

UIFSA THE UNIFORM INTERSTATE FAMILY SUPPORT ACT

INTRODUCTION

Collecting child support across state lines can be difficult. Laws vary from state to state, occasionally causing problems. The United States Congress recognized this problem and mandated that all states adopt the Uniform Interstate Family Support Act (UIFSA) to facilitate collecting child support across state lines. Every state also has a child support agency to assist with the process.

NO SUPPORT ORDER

Even if both parents do not live in the same state and a child support order does not exist, one can be established. If the parents have had sufficient contact with Texas, we may be able to enter a Texas order even if one of the parents does not currently reside here. If another state's assistance is needed, UIFSA enables Texas and the other state to cooperate to establish a child support order in that state.

CONTROLLING ORDER

Before UIFSA and a federal law that became effective in 1996, different states could, over time, enter different support orders. This resulted in delays and confusion in trying to enforce the support obligation. Frequently, it was not clear how much support was owed, to whom the support was owed, or which state needed to collect the support.

UIFSA permits only one active support order for a case at a time. In the few remaining cases where there are several orders, UIFSA has rules to deter-

mine which order should be followed for ongoing support. The order that determines the ongoing support is called the "controlling order."

REGISTERING ORDERS

Orders may be registered in different states for enforcement and modification purposes. Orders registered from another state are enforced in the same way as orders issued by the registering state.

To register an order, the initiating state agency sends the order and related documents to the responding state agency. The responding state agency then registers the order and sends a notice to the parent who did not request the order be registered in that state. This parent has 20 days to object to the order's registration.

If an objection to the registration is made prior to the deadline, a hearing will be scheduled. A notice will be sent to the parties notifying them of the date, time and location of the hearing. A decision on whether the registration will be allowed will be made based on the facts presented at the hearing. This hearing also will determine the amount of child support arrears, if that is in dispute.

ENFORCEMENT

States now have more power to collect support from child support obligors who live in other states. UIFSA allows states to enforce their orders without the assistance of the state agency where the obligor lives. In many cases, a withholding order can be sent directly to an out-of-state noncustodial parent's



employer, requiring that child support be deducted from the parent's wages.

At times, it is better to work with authorities in the other state to collect child support. If the order is registered by the other (responding) state agency for enforcement only, it cannot be modified by that state. The responding state has the authority to pursue collection using enforcement hearings, license suspension and incarceration of the delinquent noncustodial parent if necessary.

When there are multiple orders, even if support is no longer ongoing, the registering state will determine the amount of arrears that has accrued under all the orders.

MODIFICATION

Changes in circumstances, such as job promotions, prolonged unemployment or disability, may affect the noncustodial parent's payment status in the years following the establishment of the support order. These changes may justify a modification in the support order.

UIFSA sets the ground rules for modification based on the state issuing the order, the states of residence of the parents and children, and the controlling order.

So long as one party remains in the state that issued the controlling order, that state retains the jurisdiction to modify it.

If all parties involved have left the state that issued the controlling order, that state may not be able to modify the support amount. To modify support, the order must be registered for modification in the state of residence of the parent who is not seeking the modification. If more than one state has issued an order that still provides for ongoing support, and none of the parties lives in those states, none of the orders is controlling and a new order can be established.

UIFSA also allows both parties to agree in writing that a state where one parent resides may modify the order and take control of the case; or, in Texas and some other states, to agree that the order issuing state can still modify its order even when no one currently resides there.

Once a state properly modifies another state's order, the new amount of support is set according to the support guidelines of the modifying state and is the amount to be collected by all states. Even when a state can modify the amount of support set by another state, the modifying state cannot change the duration of the ongoing support obligation.

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