

INTERGOVERNMENTAL BASICS AND ESTABLISHMENT

October 20, 2025

OCSS Division of Policy and
Training

Modules for the two-day training

- Intergovernmental Basics and Establishment
- Enforcement
- Modifications
- Case Closure

Agenda for Intergovernmental Basics and Establishment

- Terms
- History
- Basics
- Establishment
- Scenarios
- Resources

TERMS

Intergovernmental Child Support Cases

Intergovernmental IV-D case:

- Defined by federal regulations
- Involves two agencies
- Includes any combination of referrals from states, tribes and foreign countries

Types of Child Support Cases

- **Intrastate case** – includes only one state where both parties live
- **One-state remedies** – involves one state taking action against a parent in another state (also known as Long-Arm)
- **Interstate IV-D case** – involving two states: initiating state and responding state

International Child Support Cases

International case – Involves foreign country

- Does the other country have child support reciprocity with the U.S. under:
 - 2007 Hague Child Support Convention (more than 50 countries, 3 Canadian provinces); or
 - A bilateral reciprocity arrangement (Australia, Israel, Switzerland, most other Canadian provinces)?
- UIFSA does not apply in other countries. They will follow the Hague treaty or reciprocity agreement, plus their own laws and standards.
- Any questions, contact OCSS international team via ocssinternational@acf.hhs.gov.

Intergovernmental Terms

- **Issuing state** (UIFSA) – state that issued support and/or parentage order
- **Custodial parent** (federal law) – parent receiving support
 - Obligee (UIFSA)
- **Noncustodial parent** (federal law) – parent paying support
 - Obligor (UIFSA)

Agency Terms

IV-D agency (federal law) – agency in state administering IV-D program

- Support enforcement agency (UIFSA)

Agency Terms (cont'd)

- **Central registry** - office/unit within IV-D agency that is responsible for:
 - Processing incoming two-state cases
 - Ensuring documentation is complete
 - Requesting any missing documentation
 - Sending case to local office or for locate services
 - Receiving and responding to inquiries

Agency Terms (cont'd)

- **Initiating agency** (federal law) – IV-D agency where parent is receiving services
 - Services may include referral of case to responding agency
- **Responding agency** (federal law) – IV-D agency providing services in response to referral from initiating agency
- **Tribunal** (UIFSA) – Court, IV-D agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or determine parentage

Practice Using Interstate Terms

- NCP resides in Arizona
- CP and child reside in Texas
- What are possible terms to describe this type of case?
- If Texas sends case to Arizona, what terms describe entities sending or receiving cases?



HISTORY

Uniform Interstate Family Support Act (UIFSA)

- Developed in 1992
- Amended in 1996, 2001 and 2008
- Mandatory in 1998
- Uniform law in all states

Why UIFSA is important

- Provides one set of rules
- Enables interstate coordination and cooperation
- \$1.39 billion collected in 2024
- OCSS has policy guidance on UIFSA

Example of UIFSA Section and Comment

Comment

This section explicitly authorizes a state tribunal to communicate with a tribunal of another state, foreign country, or in a foreign nation state not defined as a foreign country. It was derived from UCCJA § 110 authorizing such communications to facilitate a fully informed decision. The amendment in UIFSA (2008) not only expands the authorization to worldwide scope, i.e., “outside this state,” but specifically adds email to the select modes of communication. Broad cooperation by tribunals is strongly encouraged in order to expedite establishment and enforcement of a support order. American judges are very familiar with this procedure. It remains to be seen whether overseas communication between judges will be received with similar cooperation.

SECTION 318. ASSISTANCE WITH DISCOVERY. A tribunal of this state may:

(1) request a tribunal of ~~another~~ outside this State state to assist in obtaining discovery;

and

(2) upon request, compel a person over ~~whom~~ which it has jurisdiction to respond to a discovery order issued by a tribunal of ~~another~~ outside this State state.

Comment

This section takes a logical step to facilitate interstate and international cooperation by enlisting the power of the forum to assist a tribunal of another state or country with the discovery process. The grant of authority is quite broad, enabling the tribunal of the enacting state to

BASICS

Federal Laws and Regulations

- Provide framework for processing cases
- Require intergovernmental cooperation
- Allow both states in interstate IV-D cases to count payments as collections
- Require states to enact UIFSA 2008
- Require central registry
- Regulations generally apply only to IV-D cases

Federal Full Faith and Credit for Child Support Orders Act

- Effective October 1994
- Amended several times to make consistent with UIFSA
- Applicable to tribes
- Requires all courts to accord full faith and credit to child support order issued by another state or tribe

28 U.S.C. § 1738B

UIFSA Basics

- UIFSA complements federal requirements
- UIFSA provisions usually apply to both IV-D and non-IV-D cases
- One order at one time - multiple orders not allowed
- State with jurisdiction to enter order is “issuing state” and has “controlling order”
- Initial controlling order determines duration of support

UIFSA Basics (cont'd)

- States must recognize and enforce controlling order
- Controlling order can be enforced in any state, even if parties leave issuing state
- Registration is key concept for enforcement

Continuing, Exclusive Jurisdiction (CEJ)

- UIFSA limits ability to modify controlling order
- Only state with CEJ has power to modify order
- CEJ continues as long as one parent or child resides in issuing state unless parents otherwise consent

Practice Using UIFSA Basics

CP and child reside in MN the issuing state

NCP moved to WI

- Which state has CEJ?
- Which state can modify order?
- Which state can enforce order?

Rare UIFSA Provision

Determination of controlling order (DCO):

- UIFSA section 207
- Tribunal makes determination
- Rarely used today

ESTABLISHMENT

Establishment Basics

- UIFSA provides establishment of:
 - Parentage
 - Child support
 - Spousal support
- State with jurisdiction that enters order is issuing state and its order controls
- Once controlling order is issued, no other tribunal may issue new support order

Interstate Establishment Options

If noncustodial parent lives in another state, IV-D agency has two options to establish parentage or support order:

- One-state remedies through long-arm jurisdiction
- Interstate IV-D case

Long-Arm Jurisdiction

Under UIFSA, state will have long-arm jurisdiction if individual:

- Is personally served within state
- Consents to jurisdiction by generally appearing or filing responsive document
- Resided in state with child
- Resided in state and provided prenatal expenses or support for child

Long-Arm Jurisdiction (cont'd)

Under UIFSA, state will have long-arm jurisdiction if individual:

- Directed or caused child to live in state
- Engaged in sexual intercourse in state that possibly resulted in child's conception
- Asserted parentage of child in registry in state

Catch-All Long-Arm Jurisdiction and Service

- A state also will have long-arm jurisdiction on any other basis consistent with U.S. or state constitution
- Nonresident must be served

Establishment Using Long-Arm Jurisdiction

- If state exercises long-arm jurisdiction, tribunal will apply its:
 - State guideline to determine amount of support
 - State law to determine parentage, if necessary
 - State law to determine other issues
- State has CEJ as long as parent or child resides in order-issuing state

Assistance From NCP's State

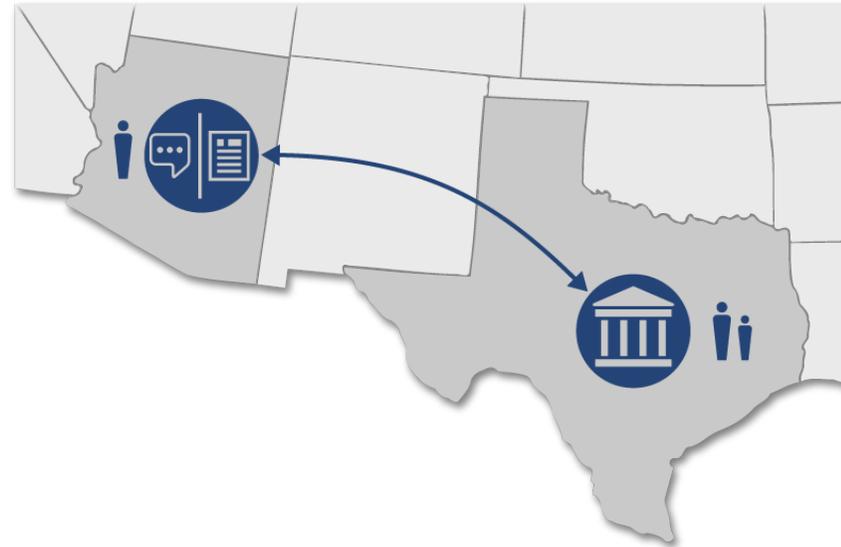
If state exercises long-arm jurisdiction, tribunal in noncustodial parent's state may:

- Communicate with tribunal issuing order
- Obtain discovery from noncustodial parent on income and assets
- Receive evidence

One-State Establishment Procedures

- Physical presence of nonresident parent is not required for establishment
- Evidence may include:
 - Affidavit
 - Electronic documents
- Tribunal must permit nonresident parent to testify by telephone, audiovisual, or other means at designated tribunal or other location

Practice Using One-State Establishment



Establishment: Interstate IV-D Case

- State must initiate interstate IV-D case if:
 - No personal jurisdiction or
 - One-state remedies are not appropriate or successful
- In interstate IV-D establishment case, state providing services to one parent sends case to state with personal jurisdiction over other parent
 - Usually where other parent resides

Intergovernmental Forms: Establishment

Request to establish child support must include the following intergovernmental forms:

- Child Support Enforcement Transmittal #1
- Uniform Support Petition
- General Testimony
- Child Support Agency Confidential Information Form
- Personal Information Form for UIFSA § 311

Intergovernmental Forms: Establishment (cont'd)

- Forms and other documents to establish child support may be sent electronically
- OCSS matrix for intergovernmental forms
- OCSS training on intergovernmental forms

Intergovernmental Forms: Parentage

Request to establish parentage must include:

- Child Support Enforcement Transmittal #1
- Uniform Support Petition
- Declaration in Support of Establishing Parentage
- General Testimony
- Child Support Agency Confidential Information Form
- Personal Information Form for UIFSA § 311

Central Registry

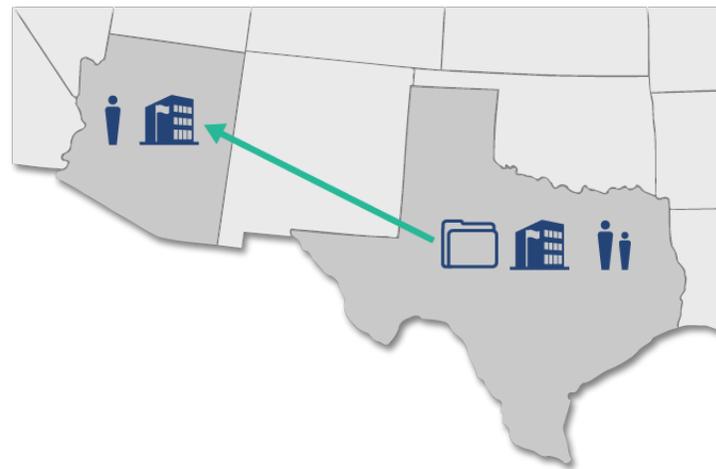
- Interstate IV-D case is sent to responding agency's central registry
- Federal regulations require within 10 working days of receiving case, central registry must:
 - Review documents for completeness
 - Acknowledge case has been received and, if necessary, request any missing documentation
 - Forward case to appropriate agency for processing or location services
 - Inform initiating agency where case was sent for action

Responding Agency

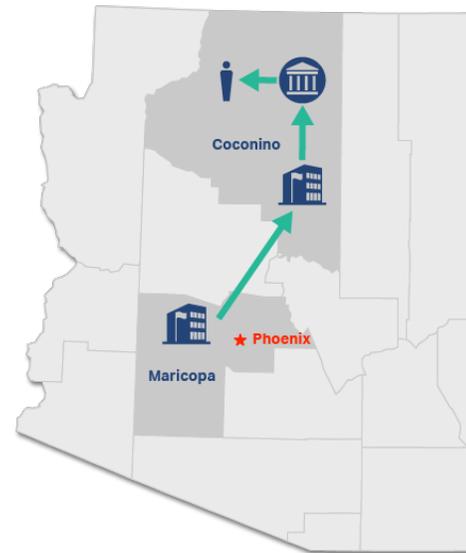
Duties of responding agency:

- Accept and process case
- Provide services and apply laws as in intrastate cases including:
 - Determine parentage, if necessary
 - Establish support order under guideline and provide underlying calculation for order
 - Pay costs

Practice Using Interstate IV-D Case



Practice Using Interstate IV-D Cases



SCENARIOS

Scenario 1

- Clarisse walks into your office in IL and says she needs child support for her two children.
- The family lived in HI when they separated but she isn't sure if there was ever a child support order.
- Howard, her ex-husband, lives in MT.

What is your next step?

- a. Establish an order, since Clarisse can't provide a copy of an order.
- b. Require Clarisse to find out if there is an order before accepting her application fee.
- c. Use QUICK or make an FCR query to determine if there is an order or a case in another state.

Scenario 1

- Clarisse walks into your office in IL and says she needs child support for her two children.
- The family lived in HI when they separated but she isn't sure if there was ever a child support order.
- Howard, her ex-husband, lives in MT.

What is your next step?

- a. Establish an order, since Clarisse can't provide a copy of an order.
- b. Require Clarisse to find out if there is an order before accepting her application fee.
- c. **Use QUICK or make an FCR query to determine if there is an order or a case in another state.**

Federal Tools

- Query Interstate Cases for Kids (QUICK)
- Communication Center
- Federal Case Registry (FCR) Query
- Electronic Document Exchange (EDE)
- Child Support Enforcement Network (CSENet)
- Intergovernmental Reference Guide (IRG)

Scenario 2

- The child Joseph lives in MD with Martha
- There is no order.
- The Father, Roger lives in IL.
- IV-D agency files child support case in MD court.

Scenario 2

Which of following is *not* a basis for long-arm jurisdiction when establishing an order?
the

- a. The child was conceived in MD.
- b. Roger sent money to Martha for the child while he was living in IL.
- c. Roger was in MD visiting his parents and was personally served with a summons while he was in MD.
- d. Roger filed a response with the court in MD, stating that he doesn't think he is the child's father.

Scenario 2

Which of the following is *not* a basis for long-arm jurisdiction when establishing an order?

- a. The child was conceived in MD.
- b. Roger sent money to Martha for the child while he was living in IL.**
- c. Roger was in MD visiting his parents and was personally served with a summons while he was in MD.
- d. Roger filed a response with the court in MD, stating that he doesn't think he is the child's father.

Intergovernmental Forms for Establishment

- Child Support Enforcement Transmittal #1 – Initial Request
- Child Support Agency Confidential Information Form
- Uniform Support Petition
- General Testimony
- Personal Information Form for UIFSA § 311
- If parentage needs to be determined, include Declaration in Support of Establishing Parentage (for each child)

Scenario 3

- Open IV-D case in IL.
- Order issued in IL.
- The child, Jesse, is 18, still lives with CP, Florence, and is no longer in high school. Jesse has reached the age of majority under IL law. Arrears are still due.
- The NCP, William lives in NY.
- Florence knows that the age of majority in NY is 21. She wants IL to ask NY to issue a new order so that William will owe current support until Jesse is 21. After all, she is still supporting him.

IL should agree to do this.

- a. True
- b. False

Scenario 3

IL should agree to do this.

- a. True
- b. False

Scenario 3 Response

IL should agree to do this.

- a. True
- b. False**

Scenario 4

- Dorothy and child, age 2, live in LA.
- Scott lives in VT.
- They are not married but both signed an Acknowledgment of Paternity in LA.
- LA refers the case to VT requesting support establishment.
- Scott claims that he is not the father and should not have to pay support.

VT can allow Scott to relitigate paternity.

- a. True
- b. False

Scenario 4 Response

- Dorothy and child, age 2, live in LA.
- Scott lives in VT.
- They are not married but both signed an Acknowledgment of Paternity in LA.
- LA refers the case to VT requesting support establishment.
- Scott claims that he is not the father and should not have to pay support.

VT can allow Scott to relitigate paternity.

- a. True
- b. False**

Scenario 5

- Grandma Joan has custody of Sally and Rick's twins and applies for services in CO.
- There is an AL order for Rick to pay child support to Sally.
- Rick and Sally are both in CO.

CO should establish a new order, as there is no order for Rick to pay Grandma Joan.

- a. True
- b. False

Scenario 5 Response

- Grandma Joan has custody of Sally and Rick's twins and applies for services in CO.
- There is an AL order for Rick to pay child support to Sally.
- Rick and Sally are both in CO.

CO should establish a new order, as there is no order for Rick to pay Grandma Joan.

- a. True
- b. False**

RESOURCES

References

- [Intergovernmental Child Support Enforcement Forms | The Administration for Children and Families](#)
- [INTERGOVERNMENTAL FORMS MATRIX](#)
- [OCSE Intergovernmental Forms Training | The Administration for Children and Families](#)

Thank You

OCSS Division of Policy and Training

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OFFICE OF CHILD SUPPORT ENFORCEMENT

INTERGOVERNMENTAL ENFORCEMENT

October 20, 2025

OCSS Division of Policy and
Training

Illinois UIFSA Statutes

Article 6

Registration, Enforcement, and Modification of Support Order

Sections 601 - 604

Registration for Enforcement of Support Order

Part 2

Contest of Validity or Enforcement

Where to Find in Illinois

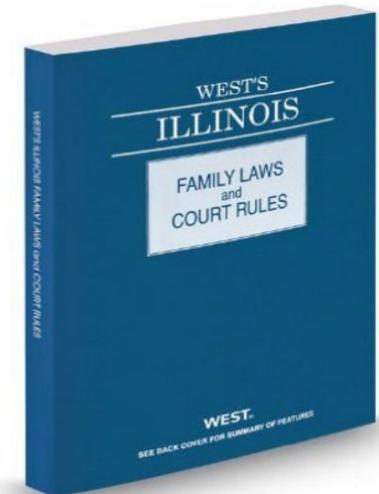
FAMILIES

(750 ILCS 22/) Uniform Interstate Family Support Act

[Article 5. Enforcement of Support Order Without Registration](#)

[Article 6. Registration, Enforcement and Modification of Support Order](#)

- [Part 1 Registration For Enforcement of Support Order](#)
- [Contest of Validity Or Enforcement](#)



Interstate Communication Tools

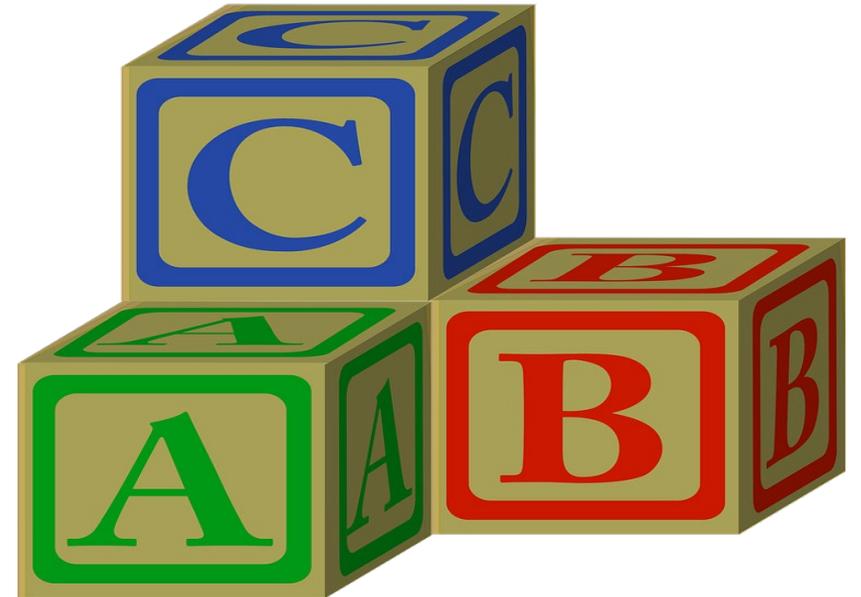
OCSS's online tools

- Child Support Enforcement Network (CSENet)
- Child Support Portal Applications:
 - Federal Case Registry (FCR) Query
 - Query Interstate Cases for Kids (QUICK)
 - Electronic Document Exchange (EDE)
- Child Support Enforcement Transmittal #3 – Request for Assistance/Discovery



Enforcement Basics

- Once support order is established, all states have authority to enforce the order
- Certain enforcement actions depend on whether state has jurisdiction
- Controlling order continues until:
 - fully complied with or
 - is modified in accordance with UIFSA
- U.S. orders enforceable in other countries



Enforcement Options

- Issuing state has two options to enforce order:
 - One-state remedies
 - Interstate IV-D case referral
- Issuing state makes decision on one-state or interstate case based on facts
- IV-D agency may enforce spousal support if part of child support order

Registration

- Registration
 - Process in which order issued in one state's tribunal is filed in a tribunal of another state for a requested action
- The responding agency:
 - may register order
 - generally, registers order by filing it with tribunal in county where noncustodial parent resides
- Types
 - Enforcement
 - Modification
 - Modification and enforcement

Effect of Registration for Enforcement

- Order registered upon filing and anyone may register
- Tribunal must recognize and enforce registered support order
- Tribunal cannot modify order
- Order enforceable in same manner and subject to same procedures as intrastate order
- If not timely and properly contested, order is confirmed by operation of law

Notice of Registration

- Tribunal must notify nonregistering party
 - Include copy of registered order
- Notice must inform party:
 - Registered order enforceable
 - Hearing to contest validity must be requested within time period set by registering state's law
 - Amount of alleged arrears
 - Failure to timely contest order will result in confirmation of order



Procedure to Contest Registration

- Nonregistering party must contest registration within timeframe set by state law
 - Contest filed with registering tribunal
- If filed, registering tribunal must schedule case for hearing
 - Notice of hearing must be provided to parties
- UIFSA limits procedures and defenses

Procedure to Contest Registration (cont'd)

- A nonregistering party may seek to
 - Vacate registration
 - Assert defense to noncompliance with order
 - Contest remedies sought
 - Contest amount of alleged arrearages

Defenses to Validity or Enforcement of a Registration Order

- Issuing tribunal lacked personal jurisdiction over contesting party
- Order was obtained by fraud
- Order has been vacated, suspended, or modified by later order
- Issuing tribunal has stayed order pending appeal

Defenses to Validity or Enforcement of a Registration Order (cont'd)

- There is defense under state law to remedy sought
- Full or partial payment has been made
- Statute of limitation under UIFSA section 604 (Choice of Law) precludes enforcement of some or all of alleged arrearage
- Alleged controlling order is not controlling order

Non-valid Defenses for Registration

- No objection can be made to substantive provisions of order such as:
 - Amount of support
 - Arrearage amount
 - Duration of support
 - Medical insurance coverage
- Nonparentage is not a defense if previously determined or established by law

Practice Responding to Registration Contest

- Illinois issues support order and sends interstate IV-D case for enforcement to Kansas
- Kansas IV-D agency registers Illinois order with court
- Noncustodial parent is provided notice of registration on May 1



Practice Responding to Registration Contest (cont'd)

- When must contest be filed?
- Can noncustodial parent file contest claiming:
 - 1) Alleged arrears do not reflect recent payment
 - 2) Judgment for arrears was miscalculated
 - 3) No personal jurisdiction in establishment case
 - 4) Child support amount is too high
 - 5) Child support order was modified recently
 - 6) He's not genetic parent of child

Contest and Confirmed Order

- Contesting party has burden to prove valid defense
- If evidence establishing valid defense, tribunal may:
 - Stay enforcement
 - Permit additional evidence
 - Issue other appropriate orders
- If no valid defense is established, tribunal must issue order confirming order
- Confirmed order by operation of law or after contest precludes further contest of order

Enforcement After Registration

- After registration, tribunal may enforce order like intrastate order
- Based on state law, tribunal may:
 - Order noncustodial parent to comply with support order
 - Order income withholding
 - Determine amount of arrearages and specify method of payment
 - Enforce order by civil or criminal contempt, or both

Enforcement After Registration (cont'd)

Based on state law, tribunal may also:

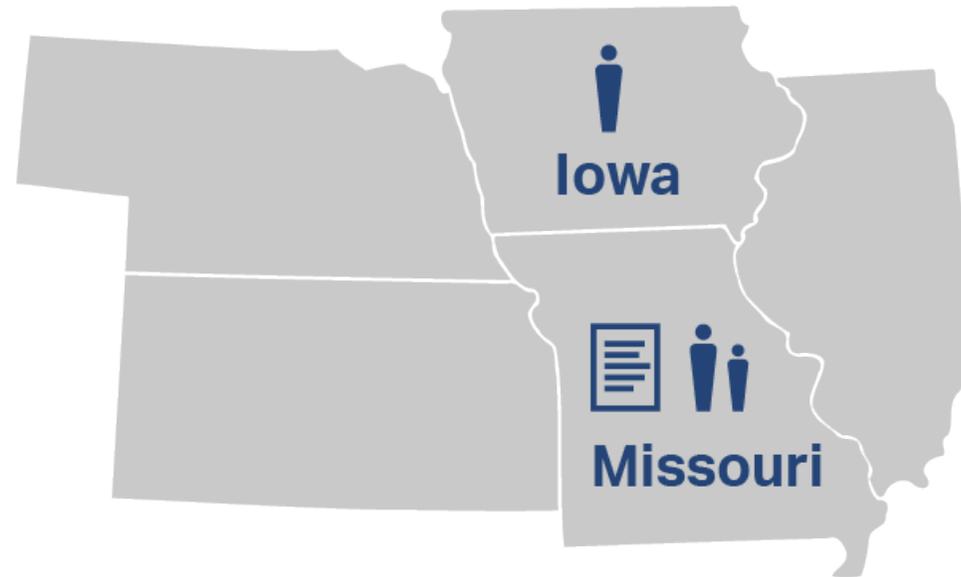
- Set aside property of noncustodial parent to satisfy arrearages
- Place liens and order execution on the NCP's property
- Order NCP to keep tribunal informed of current location and contact and employment information
- Issue warrant against noncustodial parent for failure to appear

Enforcement After Registration (cont'd)

- Based on state law, tribunal may also:
 - Order noncustodial parent to seek employment
 - Award attorney's fees
 - Grant any other available remedy
- Responding tribunal may not condition payment of support upon compliance with visitation provisions
- Either parent has right to be represented by private counsel

Practice Using Enforcement Principles

- Missouri sends interstate IV-D case referral for enforcement of its order to Iowa
- Iowa IV-D agency registers Missouri order with court
- Noncustodial parent is notified of registration



Practice Using Enforcement Principles (cont'd)

If noncustodial parent does not contest registration or court confirms registration, which of following does UIFSA prohibit the court from doing?

- 1) Find parent in civil contempt
- 2) Reduce child support amount
- 3) Issue income withholding order
- 4) Order parent to find a job

Choice of Law - Enforcement

Law of state that issued support order controls substantive issues like:

- Nature, extent, amount, and duration of current payments
- Computation and payment of arrearages and accrual of interest on arrearages
- Existence and satisfaction of obligations

Choice of Law – Enforcement (cont'd)

- Law of responding state controls:
 - Procedural rules
 - Types of enforcement remedies
- Choice of law rules apply to both courts and responding agency taking enforcement action

Direct Income Withholding – Employer Duties

- Employer must treat income withholding order issued in another state that appears regular on its face as if issued by in-state tribunal
- Employer must comply with terms of order including:
 - Duration and amount of current support payments
 - Amount of arrearage payments
 - Medical support
 - Ordering parent to provide health insurance coverage or
 - Withholding amount of cash medical support

Direct Income Withholding – Choice of Law

Employer must comply with state law of NCP's principal place of employment for:

- Employer's processing fee
- Maximum amount allowed for withholding
 - Note: State may have lower limit than Consumer Credit Protection Act withholding limits
- Times for implementing withholding and forwarding payments
 - Note: Federal regulations require employers to forward payments within 7 business days

Direct Income Withholding – Choice of Law (cont'd)

Employer must comply with state law of NCP's principal place of employment to:

- Determine priorities for withholding and allocating income withheld for NCPs with two or more income withholding orders
- Implement any withholding term or condition not specified in withholding order

Practice Using Direct Incoming Withholding

If Kansas sends a direct income withholding notice to the noncustodial parent's employer in Iowa, what law governs:

- Amount employer must withhold?
- Employer's fee for processing withholding?
- Health insurance coverage through employer?



Intergovernmental Forms: Enforcement

- Request to enforce support order must include the following federal intergovernmental forms:
 - Child Support Enforcement Transmittal #1
 - Child Support Agency Confidential Information Form
 - Letter of Transmittal Requesting Registration
- UIFSA requires request to include two copies, including one certified copy, of order and any modification

Responding Agency Enforcement Options

Under UIFSA, responding agency has two options:

- Use administrative actions such as income withholding to enforce order without registration if “appropriate”
 - Noncustodial parent may contest and then responding agency must register
- Register order with tribunal

Responding Agency Required Enforcement

For all interstate IV-D enforcement actions, responding agency must use intrastate actions including:

- Initiating income withholding
- Monitoring compliance
- Sending payments to initiating agency's SDU
- Identifying any delinquency
- Taking other enforcement actions as appropriate

References

- [Interstate Family Support Act - Uniform Law Commission](#)
- [Intergovernmental Child Support Enforcement Forms | The Administration for Children and Families](#)
- [OCSE Intergovernmental Forms Training | The Administration for Children and Families](#)
- Intergovernmental Reference Guide

Thank You

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YOUR STATE OR MINE? INTERSTATE MODIFICATION

October 21, 2025

OCSS Division of Policy and Training

Agenda

- Goal of UIFSA
- Continuing Exclusive Jurisdiction (CEJ)
- Registration for Modification
- Jurisdiction to Modify Child Support vs. Child Custody
- Improper Modification of Order
- Additional Information
- Resources

GOAL OF UIFSA

Goal of UIFSA

- One controlling order for current support
 - Same obligor and child
- Three key concepts
 - No de novo order if there's an existing order
 - Determination of controlling order if there are multiple orders
 - Continuing exclusive jurisdiction to modify

No New Order

- If there's an existing support order entitled to recognition under UIFSA, tribunal may not establish new order
- Section 401 of UIFSA
 - 750 ILCS 22/401

Establishment or Modification: Case Scenario #1

- OH issues divorce order – silent on issue of child support
- Obligor lives in NJ
- Obligees is in OH and applies for IV-D services, seeking support

How should OH proceed?

1. Establishment
2. Modification
3. Need more information

Establishment or Modification: Case Scenario #1

- OH issues divorce order – silent on issue of child support
- Obligor lives in NJ
- Obligees is in OH and applies for IV-D services, seeking support

How should OH proceed?

1. Establishment

2. Modification

3. Need more information

Establishment or Modification: Case Scenario #2

- SC issues divorce order that awards \$0 support
- Obligor moves to NC
- Obligees applies for IV-D services in SC, seeking support

How should SC proceed?

1. Establishment
2. Modification
3. Need more information

Establishment or Modification: Case Scenario #2

- SC issues divorce order that awards \$0 support
- Obligor moves to NC
- Obligees applies for IV-D services in SC, seeking support

How should SC proceed?

1. Establishment

2. Modification

3. Need more information

Establishment or Modification: Case Scenario #3

- MN issues divorce order with child support reserved
- Obligee moves to WV and requests IV-D services, seeking support
- Obligor remains in MN

How should WV proceed?

1. Establishment

2. Modification

3. Need more information

Establishment or Modification: Case Scenario #3

- MN issues divorce order with child support reserved
- Obligee moves to WV and requests IV-D services, seeking support
- Obligor remains in MN

How should WV proceed?

1. Establishment

2. Modification

3. Need more information

Determination of Controlling Order

- Applies if multiple ongoing support orders involve same obligor and child
- Should be rare
- Initially determined controlling order establishes duration

CONTINUING EXCLUSIVE JURISDICTION (CEJ)

Definition of Controlling Exclusive Jurisdiction

- Section 205(a)
 - 750 ILCS 22/205(a)(1)
- Tribunal assumes CEJ once order issued
- Tribunal retains CEJ if either party or child resides there
 - Time of filing of modification request
- Even if no one resides in issuing state, tribunal retains CEJ if parties consent

CEJ - Consent

- CEJ = controlling order + consent to retain CEJ
- The issuing tribunal may modify even if no party or child lives there, if:
 - The parties consent in a record or in open court for the tribunal to continue to exercise jurisdiction to modify its order
- Section 205(a)(2)

DC order
CP moves to MD
NCP moves to VA
Parties want DC to retain jurisdiction



Consent to Shift CEJ

Only state with CEJ can modify the controlling order unless:

- All parties file consent in a record with the issuing tribunal that a tribunal of another state may modify the order and assume CEJ; and
- The other state must have jurisdiction over at least one of the parties or be the state where the child resides
- Section 205(b)
 - 750 ILCS 22/205(b)



CEJ: Case Scenario #1

- Obligee lives in Ohio with child
- Obligor lives in Illinois where support order issued
- Obligor wants reduction in support

Which state has CEJ to modify order?

1. Ohio

2. Illinois

3. No state has CEJ

CEJ: Case Scenario #1

- Obligee lives in Ohio with child
- Obligor lives in Illinois where support order issued
- Obligor wants reduction in support

Which state has CEJ to modify order?

1. Ohio

2. Illinois

3. No state has CEJ

CEJ: Case Scenario #2

- Obligee and children live in MI
- Obligor lives in NJ
- Order issued in NY

Can obligee seek modification in NY?

1. Yes, because NY is issuing state
2. No, because no party lives there
3. Yes, if both parties consent

CEJ: Case Scenario #2

- Obligee and children live in MI
- Obligor lives in NJ
- Order issued in NY

Can obligee seek modification in NY?

1. Yes, because NY is issuing state
2. No, because no party lives there
- 3. Yes, if both parties consent**

Special Rules of Evidence

If tribunal is exercising personal jurisdiction over nonresident because it has CEJ to modify order, UIFSA's special rules of evidence and procedure apply

- Section 316 (receipt of evidence from outside state)
- Section 317 (communications between tribunals)
- Section 318 (assistance with discovery)

REGISTRATION FOR MODIFICATION

Overview

- Requires existing support order
- Requires personal jurisdiction over parties
- Used when no CEJ unless consent exception applies

Overview (cont'd)

- UIFSA packet should include Uniform Support Petition as well as Letter of Transmittal Requesting Registration
- Tribunal must have jurisdiction to modify
- Same defenses apply to registration of the order and alleged arrears

<p>For cases with existing orders from another jurisdiction (not the responding state):</p> <ul style="list-style-type: none">• Register, modify, and enforce• Register, modify, then close the intergovernmental IV-D case	<ol style="list-style-type: none">1. Child Support Enforcement Transmittal #1 – Initial Request (Check action 4.B or C.)2. Child Support Agency Confidential Information Form3. Letter of Transmittal Requesting Registration4. Uniform Support Petition5. General Testimony6. Personal Information Form for UIFSA § 311
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Registration for Modification – No CEJ State

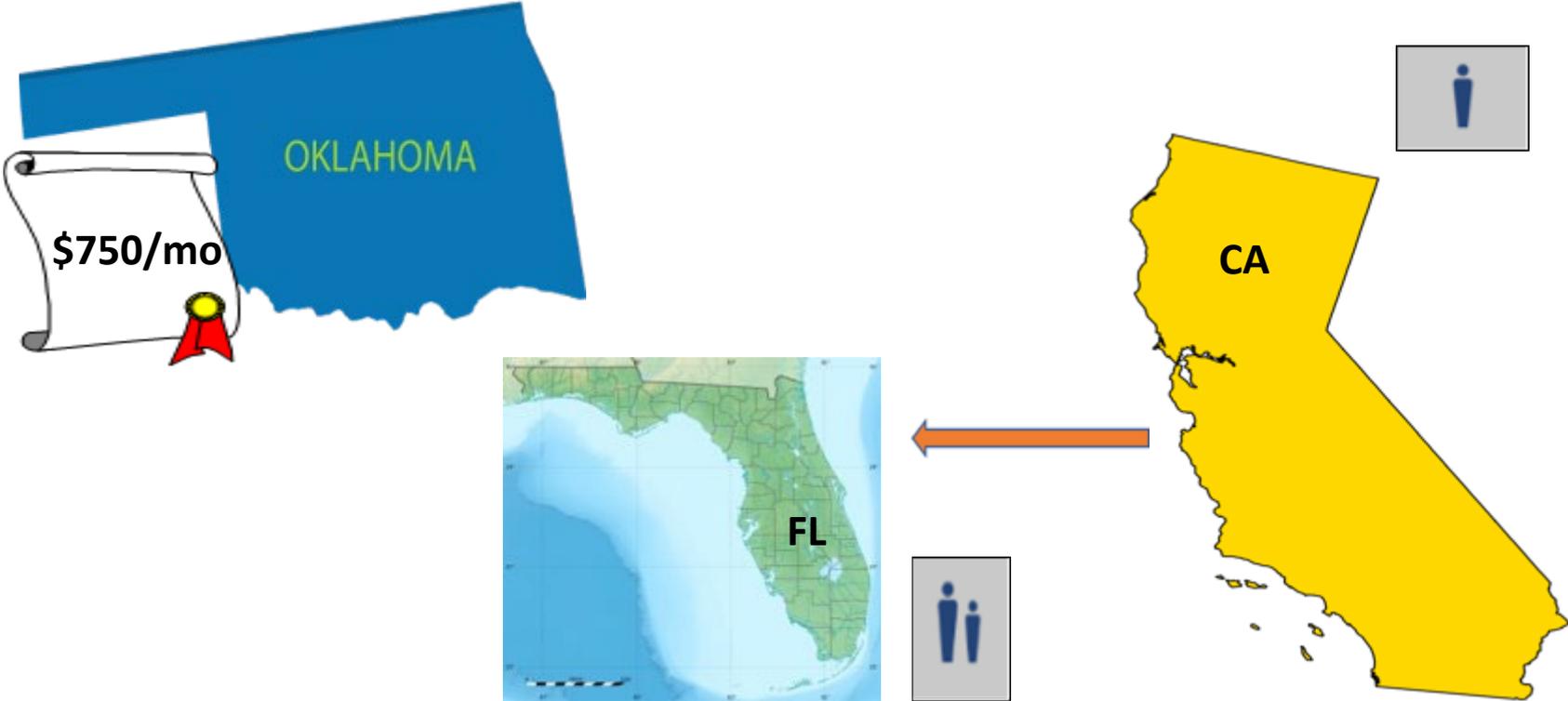
- If no state has CEJ and parties live in different states:
 - Sections 609 - 611
- If no state has CEJ and all parties live in the same state:
 - Section 613

Registration for Modification – Section 611(a)(1)

The Play Away Rule

- No CEJ state;
- Nonresident petitioner; and
- Personal jurisdiction over respondent
- Known as “play away” rule

Examples of Jurisdiction Under Section 611(a)(1)



Examples of Jurisdiction Under Section 611(a)(2)



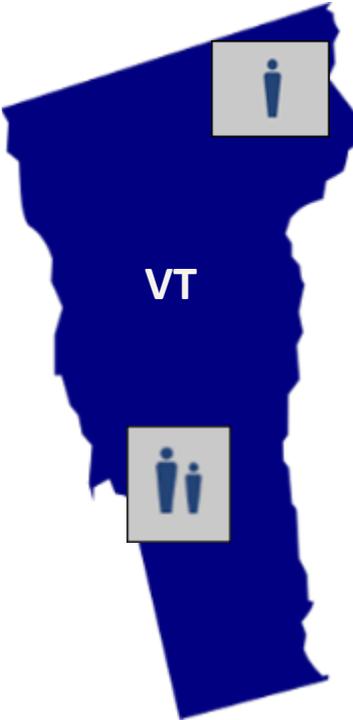
Parties file consent in FL tribunal for TX tribunal to modify order and assume CEJ



Registration for Modification – Section 613

- Tribunal must find all requirements are met:
 - All individual parties reside in registering state; and
 - Child does not reside in issuing state
- A tribunal exercising jurisdiction under this section must apply Articles 1, 2, and 6 of UIFSA, and the procedural and substantive law of the registering state to the proceeding for modification
 - UIFSA Articles 3, 4, 5, 7, and 8 do not apply

Example of Jurisdiction under Section 613



Registration for Modification - Case Scenario #1

- TX issued order
- Obligee now lives in MI
- Obligor lives in IL

Obligee asks MI IV-D agency for increase in TX support order.
Where can MI agency seek modification?

1. TX if obligee and obligor consent for TX to retain CEJ
2. MI if MI has long-arm jurisdiction over obligor
3. IL because that is where obligor lives
4. (1) or (3), depending on facts

Registration for Modification - Case Scenario #1

- TX issued order
- Obligee now lives in MI
- Obligor lives in IL

Obligee asks MI IV-D agency for increase in TX support order.
Where can MI agency seek modification?

1. TX if obligee and obligor consent for TX to retain CEJ
2. MI if MI has long-arm jurisdiction over obligor
3. IL because that is where obligor lives
- 4. (1) or (3), depending on facts**

Registration for Modification - Case Scenario #2

- FL issued order, Obligee now lives in GA and Obligor lives in SC
- GA agency registered order in SC for enforcement
- SC is enforcing FL order and transmitting payments to GA

Obligor contacts SC agency and says he wants order reduced. Assuming no consent between parties, how should SC agency proceed?

1. Ask FL to modify its order
2. Ask SC tribunal to modify registered GA order
3. Register FL order in GA for modification and enforcement

Registration for Modification - Case Scenario #2

- FL issued order, Obligee now lives in GA and Obligor lives in SC
- GA agency registered order in SC for enforcement
- SC is enforcing FL order and transmitting payments to GA

Obligor contacts SC agency and says he wants order reduced. Assuming no consent between parties, how should SC agency proceed?

1. Ask FL to modify its order
2. Ask SC tribunal to modify registered GA order
- 3. Register FL order in GA for modification and enforcement**

Valid Defense to Registration

- Issuing tribunal lacked personal jurisdiction over the contesting party
- Order was obtained by fraud
- Order has been vacated, suspended, or modified by a later order
- Issuing tribunal has stayed the order pending appeal



Valid Defense to Registration (cont'd)

- There is a defense under the law of this state to the remedy sought
- Full or partial payment has been made
- The statute of limitations precludes enforcement of some or all of the alleged arrearage
 - See Section 604 Choice of Law
- The alleged controlling order is not the controlling order

Defenses that are not valid

- The order amount is too high and it exceeds my ability to pay
- I'm not the father of the child
- I'm not allowed to see my child



Special Rules for Evidence and Procedure

- Section 316 (receipt of evidence from outside state)
- Section 317 (communications between tribunals)
- Section 318 (assistance with discovery)

Special Rules for Evidence and Procedure (cont'd)

- If another state gains CEJ, it cannot modify terms of the original controlling order that are non-modifiable
- For example: duration (age of majority)

Which State's Law Applies?

Order Issuing State

- Calculation of arrears prior to modification, including interest rate
- Nonmodifiable terms, which usually includes duration
- If obligor has fulfilled support duty under law of issuing state, modifying state can't impose a new support duty

State Modifying the Order

- Grounds for modification
- Support guidelines
- Interest rate on arrears after order is modified (arrears under prior order and any prospective arrears under modified order) See [OCSE-AT-20-14](#)

Choice of Law – Case Scenario #1

- TX support order
- Obligee and child live in TX
- Obligor lives in LA
- TX order registered in LA for modification
- Interest rate in TX is 6%, LA does not charge interest on support arrears
- **What law governs interest on any arrears at time order is registered for modification?**
- **What law governs interest on any arrears that accrue after order is registered and modified?**

Modifiable Terms– Case Scenario #1

- The obligee and child live in GA, the state with the order
- The obligor resides in NY
- GA order registered for modification and enforcement in NY
- Duration of support in GA is 18 and is nonmodifiable
- Duration in NY is 21
- **Can NY establish new order, using its law, once child turns 19?**

Nonmodifiable Terms

State where order is registered for modification **may not** modify:

- Arrearage and interest accruing **prior** to modification
- Aspects of order that are not modifiable in original issuing state
 - Duration is set by law in state issuing original order
 - In most states, duration is nonmodifiable aspect

Impacts of Modification

- Once order is modified, it becomes controlling order and that tribunal acquires CEJ
- Tribunal in original order issuing state must recognize CEJ of other state

Modifications of Foreign Support Orders

- If Convention order:
 - Register for modification under Article 7 of UIFSA
- If non-Convention foreign support order:
 - Register for modification under Article 6 of UIFSA
 - Note Section 615
 - A U.S. tribunal can modify a foreign support order, even if that country would have CEJ, if
 - Issuing country cannot or will not modify its order and
 - U.S. tribunal has personal jurisdiction over the parties

JURISDICTION TO MODIFY CHILD SUPPORT VS. CHILD CUSTODY

Differences In Orders

Child Custody Order

Uniform Child Custody
Jurisdiction and Enforcement
Act (UCCJEA)

- Focus on factual circumstances of child
 - Child's home state
- Authority to transfer case based

Child Support Order

UIFSA

- Focus on personal jurisdiction over obligor
 - Child's home state only relevant if multiple ongoing support orders
- No concept of transfer based on forum *non conveniens*

IMPROPER MODIFICATION OF ORDER

Determining Validity of Modification

- If question about validity of subsequent order ask tribunal to decide
- Lack of subject matter jurisdiction
 - Nullity from the outset
- Mistake of law
 - May be vacated by tribunal or appellate court
 - Must be timely raised

Case Law

- Subject matter jurisdiction
 - AL, D.C., FL, KY, LA, NC, RI, TX, UT
- Mistake of law
 - MO, WA, WI



Impact of Modification

- Once order is modified, it becomes controlling order and that tribunal acquires CEJ
- Tribunal in original order issuing state must recognize CEJ of other state

ADDITIONAL INFORMATION

Residence vs. Domicile

- UIFSA bases CEJ on residence of parties and child
- No definition of residence
 - Fact question for tribunal
 - Comment to Act states “the question is residence, not domicile”
- Conflicting case law

Cost of Living Adjustment

- Some states provide for automatic adjustments to support amount
- Application of COLA is not a modification requiring continuing exclusive jurisdiction



Redirection of Payment Location

- Change of payment location under Section 319(b) is not a modification requiring continuing, exclusive jurisdiction

Redirection of Payment Location (cont'd)

- Only applies if requirements of Section 319(b) are met
 - Neither obligee, nor obligor, nor child resides in issuing state
 - Obligee is receiving services from support enforcement agency in second state
 - Request is made by support enforcement agency for tribunal [or agency] in issuing state to redirect support payments to state in which obligee is receiving services and issue conforming income withholding order

Redirection of Payment Location (cont'd)

- AT-17-07: Interstate Child Support Payment Processing
- PIQ-20-01: Using the Intergovernmental Forms for Case Processing

RESOURCES

Resources - UIFSA

- UIFSA 2008: [Model Act version of UIFSA 2008 with comments](#)
 - Or your own state's online statute site
- [AT-20-14](#): Updated Interstate Child Support Policy
- [AT-23-02](#): OMB-Approved Standard Intergovernmental Child Support Enforcement Forms — February 2023
- [PIQ-20-01](#): Using the Intergovernmental Forms for Case Processing

Resources – UIFSA (cont'd)

- Essentials for Attorneys in Child Support Enforcement, 4th Ed. (July 2021), Chapter 13: Intergovernmental Child Support Cases, <https://www.acf.hhs.gov/css/training-technical-assistance/essentials-attorneys-child-support-enforcement>
- Intergovernmental Reference Guide
- Training resources developed by OCSE
- [Interstate Case Processing Training Materials](#)
- [International Case Processing Under UIFSA 2008](#)
- [Intergovernmental Forms Training](#)

Thank You

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OFFICE OF CHILD SUPPORT ENFORCEMENT

INTERGOVERNMENTAL CASE CLOSURE

October 21, 2025

OCSS Division of Policy and
Training

Agenda

- Case Closure Basics
- Federal Case Closure Criteria
- Interstate Case Closure
- International Case Closure
- Scenarios
- Resources

CASE CLOSURE BASICS

Case Closure Basics

- Case must meet one of the federal closure criteria (45 CFR 303.11(b))
 - Responding cases may only be closed under specific criteria
- Most criteria are permissive, not mandatory
- 60-day notice of intent to close may be necessary
- Case record must contain supporting documentation
- States may establish more stringent closure criteria

Case Closure Tips

- Closing IV-D case does not terminate support order
- Cannot close case just because all parties have moved out of state
- Interstate limited services action does not need to meet closure criteria
- Communication and cooperation are critical

**Goal is to provide support to families,
not to close cases!**

FEDERAL CASE CLOSURE CRITERIA

Federal Case Closure Requirements

Case closure allowed in these situations:

1. No longer current support order and arrearages are under \$500 or unenforceable under state law
2. No longer current support order and all arrearages in case are assigned to state
3. NCP is in long-term care arrangement
 - No longer current support order
 - Children have reached age of majority
 - NCP has no income or assets that can be attached

Federal Case Closure Requirements (cont'd)

4. NCP is deceased and no estate assets to attach
5. NCP living with minor child as caregiver or intact two-parent household

Federal Case Closure Requirements (cont'd)

6. Paternity cannot be established because:
 - i. Child is at least 18 and action barred by statute
 - ii. Alleged father has been excluded by genetic test or court or administrative order and no other alleged father can be identified
 - iii. Not in best interest of child to establish paternity
 - iv. Identity of biological father is unknown

Federal Case Closure Requirements (cont'd)

7. NCP's location is unknown, despite state efforts to locate, depending on information available after two years, one year, or six months
8. NCP is incarcerated, institutionalized, or disabled throughout child's minority
9. NCP's sole income is from SSI or both SSI and SSDI

Federal Case Closure Requirements (cont'd)

10. NCP is citizen of, and lives in, foreign country

- No reachable domestic assets
- No federal or state treaty with country
- Does not work for the Federal government or a company with headquarters or offices in the U.S

Federal Case Closure Requirements (cont'd)

11. IV-D agency has provided location-only services
12. Non-IV-A applicant requests closure
 - No assignment to state of medical support
 - No assignment to state of arrearages
13. Instate limited services request completed to establish paternity only
14. Good cause finding
15. IV-D agency unable to contact applicant
16. Noncooperation of non-IV-A applicant

Federal Case Closure Requirements (cont'd)

17. Responding agency documents initiating agency's failure to take action that's essential to the next step in providing services
18. Initiating agency closed its case and notified responding agency
19. Initiating agency notified responding agency that its intergovernmental services are no longer needed

Federal Case Closure Requirements (cont'd)

20. Inappropriate referral from another agency (IV-A, IV-E, etc.)

21. Case has been properly transferred to tribal IV-D agency

Federal Case Closure Requirements – Indian Health Services

IV-D agency must close and maintain documentation when:

1. Child is eligible for health care services from Indian Health Service (IHS); and
2. IV-D case was opened due to Medicaid referral based solely upon health care services, including Purchased/Referred Care program, provided through an Indian Health Program

45 CFR 303.11(c):

Case Closure for Good Cause & Family Violence

- Good Cause Closure Allowed when NCP is applicant (45 CFR 303.11(b)(14))
- State Flexibility to close cases referred inappropriately (303.11(b)(20))
- Intergovernmental Cases: Only initiating agency may close under good cause (303.11(b)(14))
- Victim-Centered Approach: Accept disclosures of risk without requiring burdensome proof

60-Day Notice of Intent to Close

- Required under several criteria
- Provides applicant or **initiating state** opportunity to provide needed information
- If information is provided within 60 days, case must stay open
- If information is not provided within the 60-day period, case can be closed

INTERSTATE CASE CLOSURE

Initiating State Case Closure Summary

When the initiating state has an application or referral for services, they

- Make case management decisions, including closure
- Can close case for any federal closure reason
- Must notify responding state of closure within 10 working days and reason for closure
- Must instruct responding state to stop income withholding and close their case before issuing its own withholding
- Can keep case open and instruct responding state that services are no longer needed

Federal Case Closure Requirements – Intergovernmental Regulation

45 CFR 303.7(c) and (d) requirements:

- Initiating state instructs responding state to:
 - Close its intergovernmental case and
 - Stop any income withholding order or notice
- Must be done before initiating state issues income withholding order or notice
- Closure of responding state's intergovernmental case is mandatory

Question 1

In an interstate IV-D case, which state manages the case and controls case closure?

- a. Initiating state
- b. Responding state

Question 1 Response

In an interstate IV-D case, which state manages the case and controls case closure?

- a. **Initiating state**
- b. Responding state

Responding State Case Closure Summary

Responding state may close case **only** under following case closure criteria:

- Responding agency documents failure by initiating agency to take action essential to next step in providing services
 - Requires 60-day intent to close notice
- Initiating agency closed its case and notified responding agency
- Initiating agency notified responding agency that its intergovernmental services are no longer needed

Responding State Case Closure Summary (cont'd)

As required under intergovernmental regulation
45 CFR 303.7(d):

- Responding state **must** close interstate case if:
 - Initiating state instructs it to stop income withholding and close its intergovernmental case

Responding State Case Closure Summary (cont'd)

As required under intergovernmental regulation
45 CFR 303.7(d):

- When responding state closes intergovernmental case, it **must** notify initiating agency
 - Notification required under all responding state closure reasons
 - Closes communication loop with initiating state

Question 2

A responding state can close its intergovernmental case under any of the federal closure criteria without the permission of the initiating state.

- a. True
- b. False

Question 2 Response

A responding state can close its intergovernmental case under any of the federal closure criteria without the permission of the initiating state.

- a. True
- b. False**

Federal Tools and Resources

- Action:
 - CSENet (Child Support Enforcement Network)
 - EDE (Electronic Document Exchange)
- Inquiry only:
 - QUICK (Query Interstate Cases for Kids)
 - FCR Query (Federal Case Registry Query)
 - IRG (Intergovernmental Reference Guide)
- Federal intergovernmental forms

Child Support Enforcement Transmittal #2 — Subsequent Actions

- Can be used by initiating and responding agencies
- Section II specific to case closure
- Initiating state section: 1 and 2
- Responding state section: 3 and 4

INTERNATIONAL CASE CLOSURE

Case Closure in International Context

- Federal case processing timeframes do not apply to foreign countries.
- States should consider international context before automatically moving to case closure.
 - Hague Child Support Convention includes longer timeframes applicable to Convention countries
- [International Case Processing Under UIFSA 2008 | The Administration for Children and Families](#)

SCENARIOS

Scenario 1

- Custodial parent is in IL and noncustodial parent is in OR.
- IL refers interstate case to OR to enforce a CA order.
- After several months, noncustodial parent moves, and his address cannot be found.

Scenario 1 Question

Because noncustodial parent's address is unknown, OR can send 60-day notice of intent to close to IL due to noncooperation of initiating state.

- a. True
- b. False

Scenario 1 Response

Because noncustodial parent's address is unknown, OR can send 60-day notice of intent to close to IL due to noncooperation of initiating state.

- a. True
- b. False**

Scenario 2

- Custodial parent lives in SC and noncustodial parent in IL.
- SC refers case to IL to enforce SC order.
- IL enforces for several years.
- Noncustodial parent passes away and had no assets.

Scenario 2 Question

IL should:

- a. Close its case because enforcement of order is no longer possible
- b. Provide SC with information about noncustodial parent's death and wait for instructions
- c. Send 60-day notice of intent to close to SC since order is not enforceable

Scenario 2 Response

IL should:

- a. Close its case because enforcement of order is no longer possible
- b. Provide SC with information about noncustodial parent's death and wait for instructions**
- c. Send 60-day notice of intent to close to SC since order is not enforceable

Scenario 3

- Custodial parent lives in RI and noncustodial parent in IL.
- IL receives interstate case from RI requesting establishment of paternity and support.
- IL Central Registry notices there is no Affidavit in Support of Establishing Parentage and requests one from RI.
- IL Central Registry sends case to local office and requests Affidavit again. RI does not respond.

Scenario 3 Question

IL can begin procedure for closing its case for noncooperation of initiating state.

- a. True
- b. False

Scenario 3 Response

IL can begin procedure for closing its case for noncooperation of initiating state.

- a. **True**
- b. False

Scenario 4

- Custodial parent lives in IL and noncustodial parent in OK.
- IL refers case to OK requesting enforcement of KS order.
- OK opens case but cannot find employer for noncustodial parent and asks IL to identify one.
- IL is also unable to find employer for noncustodial parent.

Scenario 4 Question

Can OK close its case for noncooperation of initiating state for failure to provide an employer?

- a. Yes
- b. No

Scenario 4 Question

Can OK close its case for noncooperation of initiating state for failure to provide an employer?

- a. Yes
- b. No**

Scenario 5

- Custodial parent lives in DE and noncustodial parent lives in IL when case is opened
- DE refers case to IL to enforce DE order.
- IL issues IWO and is sending payments to DE.
- Noncustodial parent moves to SC and still works for same employer.
- DE sends request to IL to stop its IWO and close its case.
- IL doesn't want to close its case as payments are being received.

Scenario 5 Question

Can IL refuse to close its case?

- a. Yes
- b. No

Scenario 5 Response

Can IL refuse to close its case?

- a. Yes
- b. No**

Resources

Interstate Resources

- [eCFR :: 45 CFR 303.7 -- Provision of services in intergovernmental IV-D cases.](#)
- [eCFR :: 45 CFR 303.11 -- Case closure criteria.](#)
- [OCSS Website](#)
- [Interstate Case Processing Training Materials | The Administration for Children and Families](#)
- [Updated Interstate Child Support Policy | The Administration for Children and Families](#)

Interstate Resources - Forms

- [Intergovernmental Child Support Enforcement Forms | The Administration for Children and Families](#)
- [Understanding the Child Support Enforcement Intergovernmental Forms | The Administration for Children and Families](#)
- [INTERGOVERNMENTAL FORMS MATRIX](#)

Thank You

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