

## THE UNIFORM INTERSTATE FAMILY SUPPORT ACT

(G.S. §52C-1-100, ET SEQ.)

## Grounds for Jurisdiction over Nonresidents

- Personally served in North Carolina
- Individual resided with the child in North Carolina
- Individual resided in this state and provided prenatal expenses or support for the child
- Child resides in North Carolina as a result of individual's acts
- Individual engaged in sexual intercourse in North Carolina and child may have been conceived as a result
- Individual asserted paternity in affidavit filed with a Clerk of Superior Court in North Carolina
- Any other basis
- Submits to jurisdiction

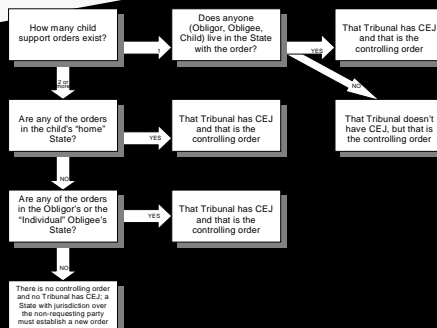
## Proceedings Allowed Under UIFSA

- Establish a child support or spousal support order
- Enforce a support order and income withholding order of a foreign state without registration
- Registration of a spousal support order or child support order for enforcement
- Modification of an order of child support or spousal support issued by N.C.
- Registration of a child support order of another state for modification
- Establish/determine paternity
- Assert jurisdiction over nonresidents

## Continuing/Exclusive Jurisdiction

- North Carolina maintains continuing, exclusive jurisdiction of a child support order:
  - So long as North Carolina is residence of :
    - the obligor, or
    - the individual obligee, or
    - the child for whose benefit the order is issued; or
  - Until all of the individual parties have filed written consents with the court that another state may modify the order and assume continuing exclusive jurisdiction

## UIFSA - CEJ and Controlling Order Determination



## Register a Foreign Support Order

- Send to the county in which the noncustodial parent resides:
- Letter of transmittal
  - Two copies, one which is certified of all orders
  - Sworn statement of arrears
  - Name, address, ssn of obligor
  - Name, address of obligor's employer
  - Description and location of property owned by obligor

## Contest Registration of Foreign Support Order

- Must request a hearing within 20 days of notice
- If fail to contest, foreign order confirmed
- Burden on party contesting registration to prove:
  - Issuing state lacked personal jurisdiction over defendant
  - Order obtained by fraud
  - Order vacated, suspended, or modified by later order
  - Order has been stayed pending appeal
  - There is a defense under law of this state to the remedy sought
  - Full or partial payment made
  - Statute of limitations

## Registration for Modification

If no individual contestant or child resides in the issuing state, the party seeking modification shall register the order in a state with jurisdiction over the nonmovant

## Modification of Foreign Support Order

North Carolina may modify a foreign order only if one of the following is found:

- The child, individual obligee, and obligor do not reside in issuing state, and
- Movant is a nonresident, and
- Respondent is subject to personal jurisdiction, or
- All of the individual parties have consented in writing to this state to modify and assume CEJ

## The Full Faith and Credit for Child Support Orders Act

(28U.S.C. §1738B)

- Shall enforce foreign state orders according to their terms
- Shall not modify except in accordance with this act

## Congressional Findings

1. Large number of cases involving disputes between parents in different states
2. Laws of the differing states by which their courts determine jurisdiction to establish child support not uniform

## Congressional Findings con'd

3. These differing laws
  - encourage relocation parent in order to avoid the jurisdiction of the courts
  - contribute to the low level of payments in interstate cases
  - encourage disregard of court orders
  - allow noncustodial parents to avoid payments for extended periods of time
  - lead to excessive litigation
4. Resulting in
  - failure to give full faith and credit
  - deprivation of due process
  - burdens commerce among the states
  - harm to the welfare of children

## Purpose of the FFCCSOA

- To facilitate enforcement of child support orders among the states
- To discourage continuing interstate controversies over child support
- To avoid jurisdictional competition and conflict among state courts in the establishment of child support orders

## Authority to Modify Orders

- May modify foreign state's order if the court has jurisdiction to make order  
AND
- The foreign court no longer has CEJ  
OR
- Each individual contestant has agreed in writing that new state may modify and assume CEJ