

# THE UNIFORM INTERSTATE FAMILY SUPPORT ACT (UIFSA): WORKING TOGETHER TO COLLECT CHILD SUPPORT



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This brochure summarizes the 2008 Uniform Interstate Family Support Act (UIFSA) that allows other states, foreign countries, and tribes to work together in the collection of court-ordered child support.

## **BACKGROUND**

In Michigan, UIFSA is codified as MCL 552.2101. UIFSA can best be described as one order, at one time, in one place for each combination of payer and child. This means that only a single state or foreign country at a time may issue a child support court order. The state or foreign country that issues the original order holds what UIFSA calls “Continuing, exclusive jurisdiction” (CEJ) of the order. CEJ can be lost (transferred) to another state or foreign country if there are circumstances that allow it.

The following definitions will help you understand how UIFSA works:

*Continuing, exclusive jurisdiction (CEJ)* – A state or foreign country that issues a support order consistent with that state’s or foreign country’s law is the only state or foreign country that can change this order as long as one of the parties or the child lives there.

*Controlling order* – If there is more than one order, the controlling order is the support order that has priority over any other order.

*Current support* – The amount of money that has been ordered to be paid on a regular basis for the care of a child. Current support may include dollar amounts for child care, health care, court costs, and fees.

*Party* – The case’s plaintiff or defendant. Parties are almost always a child’s parents. Occasionally a court may recognize other people and agencies as parties to a case.

*Moving party* – The party, state, or foreign country that asks a court to order something.

*Past-due support* – Support money that was owed but not paid in the past and is still owed.

*Registering party* – A party who seeks to register an order in another state or foreign country.

*Registration* – The process for having an order from one state or foreign country recognized and enforced by another state or foreign country.

*Support order* – A court’s order to pay child or spousal support. Also called a “judgment,” “decree,” or simply “order.”

## **NO SUPPORT ORDER YET?**

If no court has issued a support order, a support order can be established in Michigan. If the parents or children involved meet some specific requirements (for example, they have sufficient “contacts” with this state), a Michigan court then may be able to enter an order to determine paternity or to order support without help from another state. If Michigan needs help in entering the order from another state or foreign country, UIFSA has rules that allows the two tribunals to work together to establish a support order.

## **CONTROLLING ORDER**

Before UIFSA was enacted, if parties moved to different states or foreign countries, a court in a party’s new state or foreign country would often issue a new support order. Differing orders for the same payer and children led to confusion and disagreements between parties, states, and countries

Now all state courts and courts in participating foreign countries follow UIFSA’s rules to determine the order that has priority and the state or foreign country courts that have the power to change the order, otherwise known as *continuing exclusive jurisdiction* (CEJ). The state or foreign country that is determined to have CEJ is the only state or foreign country that can change the support order.

## **ENFORCEMENT**

When one state or foreign country enters an order requiring a person in a different state or foreign country to pay support, the state or foreign country that entered the order can use its laws to collect the support. The tribunal that entered the order may also register the order for *enforcement only* in the other tribunal. The other tribunal cannot change the support order, but will use its own laws to collect the support as if it had entered the order.

## **MODIFICATION**

Under UIFSA, several factors are used to help decide which state or foreign country may change the order.

If either of the parties or any of their children still lives in the state or foreign country that issued the controlling order, only the courts of that state or foreign country may change the support amount. If neither party nor any of their children still live in the state or foreign country that issued the controlling order, that state or foreign country cannot modify the support order.

UIFSA allows both parties to agree in writing that a state or foreign country where one of them lives may take control of the case and change the support amount. Otherwise the party who wants to change the order must register the order *for modification* in the state or foreign country where the other party lives. Once a new state or foreign country modifies an order, the original state or foreign country loses its CEJ and the new state or foreign country acquires CEJ.

Once a state or foreign country changes the order of another state or foreign country, it must begin collecting the *current* support. Other states or foreign countries that previously issued orders may not continue to charge *current* support, but they may collect *past-due* support and enforce other provisions that were unmet in their previous orders.

### **REGISTERING ORDERS**

An order issued in one tribunal must be registered in another tribunal before that second tribunal can enforce or modify the order. A responding tribunal enforces registered support orders issued in another tribunal exactly as it would enforce orders issued by its own courts.

The registration process starts when the tribunal that issued the order sends copies of the order and related documents to the responding tribunal. When the documents arrive, the responding tribunal will file them with the correct local office. That office then sends copies of the documents and notice to the other party in the case.

The other party has 20 days to object to the order being registered. This is the only opportunity to object. If the non-registering party does not object within 20 days, the order will be registered.

If the non-registering party does file a timely and proper objection with their local tribunal, that agency will schedule a hearing and send both parties a notice detailing the date, time, and place of the hearing.

### **WHERE TO GET UIFSA ASSISTANCE IN MICHIGAN**

#### **Contact an Office of Child Support – Support Specialist at (866) 540-0008 if:**

- You do not have a support order, or
- You live in Michigan and need to enforce or modify a support order issued in another state or foreign country.

#### **Contact the Michigan Friend of the Court office responsible for your case if:**

- You have a Michigan support order and need to have it modified or enforced in another state or foreign country.
- You have a support order in another state or foreign country and you wish to apply for services in Michigan.

A directory of local Friend of the Court offices can be found at: <http://courts.mi.gov/self-help/directories/pages/trial-court-directory.aspx>.

**Note:** Michigan courts cannot *modify* a support order if no one involved in the case (parents or children) live in Michigan. However, a Michigan FOC office can still enforce *past-due* support that was originally ordered by a Michigan court.

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**Friend of the Court Bureau/State Court Administrative Office**  
Michigan Supreme Court

<http://www.courts.mi.gov/administration/scao>

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