




**Welcome to the 28th Annual
AB 1058 Child Support
Training Conference**

The background of the slide features a large, faint, circular seal of the Judicial Council of California. The seal contains a central figure, likely a personification of Justice, holding a scale and a sword. The text "JUDICIAL COUNCIL OF CALIFORNIA" is written around the perimeter of the seal, and the year "1926" is at the bottom.

The Interstate Child

1926

CA Family Code

UIFSA - § 5700.101 -.905

UCCJEA - §§ 3400-3465

UPA - §§ 7600-7730



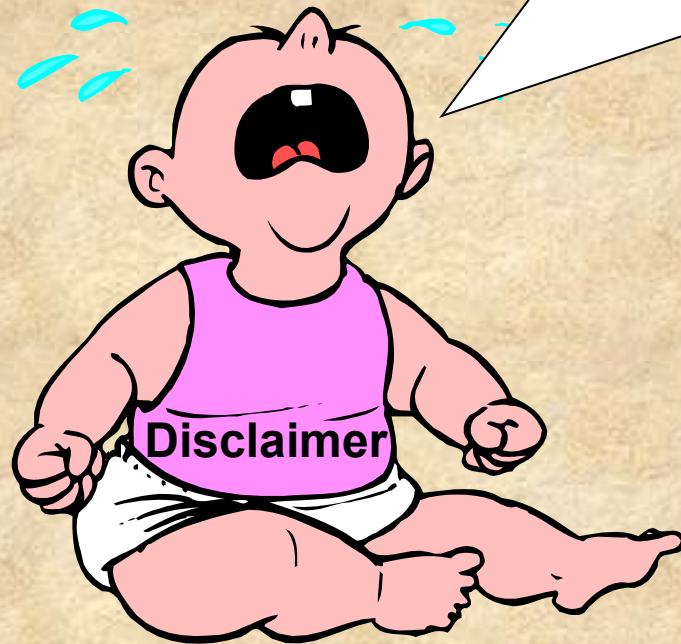
JUDICIAL COUNCIL
OF CALIFORNIA

The Interstate Child

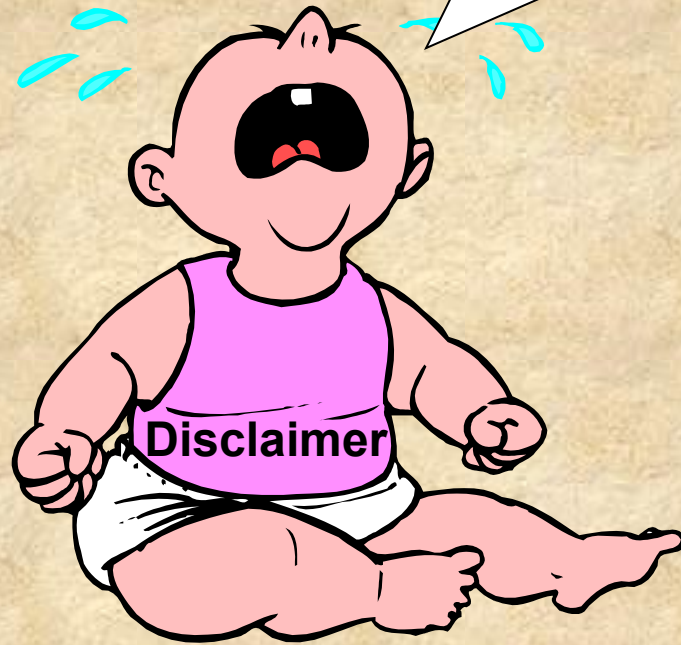
California



Under the UPA, how many ways
are there to become a
LEGAL PARENT?



P A A A A !



Disclaimer

Presumed

Acknowledged

Adjudicated

Adopted

Artificial

Presumed

● In the Context of Marriage

➤ Before

➤ During

➤ After

● Holding Out

Acknowledged

 Signed

 Mother

 Biological Father

 Presumed Father

 Filed

Adjudicated

 Court

 Jurisdiction

 Parties

 Genetic Test

Full

Faith

and

Credit





The Interstate Child

UCCJEA & UIFSA

Origins

UIFSA ↔ FFCCSOA

UCCJEA ↔ PKPA

Jurisdiction Subject Matter

UCCJEA

- ▶ **Custody**
- ▶ **Visitation**

UIFSA

Support

- ▶ **Child**
- ▶ **Spousal**

Jurisdiction Additional

UCCJEA

- ▶ “Status”
- ▶ Home State
- ▶ Significant Contacts

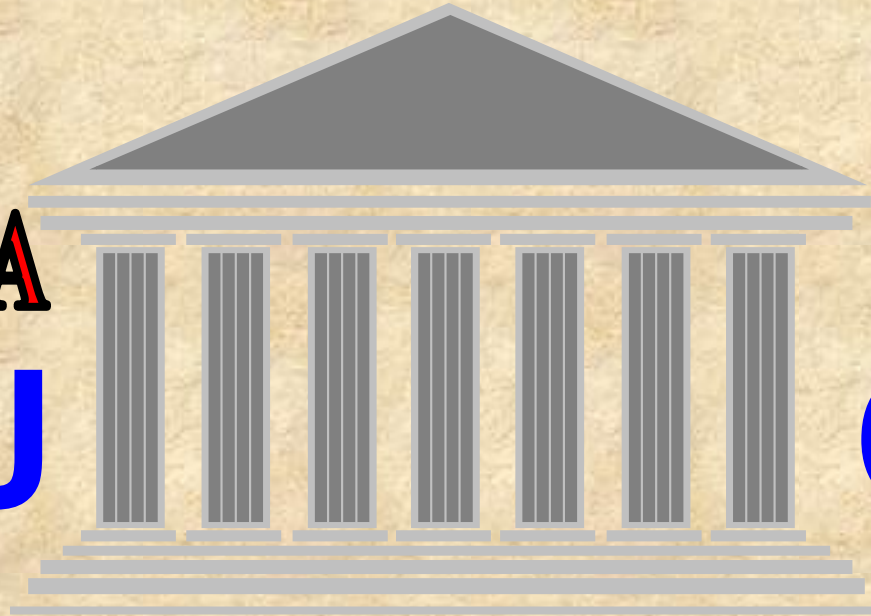
UIFSA

- ▶ Personal
- ▶ Long-Arm

ONE ORDER

UCCJEA

ECJ



UIFSA

CEJ

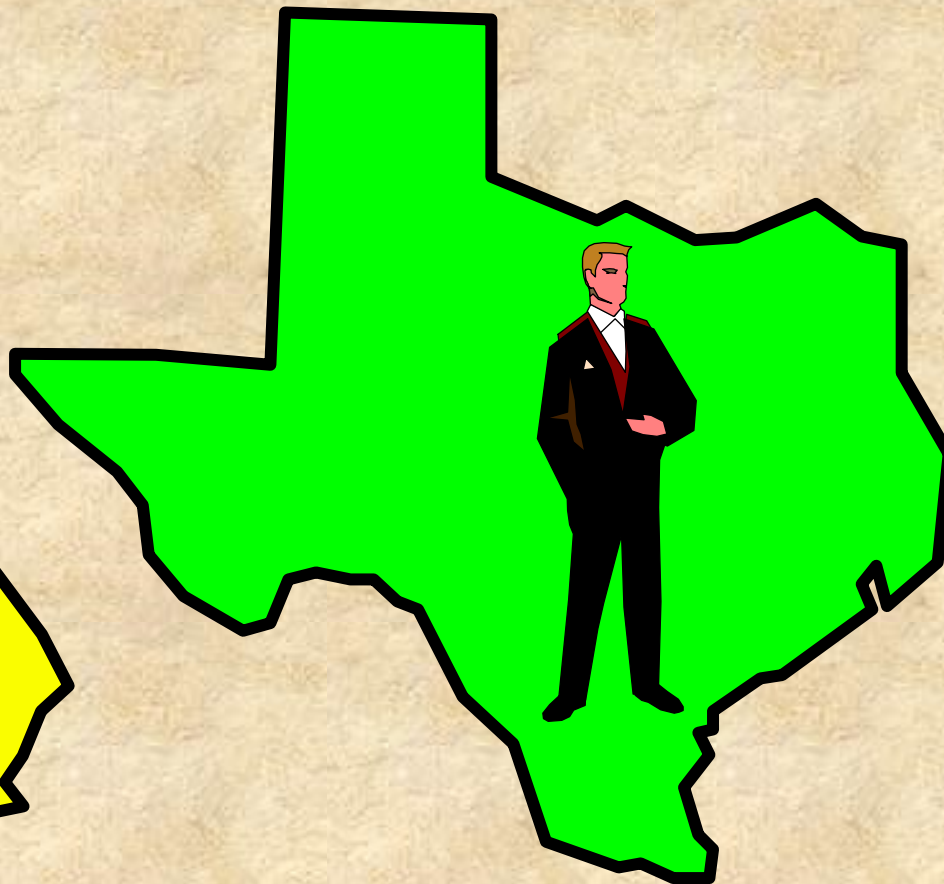
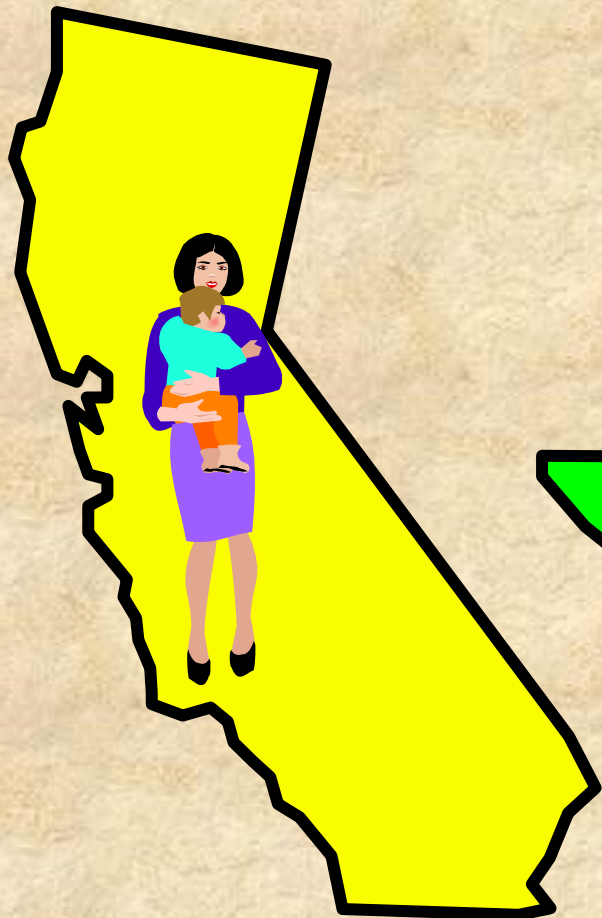
Exclusive Jurisdiction to MODIFY

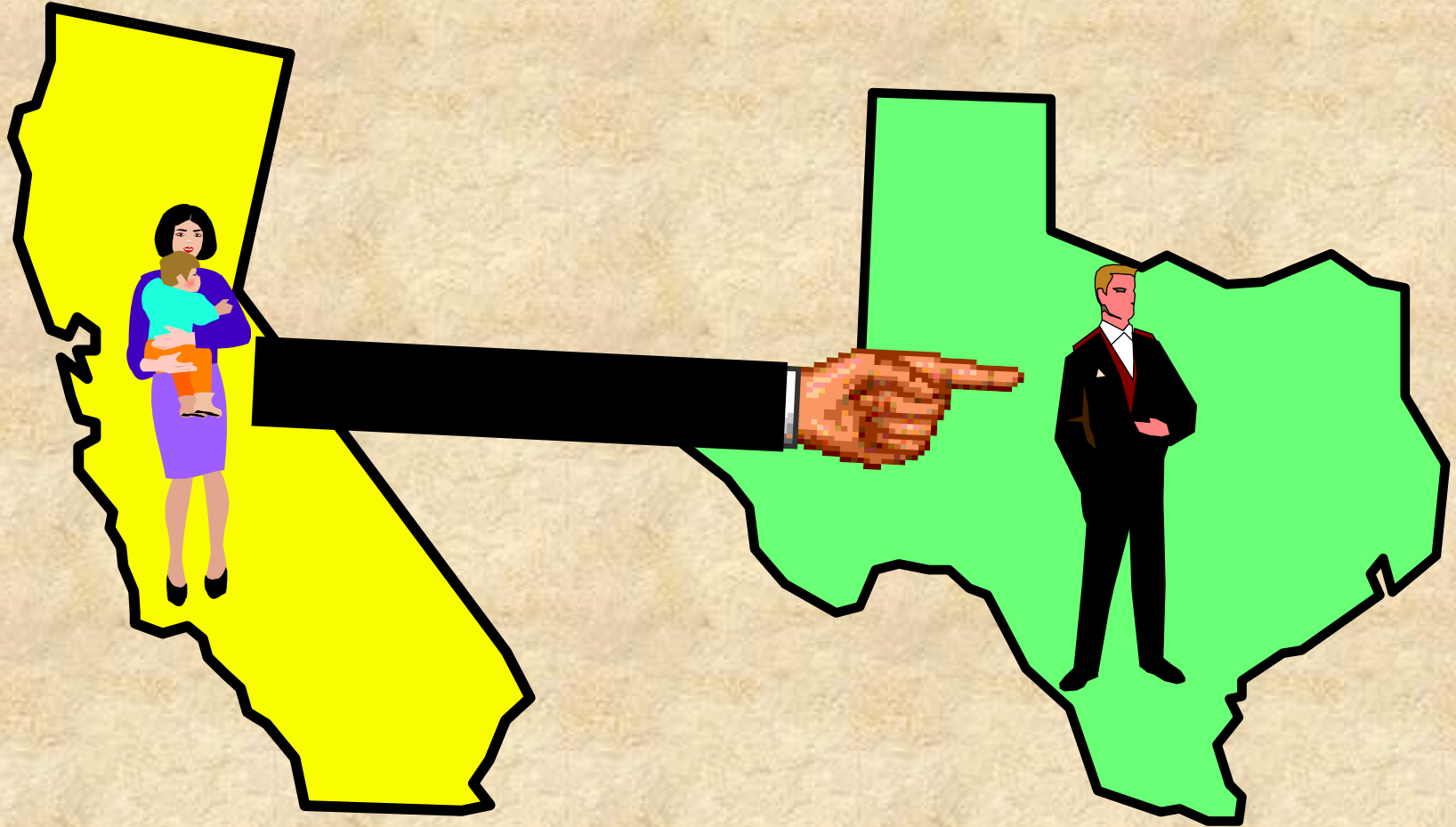
Establishment





**Parentage
(Divorce)
Custody
Support**







submits to state and
federal courts and
several state appellate
courts on remittal
possible adoption
eligibility or
support for the child



HOW TO



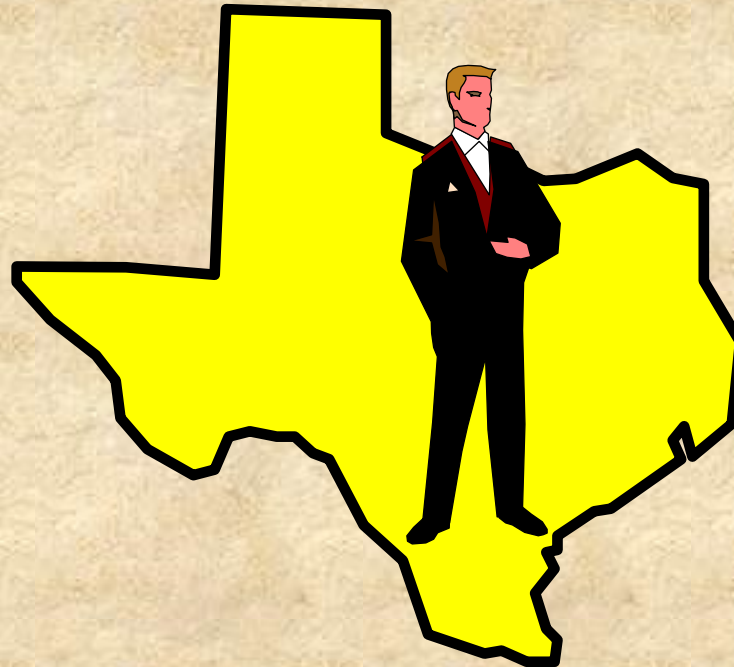
Establishment


CA Support Guidelines & Duration

CA Custody & Visitation

Telephonic Participation

CA Parentage/Divorce





CS - \$300
SS - \$ 250



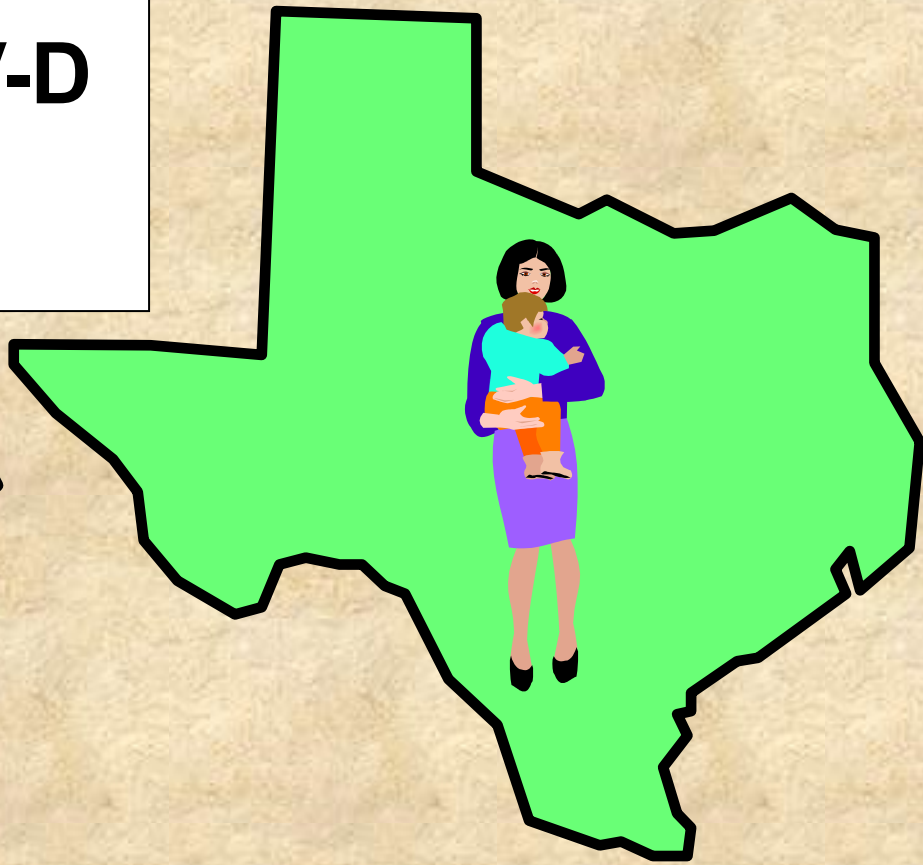
Custody



Child Custody
Child Visitation
Child Support
Spousal Support
Pet Custody
Pet Visitation
HDTV



IV-D



Establishment

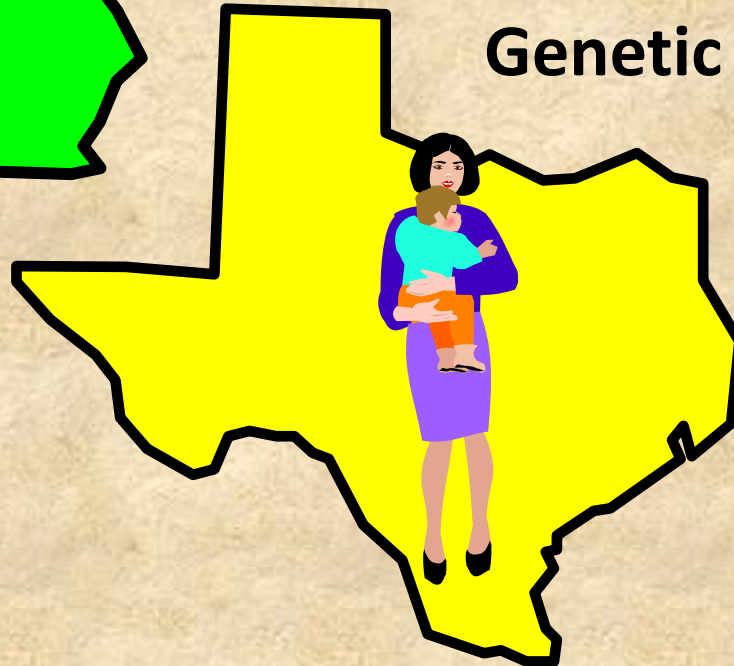
Personal Jurisdiction

“UIFSA” forms

Telephonic Participation

CA Guidelines & Duration

Genetic Testing



It Is Found:

NAME [is the Obligor
(a PARENT) and]
owes a **Duty of
Support**

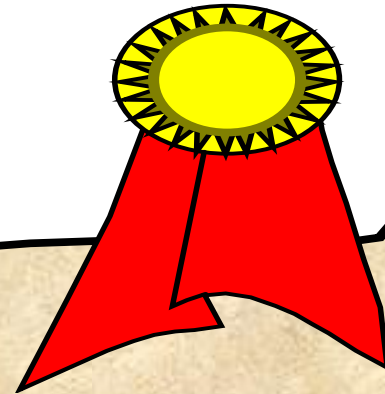
CS = \$

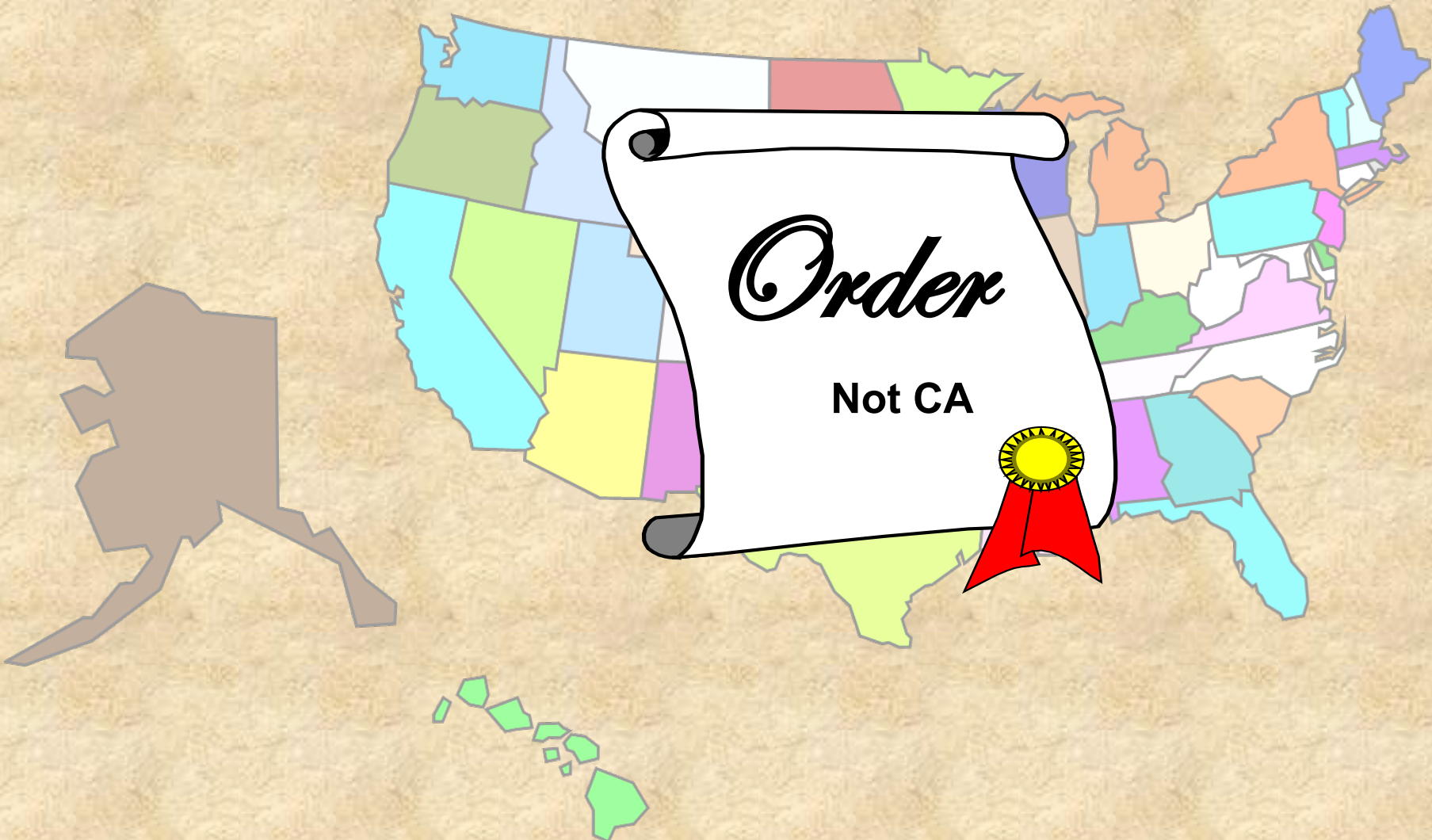
SS(?) = \$



It Is Found:

NAME is [the Obligee
(a PARENT) and] has
the **Right to Receive
Support**





Order

Not CA



Registration

UCCJEA & UIFSA

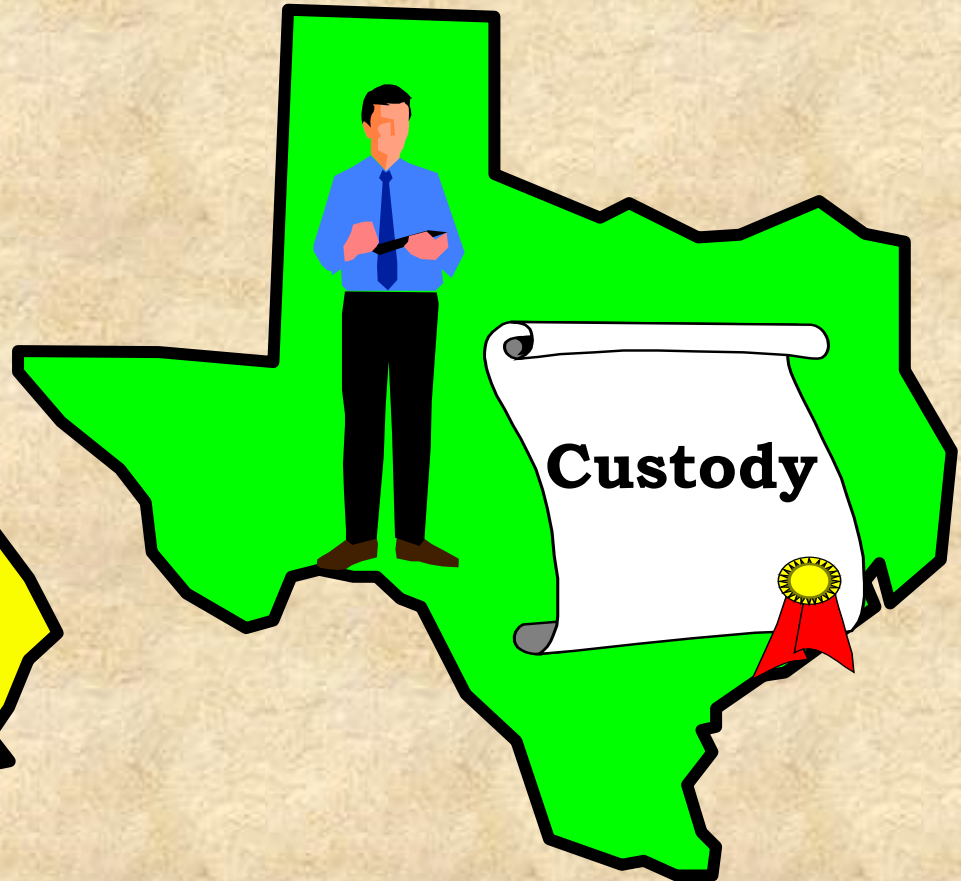
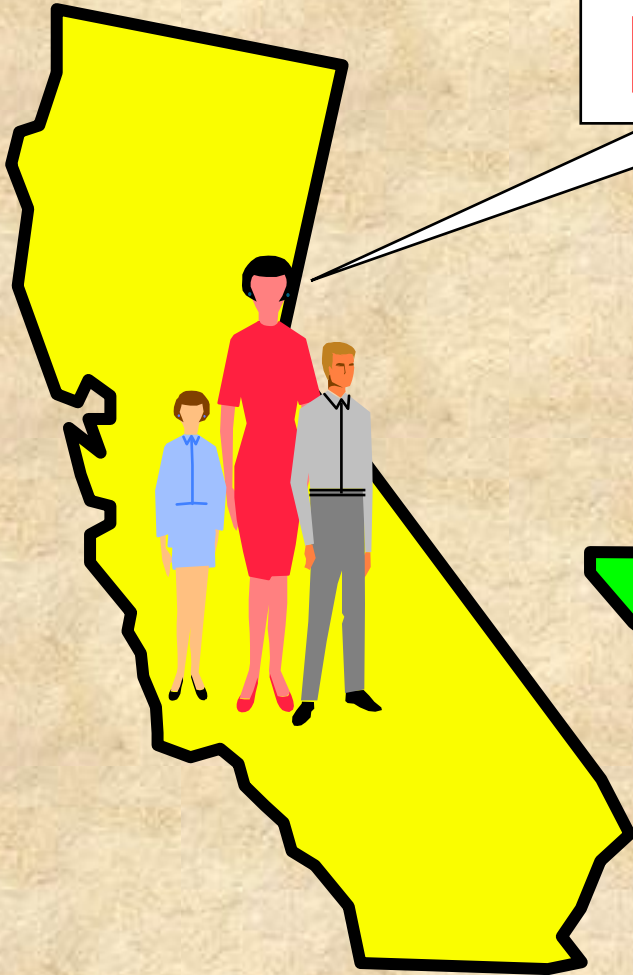
- Notice
- No Contest - Confirmation
- Contest – Limited Defenses

Modification

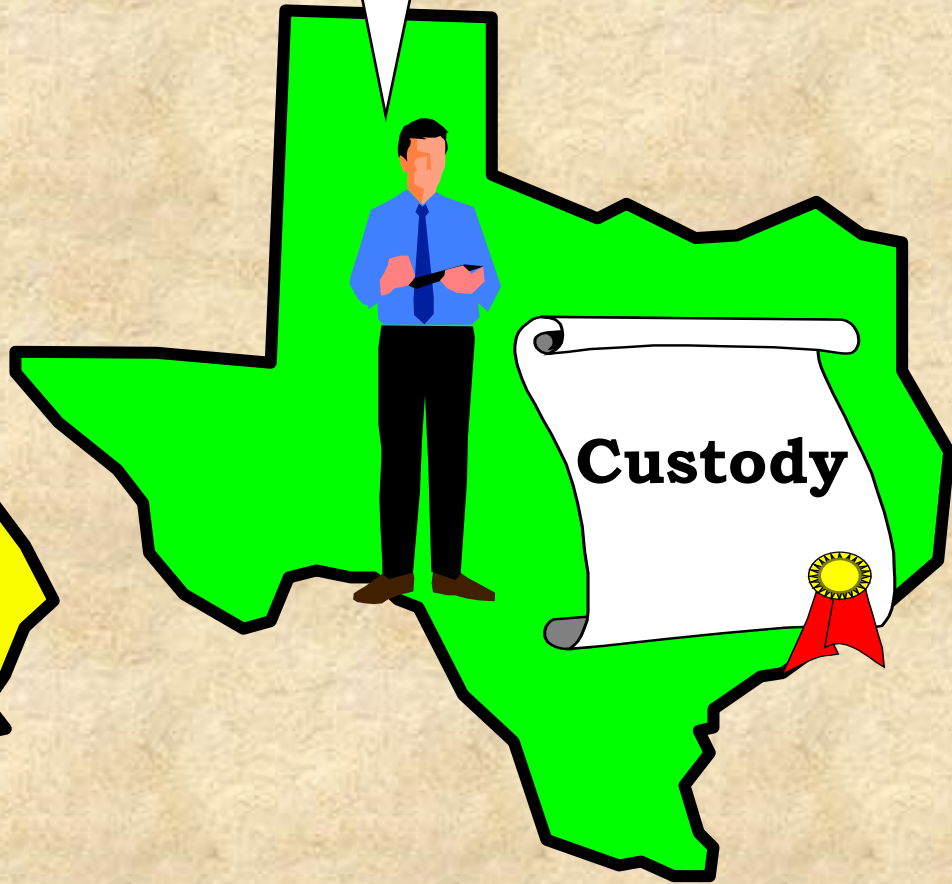
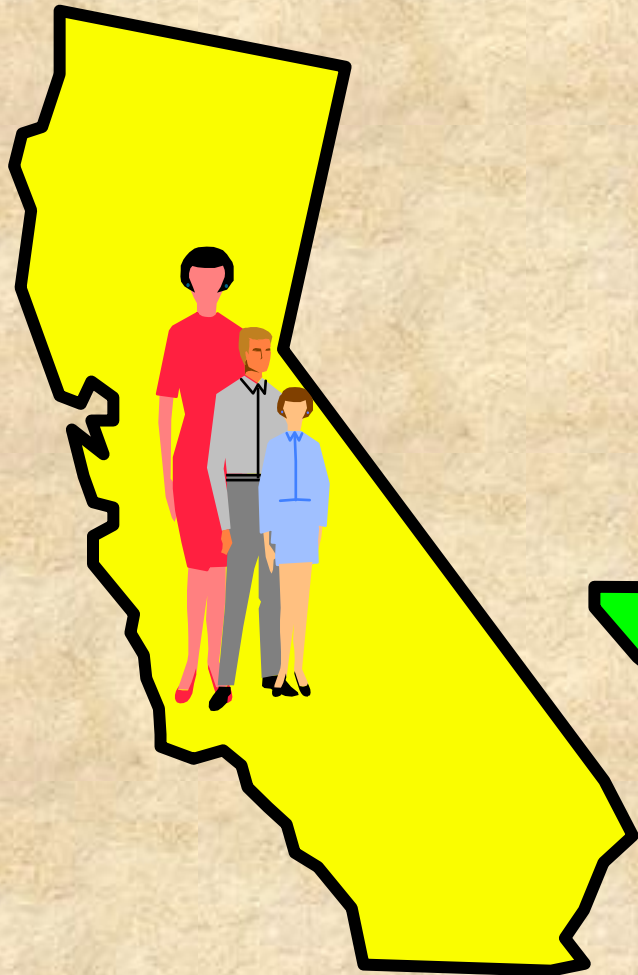
UCCJEA

- Original Court Transfers
- Assumption Upon Showing
 - All Parties Left Issuing State

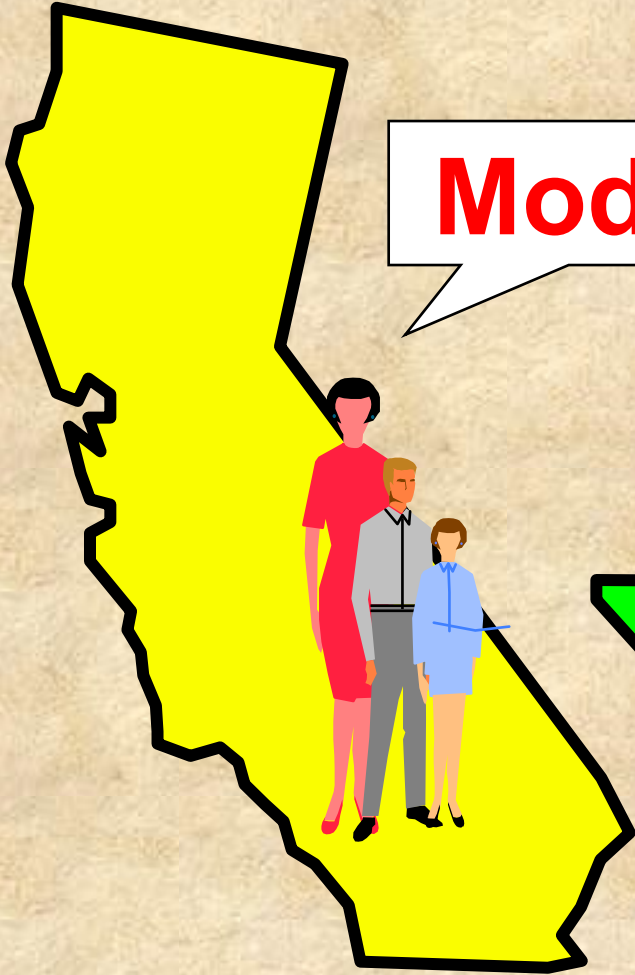
Modify



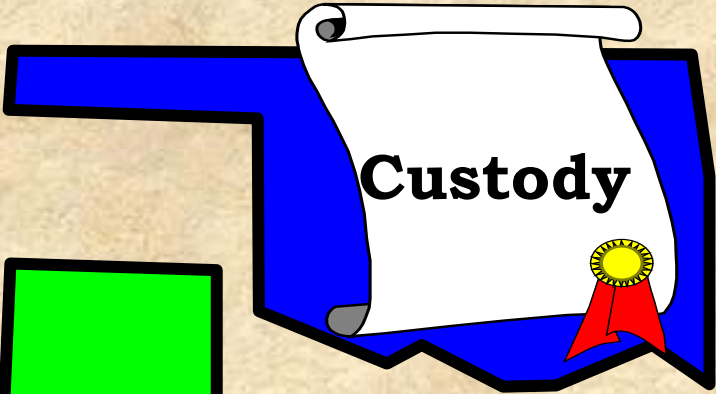
Modify

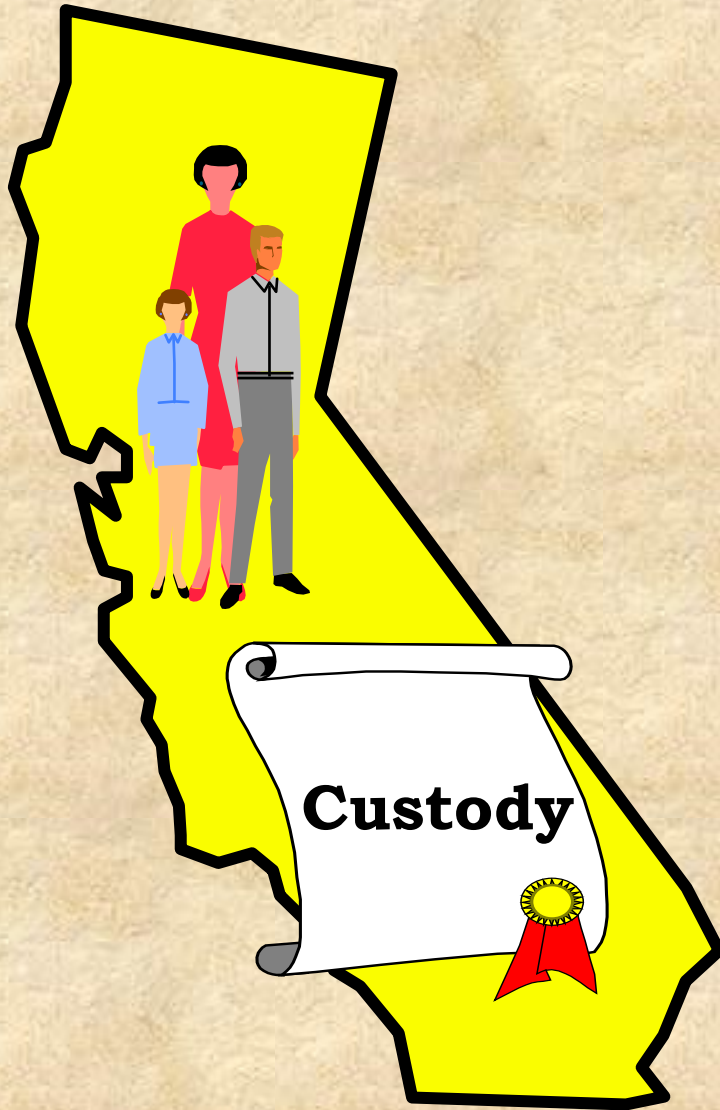


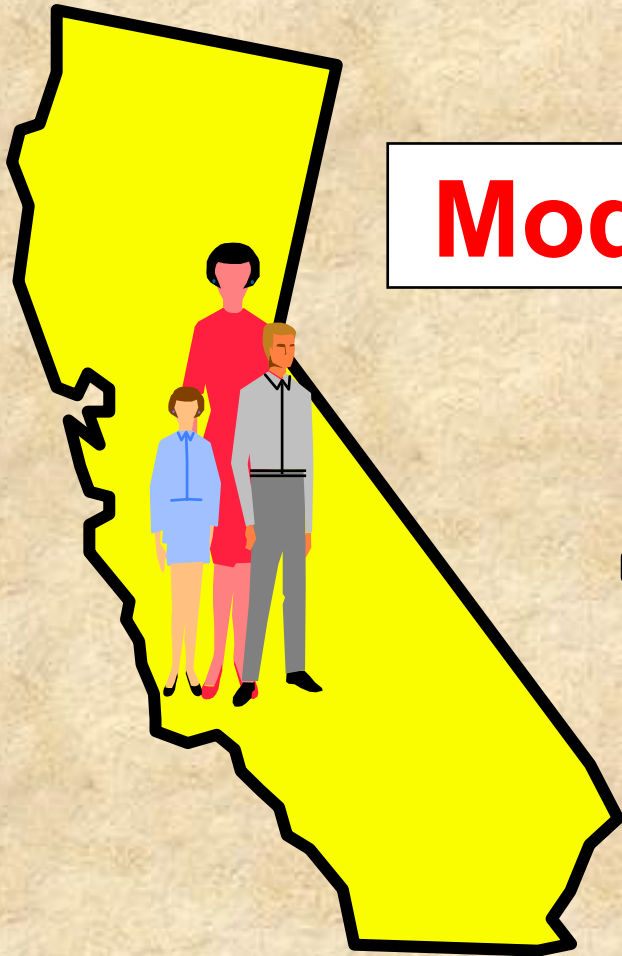
Custody



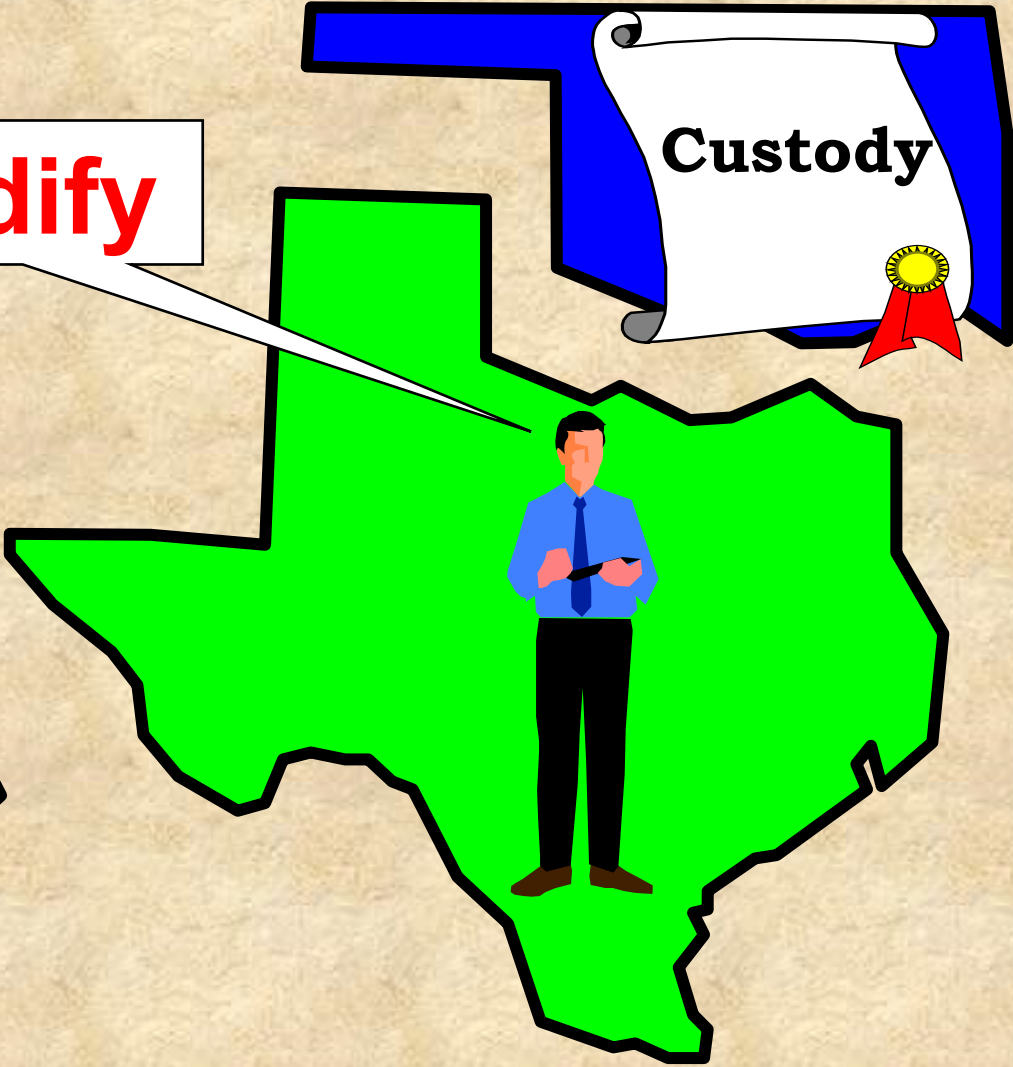
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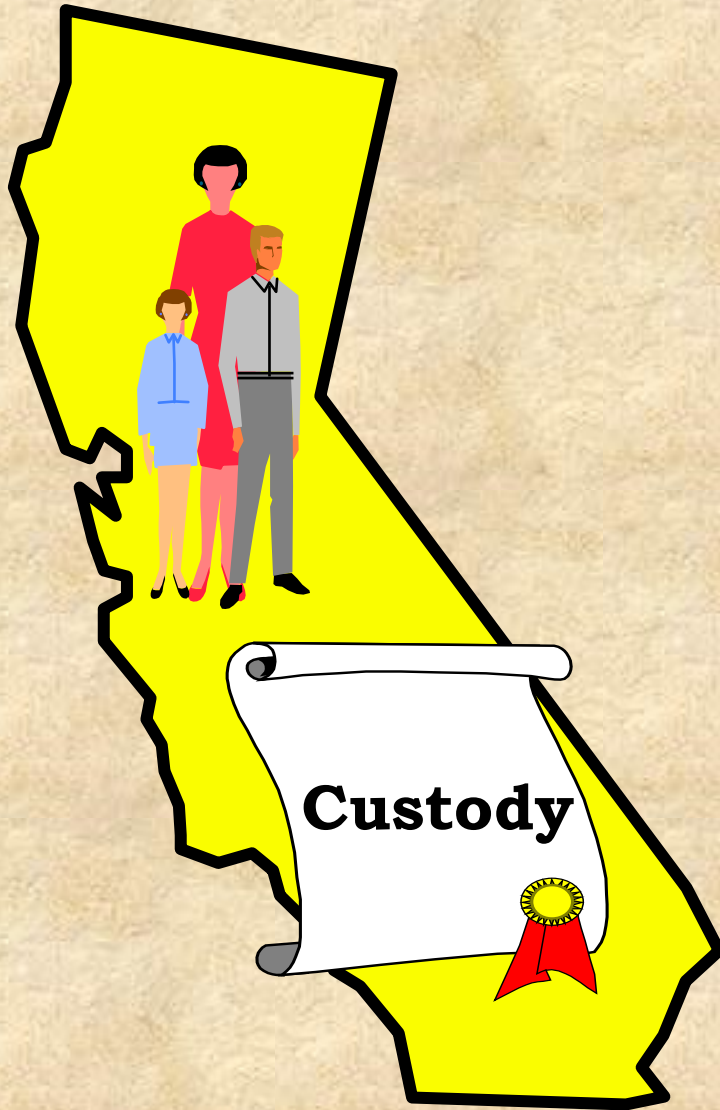






Modify





Modification

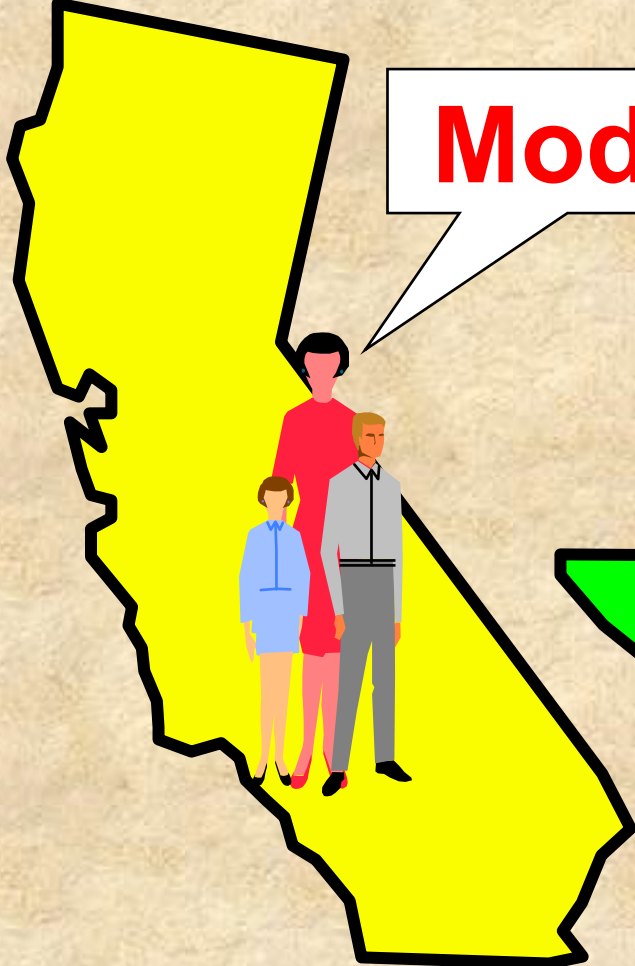
UIFSA

- Agreement
- Assumption Upon Showing
 - All Parties Left Issuing State
 - Petitioner is Nonresident
 - Jurisdiction over Respondent

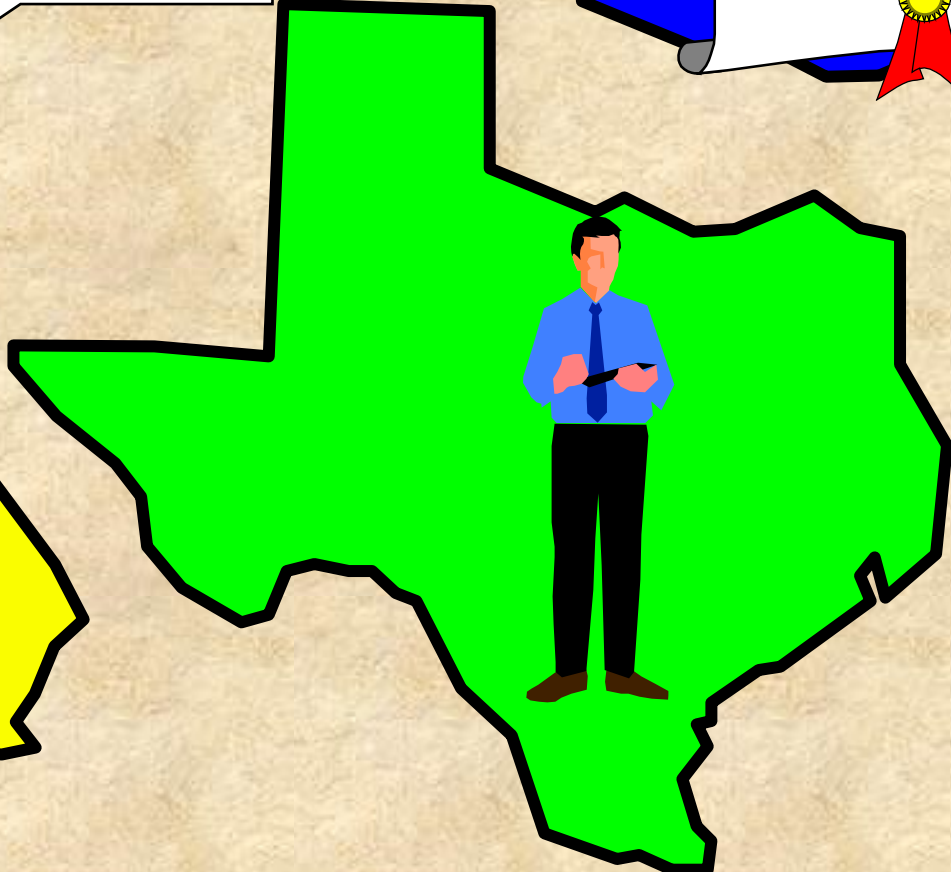
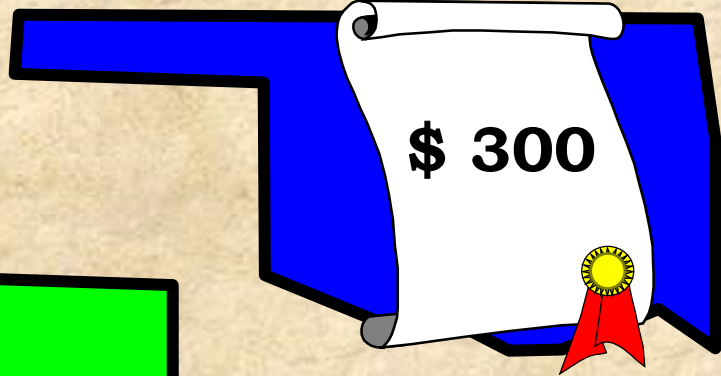
Modification

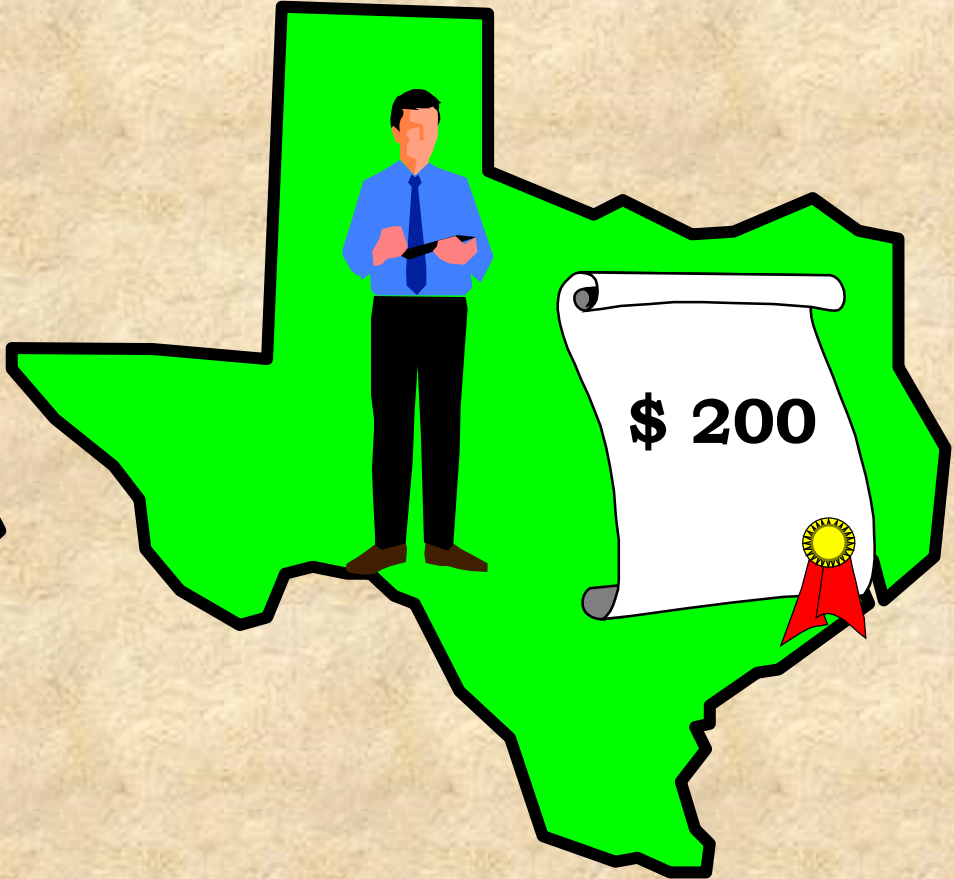
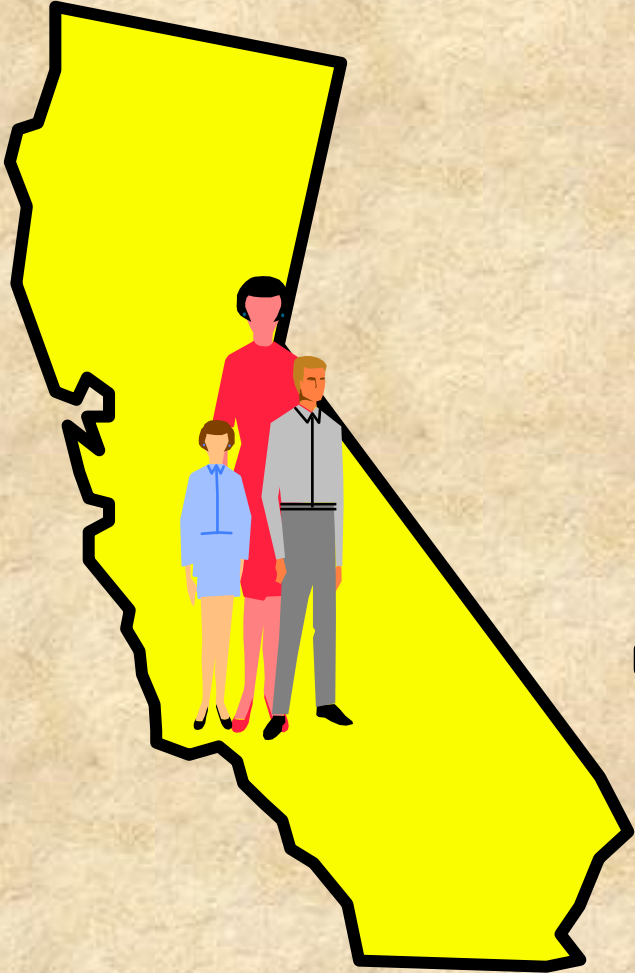
UIFSA

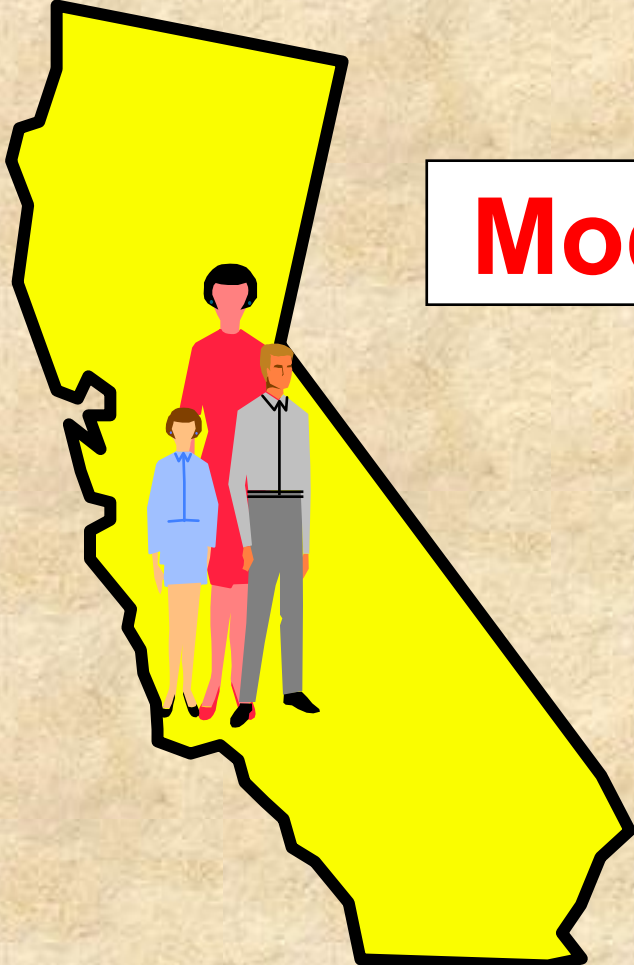
- Upon Assuming
 - Modify CHILD Support
 - NOT Spousal Support
 - Assuming State's Guidelines
- can **NOT** Modify Duration



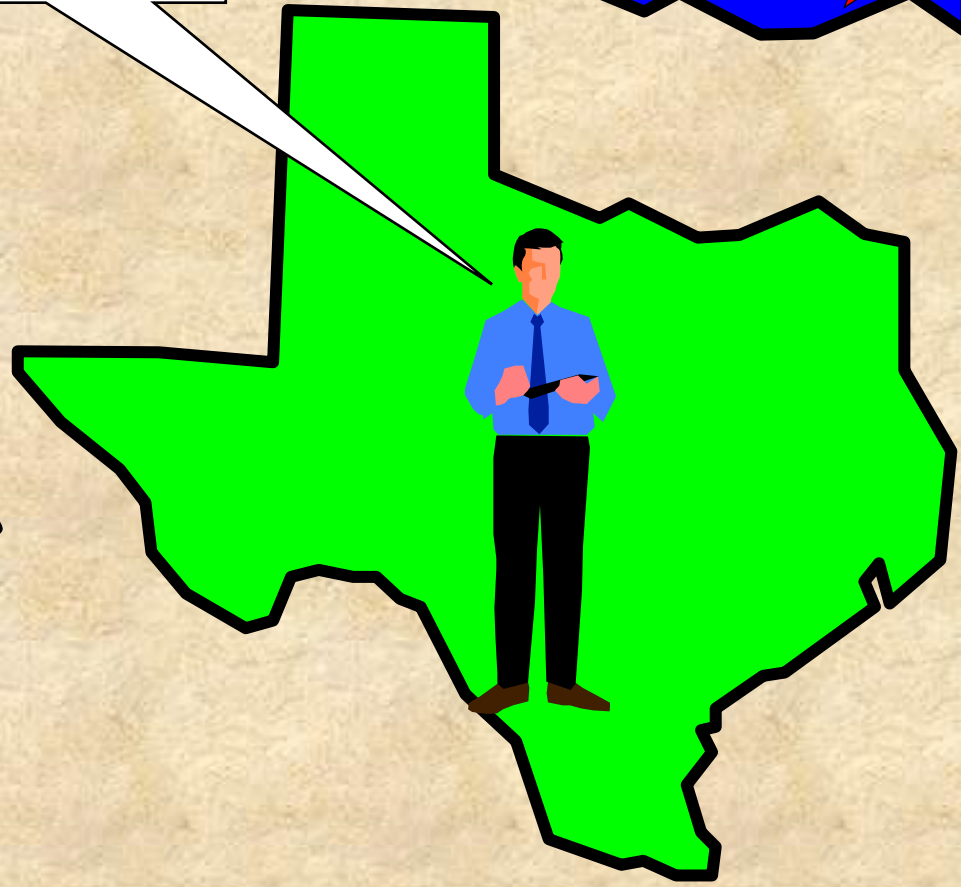
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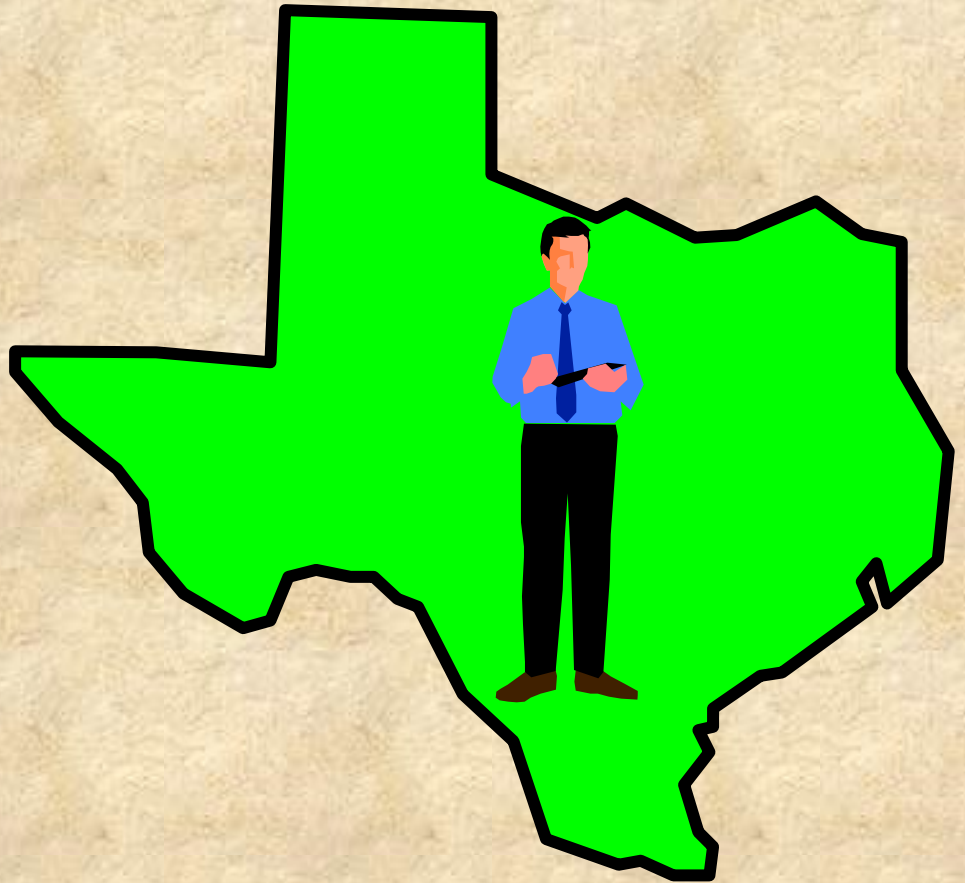
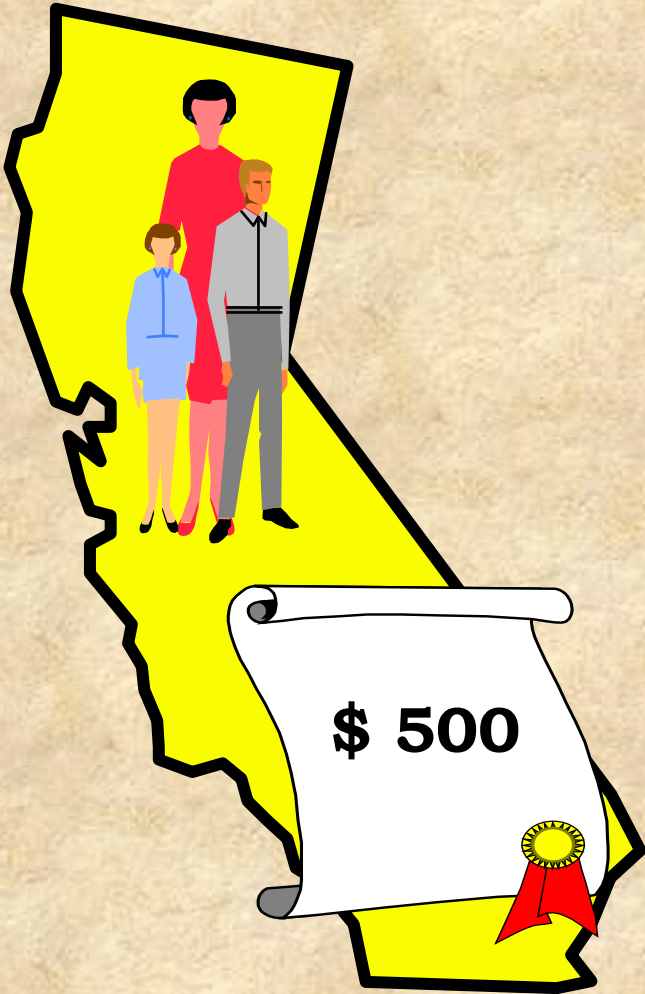


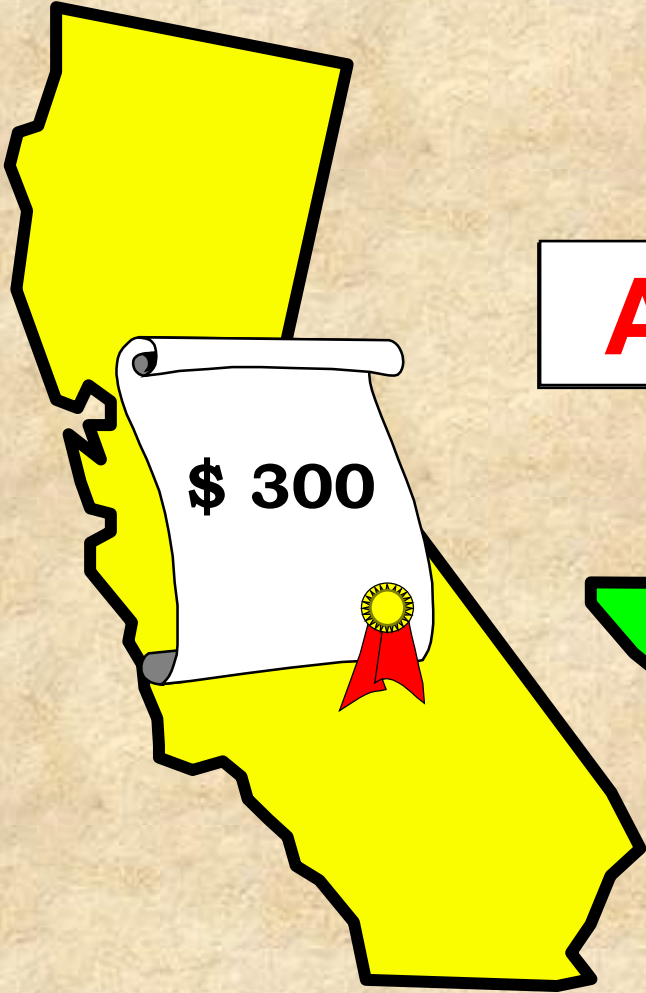




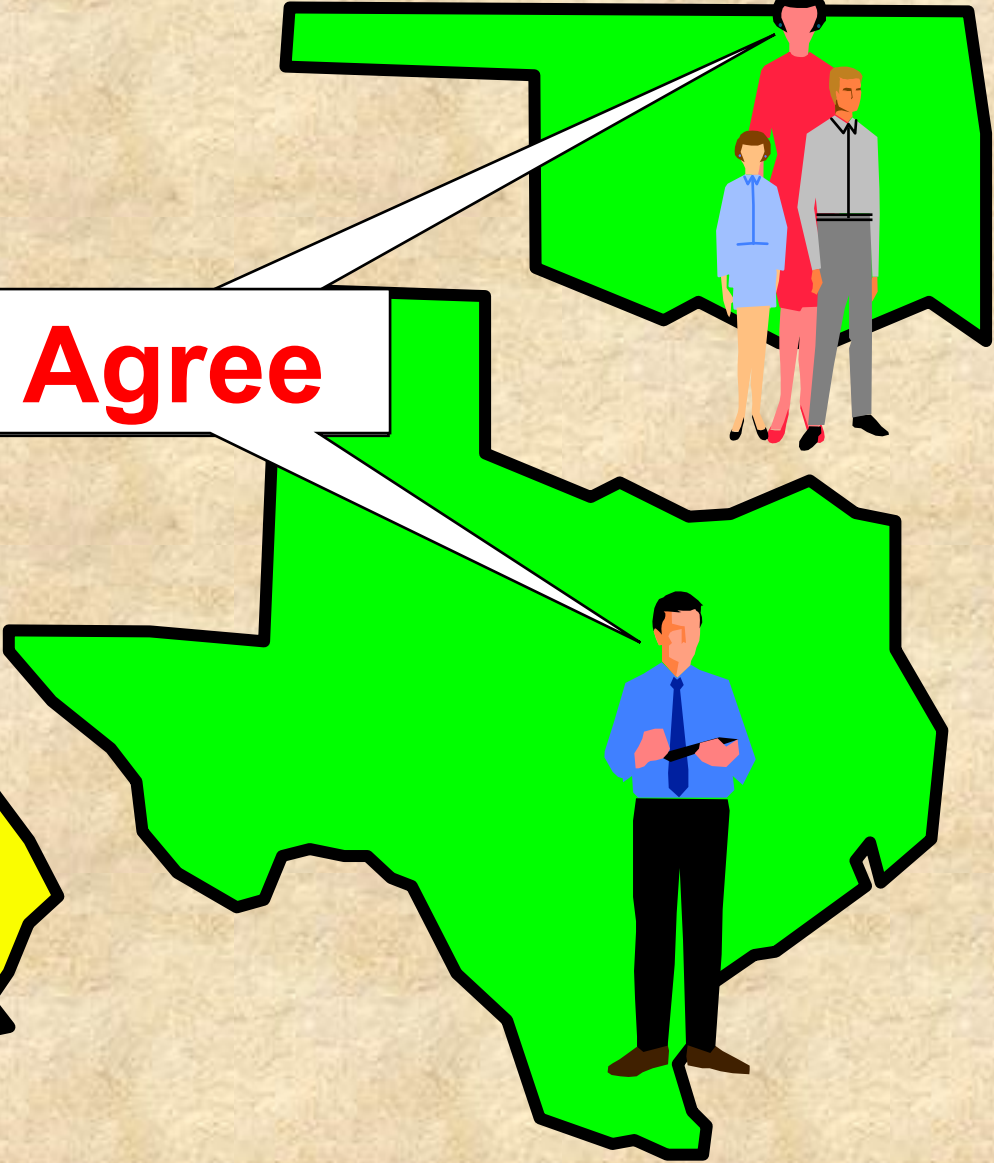
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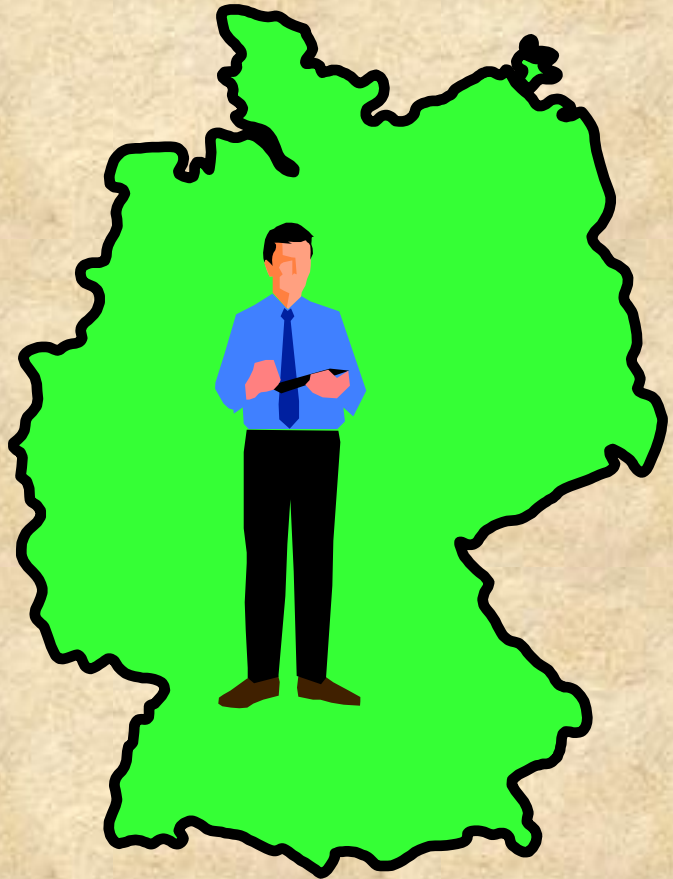
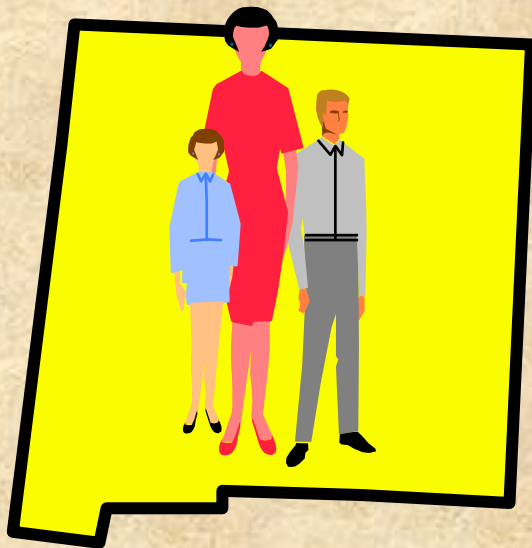






Agree





Enforcement

UCCJEA

- Enforcing State Law
- Mistreatment or Abuse
 - Can Stay Return
 - Must Specify Time to Obtain

Enforcement

UIFSA

- Issuing State Law
 - Nature, Extent, Amount
 - Computation of Arrears
 - Interest Rate and Method
 - Defenses to Judgment

Enforcement

UIFSA

- Enforcing State Law
 - Defenses to Remedy
- Statute of Limitation
 - Longer of Issuing or Enforcing

Enforcement

AND

Modification

- Law of the new CEJ state
 - Interest on other state's arrears
 - Interest on future arrears



The Interstate Child

UCCJEA & UIFSA



UIFSA



International Cases

UIFSA 2008 - Section 105

- Tribunal **must** apply UIFSA articles 1 thru 6 and, as applicable, article 7, to a support proceeding involving:
 - A foreign support order;
 - A foreign tribunal; or
 - An obligee, obligor, or child residing in a “**foreign country**”
- Tribunal **may** apply Articles 1 thru 6 when asked to recognize and enforce a foreign support order on basis of **comity**

Foreign Country

UIFSA 2008

- ★ Federal Reciprocating
- ★ State Reciprocating
- ★ Similar to UIFSA
- ★ Convention Country



“JUSTA”

Country

New Article 7

- Only applies to Hague Child Support Convention cases
- Does not apply to cases where direct application for IV-D services

Establishment

- Sec. 704 - Establishment proceedings under Convention only available to creditor
- Apply Art. 1 – 6 to Convention case
 - **Including Sections 316, 317, 318**

In a State

Vs.

Not Here

“Outside This
State”

Establishment

CA Guidelines & Duration

Telephonic Participation

“UIFSA” forms



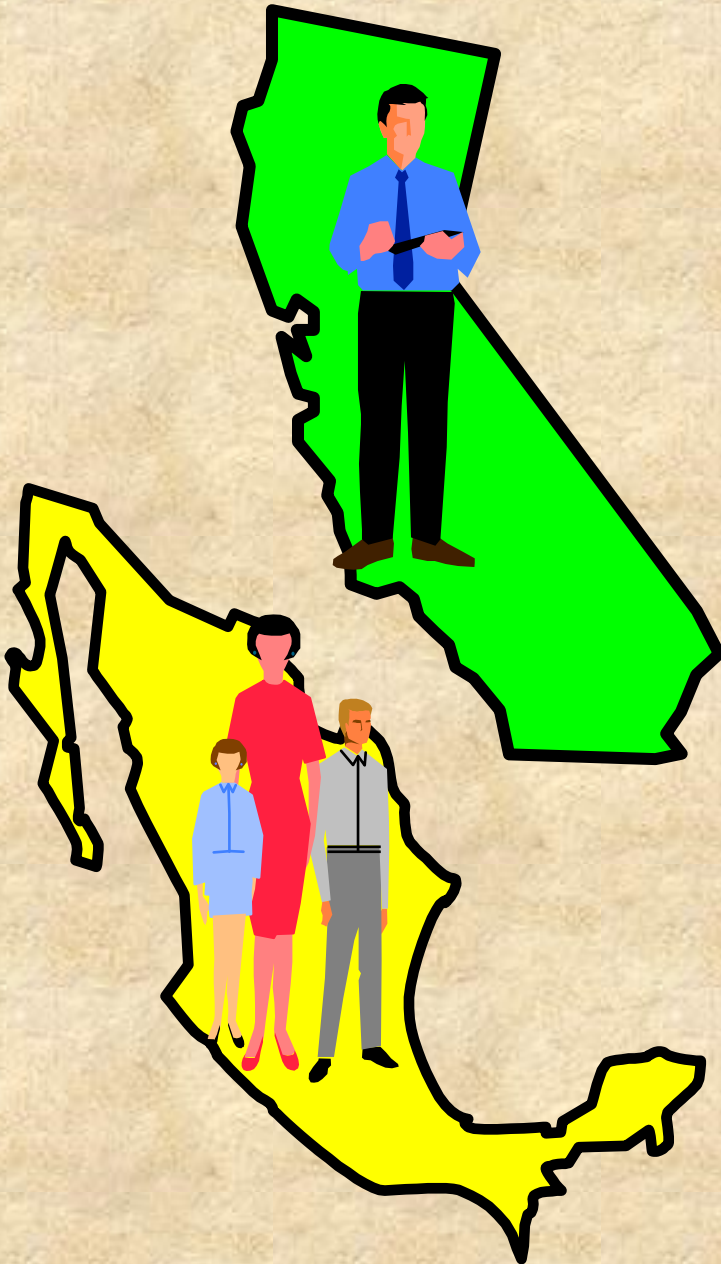
Genetic Testing

Nationality

Residence



Standard of Living



Enforcement



Timeframe to Contest

- Non-Hague Convention Foreign Support Order
 - Within **[20]** days after notice of registration
- Hague Convention Foreign Support Order
 - Not later than **30** days after notice of registration
 - Not later than **60** days after notice if contesting party does not reside in U.S.

Debtor Defenses to Recognition & Enforcement of Convention Order:

- Recognition and enforcement of order is manifestly **incompatible with public policy**, including failure of issuing tribunal to observe minimum standards of due process
- Issuing tribunal **lacked personal jurisdiction** consistent with Section 201;
- Order is **not enforceable** in issuing country;
- If default order, there was a **lack of due process** re: notice & opportunity to be heard

Non-Recognition of Convention Order

If a tribunal does not recognize a *Hague* order because

- There was a lack of personal jurisdiction;
- There was procedural fraud;
- A proceeding between same parties with same purpose is pending before a tribunal of that state and that proceeding was filed first; or
- The order is a default order but the notice and opportunity to challenge did not satisfy due process

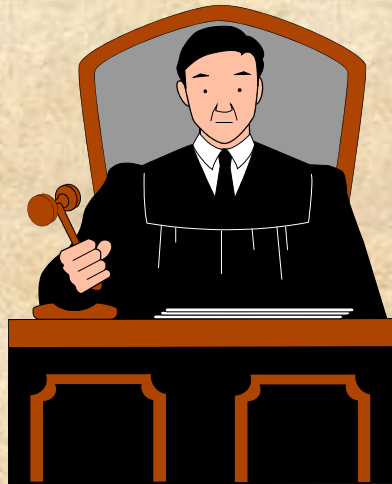
Non-Recognition of Convention Order (cont'd)

Then

- The tribunal may not dismiss the proceeding without allowing reasonable time for a party to request establishment of new Convention support order
- **and** the child support agency (DCSS) must take all appropriate measures to request a child support order for the obligee if the application for recognition and enforcement was received through a Central Authority.

Tribunal Objection

- Tribunal can vacate registration *sua sponte* if finds recognition and enforcement of Convention order manifestly incompatible with public policy



Modification

CEJ

Exclusive

To

Modify

Modification

UIFSA 2008 – non Hague

If a foreign country lacks or refuses to exercise jurisdiction, state

- **May assume and bind**
- **Consent N/A**
- **Residence of petitioner N/A**

Order is the Controlling Order

Modification

UIFSA 2008

Hague Convention Country

- ★ Not if creditor remains in issuing state unless by consent or failure to object
- ★ If a foreign tribunal lacks or refuses to exercise jurisdiction



**Enforcement
Comity**

Modification

NO Jurisdiction

WHAT ABOUT:
THE UNIFORM FOREIGN-
COUNTRY MONEY JUDGMENTS
RECOGNITION ACT?

**Does Not
Apply**



The End

Contact Information

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