



*Bridging Bright
Futures for Families*

**ERICSA
2024**

Grand Rapids

**ERICSA 61ST ANNUAL
TRAINING CONFERENCE & EXPOSITION
APRIL 7-11, 2024**

2024 Case Law Update

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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.



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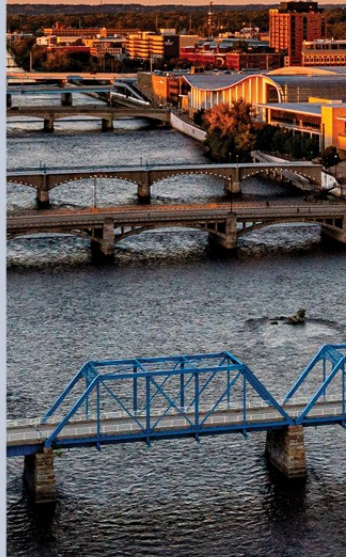
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Sinclair v. Sinclair, (NC App. 12/5/23)

- Parties married in 2006 in VA and separated in 2018.
- Mom is in Okinawa, Japan working for US Military. Dad and children living in Fairfax, VA.
- In Divorce order parties agreed to a \$0.00 support order.
- In 2021, M files to register foreign child custody order in NC not under UIFSA.
- Later, in 2021, father filed to modify child support in NC.



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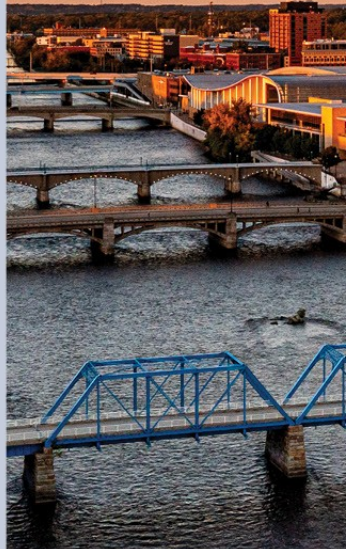
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Sinclair, cntd.

- Dad testified that he and children moved to NC while mother was still in Japan and alleged she moved back to Fairfax, VA in 2020.
- Father alleged a substantial change in circumstances due to mom's return from Japan and acceptance of a new overseas position.
- Evidence showed that in 2018 parties believed Japan would be temporary but with mom's new position it would be permanent.
- Court found this was a substantial change – that father is now providing full-time care for the children on a permanent basis and has work-related childcare expenses.
- Court modified mother's support order up from \$0.00 to \$777.00 per month. Mother appealed.



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Sinclair, cntd.

- Neither party raised subject-matter jurisdiction but the court raised it on its own. SMJ cannot be waived, parties cannot create it and failure to raise it is immaterial.
- Order confirming registration was of child custody only, not child support.
- The VA support order was not properly registered for enforcement or modification purposes in NC.
- NC would not even have jurisdiction to modify, father is the moving party and lives in NC and there is no record that parties filed consents in VA to change jurisdiction.



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Odigwe v Andrini, (KY. Ct. App. 12/15/23)

- Odigwe met Andrini at Notre Dame Law School in 2017 and have a brief relationship where Andrini became pregnant.
- 1 year later, Andrini returned to her home state, MI and gave birth to their child. Odigwe is an AZ resident.
- Odigwe previously threatened Andrini in an email: “I will...make you hunt me down for child support. We will be in and out of court all day, every day for the next 18 years. Every possible matter that I can take to court, I will take to court.”



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Odigwe, cntd.

- In 2018, Andrini filed a paternity action in Ottawa County, MI and the court issued an order establishing paternity, giving Andrini full custody and set child support and parenting time.
- The court found it had jurisdiction over custody and parenting time under the UCCJEA and over child support under UIFSA.
- After Andrini graduated from law school, she moved to Daviess County, KY.
- The MI Court granted a name change, changed the child's legal residence to KY, relinquished jurisdiction over the child under UCCJEA and was silent on child support.



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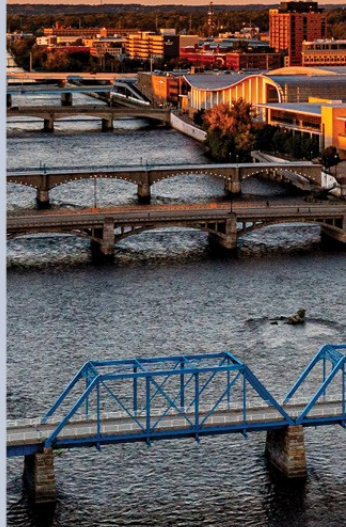
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Odigwe, cntd.

- Odigwe then moved to register the MI child custody determination in KY and attached the child support order to his petition. Andrini did not contest registration.
- Odigwe filed to modify parenting time and his attorney attempted to argue to offset transportation costs between parties by modifying MI support order.
- KY court issued an order registering the foreign custody order but did not modify custody or parenting time or address child support.



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Odigwe, cntd.

- In 2020, Andrini filed to modify child support, Odigwe objected citing that it had not been registered in KY and Andrini argued Odigwe moved to register it when he moved to register the custody order and attached the child support order.
- Odigwe tried to get a writ of prohibition from modifying support in KY, which was denied and affirmed in the KY Supreme Court.
- KY court then denies Odigwe's objection finding it has personal jurisdiction over Odigwe for child support and that the requirements of UIFSA had been substantially complied with or waived.
- Odigwe then filed to disqualify the judge, which was denied. He then appealed.



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Odigwe, cntd.

- The trial court found that the CSUP order was registered by virtual of Odigwe filing to register the order and including the full order including child support and using the KY definition of register as “to file in a tribunal of this state, a support order....” and that an order is registered when it is filed in the registering tribunal.
- Odigwe argued that this didn’t follow the statutory requirements of UIFSA and he cited to another KY case Smyrichinsky, which said that “statutory requirements are not optional” however that case also stated that statutory requirements can be waived.
- Appeals Court held that it doesn’t have to address if the order was properly registered b/c Odigwe waived any objection when he filed the support order along with his petition to register custody.



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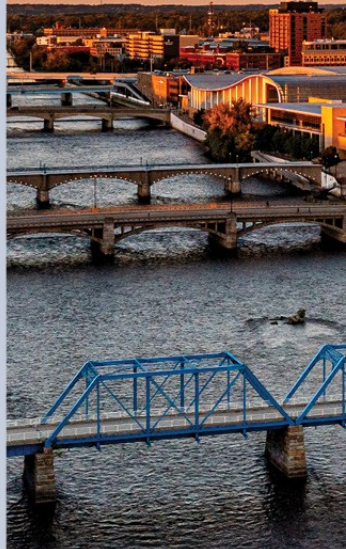
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Odigwe, cntd.

- On personal jurisdiction, the court found that Odigwe submitted to the jurisdiction of KY by filing a responsive pleading seeking to abate his child support obligation.
- While his motions may not have technically been motions to modify support the court viewed them sufficient to waive any objection to jurisdiction.
- This is consistent with the “long-arm” provision in UIFSA which doesn’t require a formal motion to modify child support to waive personal jurisdiction only a pleading “having the effect of waiving any contest to personal jurisdiction.”
- Lastly the court looked to the provisions of UIFSA for the play-away rule – here it found that since Odigwe’s petitions were treated as a motion to modify this made him the moving party and the court has jurisdiction over Andrini as she is a KY resident.



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JG v. DH, (Cal. App. 9/26/23)

- *Unpublished, do not cite.
- In CA, Mother filed a paternity action against father, a GA resident, seeking custody and support for their four-month-old son who was conceived in CA but born in Texas.
- Father objected, citing no personal jurisdiction over him and CA not the home state under the UCCJEA and the court agreed.
- Mother appealed arguing that court has personal jurisdiction over father b/c child conceived in CA, and subject-matter b/c CA is the child's home state under the UCCJEA or in the alternative significant contacts with the state and lastly subject-matter as to support under UIFSA.



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JG, cntd.

- JG and DH met via social media in 2020 or 2021, at that time, JG lived in Los Angeles and DH lived in GA but traveled the country regularly for work as a professional athlete.
- In March, 2021 while DH was in CA for work, he and JG met at a hotel in Marina Del Rey and had sex. In April, JG learned she was pregnant while visiting her mother in TX and gave birth to a son in San Antonio, TX in December 2021.
- In March/April 2022 the parties confirmed via DNA testing that DH was the child's father.



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JG, cntd.

- The court reviewed CA long-arm jurisdiction statute and found that under the UPA “a person who has sexual intercourse in CA submits to the jurisdiction of the courts if an action is brought under the UPA with respect to a child conceived of that intercourse.”
- Under UCCJEA, b/c child is under 6 mos. old jurisdiction lies with the state child has lived in and that is Tx, so dismissing custody is correct.
- UIFSA does not preclude moving forward with child support in CA, reversed on this issue and remanded.
- So, stay tuned, we may see this one again.



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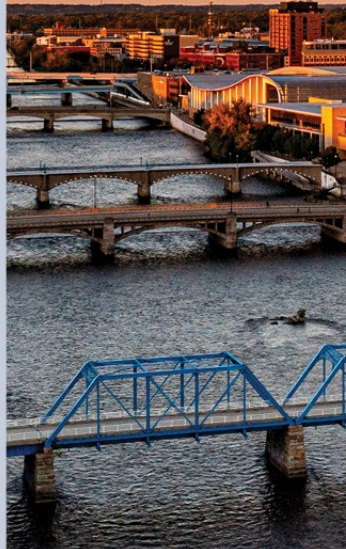
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Cnty. Of Alameda Dep't of Child Support Servs. v. TO (Cal. App. 3/4/24).

- *Not for Publication
- Mother and father are parents of JO born in March 2017. They were previously married.
- In March, 2018, a trial court in China issued a judgment dissolving their marriage, awarding custody of TO to mom (both living in China) and granting visitation to father. Dad was ordered to pay 2,500 yen (approximately \$347) per month in child support.
- Mother eventually remarried. She, her new spouse and JO lived in MI in 2019 and NJ as of 2021.



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Cnty. Of Alameda, cntd.

- Father owns residential property in Alameda, CA and San Diego, CA. The San Diego property was used as a rental and father moved to NV in January 2021 but moved back to the Alameda home in December 2021.
- Mother reported very little earnings but father contended she worked for OpenText since 2014 making \$10,000 per month until she stopped working there December 2021.



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Cnty. Of Alameda, cntd.

- On 11/30/20 the Dep't filed an action against father to establish child support.
- On 4/21/21 father filed an answer. He did not dispute parentage, but he asserted that the trial court lacked SMJ over child support b/c of the existing Chinese support order and he argued no jurisdiction over him b/c he had moved to Nevada.
- Parties were ordered to submit memoranda of points of authorities on the jurisdictional questions.



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Cnty. Of Alameda, cntd.

- The Dep't. alleged that CA does have jurisdiction as D owns a home in Alameda County and was personally served while in Alameda and he consented by making a general appearance and filing an answer to the complaint.
- On the Chinese order, the Dep't. argued that CA does have SMJ despite that order. A foreign support order may be recognized by CA if the foreign country: 1. is a reciprocating country, 2. has laws similar to UIFSA and 3. enforces the Hague Convention. China does not meet these criteria.



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Cnty. Of Alameda, cntd.

- The court agreed with the department and issued a support order of \$1,430 per month.
- After a number of related hearings and rulings, father appealed, representing himself.
- On appeal, the court affirmed the ruling agreeing with Alameda County.



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Bausch v. Frost, (W.D. Wis. 6/26/23)

- In this case, the plaintiff – NCP Mom to a child support case sued a Dane County, WI judge, court commissioner, several Dane County Child Support staff members, and the Guardian ad litem for violating her rights.
- All claims were dismissed.
- Four our child support colleagues, the court found, they are entitled to dismissal under Younger, Rooker-Feldman and the domestic-relations exception.
- They were acting within their scope as child support employees during a family law case, which entitles them to immunity.



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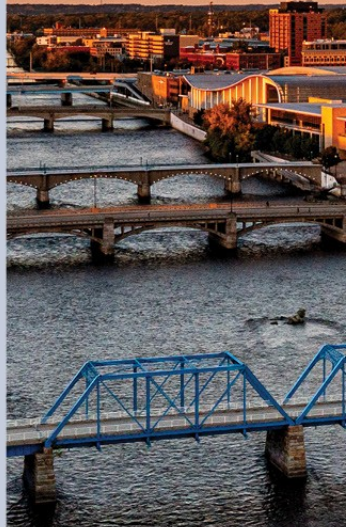
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Brown v. McLeod, (M.D. Fla. 10/5/23)

- Father filed a civil rights complaint against Phillip McLeod, a St. Petersburg attorney for improperly garnishing his Veteran's Administration benefits for the payment of child support.
- 42 USC § 1983 doesn't by itself create a right. Plaintiff must allege a violation of a constitutional right and he hasn't.
- Even if he had, he's also failed to demonstrate that attorney McLeod is a state actor acting under color of state law to subject him to liability under that section.
- Attorney McLeod was acting as a private attorney not a state actor.
- Lastly, the Supreme Courts decision in Rose v. Rose, 481 US 619, 38 USC § 3101(a) does not protect a veteran's benefits from seizure for an otherwise valid child support order.



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In re Paris, (Bankr. N.D. Ill. 1/19/24)

- *Memorandum Opinion
- Kerry and Marty were married in 2002 and had seven children. Divorce proceedings began in 2016 and have been ongoing for nearly eight years.
- Cook County issued a divorce 12/2/22 and issued a number of financial orders including child support of \$7,500 per month.
- Marty did not comply with the orders and was found in contempt on several occasions.



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In re Paris, cntd.

- On the most recent contempt filing, Marty failed to appear, a bench warrant was issued and he was arrested 12/8/23. He had not paid any money to purge contempt, including overdue child support, produced life insurance policies, executed documents to transfer title of assets to Kerry or funding the trust to protect the interests of the children.
- He was remanded to custody of Cook County until these things were done.



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In re Paris, cntd.

- In the 12/8 order, the judge indicated that she had been advised that while the hearing before her was pending, Marty had filed a petition for relief under the bankruptcy code.
- She found however, that pursuant to *In re Posner*, 610 B.R. 586 (Bankr. N.D. Ill. 2019) “assets awarded to Kerry in the Judgement are not part of the bankruptcy estate and not subject to any automatic stay.” Further the filing of a bankruptcy action does not stay a divorce proceeding, the establishment or modification of a domestic support order or the collection of a domestic support obligation from property that is not property of the estate.



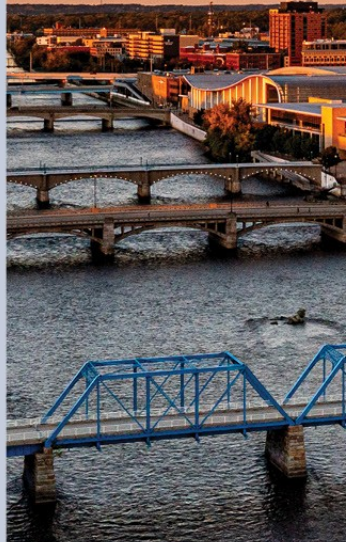
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In re Paris, cntd.

- In the present case, Marty is alleging these actions violated the automatic stay and for Kerry to take actions immediately to have him released from custody.
- Kerry's continued pursuit of the domestic support obligations is excepted from the stay and it will not be enforced.
- Marty argues this is a pre-petition debt and it is, but the analysis remains are the acts excepted from the automatic stay.



In re Paris, cntd.

- Even though the actions would appear to be prohibited they are excepted from the automatic stay. They are to collection those domestic support obligations excepted from the stay and none of the assets that are subject to the state court proceeding are property of the debtor's estate.
- The stay does not prevent State Court from using its contempt powers to coerce the debtor to comply.
- They event site NCSEA from the congressional record on the importance of having enforcement tools to collect child support during bankruptcy.
- This has been accepted by some other federal courts but not all – see discussion in C(3) of order.



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In re Paris, cntd.

- It isn't just the action to enforce a domestic support obligation but we must also make sure that we are not enforcing against property that is part of the bankruptcy estate.
- Marty argues that Kerry's attempts to get title to property given to her in the divorce would violate the stay as those properties are currently in Marty's name and therefore property of the estate.
- Citing In re Thorpe, 881 F3d 536 (7th Cir. 2018) when the marital property is divided, each party's contingent interest in the property ripens to full ownership or vanishes.
- Lastly, since the court found these actions do not violate the stay, Kerry will not be ordered to take actions to have Marty released from custody.



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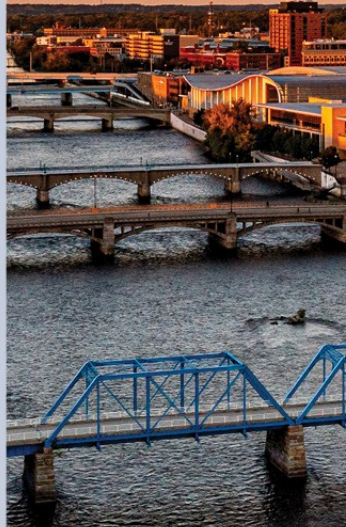
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Tunstall v. Glidewell, (11th Cir. 10/24/23).

- They're back!!!!
- This case has a complex history spanning many jurisdictions and 3 ERICSA presentations but generally focuses on Kelly Edwards, a Financial Support Worker in Baldwin County Dept. of Human Resources (BCDHR), AL sending a Child Support Enforcement Transmittal Request in 2008!
- Tunstall (Dad) and Glidewell (Mom) separated in 1992 in GA with a child support order for two children, in 1994 a court adopted and affirmed the 1992 Separation Agreement in a 1994 Divorce Decree.



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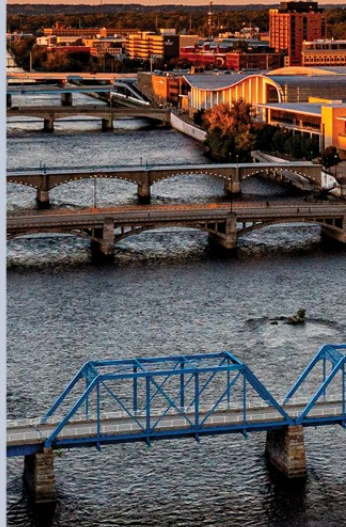
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Tunstall, cntd.

- In 1995, while both were in AL, Glidewell applied for assistance with BCDHR to establish child support in AL and in June, 1995 the Baldwin County Juvenile Court ordered Tunstall to pay \$370 in child support per month and this was later modified to \$570. This was based on the GA order. Three years later Tunstall moved to Louisiana.
- In 2008, court finds him in arrears.
- Glidewell files an affidavit arrears should be higher.
- In 2008, based on this affidavit, Edwards sent a Transmittal to Louisiana to register and enforce the case.
- She did so in her capacity as a county employee.
- The Transmittal stated arrears over \$150,000 based on the 1992 Separation Agreement and included the 1994 Divorce Decree that incorporated the 1992 Separation Agreement.



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Tunstall, cntd.

- In 2011, the AL court issued an order by default finding Tunstall was served and failed to appear and awarded Glidewell over \$170,000 in arrears owed.
- In 2013, LDCFS moved to hold him in contempt.
- In 2017, he files to vacate the 2008 order in AL and the court ultimately does finding the 1994 Divorce Decree and 1992 Separation Agreement were never domesticated in AL so they lacked SMJ.
- The Court then reinstated it and ultimately it went to the AL Court of Appeals who found the trial court did not have jurisdiction and reinstated the order vacating the support order and arrears.



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Tunstall, cntd.

- In 2018, Tunstall sued Edwards:
 - § 1983 Claim (falsifying child support info and transmittal)
 - Denied for the transmittal per the statute of limitations (2 yrs.)
 - The action was in 2008 and he didn't file until 2018
 - No continuing violation doctrine to extend this.
 - Denied for falsifying info – no proof that she acted in anyway outside her scope so protected by qualified immunity. The information she entered in ALECS was true at the time she entered it.
 - State Defamation Claims (credit bureau reporting)
 - Denied as putting the information into ALECS (the CSES) is not a publication.
 - On appeal they didn't address that issue, just denied on qualified immunity grounds.



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Balderama v. Bulman (D. NM, 3/31/23)

- Mr. Balderama sued just about everyone in state government on this issue, including judges and the IV-D Director.
- Balderama alleges that he is an undocumented alien residing in Santa Fe, NM. He was ordered to provide child support for a child.
- He alleges that the imposition of a child support obligation forces him to either find work, in violation of the Immigration Reform and Control ACT of 1986 which makes it unlawful for an employer to knowingly employ an “unauthorized alien” or otherwise be held in contempt.
- He also alleges that the court’s order finding his ongoing efforts to avoid child support in bad faith is a “speech chill injury” violating his rights under the First Amendment to the US Constitution and under the Fourteenth Amendment to due process.



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Balderama, cntd.

- His amended complaint asks the court to:
 - (i) declare that State government cannot use State power to punish an undocumented alien for failing to find employment because it would be a violation of IRCA,
 - (ii) issue an injunction to the New Mexico Child Support Enforcement Division stopping it from initiating contempt proceedings against undocumented aliens b/c of the violation of IRCA,
 - (iii) issue an injunction from imputing employment income to undocumented aliens for purposes of calculating child support,
 - (iv) issue an injunction against enforcing State court rulings that punish undocumented aliens for failing to find employment, and
 - (v) declare that Balderama's statement of opinion that the amount he owes in child support is "probably \$0" is protected speech.



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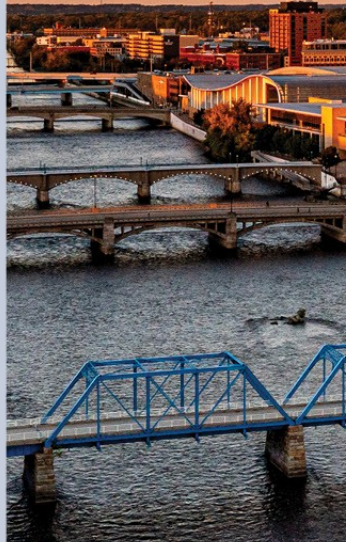


Balderama, cntd.

- Magistrate judge provides proposed ruling dismissing claims v. all defendants for failure to state a claim upon which relief can be granted as well as Mr. Balderama having already had the chance to litigate these issues in State court.
- This ruling is by the District Court approving the proposed ruling over Mr. Balderma's objection.
- Interesting discussion on the topic of state's right to enforce child support as it determines is not proper in federal court and the constitutional claims were already reviewed in the State court case.
- The free speech claim against Judge Bulman was dismissed for failure to provide facts that would overcome judicial immunity. However, they still reviewed the issue. The judge threatening to make a finding of bad faith ruling for continuing to request his arrears be reduced to zero does not rise to a First Amendment violation. Evidentiary rulings nor a court's failure to adopt a petitioner's argument do not implicate the First Amendment.



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B.C. v. C.P., (Pa. Jan. 29, 2024)

- CP (Mom) and DB (Husband) were married 9/30/16.
- CP met BC the following year when they were both at Greenbriar Treatment Center. CP and BC reconnected and began communicating via social media Spring 2018.
- July that year, CP and DB separated, DB left the marital home and CP remained.
- BC visited CP's residence 3 times in October 2018 and during at least one of those visits they had unprotected sex.
- Shortly thereafter, CP and DB reconciled and at the end of October, they also had unprotected sex.
- On 11/4/18, Husband moved back into the home and they continued their intimate relationship.



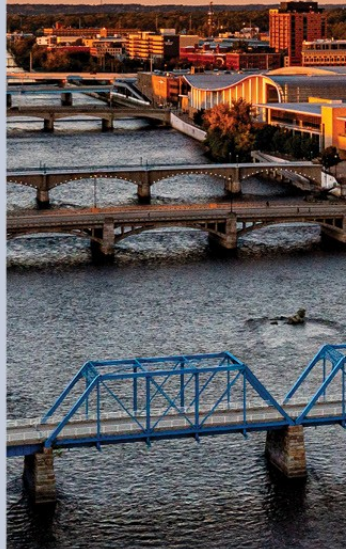
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B.C. v. C.P, cntd.

- CP did not experience signs of pregnancy until March 2019, and was unable to pinpoint when the child was conceived.
- When BC found out CP was pregnant they reconnected and she told him that he was not the father.
- Child was born on June 18, 2019, DB was listed on the birth certificate. However, after the birth, CP began taking child to see BC and told BC that he was the father.



B.C. v. C.P, cntd.

- In March or April 2020, CP and DB separated for the second time.
- CP moved in with BC, shared financial duties and told BC's friends and family that he was the father. CP also still took the child to see DB on the weekends and BC did not object to this.
- CP and BC's relationship ended abruptly on August 13, 2020 when BC assaulted CP.
- CP moved back to martial home and reconciled with DB and the last time BC had contact with the child was November 2020 at the rehab center he was living in.
- Finally, CP and DB separated for the final time December 2020 and DB filed for divorce.



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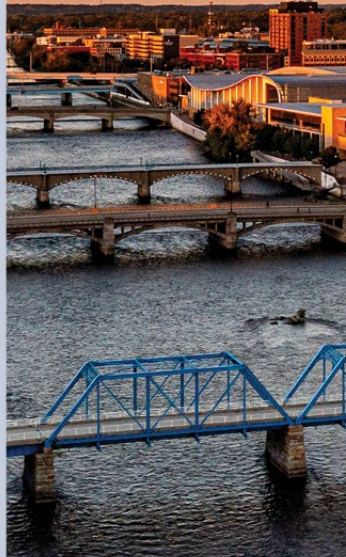
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B.C. v. C.P, cntd.

- The divorce court issued a custody order awarding shared legal and physical custody to CP and DB, BC remained in the rehab facility during the litigation and did not seek to intervene. CP and DB, however moved back in together and decided not to proceed with the divorce on January 13, 2021.
- On 8/27/21, BC filed a complaint to establish paternity and for genetic testing of child.
- CP and DB jointly filed a response to dismiss contending the presumption of paternity applied to preserve their intact family unit.



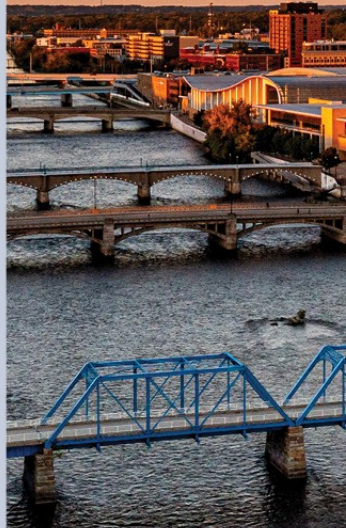
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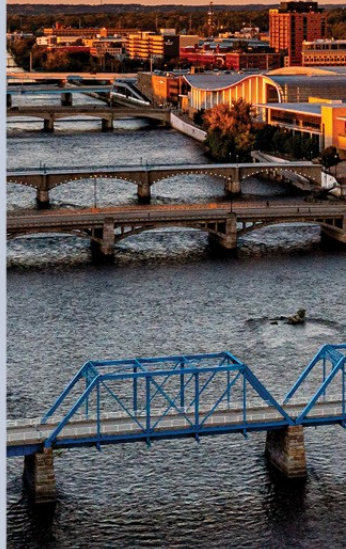
B.C. v. C.P, cntd.

- In PA, the martial presumption may be rebutted by evidence the husband did not have access to the wife, was impotent or sterile but where the marriage is intact the presumption is irrebuttable.
- At trial, parties testified the marriage is working and CP testified about how great of a father DB is, child has special needs and DB is child's "person".
- BC testified that the time of conception corresponded to when he and mother had a sexual relationship and that after mother told him he was the father he saw the child regularly until mother ended the relationship.



B.C. v. C.P, cntd.

- In PA, the marital presumption applies “only where the underlying policy of presumption, i.e. to preserve marriages is advanced by its application,” Brinkley v. King, 701 A2d 176, (Pa. 1997).
- Here trial court emphasized DB was aware CP was intimate with BC also, that she lived him with four months and yet DB desires to remain in the marriage regardless of genetic testing. Reasoning that their marriage did not need the protection of the marital presumption.
- The court also found they were not in an “intact marriage” due to their 3 prior separations, once during the period the child was conceived.
- BC was not estopped from asserting paternity. CP and DB appealed.



B.C. v. C.P, cntd.

- On appeal, the Court noted they have not litigated this issue where the parties have separated in the past but reconciled by the time the action was litigated.
- Rather than finding the presumption applied to protect the marriage the lower court found that their marriage was so strong it didn't need protecting. This Court rejects that legal theory.
- Secondly, the lower court relied on their past separations, but to do so eliminates the marital presumption for any couples who temporarily separate.
- Reversed, erred in finding the presumption of paternity was inapplicable based on marriage not needing it, erred by relying on their separations but not giving weight to the fact that they were in an intact marriage at the time of litigation.



**ERICSA
2024**



Petroni v. Petroni, 2024 Ohio 615 (Ohio App. 2/20/24).

- Four children were born to the parties' marriage, 3 of which remain minors for this case.
- Parties divorce decree ordered to pay spousal support and child support.
- Father works in real estate development and in 9/2019 one of his major business contracts was terminated causing a significant loss of income.
- Father filed a motion to modify child support and spousal support and a month later also an RTSC against mom for interfering with parenting time.
- Mother filed an RTSC against father for failure to pay child support and spousal support.
- Mother later filed an RTSC against father for failure to pay for extra-curricular.



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Petroni, cntd.

- The magistrate found that Dad's income was the same in 2019 and 2020 and denied motion to modify.
- Mother was found in contempt for restricting father's access to parenting time.
- Father was found in contempt for failure to pay child support and spousal support and recommended 5 days in jail and considered whether to impose a previously suspended 10 day sentence and found father in contempt for failure to pay extracurricular activities and recommended 3 additional days.

Petroni, cntd.

- Father challenged that the court didn't do an independent review of the magistrate's decision.
 - Clear record that the trial court reviewed all the materials presented.
- Father challenged finding of contempt in that with the cancelled contract meant he had no income from September 2021 until early spring of 2022.
 - Finding was that even though he lost the contract he still made \$250,000 as well as \$100,000 from a real estate sale so he did not have an inability to pay.
- Father challenged the finding of contempt for therapy and piano lessons as he did not agree to the children doing those activities.
 - Order said parents must pay for those expenses they agree to, however if a parent consistently refuses to agree, they will lose the designation of a residential parent.
 - Dad confirmed he agreed to piano so that's not an issue and therapy is not an extracurricular but rather health issue so dad's consent is not necessary for him to have to pay pursuant to the uninsured medical.



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Petroni, cntd.

- Father challenged the finding that he could be subject to imposition of a previously suspended jail sentence b/c it was already purged.
 - The decision did not order it only to review it so this issue isn't ripe for appeal. However, it was purged so his assignment of error was sustained in that it shouldn't be considered as a matter of law.
- Father challenged the failure to modify child support and spousal support.
 - The evidence showed in 2019 father exceeded the income support was based on and in 2020 it was the same so it was not error to deny modification. The court also stated it would consider his future income at another date.



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Thompson v. Smoker and Thompson, 2023 WL 7108278 (Eastern Cherokee Ct. 9/29/23)

- Dylan Thompson filed a petition to establish paternity, order genetic testing and child custody and named Sabrina Smoker and Chayton Thompson as defendants.
- He is seeking to establish the paternity of a child MWT, pursuant to NC Gen Stat §49-14 as adopted by Cherokee Code.
- Defendant Smoker filed an answer, request for jury trial and a motion to dismiss.
- The motion to dismiss was due to the child's birth certificate not being attached to the petition and Smoker arguing this deprived the court of jurisdiction.



ERICSA
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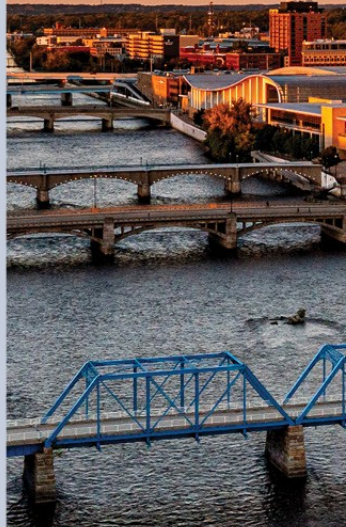
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Thompson, cntd.

- Legal Question Presented: If a copy of the child's birth certificate is not attached to the complaint to establish paternity, as required by the Cherokee Code, does the Cherokee Court lose jurisdiction?
- Jurisdiction for domestic relations cases arises from Cherokee Code §1-2(b): *The Cherokee Court shall exercise jurisdiction over the domestic relations of all individuals residing on Cherokee trust lands. Jurisdiction shall be exercised for cases including but not limited to child protection and child welfare, divorce, separation, child custody, support, alimony, adoption, guardianship, and paternity.*
- Plaintiff, Defendant Smoker, Defendant Thompson and the minor child all reside on Cherokee trust lands. For this reason jurisdiction is not discretionary.



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Thompson, cntd.

- The court rejects, Smoker's motion to dismiss on three grounds:
 - First, The paternity statute is not where jurisdiction resides, rather it is a vehicle to bring a cause of action, but jurisdiction lies in the jurisdiction section of the Cherokee Code.
 - Second, Smoker is relying on NC case law interpreting a NC statute and jurisdiction here is governed by the laws, customs, traditions and precedents of the EBCI. Smoker has not argued jurisdiction was improper under Cherokee Code.
 - Third, this case is distinguishable from the cases Smoker cited. Plaintiff's failure to attach the birth certificate is a procedural defect, not a jurisdictional defect.



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Thompson, cntd.

- The Court may allow for plaintiff to remedy the defect, disregard the defect in the interest of justice, or dismiss the complaint.
- Plaintiff has otherwise filed a sufficient complaint; alleging Plaintiff and Smoker had sexual relations at the time of conception, an at-home DNA test indicated Plaintiff is the father and the parties have held Plaintiff out as the father since that test.
- Plaintiff's petition meets all the pleading requirements under NC R. Civ. Pro. 8 and even if it is done not the Court may grant Plaintiff leave to amend the Complaint by attaching the birth certificate.



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& EXPOSITION**

Hart v. Shmayenik, 23-CV-4779 (SD NY 10/30/23)

- Dad brought this case pro se to challenge child support enforcement actions as violating the Fair Debt Collection Practices Act and criminal statute prohibiting “frauds and swindles” 18 USC 1341.
- He sought termination of the IWO, recovery of (\$96K) child support paid and punitive damages of \$8M.
- Dad’s claims arose at the Bronx Family Courthouse on 8/8/15 and 10/26/20.
- He was notified that if he failed to pay support, his driving privileges could be suspended, and he could be arrested. And, on an unspecified date and IWO was sent to his employer.



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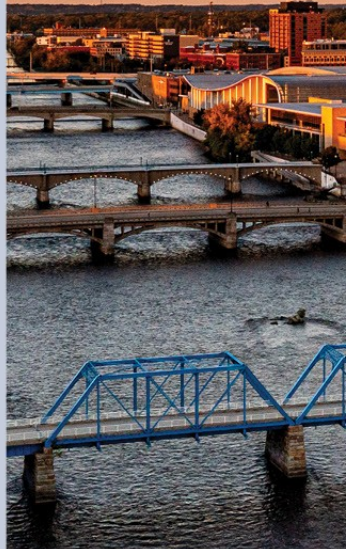


Hart v. Shmayenik, cntd.

- He attached two court orders and an affidavit from DSS Director of Administrative Enforcement, Shmayenik.
- The affidavit was submitted in Dad's suite against OTDA and it detailed the history of enforcement in the related child support case.
- Child Support is not a consumer debt because they were not incurred for consumer goods or services, rather they are an obligation imposed upon parents to fulfill their parental duty to support their children.
- Additional, the FDCPA excludes officers of any state or municipality from the definition of debt collectors so for that reason also it would not apply to Shmayenik. Dismissed for failure to state a claim upon which relief can be granted.



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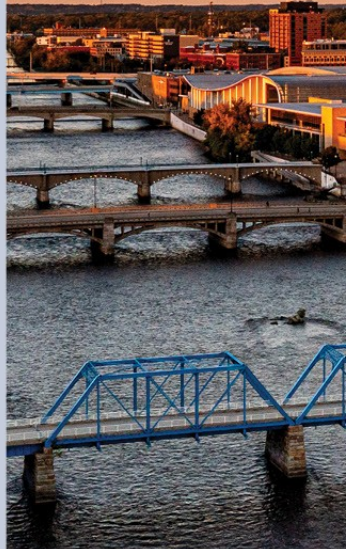
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Hart v. Shmayenik, cntd.

- On his criminal allegations, Dad can't initiate a criminal proceeding as the decision to prosecute is "solely within the discretion of the prosecutor" (Leeke v. Timmerman, 454 US 83 (1981)). Nor, can the court direct the prosecutor to bring criminal actions as they are "immune from control or interference by citizen or court." Conn. Action Now, Inc. v. Roberts Plating Co., 457 F2D 81 (2nd. Cir. 1972).
- On the IWO, Federal district courts lack authority to review state court orders and judgments and are barred from hearing cases that are effectively appeals from state court rulings.
- Courts have repeated invoked the Rooker-Feldman Doctrine in family court cases involving child support.
- Ex. – In Fernandez v. Turetsky 645 Fed. Appx. 103 (2d Cir. 2016) where plaintiff challenged vehicle seizure this was an injury produced by the state court judgment of child support and the district court lacked jurisdiction.
- Contrast that with Sykes v. Bank of AM. 723 F3d at 404, where the court found it was not barred by Rooker-Feldman to consider plaintiff's challenge that his SSI benefits were not subject to levy as being "wholly separate" from the validity of the judgment.



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Hart v. Shmayenik, cntd.

- The collection of child support is not barred by the Fourth Amendment.
- Plaintiff may intend to sue Shmayenik in her personal capacity for submitting the affidavit, however court witnesses are absolutely immune under § 1983 for constitutional violations based on their testimony. (Rehberg v. Paulk, 566 US 356 (2012)).
- State law claims – generally, “when the federal-law claims have dropped out of the lawsuit in its early stages and only state law claims remain, the federal court should decline the exercise of jurisdiction.” Carnegie-Mellon Univ. v. Cohill, 484 US 343 (1988).



**ERICSA
2024**



Green v. Carter, COA22-494 (Court App. NC 3/19/24).

- This case raises the issue of whether a person who is not the child's parent but is acting as a parent, can be required to pay child support Under NC Gen. State § 50-13.4(b).
- The parties are two women, never married to one another, who were in an "on again off-again" romantic relationship. During this, they planned to have a child together. They participated in an IVF program in the State of New York, both signed the IVF agreement, selected a sperm donor and Partner paid for the IVF.



**ERICSA
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Green v. Carter, cntd.

- In 2016, in Michigan, Mother gave birth to child Alisa (pseudonym).
- On Alisa's birth certificate, Mother is listed as the child's mother and under Michigan law Partner could not be listed on the birth certificate.
- The parties chose a name that reflected both of their names. Partner presented Mother with a parenting time agreement but the parties never signed it.
- The parties later ended their romantic relationship and both moved to NC.

Green v. Carter, cntd.

- Partner filed a child custody proceeding against Mother, seeking custody of Alisa. The court entered a temporary parenting arrangement order granting partner some visitation with Alisa. In the final order, the court granted the parties joint legal and physical custody and equal parenting time.
- Mother then filed a complaint for child support, alleging that Partner has acted as a parent since birth, exercised parenting time pursuant to the order and is a parent the same sense as the heterosexual terms of mother and father, is standing in loco parentis and has voluntarily assumed the obligation of support in writing.
- She also moved to consolidate the custody and support actions, which was allowed.



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Green v. Carter, cntd.

- The court entered a temporary support order finding Partner as a “de facto mother” and found equally liable for Alisa’s support.
- Partner filed an answer identifying herself as “non-parent,” denying any liability for child support. She also filed a motion to dismiss and to return child support paid.
- She claimed she was not a biological or adoptive parent and not liable for child support.



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Green v. Carter, cntd.

- The court denied Partner's motion to dismiss, at the hearing on permanent support, Partner raised it again and the court dismissed it and lastly in closing arguments, Partner argued that NC law as written does not allow the trial court to order Partner to pay child support.
- Partner continued, "even if everybody agrees that things aren't as they should be, or that the laws haven't caught on yet, the court has to apply the laws as written." The court still ruled she was a parent for purposes of the child support statute.



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Green v. Carter, cntd.

- In the court's findings of fact, they found:
 - Partner used her employer's health insurance for the IVF,
 - Signed the IVF paperwork,
 - Continued to communicate with Mother before Alisa was born,
 - Held herself out as Alisa's mother,
 - Took maternity photos with Mother,
 - Attended Alisa's baby shower an honored parent in matching T-Shirts with Mother,
 - Moved to Charlotte to be nearer to Alisa,
 - Kept Alisa for two-weeks when Mother traveled for Work,
 - Paid Alisa's daycare expenses,
 - Provided financial support for Alisa,
 - Filed a petition for custody, in which she referred to herself as mother,
 - Maintained 50/50 parenting time,
 - Has been regularly involved in all medical and educational decisions, and
 - Referred to Alisa consistently as her child.



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Green v. Carter, cntd.

- Her first argument was collateral estoppel b/c the custody order referred to her as non-parent. This is not applicable b/c that word choice was not a judgment on that issue.
- Her second issue is whether under NC law she can be found primarily liable for child support as a nonparent and argues that it does not allow the trial court to interpret the statute as gender neutral.



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Green v. Carter, cntd.

- NC provides that a person can only be secondarily liable for child support if the people with primary liability (the child's parents) cannot adequately provide for the child.
- A “mother” is the female parent of a child, either biologically or through adoption. Similar definition for “father”.
- Mother contends that is just the language of the statute but the spirit of the law should factor in two people whose actions resulted in the birth of a child.

Green v. Carter, cntd.

- In Heatzig v. MaClean, 191 N.C. App. 451 (2008), the Court has made it clear that conferring parental status outside the statutory framework *“is without legal authority or precedent. A district court in NC is without authority to confer parental status upon a person who is not the biological parent of a child.”*
- Because the language is clear and unambiguous, the Court can’t rely on the “spirit of the statute” as Mother contends.
- In light of Obergfell v. Hodges, 576 US 644 (2015) NC Gen State § 12-3(16) was added which as a rule of construction of statutes stated that in all cases of NC law where “husband and wife” or “man and wife” or any other version of that are found they shall be treated as equally applying to any two persons who are lawfully married to each other. However, in this case the parties were never married.



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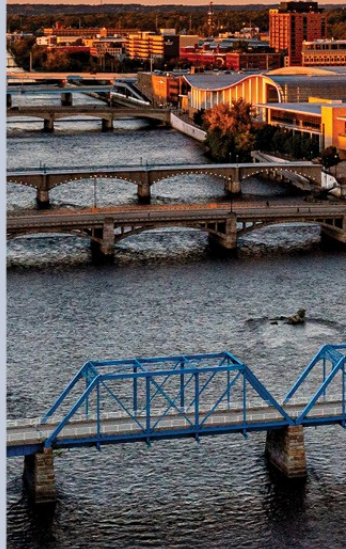
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- The Court then looks to secondary liability for child support.
- Any other person, agency or organization standing in *loco parentis* can have secondary liability for child support.
- NC limits who can have secondary liability standing in *loco parentis* to someone who has “voluntarily assumed the obligation of support in writing.”
- Here, Partner is clearly in *loco parentis* but there is no evidence that Partner assumed the obligation for support in writing.
- The IVF paperwork that she did sign only bound her to risks and rewards of the IVF process not any legal responsibilities tied to having a child.



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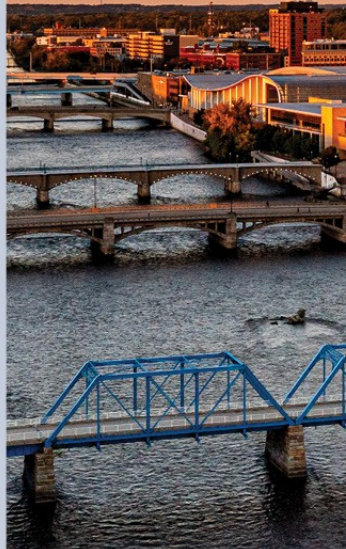
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- This has been applied to heterosexual couples as well in two cases – in Duffey v. Duffey, 113 NC App 382 and Moyer v. Moyer, 122 NC App 723.
- In *Duffey*, step-father signed intended to adopt mother's first child born prior to the marriage but never did. However, he signed the parties separation agreement agreeing to support all their children, including the child that was not his. He was found to owe support.
- In *Moyer*, step-father only signed an informal hand-written agreement that was never acknowledged by the court and he was not ordered to pay support.



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Green v. Carter, cntd.

- The Court discussed that the findings would be the same if the parties were heterosexual and the man was infertile and parties did an IVF process. Without a written agreement to be bound for the support of the child, that man would not be ordered to provide child support.
- The Court then added: *We fully appreciate the difficult issues created by IVF and other forms of assisted reproductive technology, but only the General Assembly has the authority to amend our statutes to address these issues.*⁸ *Protection of the children born into these situations, whether to a same-sex couple or a heterosexual couple, is a complex policy issue, but this Court does not have the role of creating new law or adopting new policies for our state. See Allen v. Allen, 76 N.C. App. 504, 507, 333 S.E.2d 530, 533 (1985) (“Issues of public policy should be addressed to the legislature.”).*



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Statutory Update and Legislative Trends

- In the areas of Child Support and Family Law there are currently 512 bills spanning 44 states that had some type of action in 2024.
- Taking out all custody and visitation provisions we are still left with 387 bills across 43 states.



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Fundamental Rights of Parents

- **AL H 98 - Constitutional Amendment - pending -**
- AZ S 1615 - Parents Bill of Rights - pending
- **AZ H 2657 - Parental rights - not unreasonable confinement to raise child according to birth sex. - right to notice of any sex/gender education - requires notice if student asks school for social affirmation. Pending.**
- GA S 88 - would bar curriculum of gender identity without parental notice Pending.
- HI H 1715 - Ohana bill of rights - pending.
- IN S 46 Parental Rights pending.
- IL - H 5548 - explicitly states that it isn't abuse for a parent or in loco parentis to take a child for treatment. - allows parents to affirm a child's gender identity or expression in a way that promotes the child's overall health and well-being - Pending
- KY H 183 - specifies parental rights for disabled parent - Pending.
- MD S 438. Fundamental rights - Pending.
- MD H 553 - Same. Pending.
- MA S 1231 - Employee unpaid leave for probate and family court. Pending.
- **MS H 338 - fatherhood fund - died.**
- MS H 900 family rights and responsibilities - pending.
- **MO S 968 - can't use Marijuana against a parent in family law cases - pending.**



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Fundamental Rights of Parents

- NH H 185 - Presumes equal parenting time - requires a finding to rebut it. Pending.
- **NH H 475 - Right to present evidence and testimony in family court. Pending.**
- **NH H 499 - requires court to accept evidence respondent believes will help his/her case in family cases. Pending.**
- NH H 1012 - exception to endangering a child for parenting decisions. Pending.
- NJ A 531 - Parenting Bill of Rights - pending.
- NJ A 916 - state council on fatherhood pending.
- NY S 7470 - defer to choice of parents. Pending.
- OK H 1563 - Parenting Bill of Rights pending.
- RI S 2424 - Parent's bill of rights. Pending.
- RI H 7781 - same
- SC H 4691 - Parental Bill of Rights - Pending.
- TN H 1804 - presumption of equal parenting time.
- TN H 2936 - Parental Rights and Responsibilities act. Pending.
- WI A 510 - Parental bill of rights.



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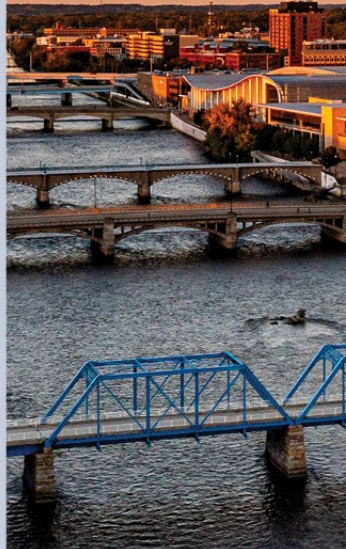


Unborn Children and Fertility

- AK H 321 - Support to date of conception - pending.
- **FL H 1345 - Parental rights and support - victim of rape/incest Or human trafficking. Paid to mom and recovered from offender. Failed.**
- FL S 1460 Similar to above. Failed.
- IA D 5214 - Child Support pre-birth expenses - Pending.
- KS S 425 child support orders for unborn children - Pending.
- KS H 2653 Same - Child Support for unborn children. - Pending.
- KY S 110 child support any time after conception. Pending.
- KY H 243 - same language Pending -
- **MS H 50 - includes support for the pregnant mother in addition to for the unborn child. - died**
- MS H 318 same also died
- MS S 2153 - Surrogacy and IVF rights - died



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Unborn Children and Fertility

- **MO S 1145 - custody of in vitro human embryo pending.**
- **MO H 1558 also - pending -**
- **MO H 2789 - same also - pending.**
- **MO H 2284 - support for unborn. Pending.**
- **NH H 1027 - define child to include fetus - denied.**
- **NY S 7132 - rights of incarcerated pregnant people and children. Pending.**
- **NY S 7749 - Surrogacy law - pending.**
- **OK H 4001 - can file case before birth and if paternity is established dad can disagree with an abortion. Pending.**
- **SC S 874 - if a woman is forced to carry a baby to term she shall be compensated - includes living expenses, fully funded 529 plan and if dad owes arrears he is guilty and must serve sentence or voluntarily get a vasectomy and pay arrears. Pending.**



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Domestic Violence

- AZ H 2709 - rules for hearings and findings - Pending.
- **CA A - 1974 - DV and Firearms Risks Training for evaluators. - Pending.**
- CA A 2308 DV and Protective Orders
- FL H 385 Par. Time exchange and DV
- FL S 580 - Identical
- **IN H 1293 - Provides for a family DV court - Pending.**
- LA S 267 – Custody/ parenting time and traumatic child abuser program. Pending.
- MN S 4559 - requires court to consider allegations of DV or child abuse in dissolution, custody and PT issues. Pending. And MN H 4573.
- NE L 1098 - Family Violence Collaboration - Pending.
- NJ AJR 36 - DV task force - pending.
- NJ A 567 - counseling for kids in DV homes and no custody if a DV conviction until clear best interests finding. Pending.
- NY A 2430 - allows for temp spousal along with temp support when issuing a prot. Ord. Pending.
- OK H 2478 - special process when domestic abuse has been alleged. Pending.
- **WI S 375 - requirement to file TPR if child is of a rape or sexual assault and also has provision for post-TPR child support to still be paid and may not seek a modification. Pending.**



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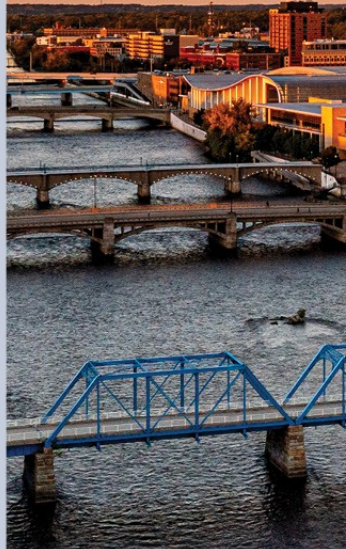


Dissolution Proceedings

- DC B 42 - Removes waiting period for divorce - Enacted.
- ID S 2961 - **GADC B 532 - allows the mayor to issue marriage licenses and authorize temporary officiants if the clerk of court is not issuing them due to a federal government shutdown. Enacted.**
- L in Divorce cases Pending.
- IL S 2961 - Court must inform obligor of orders and payments and right to modify and possible penalties of failure to pay Pending.
- **MS H 1148 - would have excluded intellectual property as marital property for determining spousal support or distribution of assets - died.**
- **MS S 2535 - adds irretrievable breakdown as a reason for divorce. Pending.**
- MO S 1234 - Covenant Marriage Bill for life - Pending.
- MO H 1789 Also - pending.
- **MO S 1364 - requires parties to become self-supporting to limit maintenance orders. Pending.**
- MO H 1942 - also - pending.
- MO H 2851 same - pending.
- MO H 2402 - pregnancy not a bar to divorce. Pending.
- NH H 1659 - presumption of equal access to all records for child. Pending.



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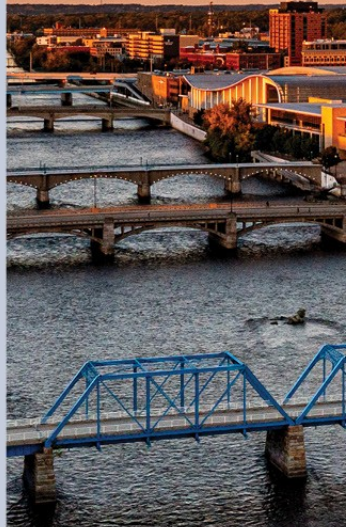
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Support beyond 21

- CA A 2397 - extend child support for incapacitated child - may order payment to a trust - Pending.
- MS H 805 - extend child support over 21 if child is incapable of self-support. Died
- **MS H 1482 - would have allowed unemancipated child to sue parents for support - failed.**
- MS S 2132 - Support beyond age of majority for disabled child - pending
- **MO H 1644 - child support until 22 if still in college. Also if no contact for 6 years, lose all parenting rights. Pending.**
- **MO H 2148 - this would eliminate support for college - Pending. Conflict?**
- RI H 7904 - removes duty to pay support for parents whose kids are with a state agency.
- UT H 129 - removes obligation to pay support for child that is in custody of a state agency. Pending.



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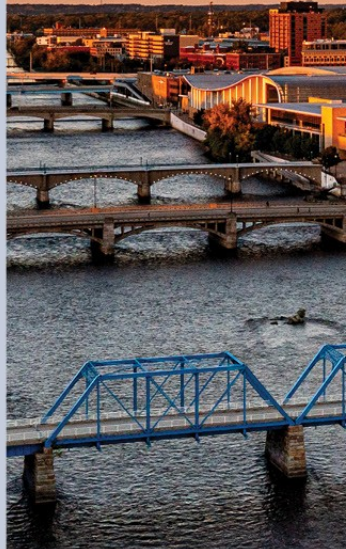
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Enforcement Remedies

- **NH H 1189 - CSES must report only arrears consistent with federal guidelines as delinquent and must provide requesting agency the actual amount of arrears. Pending.**
- NH H 1425 - would have prohibited license suspension - Failed.
- NJ S 886 - allows for child support lien on life insurance - pending.
- NJ S 1090 - eliminates driver's license for child support - pending.
- NJ S 1538 - greater discretion before using driver's license. Pending.
- NJ A 1557 - unclaimed property subject for unpaid support. Pending.
- NJ S 2704 - only a judgment lien after 1 month of unpaid.
- NJ A 3421 - insolvent estate child support judgments pending.
- **NY S 317 - eliminate jail for contempt - pending.**
- NY A 457 - same.
- NY A 2363 - sequestration of obligor's property does not require them to threaten to or leave the state anymore.
- NY A 2456 - enforcement and penalties for noncompliance with an IWO - pending.
- **NY S 4089 - Makes inability to pay an affirmative defense no longer an element of non-support offense.**
- NY A 6368 - suspension of professional license for child support.
- **OR S 1595 - protections for debtor - exemption for a vehicle up to \$3,000 if child support debt and rules for IWO for child support. To Governor.**
- TN H 2508 relates to commercial license reinstatement when paying and income is from an employer where license is needed. Pending.
- TN S 2774 same.



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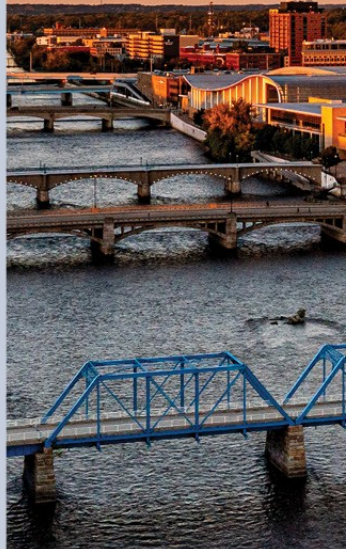
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Enforcement Remedies

- **DE H 267 - contempt or DL only when willful - Pending.**
- **FL H 1077 - Miami Dade License reinstatement program - to Governor.**
- FL S 1470 Similar
- GA S 520 - income withholding language - pending.
- HI S 462 Attachment and Execution of Property - Pending.
- HI S 2125 - similar to above Pending.
- IL S 2978 DL records privacy - can disclose to CSUP agencies. Pending.
- **IL S 3284 - No arrears shall accrue while imprisoned for failure to pay - criteria for underemployed - Pending.**
- MD H 9 - state retirement garnishment - for CSUP among others Pending.
- MD S 139 - driver's license suspension. Pending.
- MD S 174 - same. Pending.
- MD H 311 - Same. Pending.
- MD H 813 Same. Pending.
- **MN H 4579 - Failed but would have made IC follow same reporting requirements as other types of employment.**
- **MN S 5057 - adds Ind. K to central work reporting system. Pending.**
- MS H 60 - hardship license when suspended for support. Died.
- MS H 149 - same and both died.
- MS H 1046 also and died.
- MS H 414 gaming intercepts died
- MS H 1340 - same also died.
- MS S 2132 - same and is pending.
- MS H 694 - Suspension of commercial driver's licenses. Pending.
- **MS S 2261 - Allow for FIDM in any method financial institution requests, previously, just mail. Pending.**
- MS S 2262 - Retro mods only to date of petition. Pending.
- **NH H 618 - rules for when to issue IWO after it was suspended and requires state to provide a form for waiving IWO and explain when it would be issued for failure to pay. Pending.**



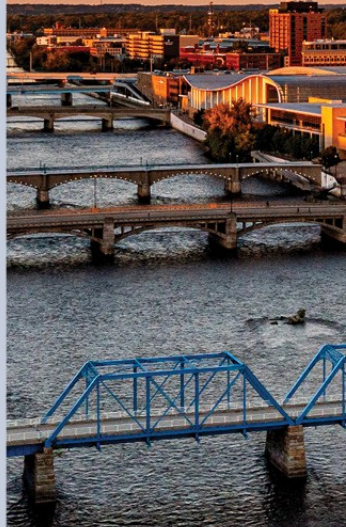
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Wrongful Convictions & Incarceration

- **CT S 439 - Wrongful incarceration compensation - includes child support - pending.**
- DE S 169 - Includes compensation for child support/arrears/interest - Pending.
- KY H 178 - wrongful conviction fund - includes child support - almost identical - Pending.
- **MD H 61 - formerly incarcerated assistance - includes child support help. Pending.**
- MD S 720 - same. Pending.
- MI H 5431 - amends language - includes child support must be paid before plaintiff gets verdict or settlement. Pending.
- **MD S 439 - incarceration is a material change for modification (unless they can still pay it somehow). Pending.**
- NH H 1340 - incarceration is not voluntary unemployment. Pending.
- NJ A 2058 - suspension of CSUP by law when incarcerated. Pending.
- NJ A 2836 - reentry assistance - includes child support. Pending.
- **NY A 4510 - inmate minimum wage law - can pay child support from it - Pending.**
- RI H 7904 - allows CSUP agency to file on behalf of incarcerated parents. Pending.



Children's Safety

- CO H 1350 - investigator to protect child and child must be heard without parent's present. Pending.
- KS H 2381 - GAL for CHINS. Pending.
- **KS H 2581 - changes from shall to may for Sec. to ask for CSUP in CHINS cases. Failed.**
- MA - S 909 - Child Centered Family Law. Pending.
- MA S 1127 - Best interests of children in probate and family court. Pending.
- **NH H 535 - provide attorney for children in family court - pending.**
- NJ S 2337 - Child safety in custody disputes pending.



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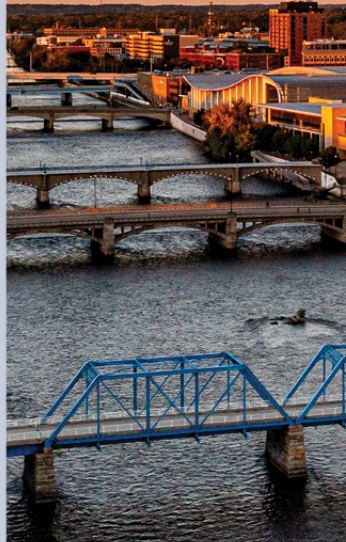
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Criminal Restitution/Child Support

- FL H 79 - Failed
- HI S 2017 - pending
- **IL H 4163 - make child support payments - in the marriage and dissolution act - Pending.**
- IL H 4322 - same - Pending.
- IN S 13 - restitution for DUI fatality - Pending.
- NJ A 1533 - restitution to child killed by a drunk driver. Pending.
- NY A 1776 - Intoxicated drivers - pay child support to minor of decedent. Pending.
- NY S 2572 - similar to above - child support to child of decedent.
- NY A 5559 - same to above - pending.
- SC S 852 - restitution for dui causing death. Pending.
- SD H 1195 - restitution
- **UT H 218 - pecuniary damages as dependent support. Enacted.**



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Establishment

- **FL H 663** - would have allowed a man to challenge Marital presumption - Failed.
- **FL S 1402** - Identical to this one - both failed.
- **IL S 2977** - amends adoption act to allow for DNA testing in certain circumstances beyond 21 - Pending.
- **IL S 3147** - regardless of how paternity is established, parental responsibilities and support are governed by the Illinois marriage and dissolution of marriage act. Pending.
- **IL H 5309** - adds admin proceeding for parentage - nothing in presumption of paternity section limits rights of an unmarried parent - Pending.
- **LA H 81** - allows a man to file for paternity even if there is a presumed father - Pending.
- **MD S 201** - Paternity test at birth - hospital must notify presumed father of right to have one before completion of birth cert. Pending.
- **MN S 3504** - UPA Pending.
- **MN H 3567** - similar Pending.
- **NY S 1787** - Confirmatory Adoptions - protect parents of IVF and allows for more than 2 parents. - Pending.
- **NY S 5269** - expedited settlement conferences when parties agree on support. Pending.
- **PA H 1961** - provides for the UPA. Pending.
- **SD H 1123** - establishment after 18 with DNA only. Pending.
- **TN S 2056** - if a VAP - parents are as signed on it, if no VAP then mom is presumed custodian over alleged father. Pending.
- **VT H 745** - repeals and reauthorizes a new parentage act consistent with the UPA. Pending.



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Guideline Reviews

- **GA SR 150 - study parenting time deviation - Pending.**
- GA S 454 - Alimony and Child Support - Pending.
- GA H 1158 Alimony. Pending.
- **IA H 2382 - adds veterans benefits to be treated like SSD. Pending.**
- KY H 244 - guidelines and medical expenses - Pending
- MD S 390 - alters definition of actual income. Pending.
- MD H 648 - same. Pending.
- **MD S 1011 - adjustment to guidelines for multi-family homes. Pending.**
- MD H 1045 - same. Pending.
- MS S 2037 - cost of health insurance is an adjustment off of the gross income
- **MS S 2259 - amend calculations for low income - died.**
- MO H 1642 - no support if equal parenting time. Pending.
- NH H 1564 - revised criteria for support calculation for parenting schedule. Pending.
- NH H 1595 - revises criteria for support calculation for PT, medical and child care. Pending
- NY S 2154 - requires a reduction of CSUP for amount of SS Dependent benefits child gets. Pending.
- **NY A 9505 - consider specific circumstances of the person when determining income for order. Pending.**



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Emancipation

- **CT H 5420** - support to 21 for new cases - 18/19 or grad date, if in school for older cases. Pending.
- **NH H 1282** - emancipation is 18 unless still in school then until graduation or 19/2months.
- **NJ A 1522** - ROTC program by itself is not emancipation. Pending.
- **RI S 2213** - support up to 21 if child still at home and dependent on parent and up to 23 if still in school up to undergrad. Pending.
- **RI H 7167** - same.
- **RI H 7199** - same.
- **TN H 1942** - if a parent petitions to Term. Par. Rights of other must notify them that support will be term'd too. Pending.

IV-D Administration

- **GU B 240 - distributing and disposing of undistributed child support funds. Pending.**
- **MN - S 4910 - relates to redirecting support to obligee. Pending.**
- **MS H 427 - died but would have blocked any future contract with a private vendor to operate child support.**
- **NE L 1202 - Child Support Customer service unit - removed requirements for hiring staff in the county where the unit is located. Pending.**
- **NJ A 1149 - Taskforce on child support reform.**
- **NY A 2443 - if good cause - no actions to establish. Pending.**
- **NY S 2601 - no bank fees for gov't service debit cards. Pending.**
- **NY A 5635 - no child support stay during appeal. Pending.**
- **PA H 1962 - Updates IV-D program to include natural or adoptive parents. Pending.**
- **RI S 2459 - removes mandatory cases for child care assistance. Pending.**
- **RI H 7122 - same - pending.**
- **SD H 1223 removes mandatory cases for child care. Pending.**
- **WA S 5842 - only use SSN to insurers when can't ID person based on name, address and birthdate**



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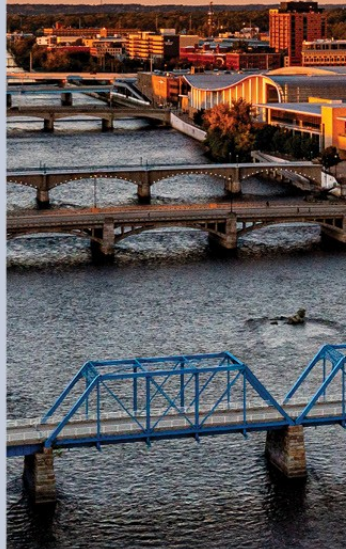


Judiciary

- CA S 1356 - Training - Gender Perspectives - DV - Pending.
- CA A 3013 - Remote Court Reporting Pilot - Pending.
- HI S 2523 - Judiciary to study how to provide free childcare to parties and witness in family court. Pending.
- LA HCR 28 - study procedure for establishment for minor parents. Pending.
- NH H 1266 - allows each party the right to record a proceeding. Pending.
- NY S 2355 - Family Court Adjusted service time act. (FAST). Court to Midnight 1x per week. Pending.
- NY S 4372 - mandatory DV training for judges. Pending.



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Miscellaneous

- Uniform Collaborative Law
 - KY H 206 - enacts collaborative law act - covers CSUP.
 - LA S 188 - same language - child support
- Gambling
 - IL S 3126 - Horse Racing/Gambling - Allows for intercepts of winnings for state owed debts - child support included. Pending.
- SNAP
 - LA S 196 - new SNAP rules - allows use of child support data to review eligibility. Pending.
 - MO H 2572 - Mandatory cooperation for SNAP cases. Pending.



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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>



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