programs for obligors**
 - Florida (Gulf Coast JFCS) - Offers resume writing, interview training, job search and referrals, career planning, vocational and educational assessments, help maintaining or advancing employment, assistance with work-related expenses, support for child support issues, and possible driver's license reinstatement.
 - Wisconsin (Children First Program) - Employment and training program for unemployed or underemployed noncustodial parents.
 - South Carolina (Jobs Not Jail Program) - Provides job support to low-income parents at risk of incarceration for nonpayment.
- **Fatherhood Programs**
 - All states required to have a program.
 - Early intervention before arrears grow.
 - Shifting toward behavioral and economic strategies rather than purely punitive measures.

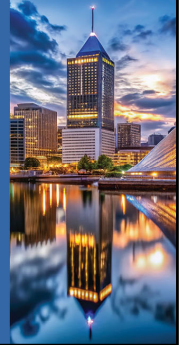
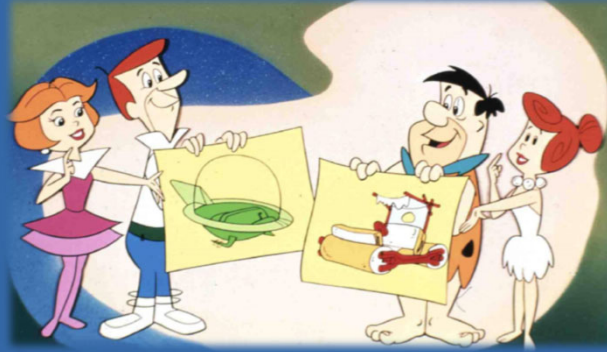


Other Emerging Innovations

- Using secure digital system (blockchain) to safely store and share confidential information
 - 2 factor authentication
 - 18-Character passwords
 - Cyber disaster plans
 - Hacking or data breaches
- Enhanced platforms for inter-agency communication
 - International- iSupport
 - Case Data Exchange



Using WHOVA App-Share your own vision: What Improvements or Changes would you want to see?



Looking ahead: What I'd Like to See

- Faster, more efficient case processing
 - More real-time interstate data exchange.
 - More interstate collaboration and feedback loops
- Greater standardization in IV-D processing
 - A uniform law does not mean uniform application.
 - The great birth certificate debate
 - There are still areas where UIFSA and FFCSOA do not perfectly align
 - Safeguards for victims of domestic violence.



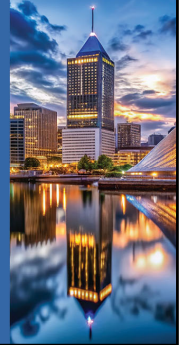
Looking ahead: What I'd Like to See

- Adapt to Modern Family & Workforce Structures

- More non-traditional households
- Remote work & Location Flexibility
 - Growth in cross-border families and international employment.
- Gig Economy & Non-Traditional Income

- Improved engagement with families

- Mobile-friendly portals to check case status
- Text/email updates instead mail notices
- K.I.S.S



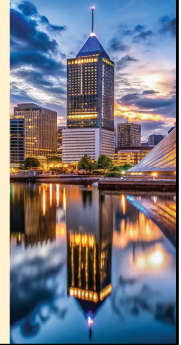
Open Discussion

Please raise your hand or type a response in the Whova App

Which changes in intergovernmental child support do you feel have had the most positive impact?

What current tools or policies in intergovernmental child support do you find most effective, and where do you see room for improvement?

What technologies do you think will have the biggest impact in the next 10 years?





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