



ERICSA
EASTERN REGIONAL INTERSTATE
CHILD SUPPORT ASSOCIATION

INTERGOVERNMENTAL TRAINING EVENT

Wednesday September 11, 2024

Interstate 101(ish) for Attorneys

Presented by the Three Best Greek Legal Minds in ERICSA

Theodora “Teddy” Andreopoulos

Irene Curran

Nicholas “Nick” Palos

And Now, A Word from Our Sponsor



Your Moderator

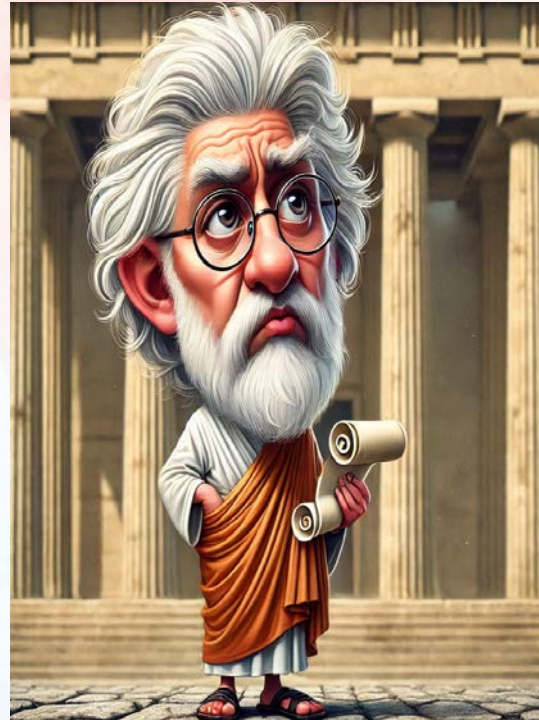


- Loretta Everett, ERICSA President

The Three Wise Greeks



Theodora "Teddy" Andreopoulos



Nicholas "Nick" Palos



Irene Curran

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Have you heard the one about the
Interstate Child Support Forms Package?



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He's packed and ready, or so he thinks, But some key papers are missing links! To become an order, it takes more than cheer, There's vital information he must bring there

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Hold up there, little package!
Before you can cross state lines,
let's see what you've got. Did
you include everything?



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Not so fast! Where's the birth certificate for all the children? And I don't see proof of legal parentage for some of them. Plus, I notice there's no financial information from the custodial parent. Without those, you can't proceed!

Oh no! I didn't realize I was missing so much. What should I do?"

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Alright, let's see... Birth certificates?
Check! Proof of legal parentage? Check!
Financial information? Check! Looks like
you're good to go. But remember, this is
just the first hurdle. Be prepared for the
next stage!



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I did it! Now the child will receive the support they need, no matter where they live. My journey was tough, but it was worth it

UIFSA requires the party to file a petition.

- The petition must include:
 - Party's names
 - Child(ren) names
 - Sex
 - Residential address
 - Social Security number
 - Date of birth of the child
- Petition must specify relief sought



Where do I get the needed forms?

Petitions and accompanying documents must conform with the requirements that federal law. UIFSA Section 311(B)

[Using the Intergovernmental Forms for Case Processing](#)

PIQ-20-01

February 13, 2020

OCSE's [Intergovernmental Forms Matrix](#) (PDF) identifies which federal intergovernmental forms to use when requesting a specific intergovernmental action under the Uniform Interstate Family Support Act (UIFSA). The matrix does not include every document that may be required in a specific intergovernmental request. The agency to which you are sending the request may have additional document requirements, depending on the case circumstances and the jurisdiction's law. Before sending the intergovernmental request, check for any additional requirements by reviewing . PIQ-20-01, 2/13/2020

[Intergovernmental Reference Guide](#),

No Requirement that the petitioner verify the petition but anything that could be admissible in evidence , must be given under penalty of perjury. UIFSA Section 316 (b)

Establish Parentage

- Child Support Enforcement Transmittal #1—initial request
- Child Support Agency Confidential Information Form
- Uniform Support Petition
- Personal information Form for UIFSA Section 311
- Declaration in Support of Establishing Parentage (for each child)

Establish and enforce a support order

- Child Support Enforcements Transmittal #1—initial Request
- Child support Agency Confidential Information Form
- Uniform Support Petition
- General Testimony
- Personal Information form for UIFSA section 311

Cases with existing responding tribunal order

- Child Support Enforcement Transmittal#1—initial request
- Child Support Agency Confidential Information Form
- Uniform Support Petition
- General Testimony
- Personal Information Form for UIFSA section 311

Existing orders from another jurisdiction

- Child Support Enforcement Transmittal #1—initial request
- Child Support Agency Confidential Information Form
- Letter of Transmittal requesting Registration
- Uniform Support Order
- General Testimony
- Personal Information Form UFISA section 311

What else could I need?

- All parties names and spelling must match
- All foreign language documents must include English Translation
- Helpful to include relevant initiating state statute
- Birth certificate of children in question (in some states department of Human Services Screen is enough)
- Marriage certificate if relevant
- Divorce Decree if appropriate
- Pictures of the NCP (for service)



Specific to Cook County Illinois

- Birth certificates
- If asking for retroactive support—supporting documentations such as texts, Facebook posts, letters or anything that would show that the NCP knew about the child
- Divorce decrees (signed by the judge)
- Direct phone numbers or emails
- Anything that you think that would be helpful
- Copy of the relevant provisions for the IRG



Cook County check list

- Check list used by the child support specialists



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Jbligee/CP:
Jbligor/ NCP:

IV-D #:
Child(ren):
UIFSA ESTABLISHMENT OF PATERNITY AND SUPPORT

CHECKLIST MUST BE COMPLETED IN ITS ENTIRETY (Revised 1/25/18)

UIFSA Packet- Verify that _____ is included _____

☒ Transmittal #1 & Child Support Agency Confidential Information Form Attached and Complete

☒ Uniform Support Petition & Personal Information Form for UIFSA 311 Attached and Complete

☒ General Testimony

☒ All Foreign language documents **MUST** include English translation

Does previously filed Cook/IL case for child (ren) with different Alleged Father/Custodial Party exist? ☐ YES ☐ NO

If "YES", Dismissal order **MUST** provided

Does previously filed Cook/IL case for same parties exist? ☐ YES ☐ NO

ANYTHING SCRATCHED OFF OR ALTERED IN THIS DOCUMENT MUST BE INITIALED

☐ All parties' names & spelling **MUST** match ALL documents and KIDS (i.e. VAP or Copy of the certified official birth certificate)

IF ANY NAMES HAVE BEEN CHANGED, PROOF OF CHANGE IS REQUIRED. (Marriage Certificate or Court order) ☐

Case status has been checked (i.e. TANF, IV-E Foster Care)

Does Petitioner reside in Petitioning State ☐ YES ☐ NO (see info form)

Does Petitioning State & Custodial Party's residential state match ☐ YES ☐ NO (see info form)

Is Custodial Party on TANF in IL ☐ YES ☐ NO

Is Non-Disclosure Finding checked off? ☐ YES ☐ NO If "YES", Non-Disclosure Finding **MUST** be attached

If "NO" but Non-Disclosure Finding Form/Affidavit/Order is in packet, packet **MUST** be returned to Petitioning State to complete the Non-Disclosure Check-Box.

PLEASE READ NON-DISCLOSURE FINDING TO DETERMINE THE FOLLOWING:

Do any of the participants have an active FVI on another case with different participants ☐ YES ☐ NO

☒ Action requested should match Action I requested in the Uniform Support Petition

SECTION II - CASE SUMMARY _____

SECTION II DOES NOT NEED TO BE COMPLETED

SECTION III, IV & V: PARTIES INFORMATION _____

☒ Sections III, IV, V (parties' info) are completed & consistent

SECTION VI - OTHER PERTINENT INFORMATION _____

SECTION VI DOES NOT NEED TO BE COMPLETED

☒ All items checked off are included

☒ All pages of the TRANSMITTAL are included

SECTION VIII - CONTACT INFORMATION _____

THIS SECTION MUST BE COMPLETED

UIFSA ESTABLISHMENT OF PATERNITY AND SUPPORT

CHECKLIST MUST BE COMPLETED IN ITS ENTIRETY (Revised 1/25/18)

UIFSA Packet- Verify that [] is included

☒ Transmittal #1 & Child Support Agency Confidential Information Form Attached and Complete

☒ Uniform Support Petition & Personal Information Form for UIFSA 311 Attached and Complete

☒ General Testimony

☒ All Foreign language documents **MUST** include English translation

Does previously filed Cook/IL case for child (ren) with different Alleged Father/Custodial Party exist? ☐ YES ☐ NO

If "YES", Dismissal order **MUST** be provided

Does previously filed Cook/IL case for same parties exist? ☐ YES ☐ NO

ANYTHING SCRATCHED OFF OR ALTERED IN THIS DOCUMENT MUST BE INITIALED

☐ All parties' names & spelling **MUST** match ALL documents and KIDS (i.e. VAP or Copy of the certified official birth certificate)

IF ANY NAMES HAVE BEEN CHANGED, PROOF OF CHANGE IS REQUIRED. (Marriage Certificate or Court order) ☐

Case status has been checked (i.e. TANF, IV-E Foster Care)

Does Petitioner reside in Petitioning State ☐ YES ☐ NO (see info form)

Does Petitioning State & Custodial Party's residential state match ☐ YES ☐ NO (see info form)

Is Custodial Party on TANF in IL ☐ YES ☐ NO

Is Non-Disclosure Finding checked off? ☐ YES ☐ NO If "YES", Non-Disclosure Finding **MUST** be attached

If "NO" but Non-Disclosure Finding Form/Affidavit/Order is in packet, packet **MUST** be returned to Petitioning State to complete the Non-Disclosure Check-Box.

PLEASE READ NON-DISCLOSURE FINDING TO DETERMINE THE FOLLOWING:

Is Petitioner in fear of his/ her & child's safety? ☐ YES ☐ NO If "NO", DO NOT FLAG CASE "FV" IN KIDS

Do any of the participants have an active FVI on another case with different participants ☐ YES ☐ NO

SECTION I- ACTION

☒ Action requested should match Action I requested in the Uniform Support Petition

SECTION II - CASE SUMMARY

SECTION II DOES NOT NEED TO BE COMPLETED

SECTION III, IV & V: PARTIES INFORMATION

☒ Sections III, IV, V (parties' info) are completed & consistent

SECTION VI - OTHER PERTINENT INFORMATION

SECTION VI DOES NOT NEED TO BE COMPLETED

SECTION VII- ATTACHMENTS

☒ All items checked off are included

☒ All pages of the TRANSMITTAL are included

SECTION VIII - CONTACT INFORMATION

THIS SECTION MUST BE COMPLETED

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Obligee/CP:
Obligor/ NCP:

IV-D #1:
Child(ren):

2

UIFSA ESTABLISHMENT OF PATERNITY AND SUPPORT (Revised 1/25/18)

UNIFORM SUPPORT PETITION

CAPTION

ANYTHING SCRATCHED OFF OR ALTERED IN THIS DOCUMENT MUST BE INITIALED

:J All parties' names & spelling match ALL documents and KIDS

IF ANY NAMES HAVE BEEN CHANGED, PROOF OF CHANGE IS REQUIRED. (Marriage Certificate or Court order)

IF NON-DISCLOSURE HAS BEEN CHECKED OFF NON-DISCLOSURE STATEMENT MUST BE INCLUDED

:J Case status has been checked (i.e. TANF, IV-E Foster Care)

re there multiple Respondents/Obligors? DYES ☒ NO

If "YES" return to Petitioning State as each Respondent/Obligor needs his/her own petition

:J Is name(s) for child(ren) of this action listed. Is action sought the same for each child? DYES ☒ NO

If "NO" return to Petitioning State as each request needs a separate petition

SECTION I- ACTION

:J Action requested matches Action I requested in Transmittal #1

SECTION II- GROUNDS SUPPORTING REMEDY SOUGHT

s "Retro Support" checked off under Section I? ☒ YES ☐ NO

f "Retro Support" is checked under Action I,

:J Second box **MUST** be checked off & child's DOB or specific date that retro support is being sought **MUST** be completed

SECTION III- SERVICEMEMBERS CIVIL RELIEF ACT

:J One of the responses is to be checked. Supporting fact statement must be included and "Yes" or "No" question must be answered

SECTION IV- OTHER PERTINENT INFORMATION

:J ALL items that are checked off are included in the packet

SECTION V- DECLARATION

:J Uniform Support Petition MUST be signed & dated

:J Date is no more than 12 month old.

:J All pages for the UNIFORM SUPPORT PETITION are included

DECLARATION IN SUPPORT OF ESTABLISHING PARENTAGE

CAPTION

ANYTHING SCRATCHED OFF OR ALTERED IN THIS DOCUMENT MUST BE INITIALED

:J All parties' names & spelling match ALL documents & KIDS

IF ANY NAMES HAVE BEEN CHANGED, PROOF OF CHANGE IS REQUIRED. (Marriage Certificate or Court order)

:J Case status has been checked (i.e. TANF, IV-E Foster Care)

A SEPARATE DECLARATION IS REQUIRED FOR EACH CHILD NEEDING PATERNITY ESTABLISHED.

:J There is a Declaration in Support of Establishing Paternity for each child on the Uniform Support Petition

s Non-Disclosure Finding checked off? ☒ YES ☐ NO If "YES", Non-Disclosure Finding **MUST** be attached

:J Petitioner or Agency Representative name is listed

J #1, Relationship box must be completed

J Child's information section is to be completed.

J #2, an answer **MUST** be given

J Questions 3, 4 (A through C), 5 & 6 **MUST** be answered.

Obligee/CP:
Obligor/ NCP:

IV-D ti:
Child(ren):

3

UIFSA ESTABLISHMENT OF PATERNITY AND SUPPORT (Revised 1/25/18)

DECLARATION IN SUPPORT OF ESTABLISHING PARENTAGE
(Continued)**SECTION II – TO BE COMPLETED BY THE PETITIONER**

III (A-NJ or #2 (A-I)) MUST BE COMPLETED BY THE PETITIONER AS APPROPRIATE

SECTION III- TO BE COMPLETED BY BIRTH MOTHER ONLY

All questions **MYfil** be answered.

Section IV- OTHER PERTINANT INFORMATION

~~SECTION IV DOES NOT NEED TO BE COMPLETED~~

Section V- DECLARATION

Declaration in support of establishing parentage MUST be signed & dated

⇒ Date is no more than 12 month old.

0 All pages for the DECLARATION IN SUPPORT OF ESTABLISHING PARENTAGE are included

GENERAL TESTIMONY

CAPTION

ANYTHING SCRATCHED OFF OR ALTERED IN THIS DOCUMENT MUST BE INITIALED

⚠ All parties' names & spelling match ALL documents and KIDS

IF ANY NAMES HAVE BEEN CHANGED, PROOF OF CHANGE IS REQUIRED. (Marriage Certificate or Court order)

Case status has been checked (i.e. TANF, IV-E Foster Care)

☒ Petitioner or Agency Representative name is listed

∴ All pages in the General Testimony are there

SECTION 1 - PERSONAL INFORMATION ABOUT THE OBLIGEE /OBLIGEE CARETAKER

Section 4 Questions 1-4 **MUST** be answered

Section B 0 Questions 1 thru 5 **MUST** be answered

Section C & D 0 An answer **MUST** be given. If "Yes" is checked, complete information in space provided

Section E ☐ *TO BE COMPLETED BY CARETAKER ONLY! ACCEPTABLE PROOF OF LEGAL CUSTODY/GUARDIANSHIP REQUIRED*

heck what proof has been provided:

⚖ Court Order

Temporary Custody NOT expired

☐ Power of Attorney where Mom is in jail ☐ Power of Attorney where Mom is in the Military

⚖️ Court Approved Letter of Guardianship

SECTION 11. PERSONAL IN ABOUT THE OBLIGOR

Section A ☐ Questions 1-4 **MUST** be answered

Section B 0 Questions 1 thru 5 MUST be answered

Section C & D ☐ An answer **MUST** be given. If "Yes" is checked, complete information in space provided

SECTION III - LEGAL RELATIONSHIP OF PARENTS

If question A is checked off ☐ YES ☐ NO If "YES", proceed to Section IV.

question B is answered ☐ YES ☒ NO

f "YES", 0 Date and State of marriage MUST be provided. (Marriage Certificate must be included).

If question D, E, or F is answered, date and or state must be given. Legal proof for these is required & must be provided as follows:

"D" a court order for legal separation, "E" Court order & "F" Divorce Decree).

OR EACH CHILD O Questions 1, 2, 4, 5, 6 & 7 MUST be answered. If "5" is checked "NO", packet MUST be returned to petitioning late.

SECTION IX - OTHER PERTINANT INFORMATION

THIS SECTION DOES NOT NEED TO BE COMPLETED



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ALL ITEMS THAT ARE CHECKED OFF ARE INCLUDED IN PACKET

Obligee/CP: IV-D #: 4
Obligor/ IIICP: Child(ren):

UIFSA ESTABLISHMENT OF PATERNITY AIIIO SUPPORT (Revised 1/25/18)
UIFSA ESTABLISHMENT OF PATERNITY AND SUPPORT (Revised 1/25/18)GENERAL TESTIMONY
(Continued)

SECTION XI- DECLARATION

☐ General Testimony is signed & dated

☐ Date MUST be no more than 12 months old

☐ All pages of the GENERAL TESTIMONY are included

REQUIRED FORMS
ONE OF THE FOLLOWING IS REQUIRED

☐ Copy of the certified official birth certificate

☐ KIDS OPH Screen for cases where child was born in Illinois

☐ DPH equivalent only for Wisconsin cases

IF THIS CASE IS BEING RETURNED TO PETITIONING STATE ALL SIBLING CASES MUST ACCOMPANY IT

_Iris 5. Roman CSSII_____

,creener's Name (Print) Date _____

Intergovernmental Challenges in Determining Parentage

Parentage can be established through the following bases:

- Marriage (Marital Presumption of Legitimacy)
- Order of Filiation or Order of Adoption
- Acknowledgment of Parentage or comparable document
- Divorce Judgment and related documents

Marriage



Marriage

-In New York, a child born to parents who at any time prior or subsequent to the birth of said child entered into a ceremonial marriage shall be deemed the legitimate child of both parents.

Family Court Act (FCA) § 417: the marital presumption of legitimacy

-Challenges have arisen by noncustodial parents stating that the marriage was a common law marriage or a marriage “of convenience”

-Proof of a ceremonial marriage from another jurisdiction is needed to proceed.

In *Matter of Commissioner of Social Services v. B.C.*, 147 A.D.3d 1, 43 N.Y.S.3d 342 (1st Dept. 2016) the First Department of the Appellate Division held that a ceremonial marriage need not take any particular form, provided that the parties solemnly declared in the presence of a clergyman or magistrate, and at least one witness, that they intend to be married.

Domestic Relations Law (DRL) § 12

-Important for the parties to provide testimony and to submit the document confirming the existence of the marriage.

Order of Parentage: Order of Filiation or Order of Adoption



Orders of Filiation

- Was there a Court order issued in another jurisdiction regarding the issue of parentage?
If so, is it still valid?
- Will the Court give full faith and credit to the order submitted establishing parentage in another jurisdiction pursuant to Article IV, §1 of the United States Constitution.
 - Is it still valid?
 - Did the parties have similar due process that they would have in New York?
 - Was the order decided on the merits?

Orders of Filiation

-In the matter of *Luna v. Dobson*, 97 N.Y.2d 178, 763 N.E.2d 1146 (Ct. of Appeals 2001) : the New York Court of Appeals held that full faith and credit is given to orders when due process has been served during the proceedings in the jurisdiction which issued the order and whether the other jurisdiction would consider the order issued “on the merits” for purposes of res judicata under their law.

-In *Villanueva v. Office of the Attorney General*, 935 S.W.2d 953 (Court of Appeals Texas, 4th Dist. 1996), the Appellant challenged an Indiana order of paternity on the grounds that the Court had failed to order paternity testing. The Texas Court of Appeals affirmed the enforcement of Indiana’s order of paternity and support under the full faith and credit provisions of the US Constitution. The Texas Court held that “a state shall give another state’s judgment full faith and credit when the parties fully and fairly litigated the issue in the other state.” *Id.* at 956

Acknowledgment of Parentage



Acknowledgments of Parentage

- What makes an Acknowledgment of Parentage (AOP) from another jurisdiction a valid AOP?

 - Validly executed within the laws of the state where it was executed?

 - In *Robertson v. Collins*, 101 Misc. 2d 808, 421 N.Y.S.2d 999 (Oneida Cty Fam. Ct. 1979) the New York Family Court held that the affidavit of parentage signed by the putative father in Connecticut did not conform to the requirements of an acknowledgment under Connecticut law and thus was not entitled to the same force and effect as a judgment of a Connecticut order of parentage.

- Does the parent's name on the birth certificate, alone, establish that the parent is the legal parent of the child in the jurisdiction where the child was born? Or is legal parentage established through the execution of the AOP?

Acknowledgments of Parentage

- The laws of the other jurisdiction regarding parentage is essential in order to determine whether the AOP or the birth certificate alone establishes legal parentage.
- If a party is seeking to challenge an AOP filed in another jurisdiction, that application must be made in that other jurisdiction.

Divorce Judgment and related documents



Divorce Judgments and related documents

-The reference to any children of the marriage in the Divorce Judgment between the parties is given full faith and credit by the responding jurisdiction for a petition for support to proceed or to find that parentage has already been established when a petition for paternity has been filed.

Divorce Judgments and related documents

–Does the Judgment of Divorce state whether there are any children of the marriage or the mother was pregnant at the time of the divorce? Is the Divorce silent?

-If the Divorce between the parents is silent with respect to any children born during the marriage, then there is no determination of parentage for the child(ren) that are listed in the support petition between the same parties.

Divorce Judgments and related documents

-If the Divorce between the mother and a third party is silent with respect to children born of the marriage, then a petition for paternity against a putative father may proceed.

Divorce Judgments and related documents

-It is important for all documents related to the Divorce Judgment to be included: Referee's Report, Findings of Fact and Conclusions of Law, Stipulation of Settlement, etc. Testimony from the ex-spouse may also be necessary.

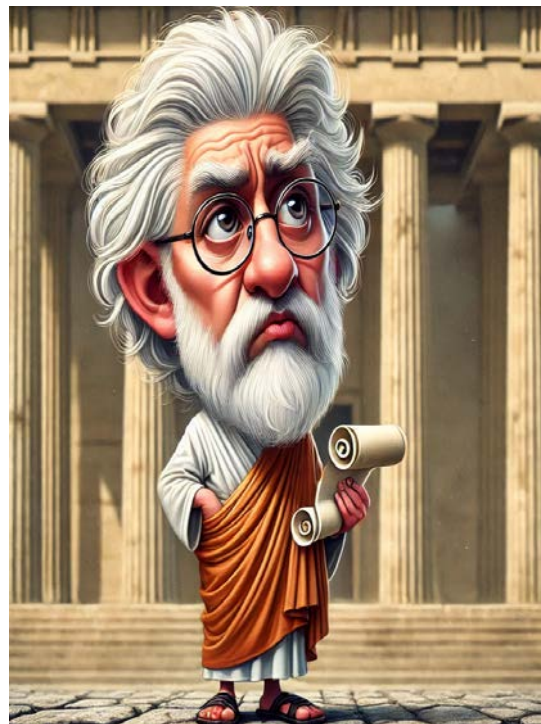
-In the *Matter of Marilu T. v. Jose C.*, 31 Misc. 3d 1206(A) (Queens Ct. Fam. Ct. 2011) the Family Court held that the Support Magistrate properly determined that petitioner's former husband was not the child's biological father based upon the fact that the divorce judgment does not name the child as a child of the marriage and based on the former husband's testimony of "non-access" at the time the child was conceived and his further statements regarding their separation.



Contact Information



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Thank you for attending this session

- ❖ Remember to submit your forms if you will be seeking CLE credit for this session
- ❖ Do not forget to include the two code numbers provided earlier. Those numbers are the proof you attended this session
- ❖ Please complete any evaluations for this session



SEE YOU IN NORFOLK

SEE YOU IN NORFOLK



Send us your best practices!

ERICSA is in the process of gathering intergovernmental best practices from the states, territories, tribes, and our international partners, to disseminate to all of our members at future ERICSA events. Please use the email address info@ericsa.org and the heading “Intergovernmental Best Practices” in the subject field, and send us the top ideas you have seen different jurisdictions use when working interstate cases. We will gather and review your recommendations and send out all best practices shortly. Thank you so much!

Coming Soon: The ERICSA Bulletin Board!

We are thrilled to announce the upcoming launch of The Bulletin Board for ERICSA! This new platform will be your go-to source for the latest news, updates, and essential information in the child support community.

Key Features:

- Upcoming Events
- State, Regional, Tribal, and International Community Insights
- Legislative Updates