



ERICSA 63RD ANNUAL TRAINING CONFERENCE & EXPOSITION

MAY 3-7, 2026

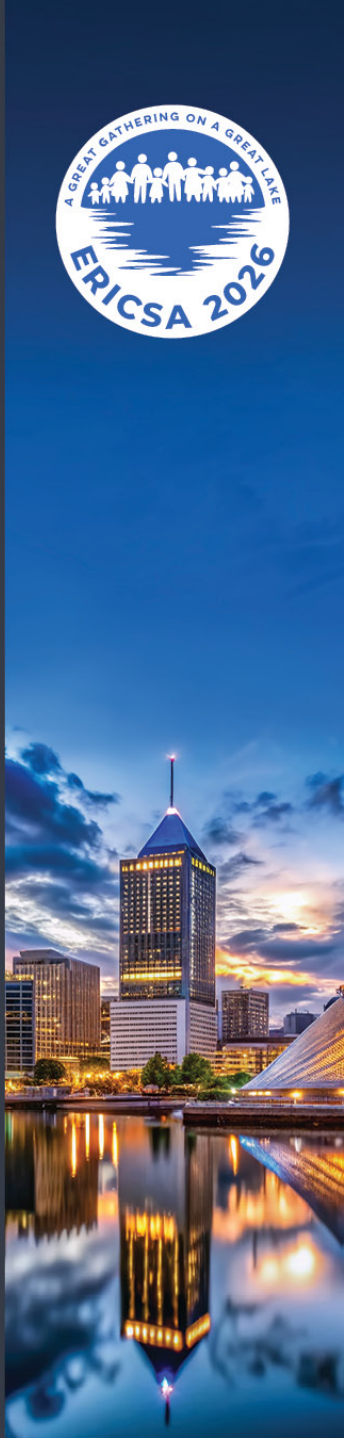
Milwaukee

WISCONSIN

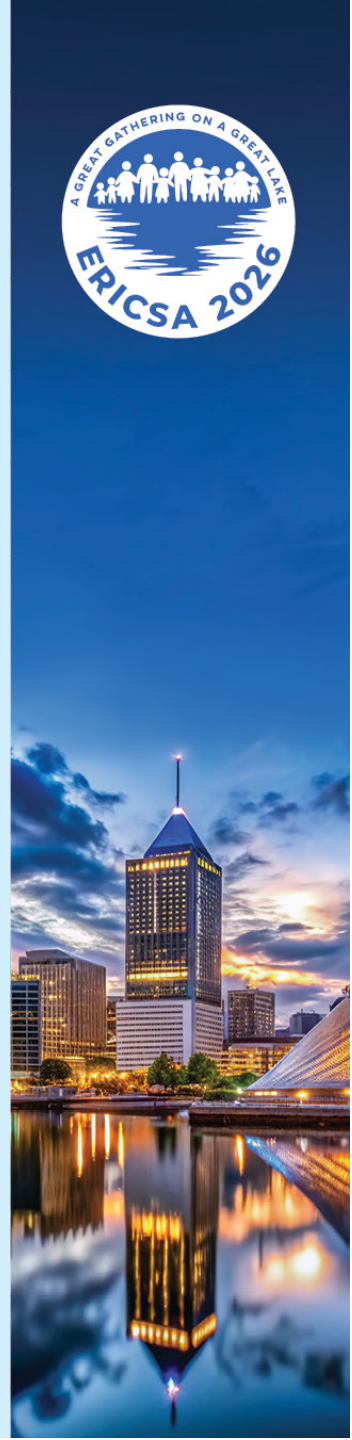


Do's and Don'ts of UIFSA Hearings: A Modern Approach

Moderator – Andrew Schweller, Allen County, Indiana.
Ryan Morrow, Office of the Attorney General, Texas
Elysia Rodriguez, Ho-Chunk Nation
Robert Bishop, Kosciusko County, Indiana



Lifecycle of an UIFSA Case



What Qualifies as an UIFSA Case

Who

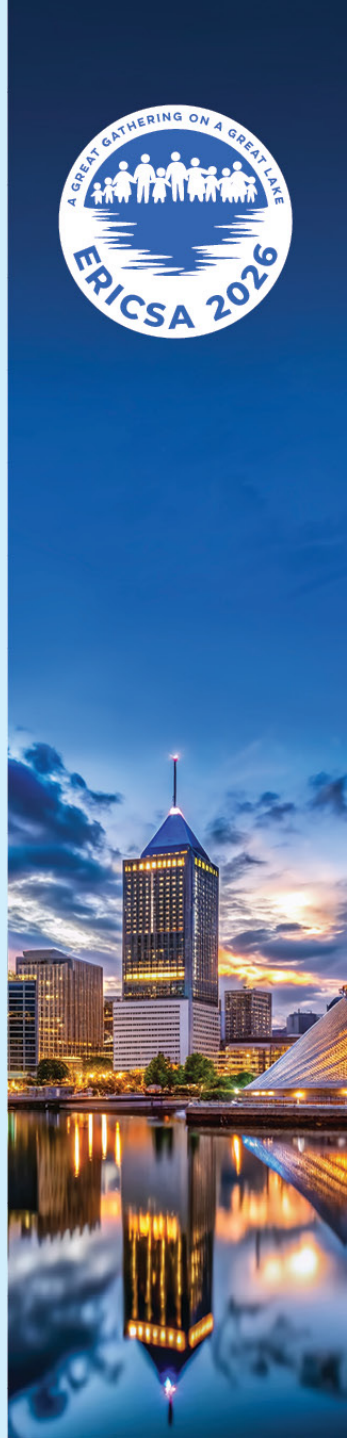
- Custodial Person?
- Non-Custodial Parent?
- Dependent?
- Interested Third Parties?
- Another IV-D Agency / Government Entity?

Where

- Whose location matters
- State or state, Here or Not Here
- Tribal Considerations

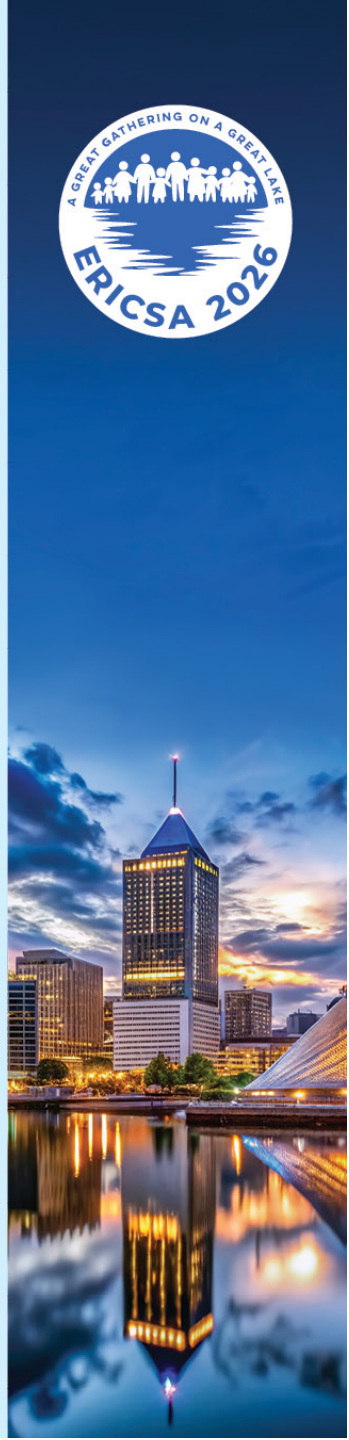
What

- Case Type



Who Does What

- Support Enforcement Agency UIFSA Model Rule § 307
 - (f) This chapter does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.
- Responding Tribunal - UIFSA Model Rule § 305
 - Establish or enforce a support order, modify a child support order, determine the controlling child support order, or determine parentage of a child;
 - Order an obligor to comply with a support order, specifying the amount and the manner of compliance;
 - Order income withholding; Determine the amount of any arrearages and specify a method of payment;

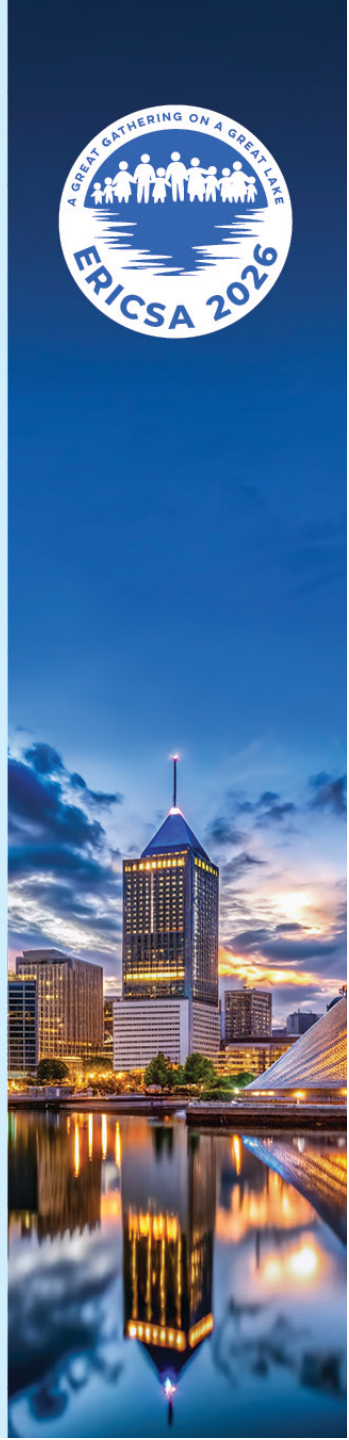


Tribes and UIFSA

- What is the relationship between Tribes and UIFSA?
- How does a party's membership in a tribe or physical location on tribal land impact IV-D filings?
- What remedies can / should a state engaging in when the obligor is part of a tribe?



Incoming Legal Actions



Judicial vs Administrative: A Two-Step of Actions

“The Texas trial court was required to accept the Oklahoma order as an adjudication of the Daltons' respective rights and obligations, but Texas law governs the methods by which the Texas court could enforce those rights and obligations.” Dalton v. Dalton, 551 S.W.3d 126, 136 (Tex. 2018)

- Judicial Remedies

Contempt

Community
Supervision /
Probation

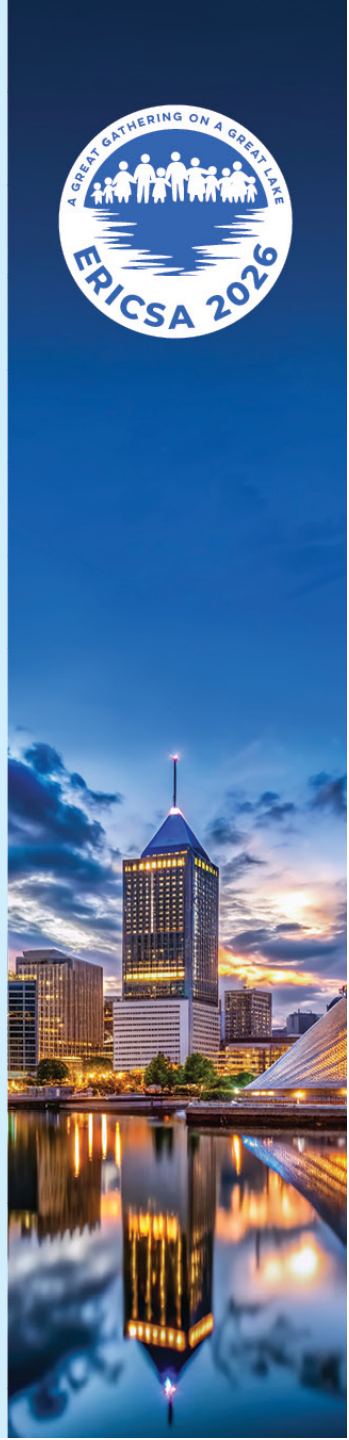
Employment
Programs

Judgments

Revocation

License
Suspension

Property Lien



A Two-Step of Actions

- 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
Compensations

Federal Tax
Refund Intercept

Passport denial

Financial
Institution Data
Match

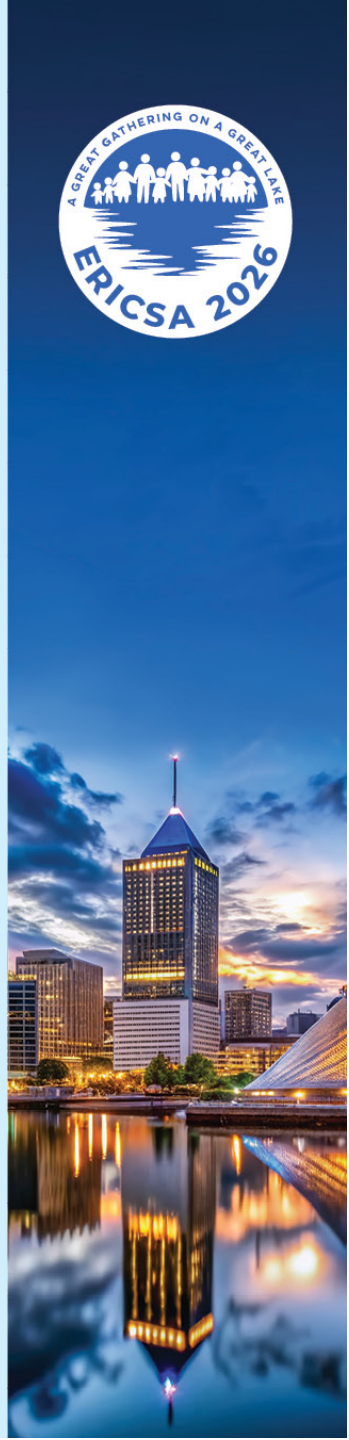
Credit bureau
Reporting

License
Suspension /
Denial of Renewal

Denial of Motor
Vehicle
Registration

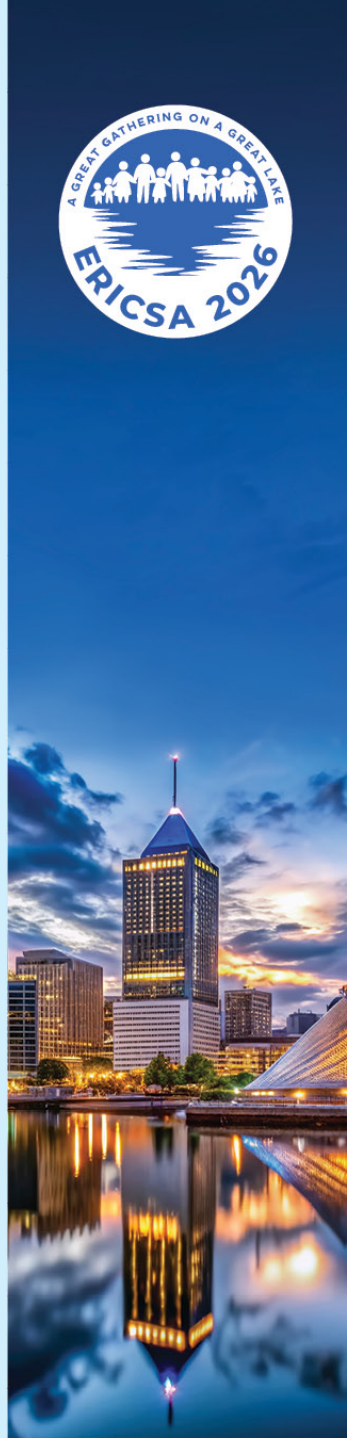
Lien / Levy

Insurance
Intercept



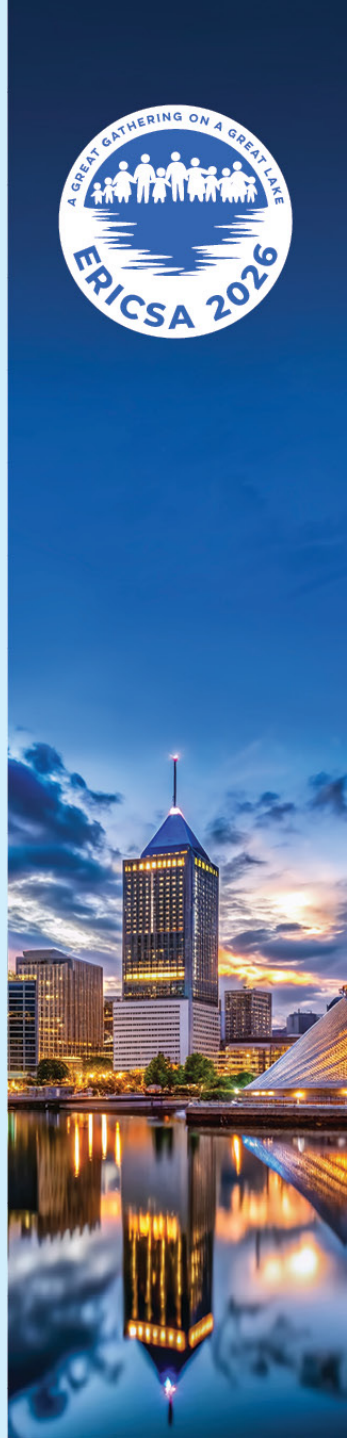
The Before Court Process

- Location, Location, Location
 - Why should the case be heard in your state?
 - Long Arm
 - CEJ
 - UIFSA v UCCJEA
 - What about venue rules?
- The Role of Pre-Court and Pre-Trial Settlements
 - Who is Involved?
 - What can you do?



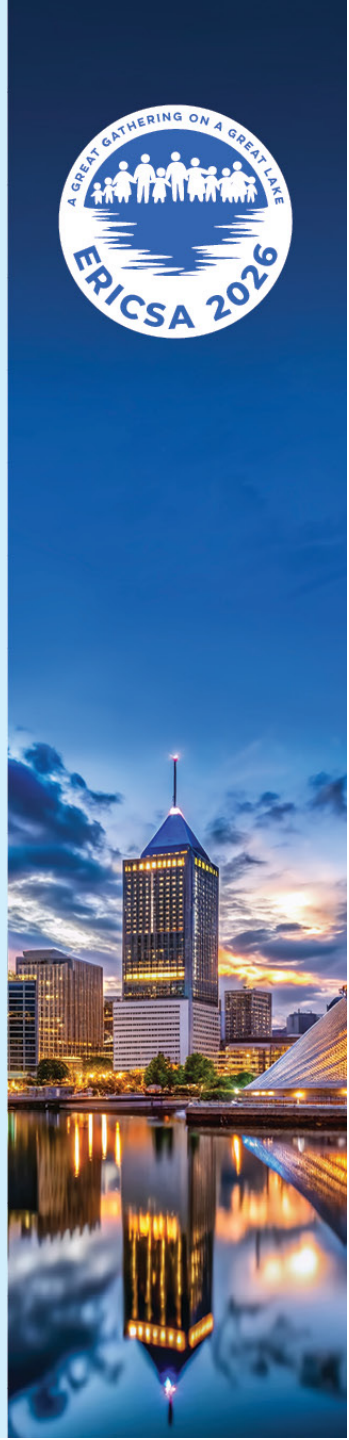
The Great UIFSA e-Paper Chase

- Internal Documents
 - Transmittals
 - Transmittal #1 – Initial Request
 - Transmittal #2 – Subsequent Actions
 - Transmittal #3 – Request for Assistance / Discovery
 - Child Support Agency Confidential Information Form
 - UIFSA Form §319 for Redirection
- Documents Filed with the Tribunal
 - Letter of Transmittal Requesting Registration
 - Uniform Support Petition
 - Personal Information Form For UIFSA §311
 - General Testimony
 - Declaration in Support of Establishing Parentage



Electronically Pushing Digital Paper

- The Original Petition
 - (b) An affidavit, a document substantially complying with federally mandated forms, or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule if given in person, is admissible in evidence if given under penalty of perjury by a party or witness residing outside Indiana.
- Original Documents
 - (e) Documentary evidence transmitted from outside Indiana to an Indiana tribunal by telephone, telecopier, or other electronic means that do not provide an original record may not be excluded from evidence on an objection based on the means of transmission.



To Serve or Not To Serve, What is the Process

- What are the parties entitled to? Service, Notice, Something Else?
- What happens when the court rules and the UIFSA rules disagree?
- The Curious case of Sigman V. Sigman, an unpublished Indiana Decision.



Establishment



Choice of Law

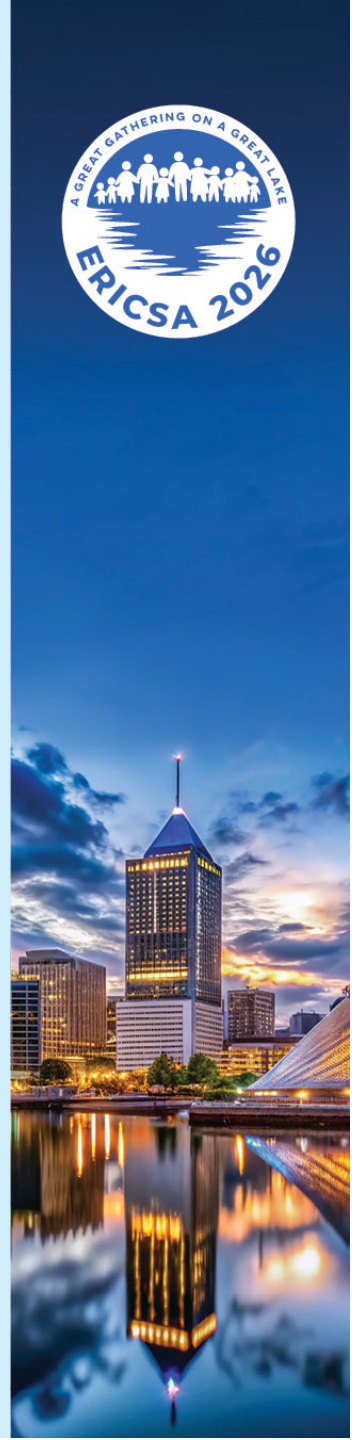
- Responding state's law regarding:
 - Paternity
 - Obligations
 - Duration

Calculating Support

- Income Shares
- Percentage of Income
- Melson Formula

The Role of Custody / Conservatorship and Visitation

- What do you do?
- Tribal Approach



Enforcement

- The Role of Registration
 - Jurisdictional or Notice
 - Defenses - UIFSA § 607

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

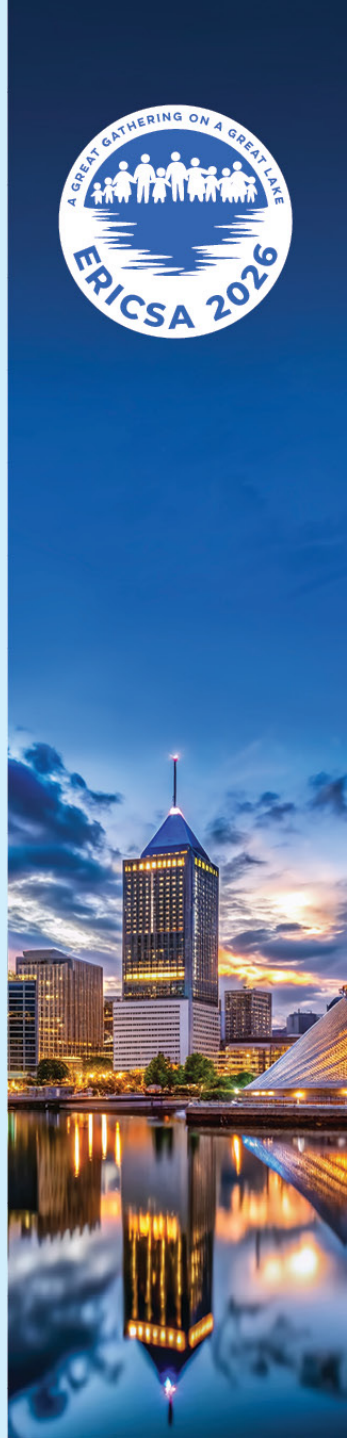
Alleged
controlling order
is not the
controlling order

- Procedure



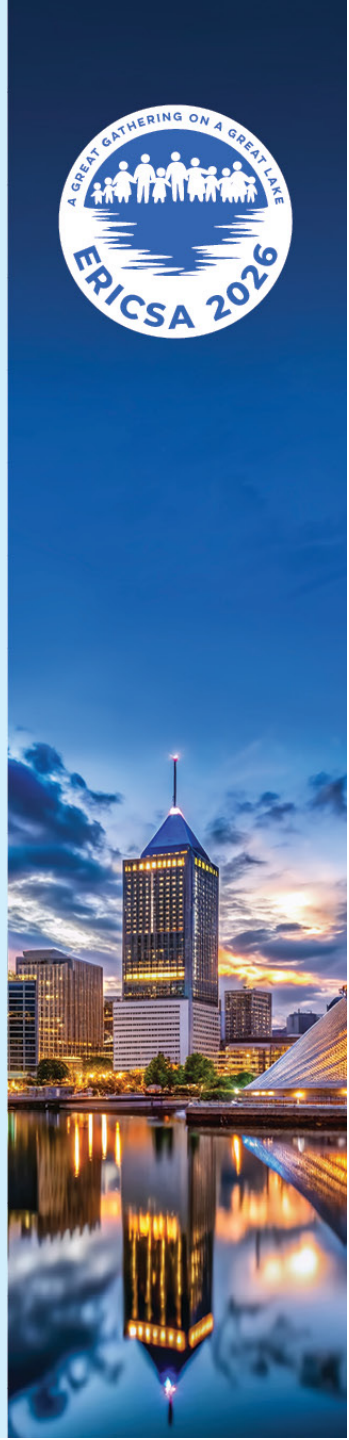
Modifications

- 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



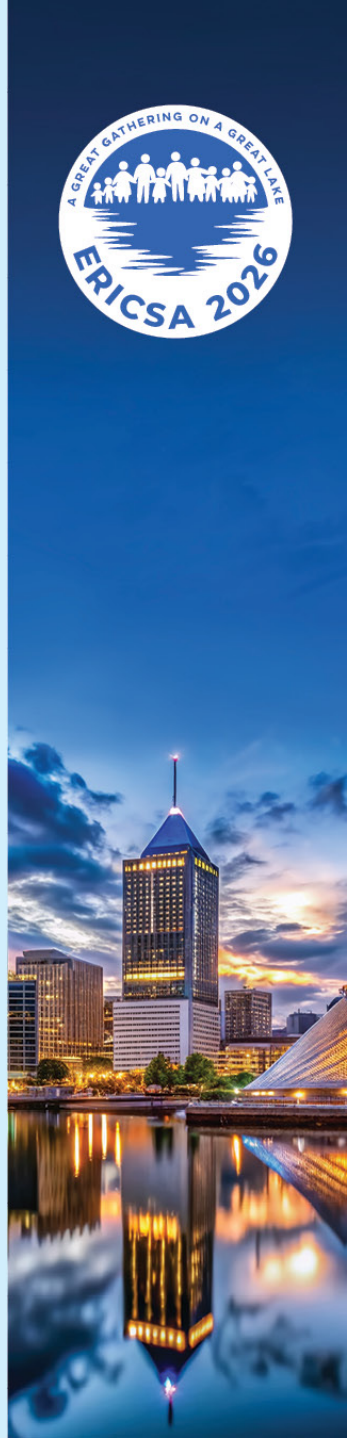
Other Hearings

- What happens if non-UIFSA issues are brought up?
- Change in Beneficiary
- Visitation Issues
- Requests for Discovery



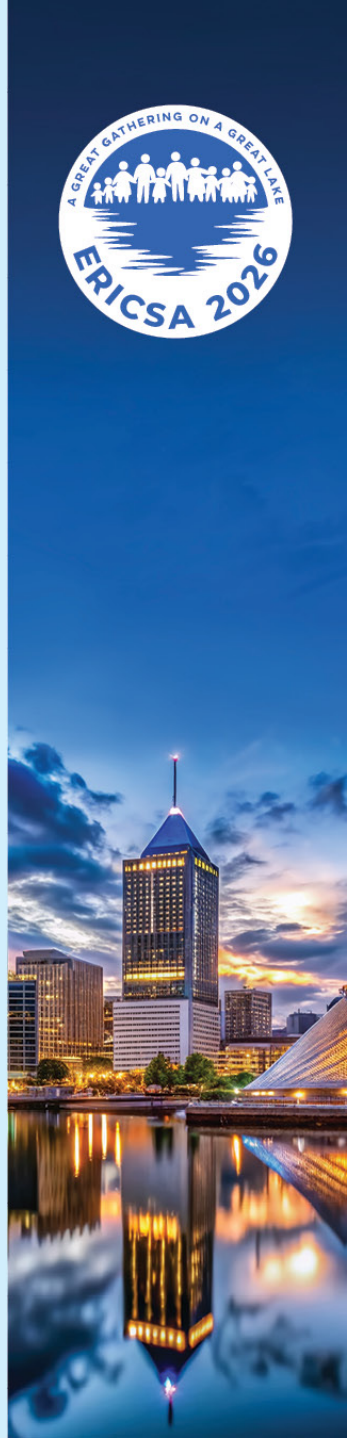
The Paperless Courtroom

- Preparing
- Introduction of e-Documents
- Uniform Support Petition
- Appropriate Pre-Trial Orders for E-cases.
 - Exchange of exhibits
 - Pre-marking exhibits.
- Agreements and Stipulations



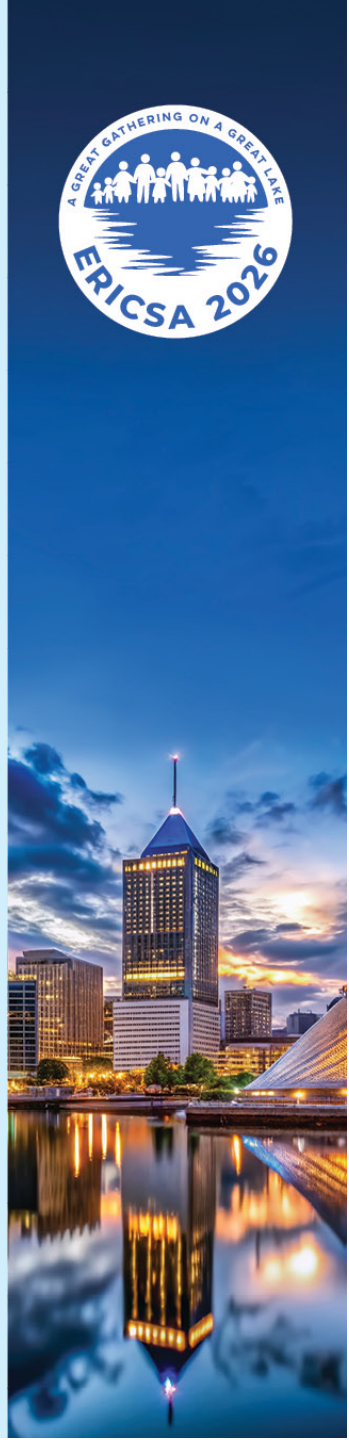
Remote Appearance

- What does this actually look like?
 - Model Rule Section 316(f) provides that:
 - a tribunal of this state shall permit a party or witness residing outside this state to be deposed or to testify under penalty of perjury by telephone, audiovisual means, or other electronic means at a designated tribunal or other location. A tribunal or support enforcement agency of this state shall cooperate with other tribunals in designating an appropriate location for the deposition or testimony.
- Does this impact Pro Hac Vice rules?



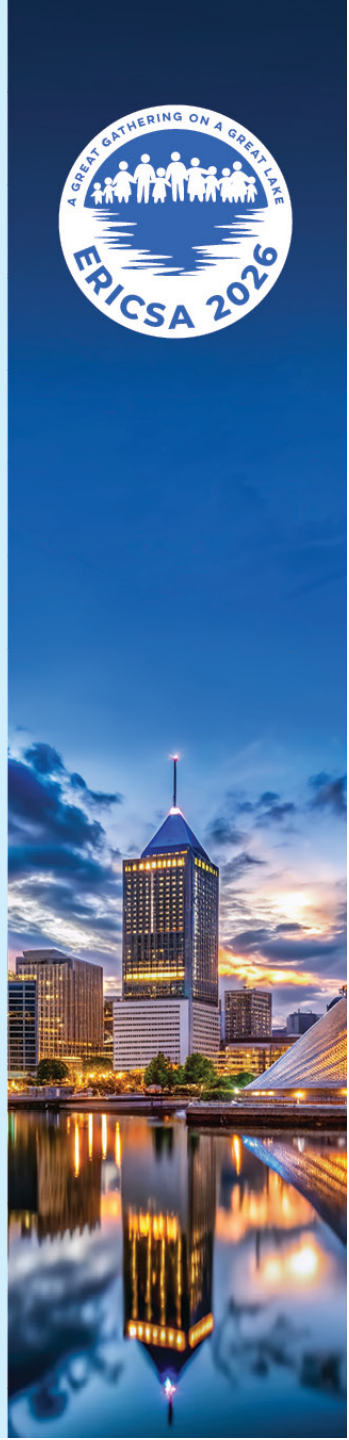
Evidence

- Model Rule Section 316 – Special Rules of Evidence and Procedure
 - Can't require physical presence of nonresident party
 - UIFSA forms not excluded as hearsay
 - Electronically sent evidence not excluded due to means of transmission
 - Nonresident parties and witnesses may be deposed and/or testify electronically
 - Court can draw an adverse inference based on refusal to testify
 - Spousal communication privilege does not apply



Objections, Complaints, Obstructions

- Formal Objections:
 - Model Rule 316(b) – Special Rules of Evidence and Procedure
 - An affidavit, a document substantially complying with federally mandated forms, or a document incorporated by reference in an affidavit or document, that would not be excluded under the hearsay rule if given in person, is admissible in evidence if given under penalty of perjury by a party or witness residing outside this state.
- The Confrontation Clause, U.S. Const. amend. VI
 - Is cross-examination unconstitutionally limited by UIFSA?
 - *Arnell v. Arnell*, 416 S.W.3d 188 (Tex. App.—Dallas 2013, no pet.)
- What if your local IV-D applicant disagrees with the order?



Appellate Process

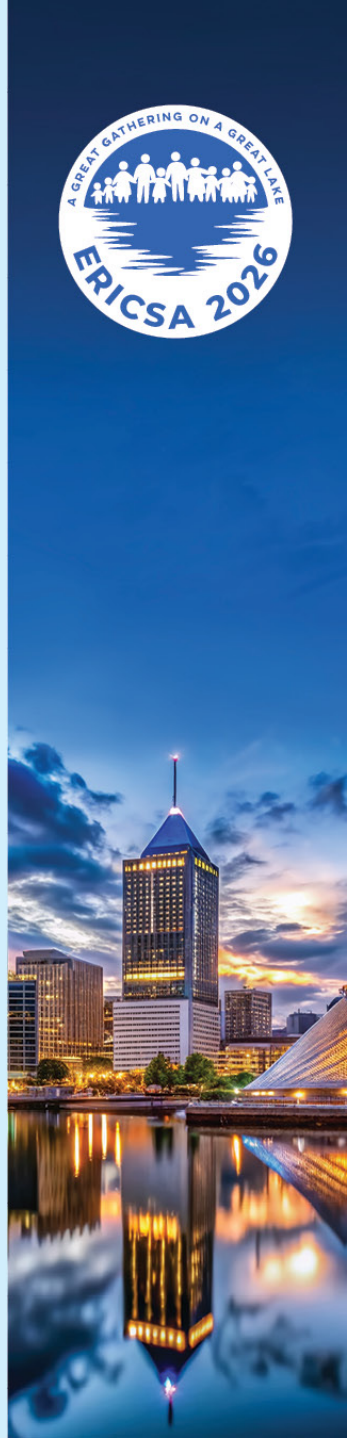
- How practical is an appeal on a UIFSA case?

Post Trial Remedies

- De Novo Hearing
- Motion for New Trial
- Motion to Correct / Reform Judgment
- Bill of Review

Appellate Remedies

- Traditional Appeal
- Restricted Appeal
- Collateral Attack



Questions



Thank You!

Andrew Schweller, Allen County, Indiana.

Andrew.Schweller@co.allen.in.us

Ryan Morrow, Office of the Attorney General, Texas

Ryan.Morrow@oag.texas.gov

Elysia Rodriguez, Ho-Chunk Nation

Elysia.Rodriguez@ho-chunk.com

Robert Bishop, Kosciusko County, Indiana

Robert.Bishop@csb.dcs.in.gov

