



STATE OF MICHIGAN

DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

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IV-D MEMORANDUM 2016-001

TO: All Friend of the Court (FOC) Staff
All Prosecuting Attorney (PA) Staff
All Office of Child Support (OCS) Staff

FROM: Erin P. Frisch, Director
Office of Child Support

DATE: January 4, 2016

SUBJECT: Michigan's Adoption of the Uniform Interstate Family Support Act (UIFSA) 2008

<p>UPDATE(S):</p> <p><input type="checkbox"/> Manual</p> <p><input type="checkbox"/> Form(s)</p>

RESPONSE DUE: None

POLICY EFFECTIVE DATE: Upon receipt

PURPOSE:

This IV-D Memorandum announces changes to intergovernmental case processing due to the passage of UIFSA 2008, as required by the [Preventing Sex Trafficking and Strengthening Families Act](#) (Public Law 113-183). Michigan's UIFSA 2008¹ is a comprehensive revision to UIFSA 1996. It provides the framework for intergovernmental paternity and support establishment, and enforcement and modification of child support obligations.

The 2008 updates² to UIFSA address many concerns related to UIFSA 1996. UIFSA 2008 provides clarifying language, and incorporates the necessary provisions of the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (Hague Convention). UIFSA 2008 applies to any case where the child resides in a different state, country or tribal nation than the non-custodial parent (NCP), and long-arm jurisdiction or direct enforcement actions are not possible. Additionally, it applies to cases where income and/or assets are located in another state, country or tribal nation. Updates to Michigan's UIFSA statute were passed on December 16, 2015, and UIFSA 2008 replaces UIFSA 1996.

¹ Public Act 255 of 2015

² The 2008 updates to UIFSA are referred to UIFSA 2008 in this IV-D Memorandum.

After OCS completes its analysis of UIFSA 2008 along with the upcoming revised federal intergovernmental forms, OCS will update the *Michigan IV-D Child Support Manual*. The federal Office of Child Support Enforcement (OCSE) is updating and developing federal intergovernmental forms to assist in processing cases under UIFSA 2008. OCSE anticipates that these forms will be available in early 2016.

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A. Background

UIFSA in Michigan originally became effective on June 1, 1997. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) required all states to adopt UIFSA 1996 by January 1, 1998.³ The Uniform Law Commission⁴ developed and approved UIFSA 2001, which included amendments that addressed concerns in UIFSA 1996. However, Michigan chose not to adopt UIFSA 2001 since it was not federally mandated at that time.

The Uniform Law Commission later developed and approved UIFSA 2008,⁵ which incorporates the provisions of UIFSA 2001. UIFSA 2008 also integrates the

³ Michigan had a statewide comprehensive training on UIFSA 1996 for IV-D staff.

⁴ The Uniform Law Commission is also known as the National Conference of Commissioners of Uniform State Laws.

⁵ Ref: The [Uniform Law Commission](#) website for more information on the drafting of UIFSA 2008.

appropriate provisions of The Hague Convention, which was adopted at the Hague Conference on Private International Law (Hague Conference) on November 23, 2007.

In September 2014, President Obama signed Public Law 113-183, which amended section 466(f) of the Social Security Act. It required all states to pass and implement UIFSA 2008 by January 1, 2016.

B. Provisions of UIFSA 2008

Similar to UIFSA 1996, UIFSA 2008 is organized into nine articles of law, which are listed below. Each article has multiple sections. Under each article, sections with changes due to UIFSA 2008 are discussed. Changes in statute from UIFSA 1996 to UIFSA 2008 are noted for IV-D staff who process intergovernmental cases.⁶ Sections that are unchanged from UIFSA 1996 to UIFSA 2008 are not discussed in this IV-D Memorandum.

1. Article 1, "General Provisions," Sections 101-105

There are no major changes to intergovernmental case processing in Article 1 of UIFSA 2008. However, Article 1 includes changes to definitions (Section 102), as well as a statement that the IV-D agency is the child support enforcement agency of every state (Section 103) and that Michigan courts must apply certain articles of UIFSA to court proceedings involving foreign support orders and residents of foreign countries (Section 105). Additionally, Section 104 has been expanded to state that:

- Remedies under UIFSA do not affect the recognition of a foreign support order;
- UIFSA does not provide an exclusive method of establishing or enforcing a support order under the laws of this state; and
- UIFSA does not grant a tribunal⁷ of this state the jurisdiction to render a judgment or issue an order relating to child custody or visitation in a proceeding under UIFSA.

Under Section 102, definitions of the following terms have been added or changed:

- Convention;
- Foreign country;
- Foreign support order;
- Foreign tribunal;

⁶ Because UIFSA 2008 incorporates the changes made to UIFSA 2001, the changes explained in this memorandum may have been provisions originally included in UIFSA 2001.

⁷ UIFSA 2008 uses the term "tribunal," which in Michigan is the circuit court.

- Home state;
- Initiating tribunal;
- Issuing foreign country;
- Issuing tribunal;
- Outside the state;
- Record;
- Register;
- Responding state;
- State; and
- Support order.

The mi-support glossary has been updated to include the new and modified definitions.

2. Article 2, “Jurisdiction,” Sections 201-211

a. Section 201 – Jurisdiction over Nonresidents – Consent

UIFSA 2008 allows a person to consent to jurisdiction in writing (such as by way of a letter) to a IV-D agency, even if no one lives there. UIFSA 2008 does not change the ability for an individual to consent to jurisdiction by entering a general appearance, or filing a responsive document that waives any contest.

b. Section 202 – Duration of Personal Jurisdiction

Personal jurisdiction refers to a tribunal’s jurisdiction over the individuals who are parties to the child support order. UIFSA 2008 states that personal jurisdiction continues as long as the state has Continuing, Exclusive Jurisdiction (CEJ) to modify or enforce its order. CEJ is discussed in Section 205 below.

c. Section 205 – Continuing, Exclusive Jurisdiction (CEJ) – Changes to Modification Jurisdiction

As long as the obligor, the obligee,⁸ or the child lives in the state that issued the controlling order, that state retains CEJ. UIFSA 2008 clarifies that the residence of the parties at the time of the filing of the modification request governs whether a tribunal has CEJ. UIFSA also allows for the parties to consent to the issuing tribunal to retain CEJ and modify the child support order, even if the parties or the child no longer lives in that jurisdiction. In this situation, parties may consent in writing or by stating in open court that they consent to the issuing tribunal retaining CEJ. UIFSA 2008 also makes it clear that long-arm jurisdiction may not be used to gain CEJ.

⁸ UIFSA 2008 uses the term “obligee,” which refers to a payee of child support.

The law of the issuing state governs the duration of support and whether it is a non-modifiable term. UIFSA 2008 clarifies that it is the initially determined controlling order that locks in the duration of support. Once the support obligation has ended under the initial controlling order, a new order may not be established. Therefore, if the controlling order provides for support until the child reaches 18, the obligation will end at age 18 – another tribunal cannot enter an order providing for post-majority support under its own law. Only the issuing state with the controlling order may modify the duration of support.

d. Section 207 – Determination of Controlling Order (DCO) Process

UIFSA 2008 allows for only one child support order to be effective for the parties and the child, regardless of where they may live. If there is already more than one order for child support, a determination of controlling order (DCO) must be made. This remains unchanged from UIFSA 1996; however, UIFSA 2008 requires that to make a DCO, the tribunal must have personal jurisdiction over the parties, and the IV-D agency must have sent the parties a notice of the DCO proceeding.

UIFSA 1996 allowed only a **party** to request a DCO, while UIFSA 2008 allows either party or the **IV-D agency** to request a DCO. UIFSA 2008 further clarifies that a DCO may be made in any of three situations:

- 1) With a registration for enforcement;
- 2) With a registration for modification; or
- 3) As a separate proceeding.

In a DCO proceeding in which two or more orders are alleged to be in effect, the request for DCO must identify the order believed to be the controlling order, as well as the amount of consolidated arrears under the orders. The requesting party or agency must notify the non-requesting party of the DCO.⁹ The requesting party must also notify the other party that the order alleged to be the controlling order will be determined to be the controlling order unless the non-requesting party contests within the proper timeframe.

UIFSA 2008 also specifies the findings that a tribunal must make in its DCO. The findings must include the basis upon which the tribunal made the determination, the amount of support, and the total amount of arrearages, including any interest or surcharge, if applicable.

UIFSA 1996 did not require a determination of arrears in the context of a DCO because it only required an arrears determination in registration proceedings. However, UIFSA 2008 requires IV-D staff to determine the amount of consolidated arrears under all previous orders during a DCO.

⁹ Requesting parties or agencies will use the *Notice of Determination of Controlling Order* (FSA-208 or INTNDCO) to notify non-requesting parties of the DCO.

3. Article 3, "Civil Provisions of General Application," Sections 301-319

a. Section 304 – Duties of the Initiating State

If the responding agency is in a foreign country, the initiating state must complete currency conversion prior to sending a UIFSA registration. This is a new duty for states, and it supports international case processing under the Hague Convention.

b. Section 307 – Duties of the Support Enforcement Agency

UIFSA 2008 clarifies that IV-D services must be provided to IV-D applicants, regardless of their residency status. Therefore, IV-D staff will provide services to an applicant who resides in the state of Michigan or in a different state, or to an applicant who is requesting services through his/her central authority in a different country. IV-D staff **may** accept IV-D applications directly from applicants who reside in a different country and have not requested services through the central authority of the foreign country in which they reside. OCS has not yet made a policy decision on whether the Michigan IV-D program will accept IV-D applications directly from applicants in other countries who have not requested services through their central authority. OCS continues to discuss this option, and will communicate further information once it makes a policy decision.

The 2008 UIFSA amendments place additional responsibilities upon IV-D staff to seek a DCO; to convert any child support orders, arrears or judgments listed in foreign currency to U.S. dollars; and to cooperate with a request for the redirection of payments.

IV-D staff must also send copies of any notices from attorneys or other state agencies to the requesting party within five business days. This is different from UIFSA 1996, which required a timeframe of two business days.

UIFSA 2008 does not create or negate a relationship of attorney and client privileges with a support enforcement agency and another agency or with the individual being served. This is a new statement that did not appear in UIFSA 1996.

c. Section 311 – Pleadings and Accompanying Documents

Under UIFSA 2008, IV-D staff are required to provide additional information in all pleadings. This might include the name of the parent or alleged parent, if known. The pleading or petition must also include a copy of any support order known to have been issued by another state.

d. Section 312 – Revisions to Nondisclosure of Information

UIFSA 2008 changes the language regarding the protection of information in family violence¹⁰ or child abduction cases to make it consistent with the language in the [Uniform Child-Custody Jurisdiction and Enforcement Act \(UCCJEA\)](#).

If a party alleges in an affidavit or pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by the disclosure of specific identifying information, that specific identifying information must be kept confidential and may not be disclosed to the other party or the public.

After a hearing in which the tribunal takes into consideration the health, safety, or liberty of the party or child, the tribunal may order the disclosure of information that the court determines to be in the interest of justice.

e. Section 316 – Special Rules of Evidence and Procedure

1) Testimony via Telephone

UIFSA 1996 permitted a tribunal to accept testimony via telephone or audiovisual or other electronic means from a tribunal in that state. UIFSA 2008 makes such acceptance mandatory. Therefore, IV-D staff must allow appearance by telephone from an out-of-state party.

In addition, documents may be admitted into evidence “under penalty of perjury” rather than “under oath.”

2) Voluntary Acknowledgement of Paternity

A voluntary acknowledgement of paternity that is certified as a true copy is admissible to establish paternity for a child. This is a new requirement for processing cases under UIFSA 2008.

3) Transmittal of Documentary Evidence

Documentary evidence that may be transmitted by telephone, telecopier, or other **electronic** means that do not provide an original record may not be excluded from evidence due to the means of transmission. This is different from UIFSA 1996, which stated that **other** means of transmission could be used to transmit evidence.

¹⁰ Ref: [Action Transmittal \(AT\) 2009-017, REVISED: Family Violence Indicator \(FVI\) Enhancement](#) for more information on family violence cases.

f. Section 319 – Receipt and Disbursement of Payments – Redirection of Payments

1) Request for Payment Redirection and Response

In an effort to expedite the obligee's receipt of support, UIFSA 2008 includes requirements that provide for the redirection of child support payments if neither party nor the child(ren) lives in the state that issued the controlling order.

Upon receiving a valid redirection request from another state's IV-D agency, or from the order-issuing state, the IV-D agency or tribunal of the order-issuing state must redirect the payment to the agency in the state in which the obligee is receiving services. The state or tribunal receiving the payment redirection request must also issue a "conforming income withholding order or an administrative notice of change of payee" to the obligor's employer to notify the employer of the payment redirection. The redirection process is a new uniform process for all states. OCS is anticipating more direction and a new federal intergovernmental form from OCSE. OCS is also completing a separate analysis on Section 319 of UIFSA and will be working with its partners to develop policy and procedures.

The new federal intergovernmental form pertaining to Section 319 of UIFSA is still pending final approval. OCS will send additional communication as more information becomes available.

2) Certified Statement of Payments

Previously, UIFSA required a IV-D agency or tribunal to provide a requesting party or tribunal of another state with a certified statement of the amounts and dates of all payments received. A similar provision was added in UIFSA 2008 to support the new payment redirection process. The new provision requires, upon request of a party or another state, that the IV-D agency that receives redirected payments must provide a certified statement of the amounts of the payments and the dates they were received. UIFSA 2008 also expanded the UIFSA 1996 certified statement of payments provision to support the Hague Convention by requiring a IV-D agency to provide a certified statement of payments to a requesting party or tribunal of a foreign country.

4. Article 4, “Establishment of Support or Determination of Parentage,” Sections 401-402

a. Section 401 – Petition to Establish Support Order – Changes to Temporary Support Orders

Typically, all child support orders in Michigan are final, and temporary support orders are not issued. However, UIFSA 2008 changes the circumstances under which a temporary support order may be issued. The court may issue a temporary support order if the tribunal determines that such an order is appropriate and the individual ordered to pay support is:

- 1) The presumed father of the child;
- 2) Petitioning to have his paternity adjudicated;
- 3) Identified as the father of the child through genetic testing;
- 4) An alleged father who has declined to submit to genetic testing;
- 5) Shown by clear and convincing evidence to be the father of the child;
- 6) An acknowledged father as provided by the [Paternity Act](#);
- 7) The mother of the child; or
- 8) The established father who has been ordered to pay child support in a previous proceeding, and the order has not been reversed or vacated.

5. Article 5, “Enforcement of Support Order Without Registration,” Sections 501-507

UIFSA 2008 Article 5 provides uniform procedures for issuing, recognizing, and enforcing income withholding orders/notices across jurisdictional lines. The process by which income withholding notices are issued and enforced without formal intergovernmental registration is also known as direct withholding.

The definition of “state” in Section 102 of UIFSA 2008 no longer includes a foreign country or political subdivision that is a foreign reciprocating country under federal law, has an established reciprocal arrangement with the state, or has substantially similar laws or procedures for issuance and enforcement of support orders. Because Sections 501 through 506 specifically refer to orders issued by another state, they do not expressly require a domestic employer to comply with an income withholding order sent to the employer directly from a foreign country. Section 507 provides the procedures for enforcing foreign income withholding orders.

a. Section 501 – Employer’s Receipt of Income Withholding Order of Another State

UIFSA 2008 clarifies who has the authority to send a withholding notice for an order issued in one state directly to an employer in another state (i.e., across state lines) without intergovernmental registration. UIFSA 1996 did not

expressly state who had this authority but presumed this authority for IV-D agencies and implied this authority was not restricted to IV-D agencies.

UIFSA 2008 expressly authorizes a IV-D agency, an obligee, or someone else on behalf of the obligee to send direct withholding notices. For example, the obligor, a private attorney, or a private collection agency may send a direct withholding notice to the obligor's employer on behalf of the obligee.

b. Section 502 – Employer's Compliance With Income Withholding Order of Another State

Aside from minor wording changes, UIFSA 2008 did not significantly change Section 502. This section continues to require employers to honor direct income withholding notices, to provide direction to employers regarding their compliance, and to advise employers that income withholding amounts are stated as sum-certain amounts.

c. Section 504 – Immunity From Civil Liability

Aside from minor wording changes, UIFSA 2008 did not significantly change Section 504. This section continues to hold employers non-labile to the obligor for complying with direct income withholding notices.

d. Section 506 – Contest by Obligor

UIFSA 2008 includes an amendment that clarifies the procedures for an obligor/employee to contest the validity and enforcement of a direct income withholding notice and/or the underlying support order. UIFSA 1996 stated that an "obligor may contest the validity or enforcement of an income withholding order issued in another state and received by an employer in this state in the same manner as if the order had been issued by this state." This UIFSA 1996 provision is applicable to objections to withholding based on mistake of fact such as errors in the arrearage amount or mistaken identity. UIFSA 2008 retains this provision, but a new provision clarifies that the obligor may also object by registering the order in a tribunal of the employer's state and filing a contest to that order. The new UIFSA 2008 provision is intended to provide a way for the obligor to object to the underlying order (e.g., amount of support ordered, personal jurisdiction, controlling order) that is not considered a mistake of fact objection.

e. Section 507 – Administrative Enforcement of Orders

UIFSA 2008 includes two substantive amendments to Section 507.

1) Administrative Enforcement of Another State's Order

According to UIFSA 1996 and UIFSA 2008, a party may seek administrative enforcement (i.e., enforcement without formal registration) of one state's support and/or withholding order by sending the required registration forms to a different state. If the law of the state in which the party is seeking registration authorizes administrative enforcement, and the obligor does not object to that enforcement, the state may administratively enforce the other state's order without registering the order. UIFSA 2008 allows a IV-D agency to pursue administrative enforcement in another state – this action is no longer restricted to only a party.

2) Extension of Administrative Enforcement to Foreign Orders

UIFSA 2008 also introduces a significant amendment that extends the administrative enforcement provision to foreign orders. This change supports the treaty requirements of the Hague Convention by allowing a party or IV-D agency to seek administrative enforcement of a foreign country's order. A state IV-D agency can enforce (administratively or through registration) a foreign country's support/income withholding order by issuing an income withholding notice to the source of income. This includes the IV-D agency issuing an income withholding notice directly across state lines without registering the foreign order in the other state pursuant to Sections 501 through 506.

Note: The administrative enforcement of foreign orders provision of Section 507 is not applicable to UIFSA Sections 501-506. In other words, outside of a IV-D agency administratively enforcing a foreign order or the registration of the foreign order in a state, UIFSA does not provide any expressed authority for a foreign country/tribunal or party to issue a direct income withholding notice to a domestic source of income to enforce the foreign order, or for a source of income to honor such withholding.

6. Article 6, "Registration, Enforcement, and Modification of Support Order," Sections 601-616

The information contained in UIFSA 2008 Article 6 contains new sections for which UIFSA 1996 had no similar provisions.

a. Section 615 – Jurisdiction to Modify Child Support Order of a Foreign Country

If a foreign country lacks or refuses jurisdiction to modify its child support order, another country or state may assume jurisdiction to modify the order. If another state modifies a foreign child support order, that order becomes the controlling order.

b. Section 616 – Procedure to Register Child Support Order of Foreign Country for Modification

A foreign country seeking to modify a foreign child support order that is not under the Hague Convention¹¹ may do so just as any state would register the case to modify an order from Michigan. The foreign country must also be a country in which Michigan or the United States has reciprocity (a Foreign Reciprocating Country [FRC]).¹² IV-D staff will process all international cases with reciprocity under the provisions outlined in Articles 1-6 of UIFSA 2008.

7. Article 7, “Support Proceeding Under Convention,”¹³ Sections 707-713

Article 7 of UIFSA 2008 is new in its entirety and pertains to the Hague Convention. When processing intergovernmental cases with a Hague Convention country,¹⁴ IV-D staff will follow the procedures outlined in the sections under Article 7:

a. Section 701 – Definitions, Section 702 – Applicability, Section 703 – Relationship of Office of Child Support to United States Central Authority

Sections 701, 702, and 703 give general information such as definitions in the law. They also state that Article 7 applies only to cases being processed under the Hague Convention (Convention cases). In addition, these sections state that OCS is the authority in Michigan that will assist in performing duties required to process incoming Convention registrations through the Michigan Interstate Central Registry (ICR).

b. Section 704 – Initiation by Office of Child Support of Support Proceeding Under Convention

OCS, through the ICR, will receive all incoming registrations under the Hague Convention and will process them in the same manner that all other incoming registrations are received.

- 1) The following support proceedings are available to an obligee under the Convention and will be processed by the ICR:

¹¹ Ref: “Article 7, ‘Support Proceeding Under Convention,’ Sections 707-713,” in this memorandum for more information on processing cases under the Hague Convention.

¹² An FRC is a country in which Michigan or the United States has a formal agreement to perform child support services on behalf of the other country, and the other country can perform the same services on behalf of Michigan. Ref: [OCSE's International search results webpage](#) for information on FRCs.

¹³ Ref: the [Hague Convention website](#) for required forms and more information on processing Convention cases.

¹⁴ Ref: the Hague Convention website for a list of countries under the Hague Convention.

- a) Recognition and enforcement of a foreign support order;¹⁵
 - b) Enforcement of a support order issued or recognized in Michigan;
 - c) Establishment of a support order if there is no existing order, and no paternity establishment;
 - d) Establishment of a support order if recognition of a Convention order is refused by the registering tribunal;
 - e) Modification of a support order of Michigan; and
 - f) Modification of a support order of another state or a foreign country.
- 2) The following support proceedings are available under the Convention to an NCP for whom there is an existing support order:
- a) Recognition of an order suspending or limiting the enforcement of an existing support order;
 - b) Modification of a support order of Michigan; and
 - c) Modification of a support order of another state or a foreign country.
- c. Section 705 – Direct Request

Any parent or person caring for the child may file a direct request (a motion in the tribunal without working through the ICR) for either of the following:

- 1) Seeking establishment or modification of a support order or paternity establishment; or
- 2) Seeking recognition and enforcement of a support order.

d. Section 706 – Registration of Convention Support Order

A request for registration of a Convention support order must include:

- 1) A complete text of the support order or an abstract of the support order drawn up by the issuing tribunal, which may be in the form recommended by the [Hague Conference on Private International Law](#);
- 2) A record stating that the support order is enforceable in the issuing country;
- 3) A record that the respondent had proper notice of the hearing or of the support order, if the respondent was absent during the proceedings that established the support order;
- 4) A record showing the amount of arrears and the date the amount of arrears was calculated; and
- 5) A record showing a requirement for automatic adjustment of the amount of support, if any, and the information necessary to make the appropriate calculations.

¹⁵ A foreign support order registered under the Hague Convention may also be referred to as a Convention order.

A registration of a Convention support order may be vacated if it is determined that recognition and enforcement of the order would be profoundly against public policy. The court with jurisdiction over the case must promptly notify the parties in the event of an order vacating the registration.¹⁶

e. Section 707 – Contest of Registered Convention Support Order

A party who is a resident of the United States has 30 days to contest the registration of a Convention support order in Michigan. However, a party who does not reside in the United States has 60 days to contest the registration. Failure of the non-registering party to contest the registration within the required timeframe will result in the order being enforceable. A contest may only be filed under certain circumstances that are outlined in Section 708 of UIFSA 2008, and the contesting party will bear the burden of proof.

f. Section 708 – Recognition and Enforcement of Registered Convention Support Order

1) There are certain circumstances in which a tribunal may refuse recognition and enforcement of a registered Convention support order. These are listed below:

- a) Recognition and enforcement of the order is profoundly against public policy, including failure of the issuing tribunal to observe minimum standards of due process which include notice to the parties and an opportunity for parties to be heard;
- b) The issuing tribunal lacked personal jurisdiction;
- c) The order is not enforceable in the issuing country;
- d) The order was obtained by fraud in connection with a matter of procedure;
- e) Part of the registration packet lacks authenticity or integrity;
- f) A proceeding between the same parties for the same purpose is currently pending;
- g) There is a more recent support order involving the same parties and for the same purpose;
- h) Arrears have been paid in full or in part;
- i) In a case in which the respondent neither appeared nor was represented in the proceeding in the issuing foreign country:

(1) If the law of that country requires proper notice, and the respondent did not receive proper notice; or

(2) If the law of that country does not require proper notice, and the respondent did not receive proper notice, and the respondent did

¹⁶ Ref: Section 7(f) of this memorandum, "Section 708 – Recognition and Enforcement of Registered Convention Support Order," for more information on vacating a registration.

not have an opportunity to be heard in a challenge on fact or law before the issuing tribunal; and/or

j) The order was made in violation of Section 711 – Modification of Convention Support Order.

2) If a Convention support order is not recognized for reasons (b), (d), or (i) above:

- a) The proceeding must not be dismissed without allowing a reasonable time for a party to request the establishment of a new Convention support order; and
- b) The IV-D program will take all appropriate steps to request a child support order for the obligee as outlined under Section 704.

g. Section 709 – Partial Enforcement

A party or another state may seek recognition and partial enforcement of a Convention support order.

h. Section 711 – Modification of Convention Child Support Order

If the obligee is still a resident of the issuing foreign country, a Convention child support order must not be modified unless:

- 1) The obligee submits to the jurisdiction of Michigan; or
- 2) The tribunal in the foreign country lacks or refuses to exercise jurisdiction to modify its support order or issue a new support order.

i. Section 712 – Personal Information, Limit on Use

Any personal information used in processing intergovernmental cases may only be used for the IV-D purposes for which it was gathered or transmitted.

j. Section 713 – Record Original Language, English Translation

Any child support orders filed with the Michigan must be in English.

8. Article 8, “Interstate Rendition,” Sections 801-802

There are no changes to the sections in Article 8 of UIFSA 2008.

9. Article 9, “Miscellaneous Provisions,” Sections 901-905

The sections in Article 9 state that the purpose of UIFSA 2008 is to promote uniformity among states, and that with the implementation of UIFSA 2008, UIFSA

1996 is repealed. These sections also indicate that the effective date of UIFSA 2008 is January 1, 2016.

C. Additional Resources

OCSE has published many Informational Memorandums (IMs), Action Transmittals (ATs), and Dear Colleague Letters (DCLs) that provide additional information on UIFSA 2008 and the Hague Convention. These are listed below:

- IM-15-01, *Uniform Interstate Family Support Act (2008) and Hague Treaty Provisions*, published April 13, 2015.
- AT-14-11, *P.L. 113-183 UIFSA 2008 Enactment*, published October 9, 2014.
- AT-14-08, *H.R. 4980: Preventing Sex Trafficking and Strengthening Families Act of 2014*, published September 30, 2014.
- DCL-10-20, *Hague Convention on the International Recovery of Child Support*, published October 12, 2010.
- DCL-08-41, *Uniform Interstate Family Support Act 2008*, published November 12, 2008.

In addition, the Eastern Regional Interstate Child Support Association (ERICSA) has published a PowerPoint presentation on [UIFSA 2008 and the Hague Convention](#).

NECESSARY ACTION:

Retain this IV-D Memorandum until further notice.

REVIEW PARTICIPANTS:

Intergovernmental Work Improvement Team (INT-WIT)
Enforcement Work Improvement Team (ENF-WIT)
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None

SUPPORTING REFERENCES:

Federal

UIFSA 2008

Public Law 113-183

State

Public Act 255 of 2015

EPF/CF/CT