

The Uniform Interstate Family Support Act — "Getting Your Support in Order"

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The Uniform Interstate Family Support Act (UIFSA) allows child and family support orders to be limited to a single state, eliminating jurisdictional disputes. Currently, all states, the District of Columbia, Puerto Rico, and the Virgin Islands have enacted UIFSA. Although an order may be enforced in multiple states, it may only be modified in one state.

Whenever more than one state is involved in establishing, enforcing, or modifying a child or spousal support order, UIFSA is implemented to determine the jurisdiction and authority of the courts in the different states. UIFSA also establishes which state's law will be applied in proceedings under the Act, an important factor as support laws vary greatly among the states. The Act establishes rules requiring every state to defer to child support orders entered by the state courts of the child's home state. The place where the order was originally entered holds continuing exclusive jurisdiction (CEJ), and only the law of that state can be applied to requests to modify the order of child support, unless the original tribunal loses CEJ under the Act.

Before UIFSA, if parties moved to different states, a court in a party's new state often would issue a new support order. Differing orders for the same payer and children led to confusion and disagreements between states and between parties. Now, all state courts follow UIFSA's rules to determine the order that has priority and the state courts that have the authority to change the order.

Under UIFSA, several factors are used to help decide which state may change a support order. If either of the parties or any of their children still lives in the state that issued the controlling order, only that state's courts may change the support amount. If neither party nor any of their children still live in the state that issued the controlling order, that state cannot modify the support order. UIFSA allows both parties to agree in writing that a state where one of them lives may take control of the case and change the support amount. Otherwise the party that wants to change the order must register the order for modification in the state where the other party lives. Once a new state modifies an order, the original state loses its CEJ and the new state then acquires CEJ. This has become an important issue for service members who are required to move often due to the very nature of military life.

For more information about UIFSA or interstate enforcement of support orders, make an appointment to see a Legal Assistance Attorney at the Kaiserslautern Legal Services Center by calling DSN 483-8848 or Civilian 0631-411-8848. We're here to help!

