



# **Welcome to the 29<sup>th</sup> Annual AB 1058 Conference**

**Thursday, September 18, 2025**

# CA Family Code

UIFSA - § 5700.101 -.905

UCCJEA - §§ 3400-3465

UPA - §§ 7600-7730

# The Interstate Child

**The Process  
That Is  
Due**

# CA Code of Civil Procedure § 1732

(c) “Due process” includes, but is not limited to, the right to be represented by legal counsel, to receive reasonable notice and an opportunity for a hearing, to call and cross-examine witnesses, and to present evidence and argument to an impartial decisionmaker.



**Parentage  
(Divorce)  
Custody  
Support**

# Establishment



# 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**

## CA Fam Code § 3421

(c) Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination.

# ONE ORDER

UCCJEA

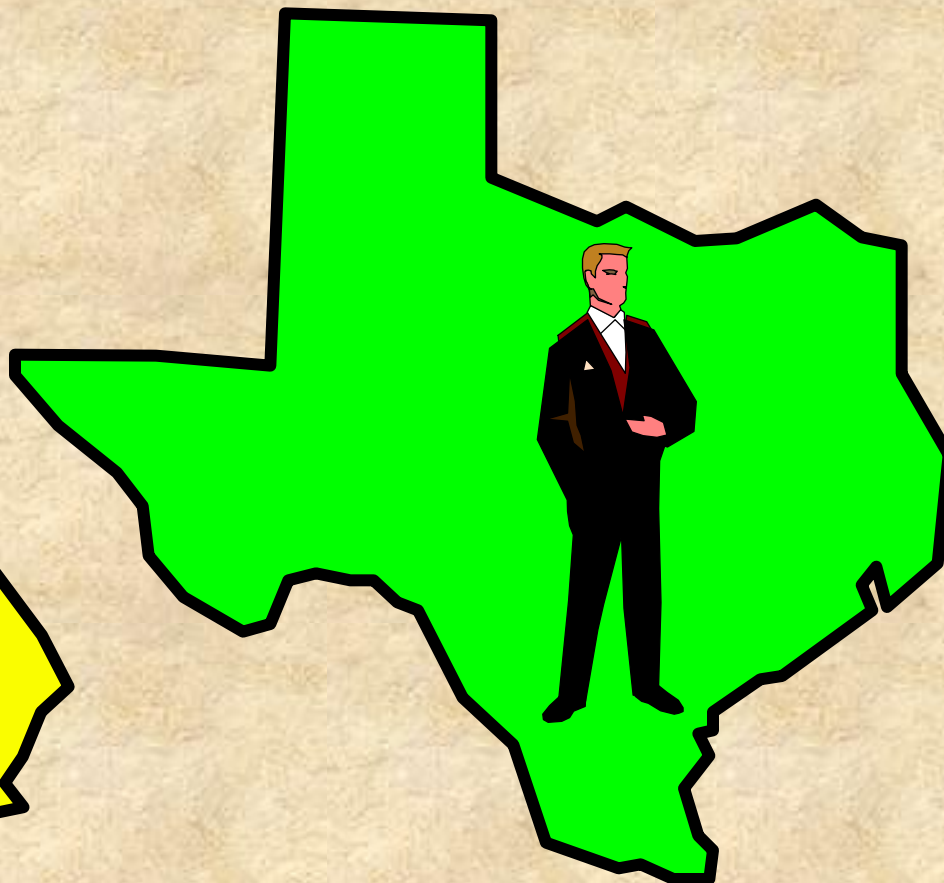
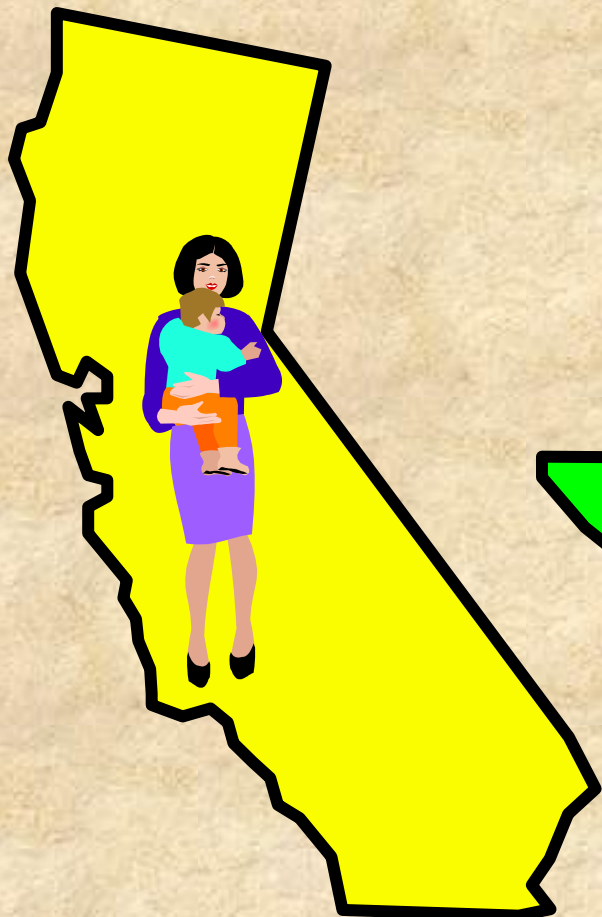
ECJ

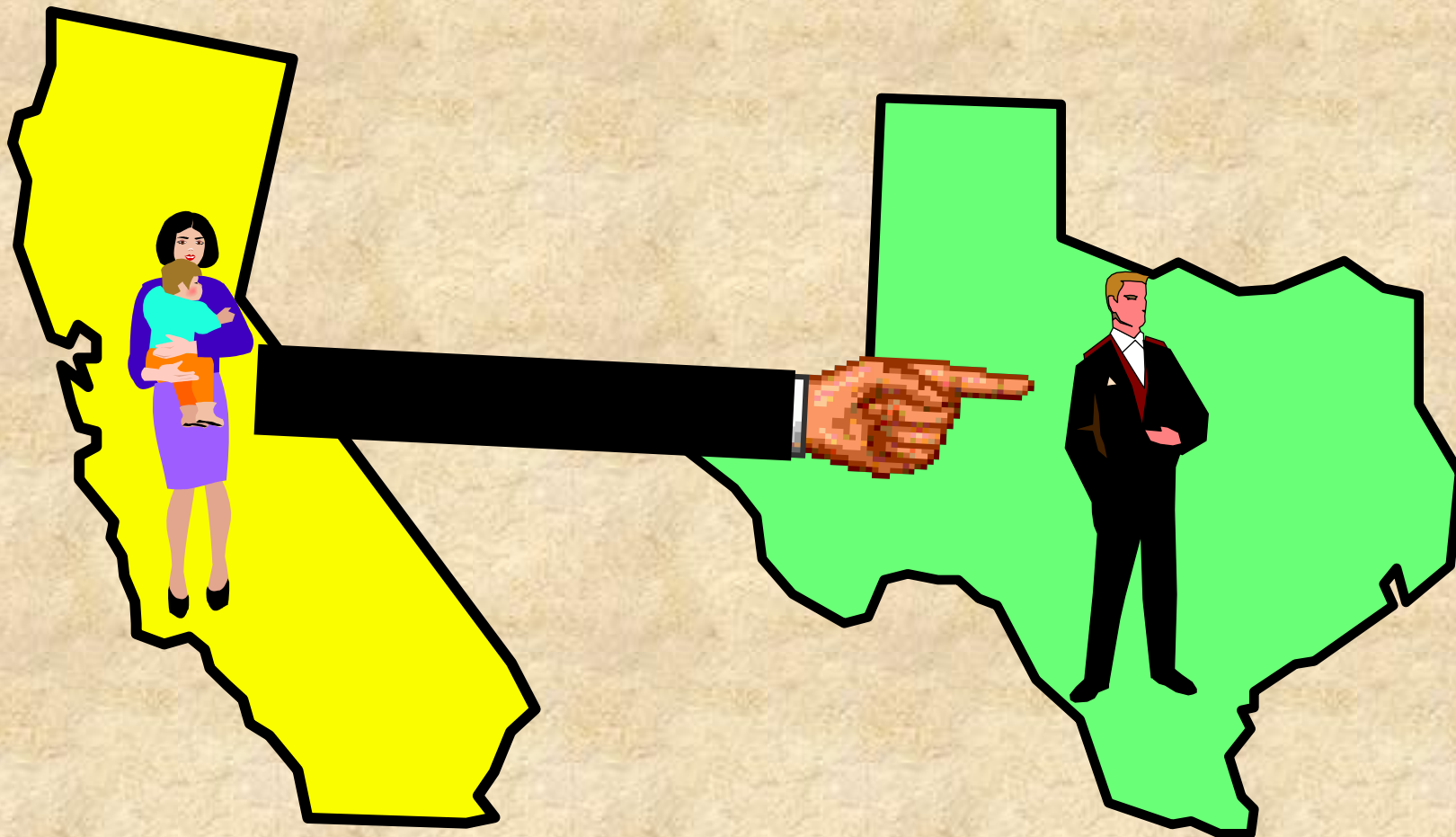


UIFSA

CEJ

Exclusive Jurisdiction to **MODIFY**







submit to state and  
federal courts and  
a sex offender and  
child abuse  
investigation  
possible cooperation  
inquiries or  
support for the child

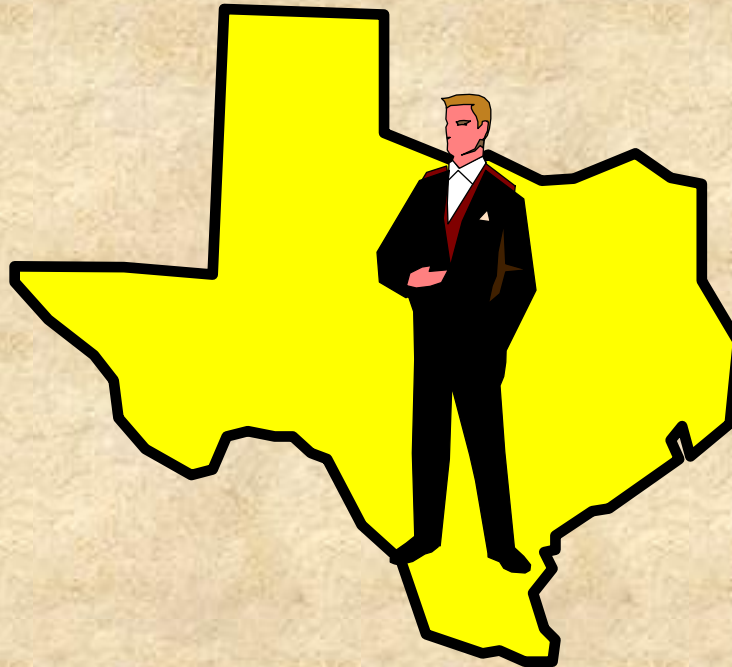
# Establishment

**CA Support Guidelines & Duration**

**CA Custody & Visitation**

**Telephonic Participation**

**CA Parentage/Divorce**





**CS - \$300**  
**SS - \$ 250**



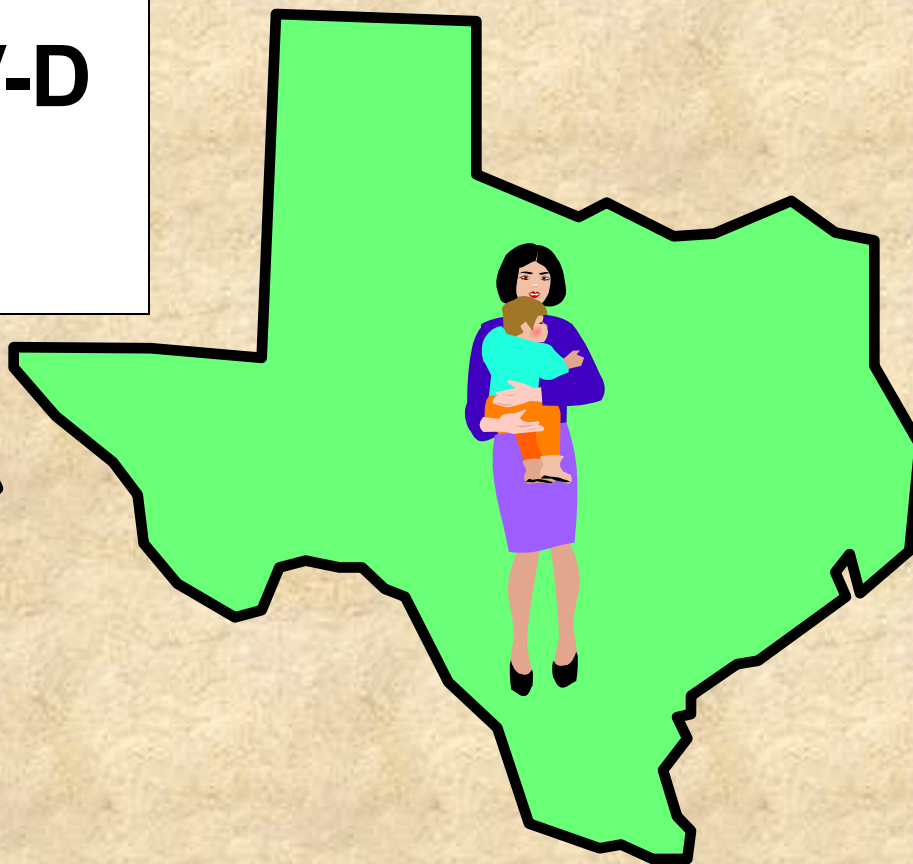
**Custody**



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



**IV-D**

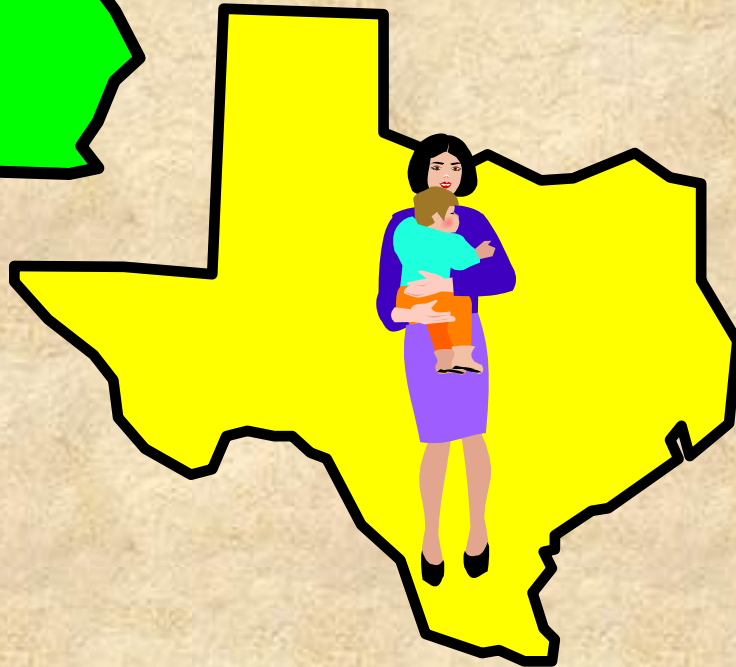


**Personal Jurisdiction**

**Due Process**

**Notice**

**A Right to be Heard**



# CA Fam Code § 5700.307

(b) A **support enforcement agency** of this state that is providing services to the petitioner shall:

(4) **within 14 days**, exclusive of Saturdays, Sundays, and legal holidays, after receipt of notice in a record from an initiating, responding, or registering tribunal, **send a copy of the notice** to the petitioner;

# CA Fam Code § 5700.316

(a) The **physical presence** of a nonresident party who is an individual in a tribunal of this state **is not required** for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage of a child.

## CA Fam Code § 5700.316

(f) In a proceeding under this part, a **tribunal** of this state **shall** permit a party or witness **residing outside this state** to be deposed or to testify under penalty of perjury by telephone, audiovisual means, or other electronic means at a designated tribunal or other location. A tribunal of this state shall cooperate with other tribunals in designating an appropriate location for the deposition or testimony.

# CA Fam Code § 5700.316

(e) **Documentary evidence** transmitted from outside this state to a tribunal of this state by telephone, telecopier, or other electronic means that do not provide an original record **may not be excluded** from evidence on an objection **based on the means of transmission.**

# CA Fam Code § 3411

Similar participation laws are provided for in the UCCJEA.

## CA Fam Code § 5700.305

(e) If a **responding tribunal** of this state issues an order under this part, the tribunal shall send a copy of the order to the petitioner and the respondent and to the initiating tribunal, if any.

# Establishment

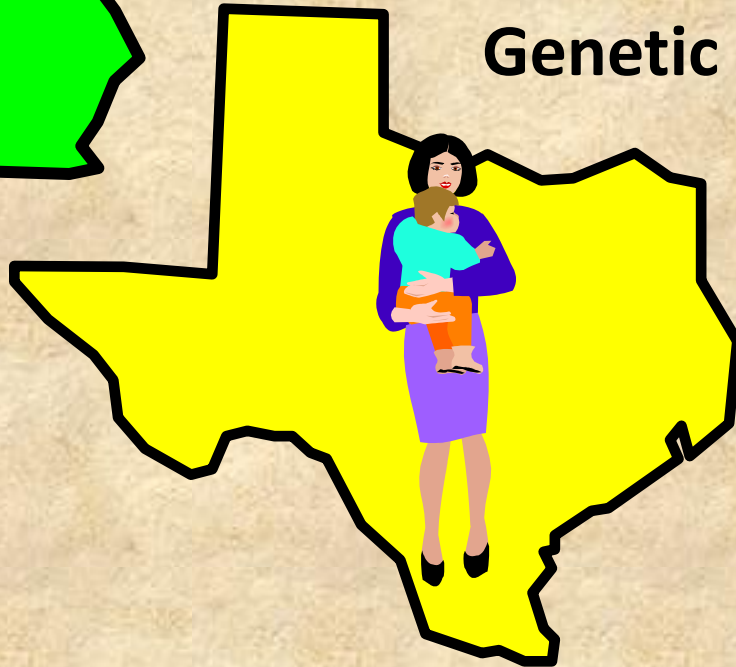
Personal Jurisdiction

“UIFSA” forms

Telephonic Participation

CA Guidelines & Duration

Genetic Testing



**It Is Found:**

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

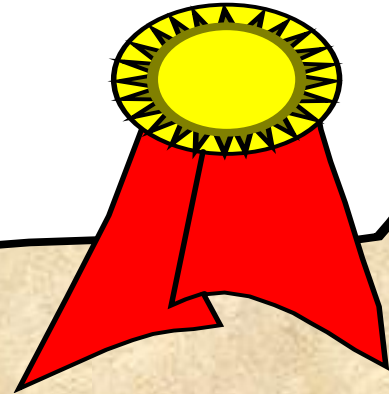
CS = \$

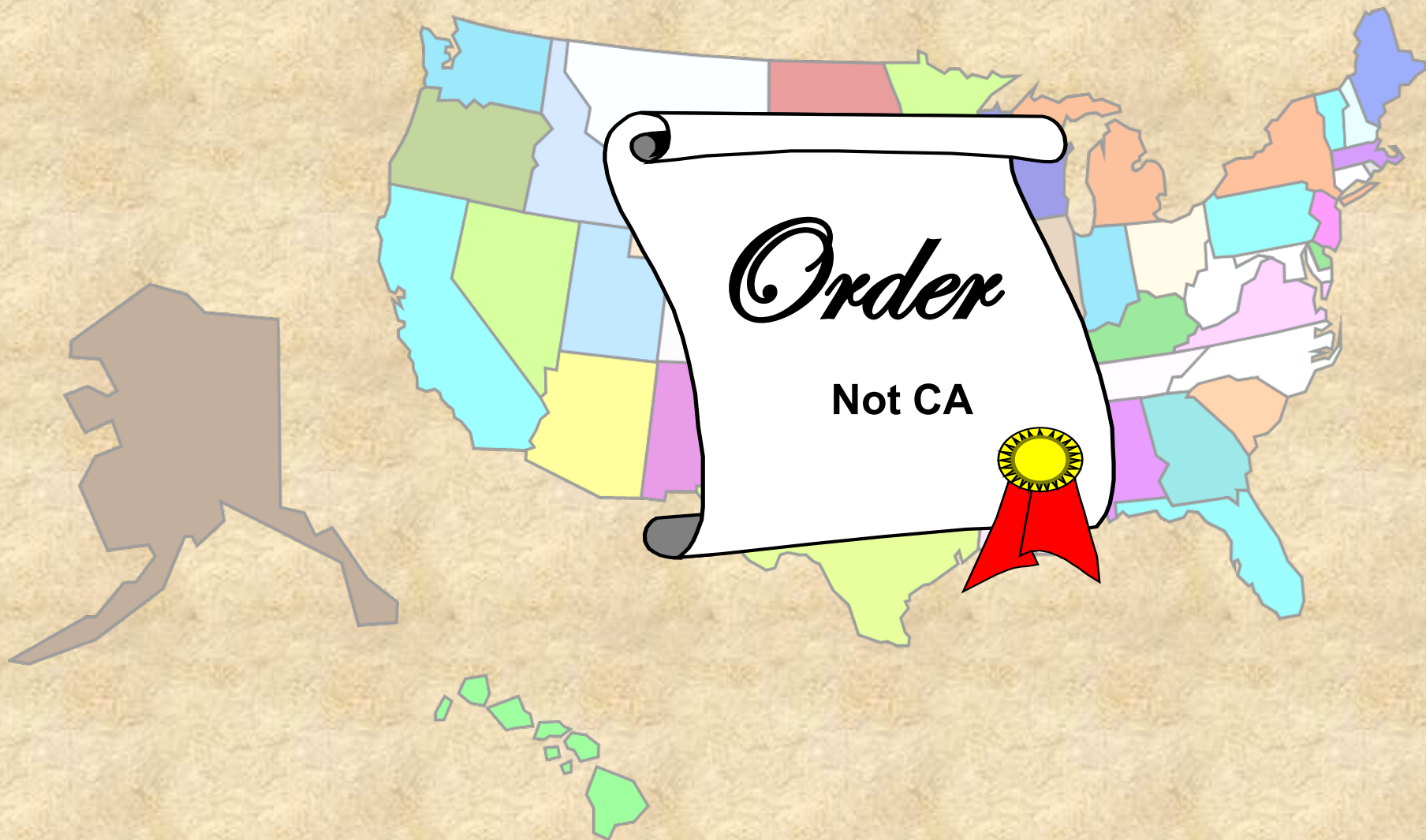
SS(?) = \$



**It Is Found:**

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





# Registration

## UCCJEA & UIFSA

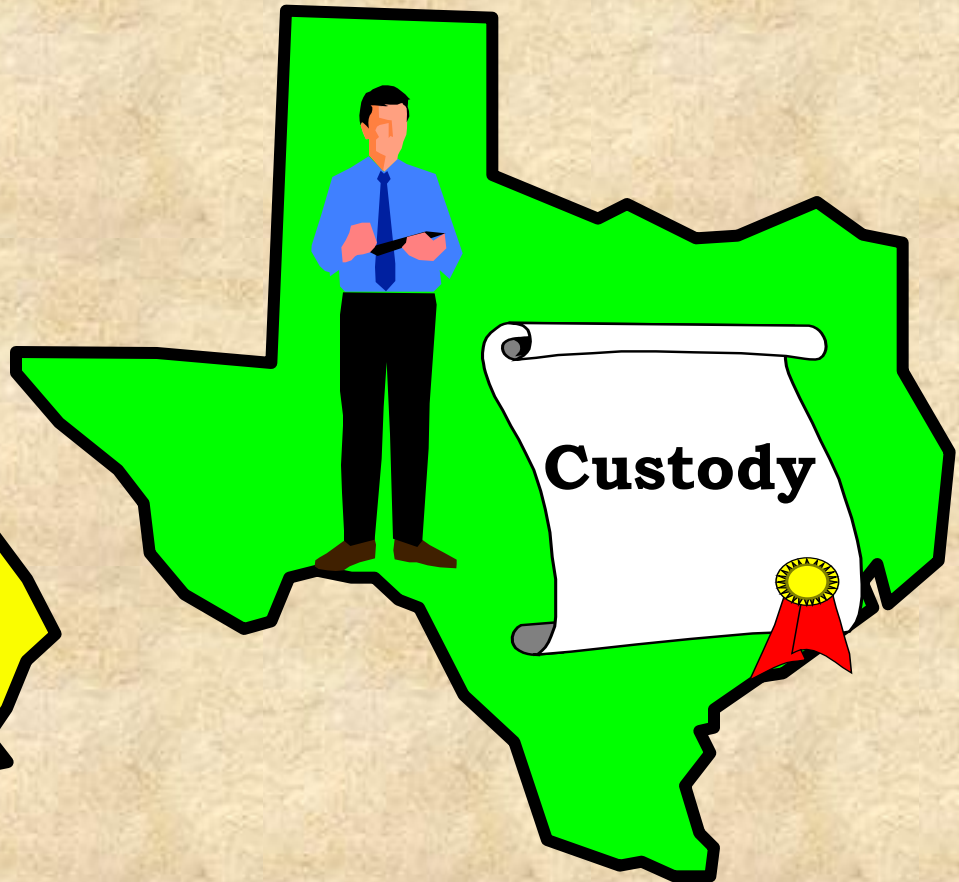
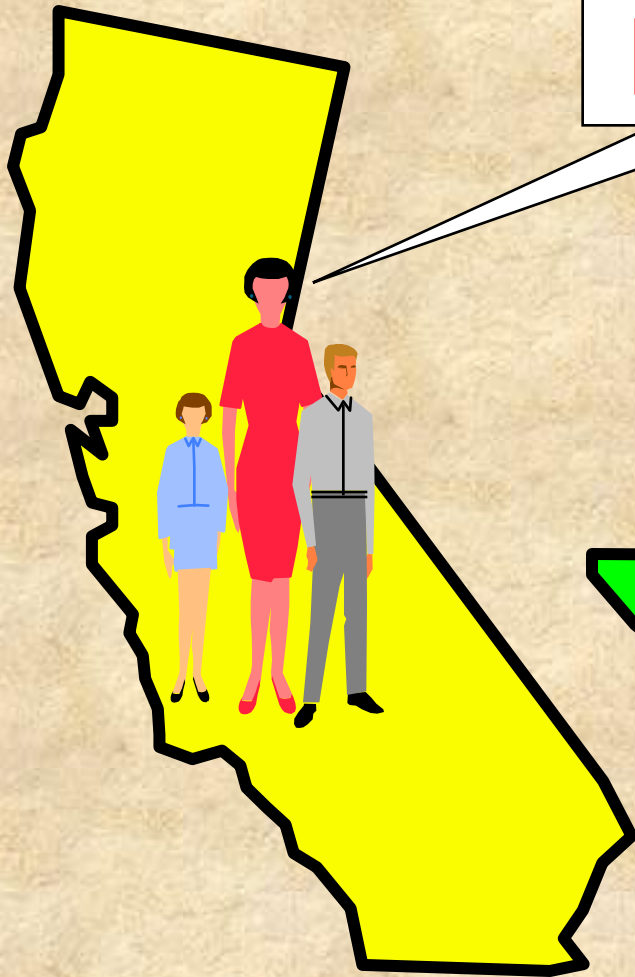
- Notice
- No Contest - Confirmation
- Contest – Limited Defenses

# Modification

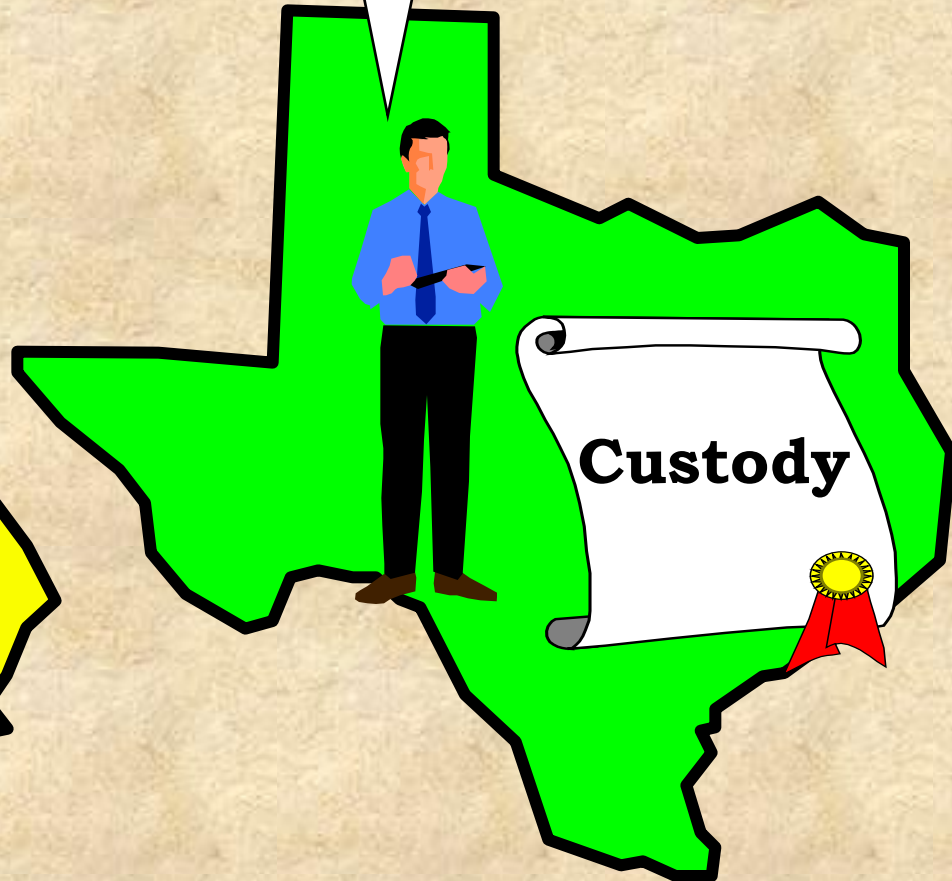
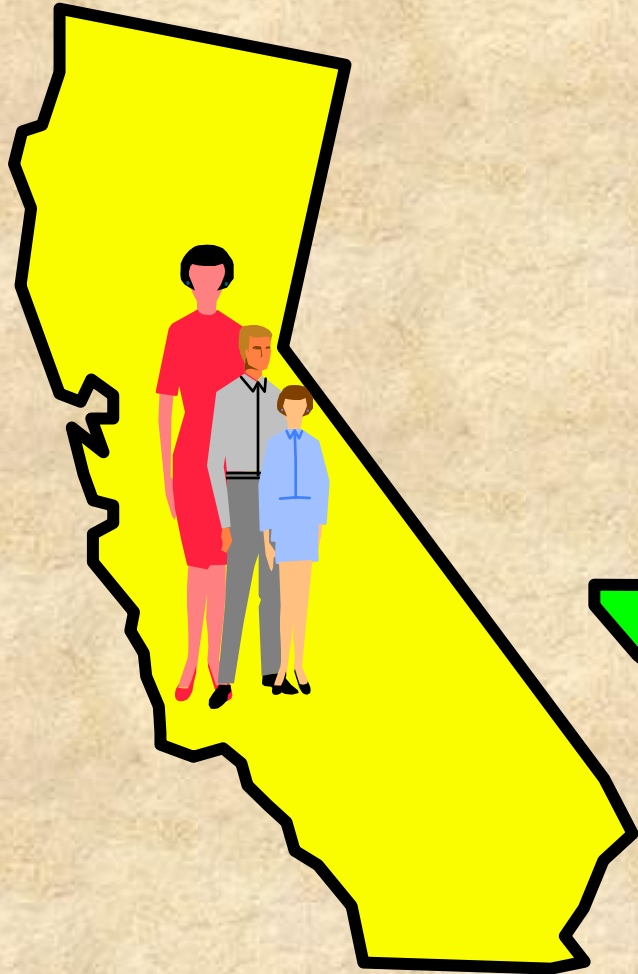
## UCCJEA

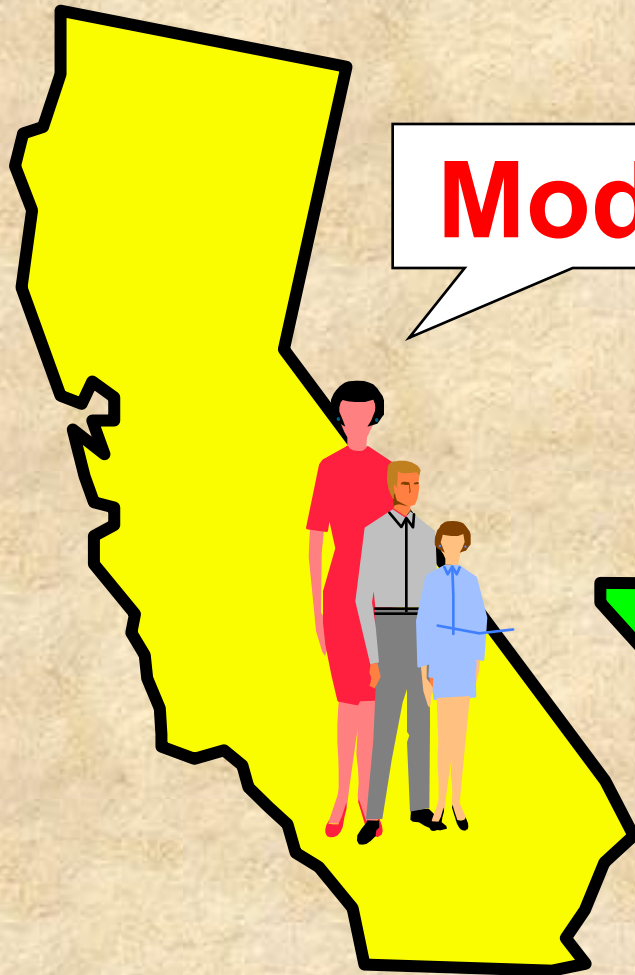
- Original Court Transfers
- Assumption Upon Showing
  - All Parties Left Issuing State

**Modify**

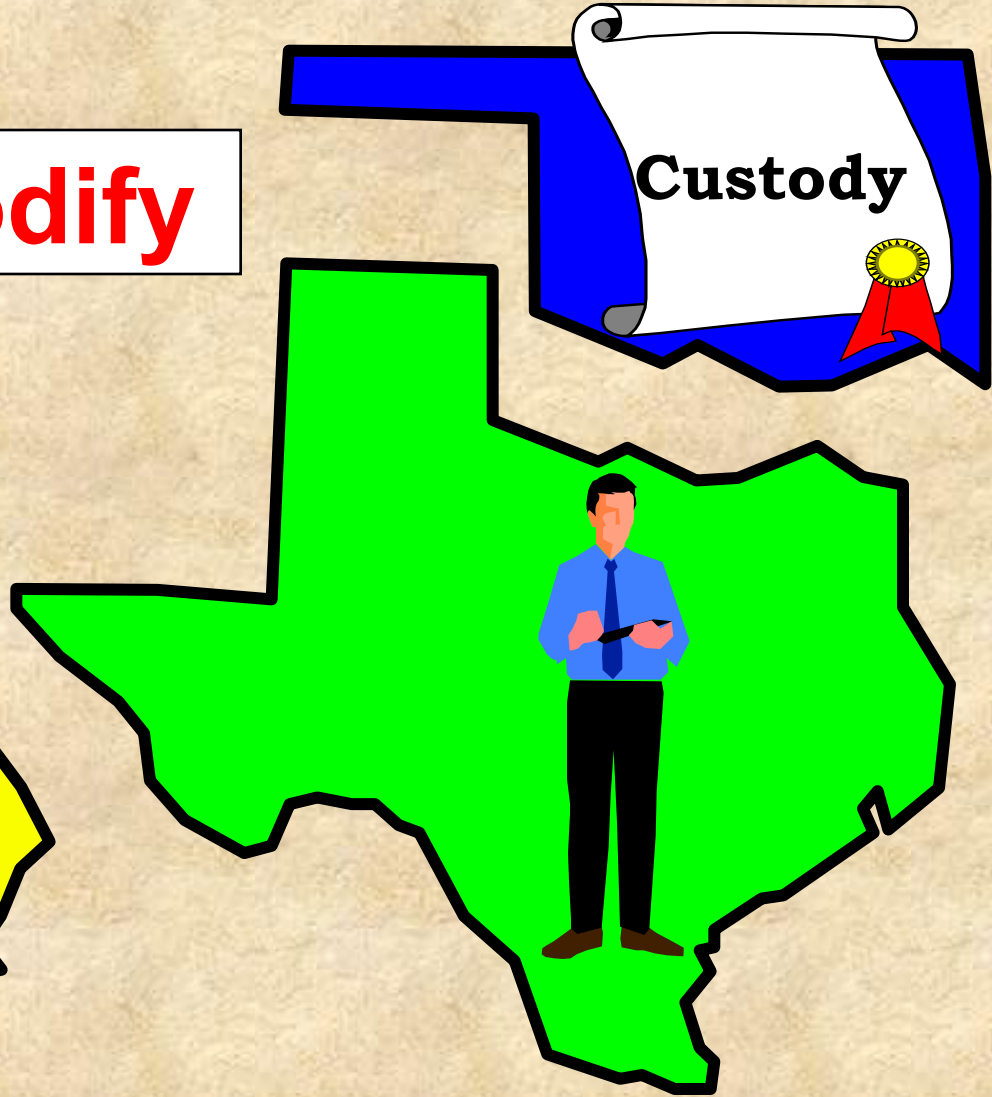


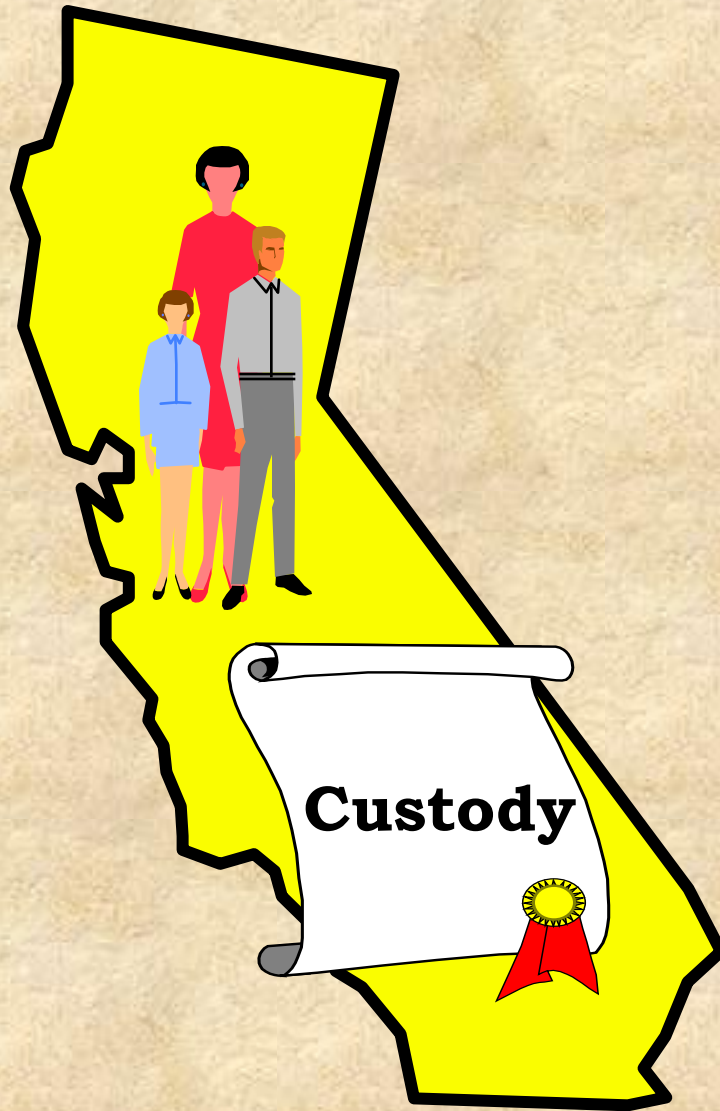
**Modify**

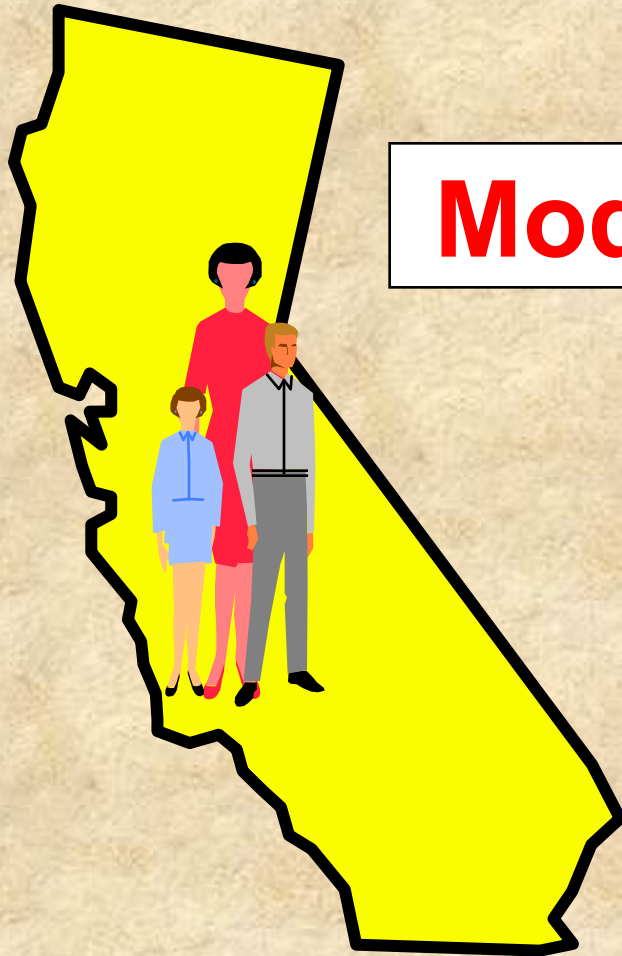




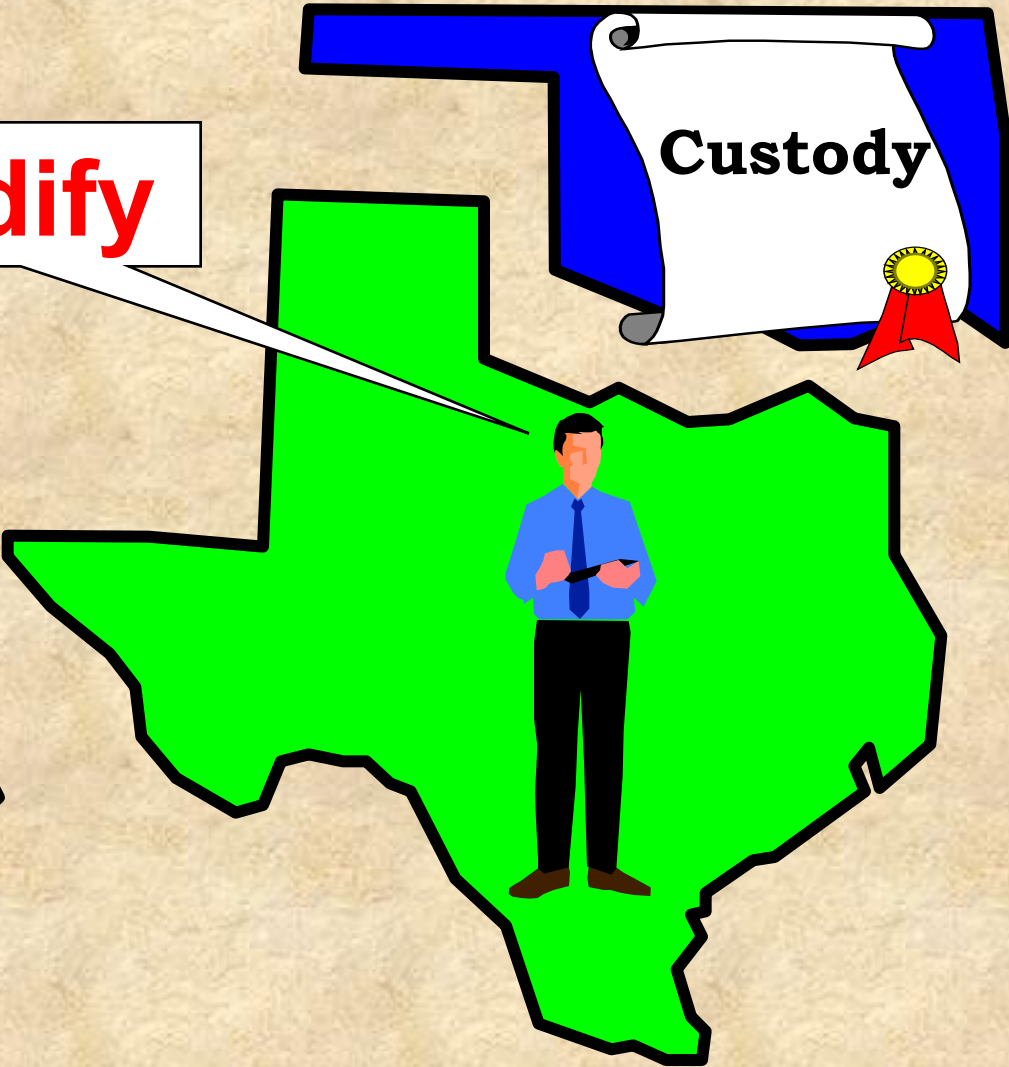
**Modify**

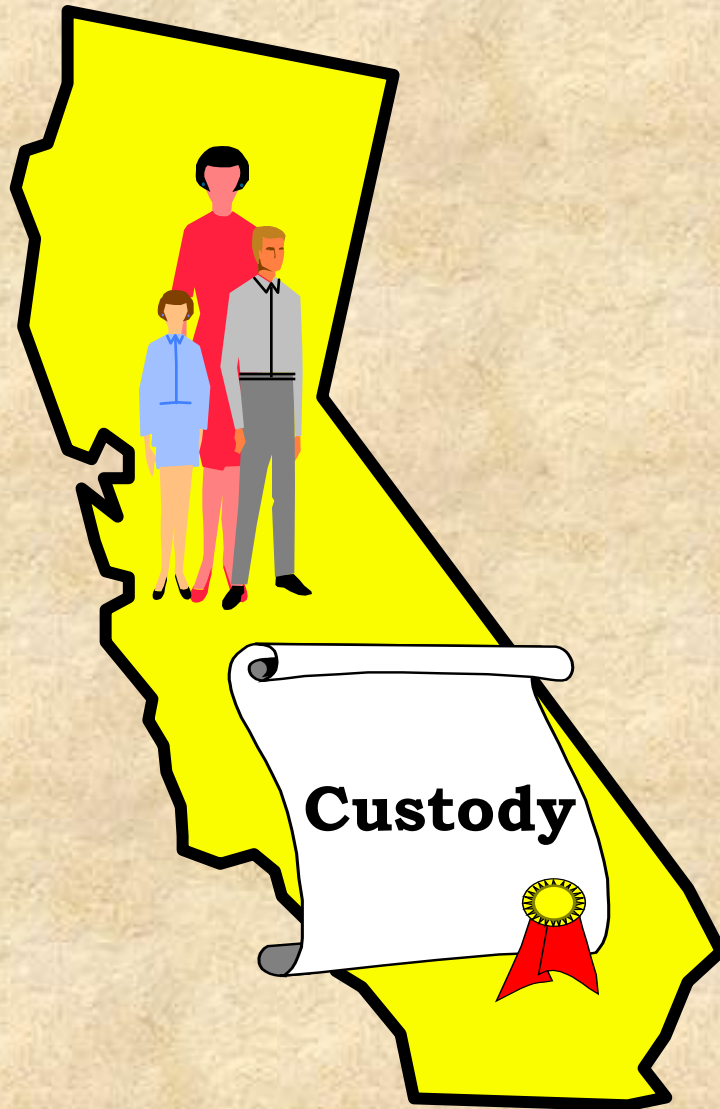


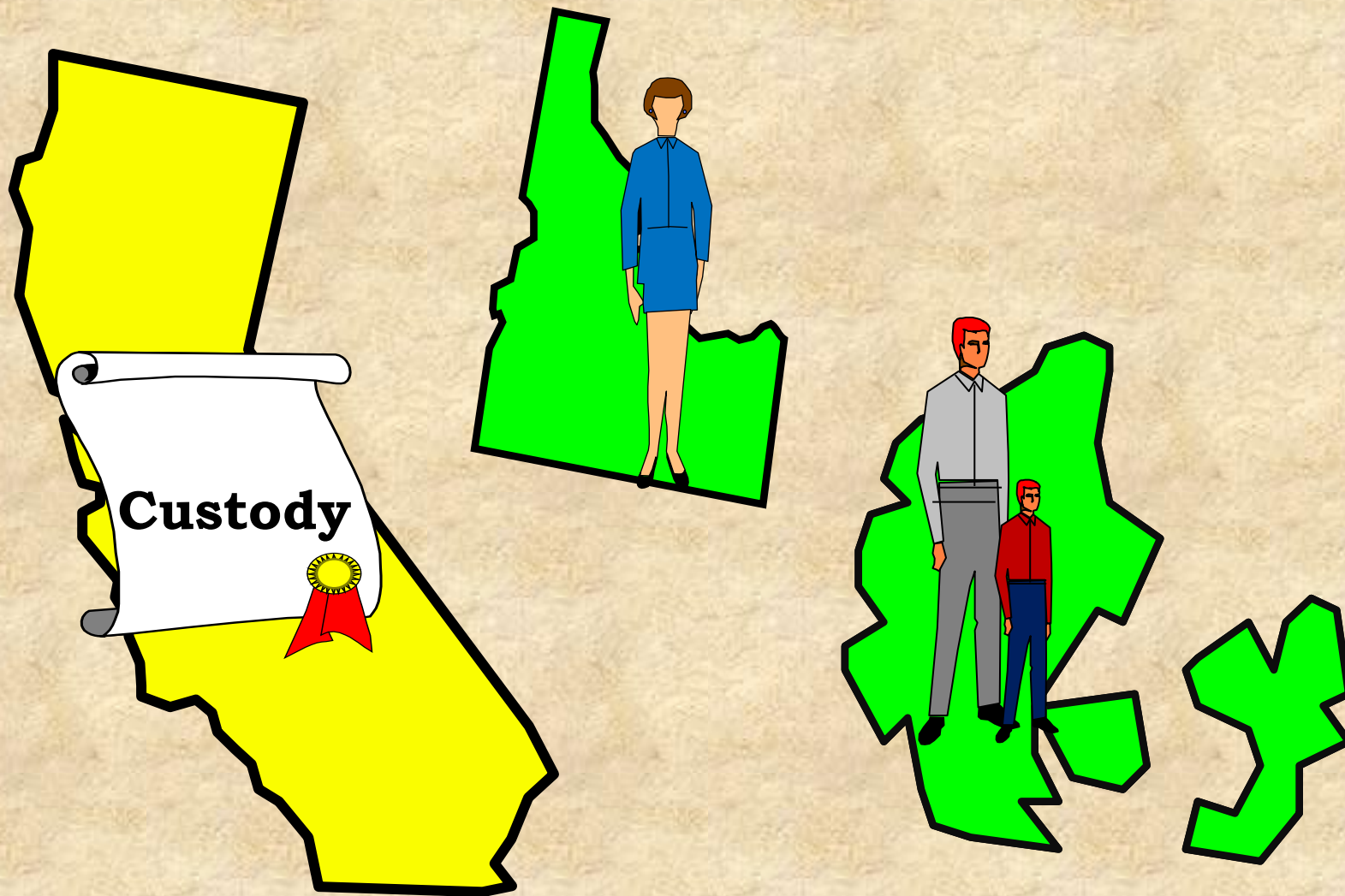




**Modify**







**C.T. v. Superior Court, 109 Cal.App.5<sup>th</sup> 1075**

# Modification

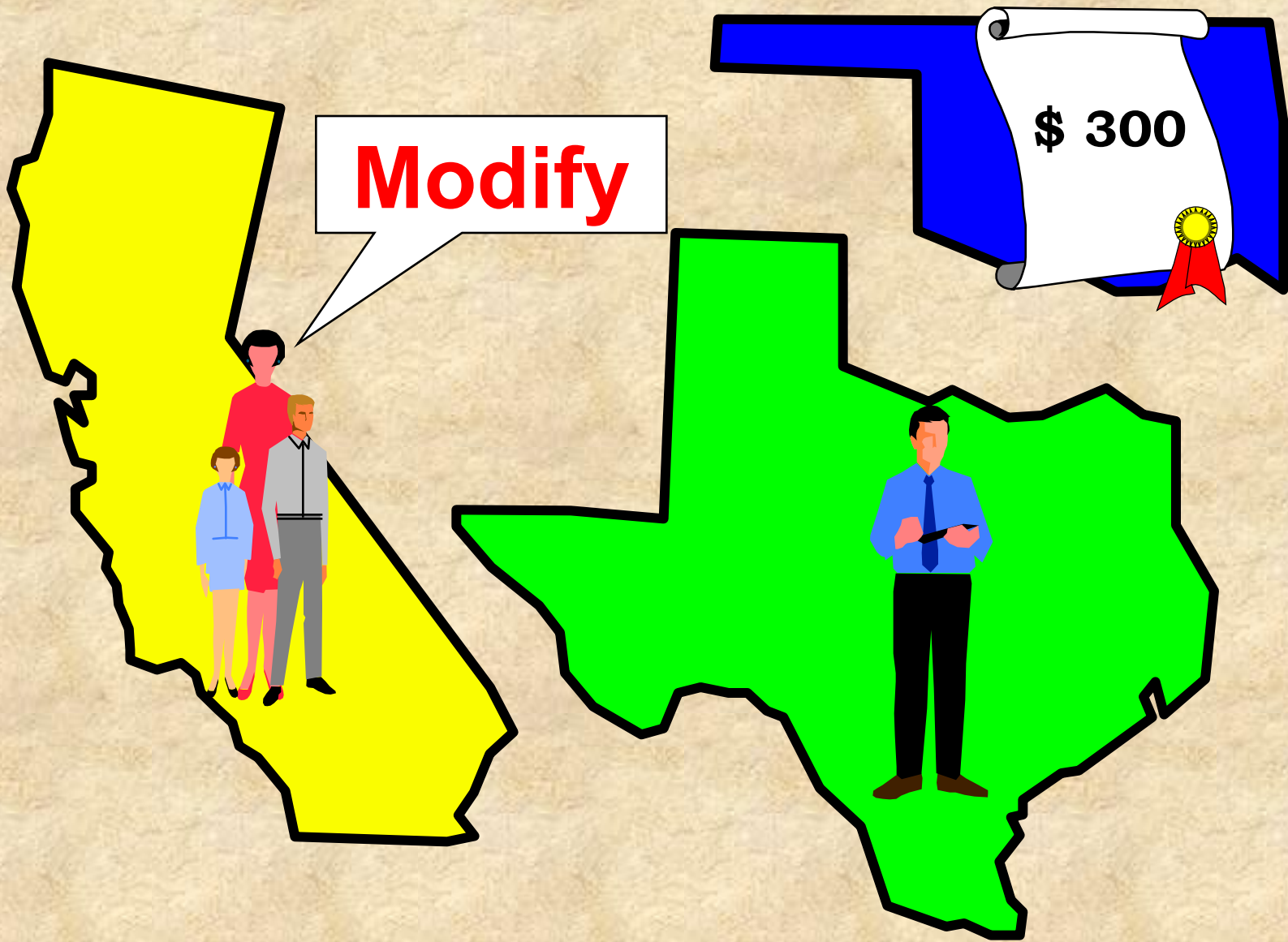
## UIFSA

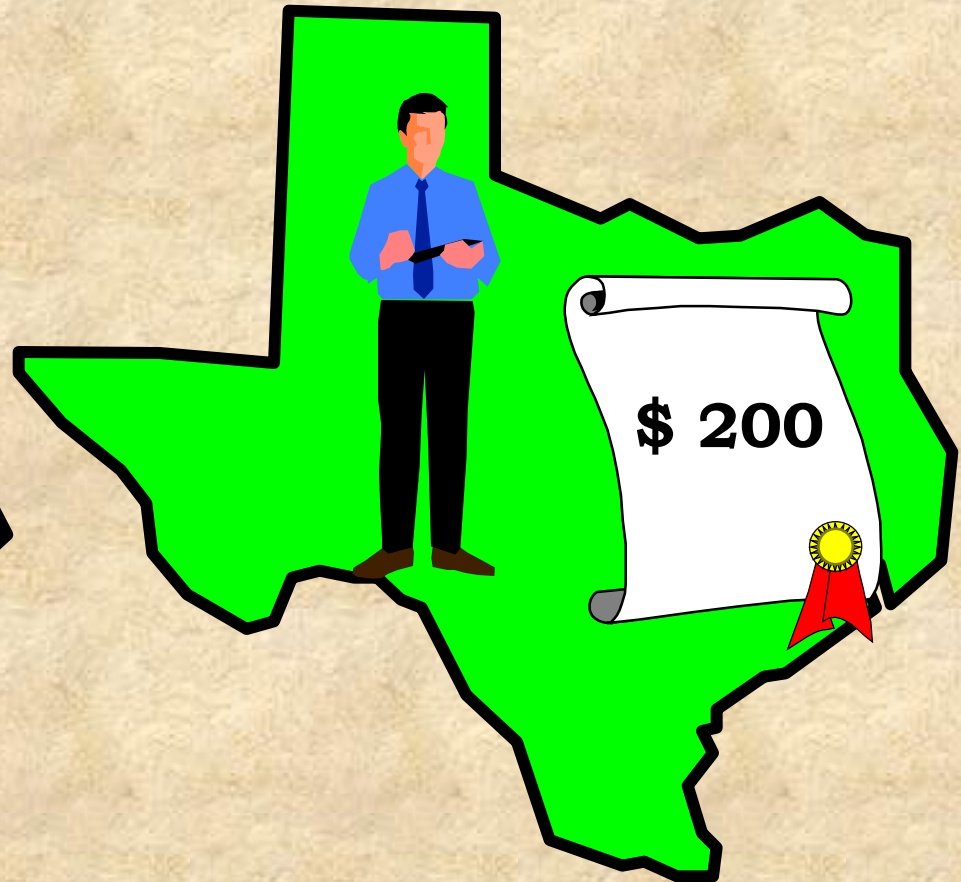
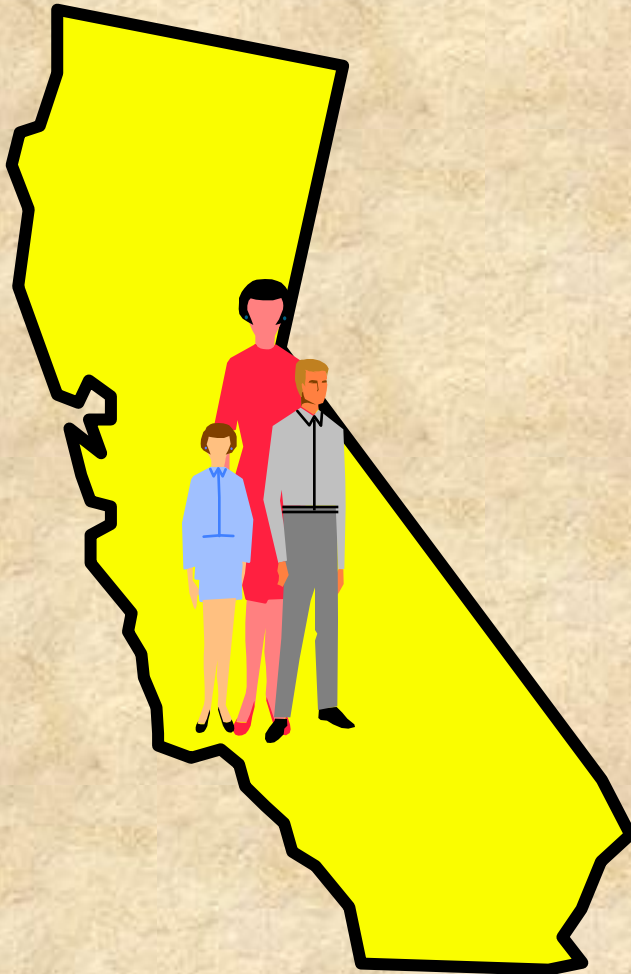
- Agreement
- Assumption Upon Showing
  - All Parties Left Issuing State
  - Petitioner is Nonresident
  - Jurisdiction over Respondent

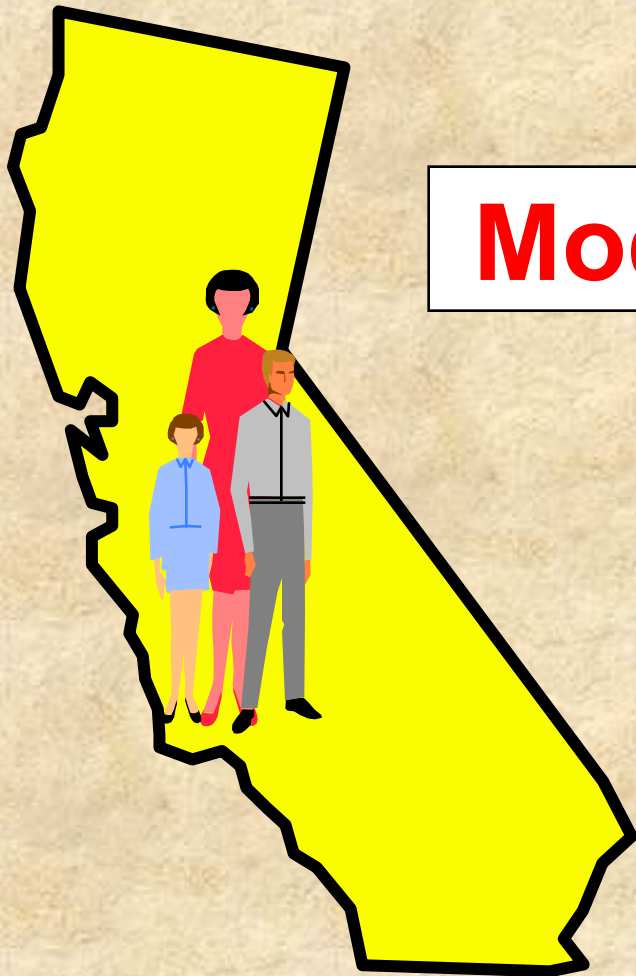
# Modification

## UIFSA

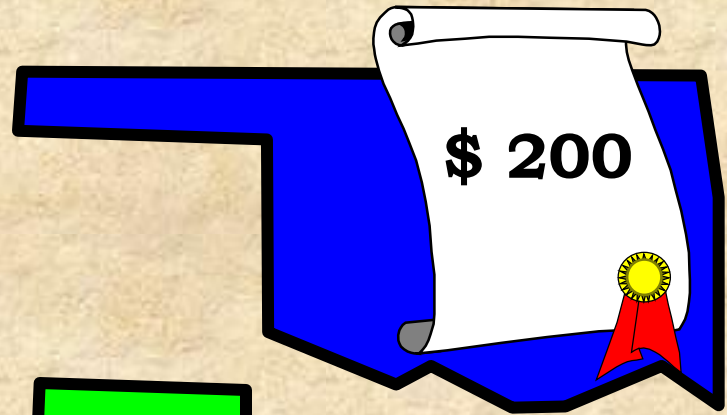
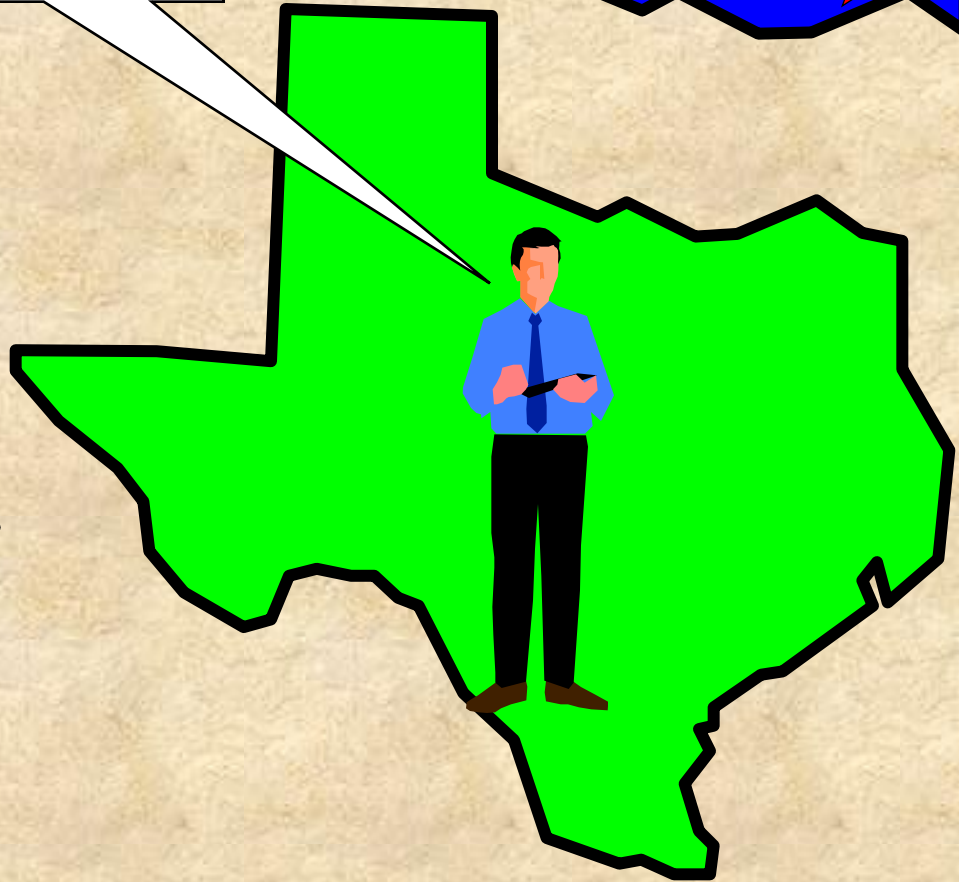
- Upon Assuming
  - Modify CHILD Support
  - NOT Spousal Support
  - Assuming State's Guidelines
- can **NOT** Modify Duration

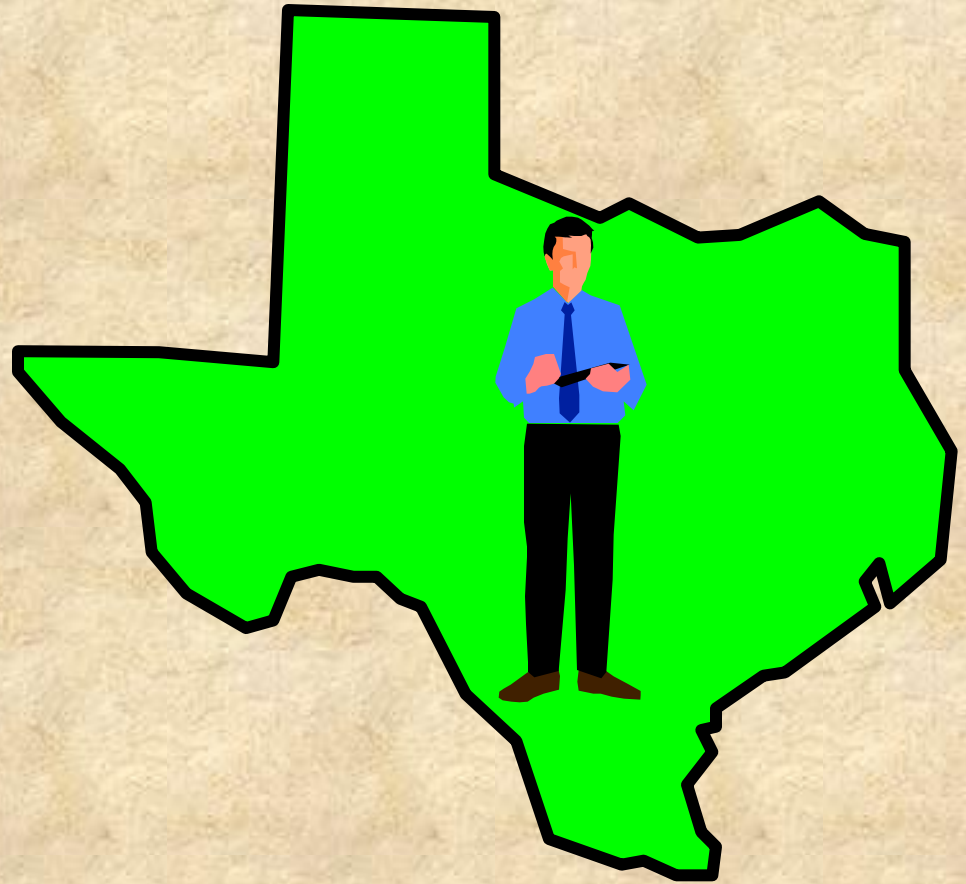
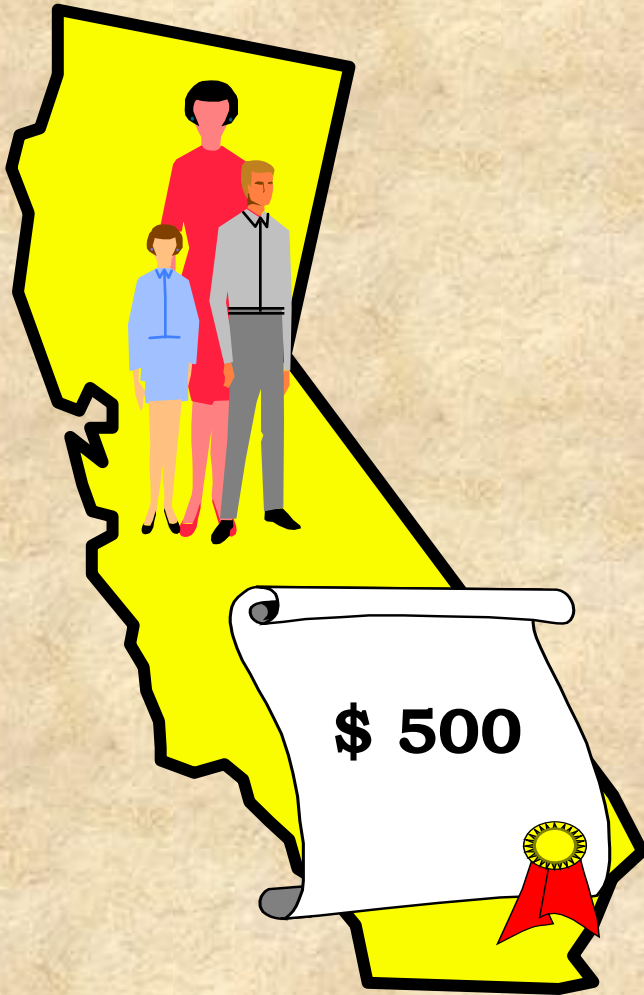


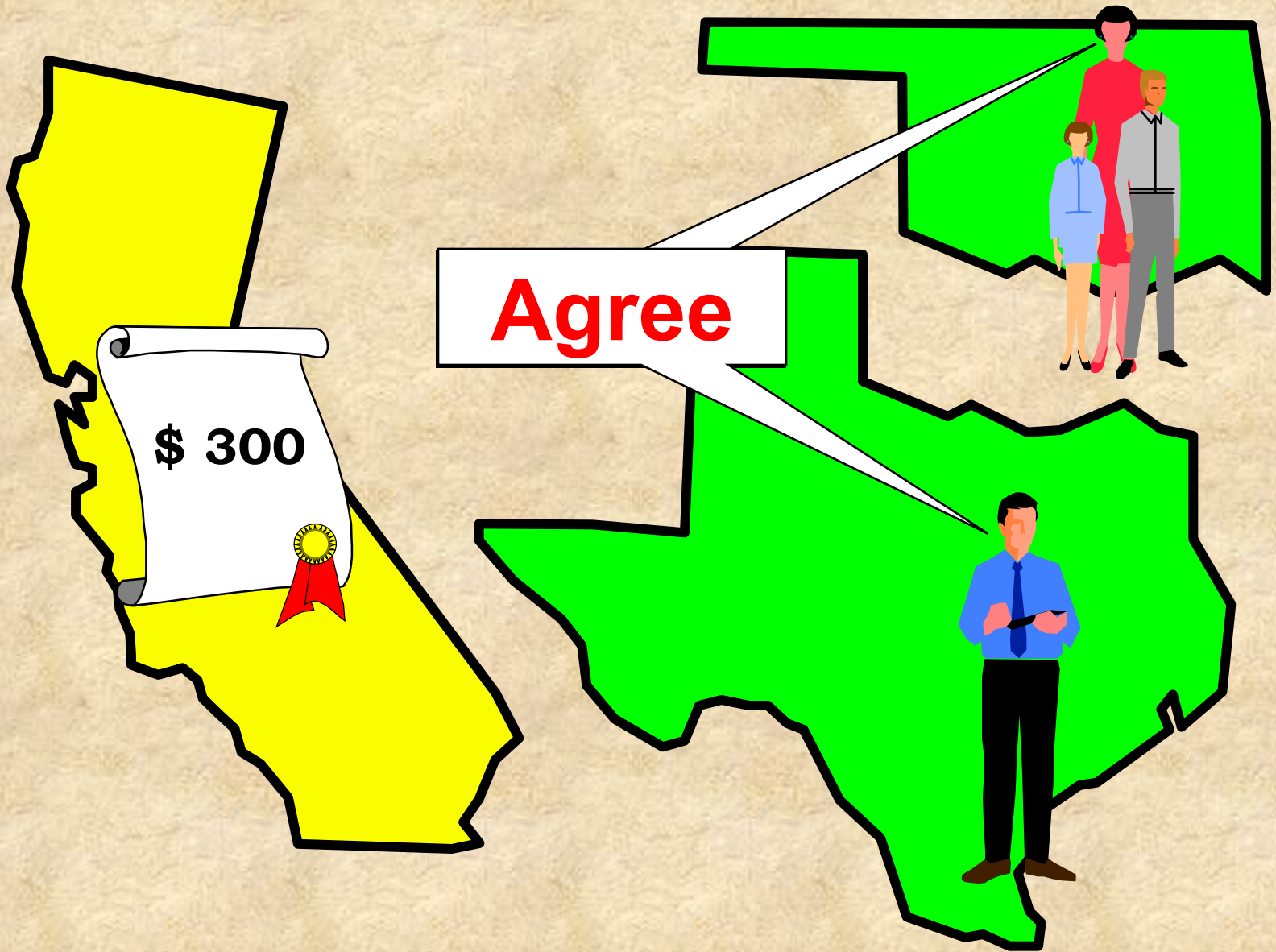


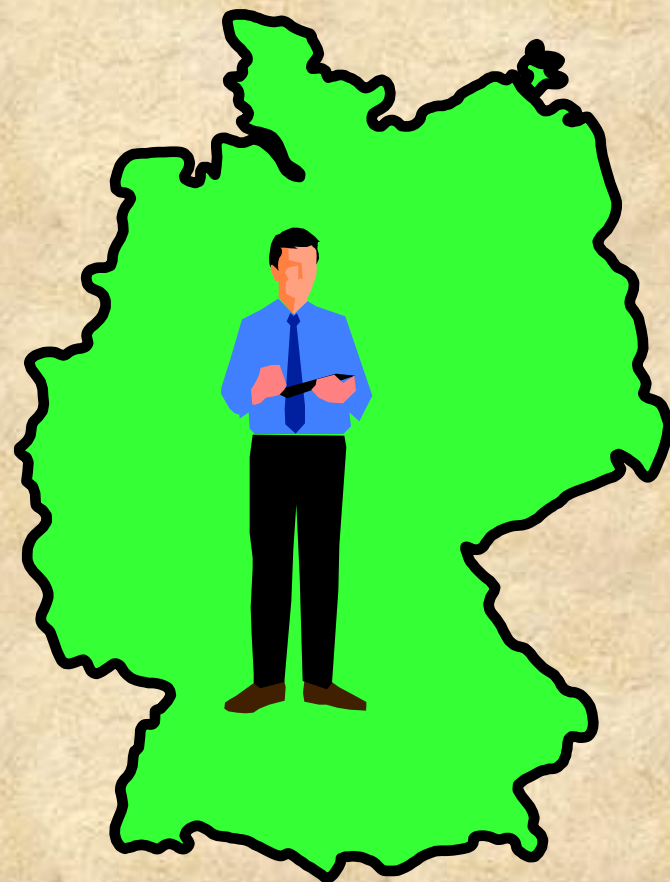
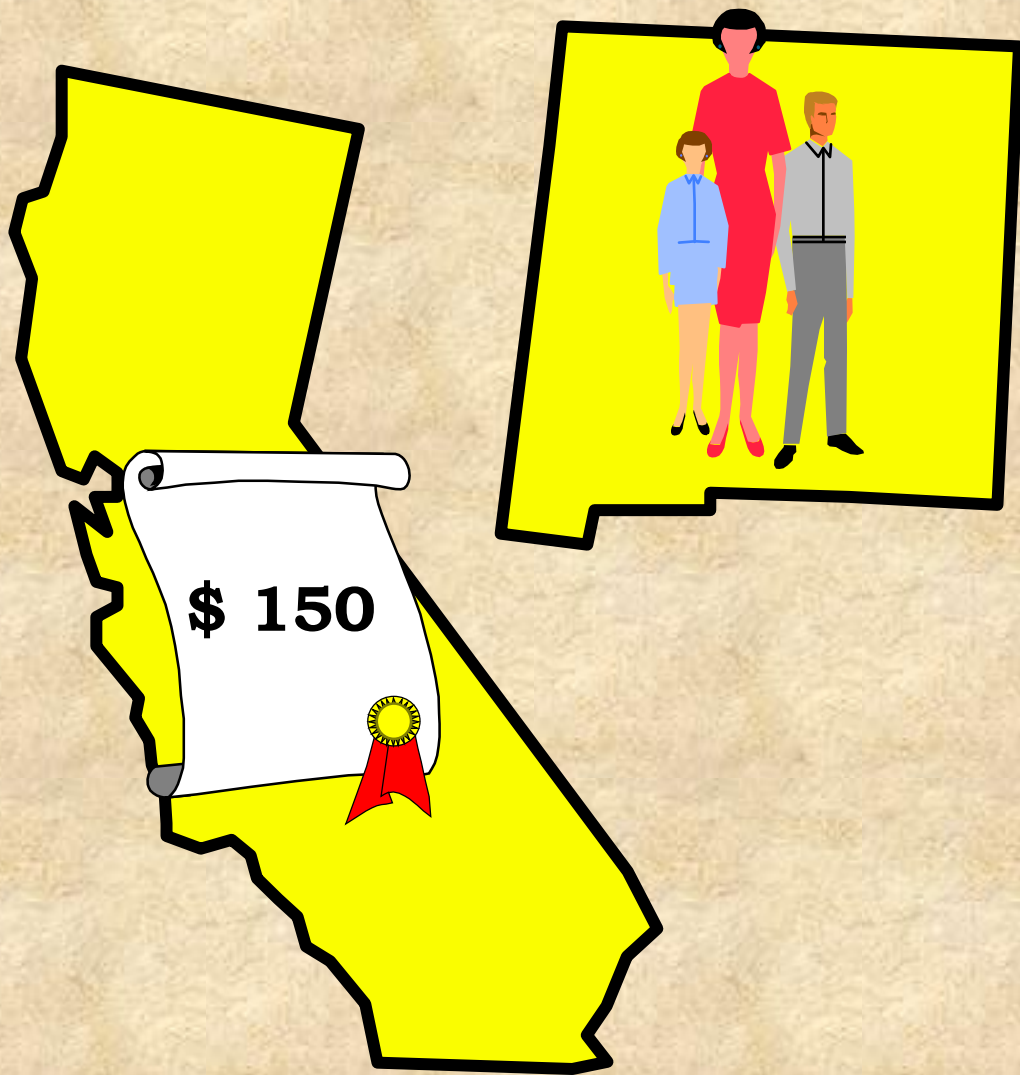


**Modify**









# 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

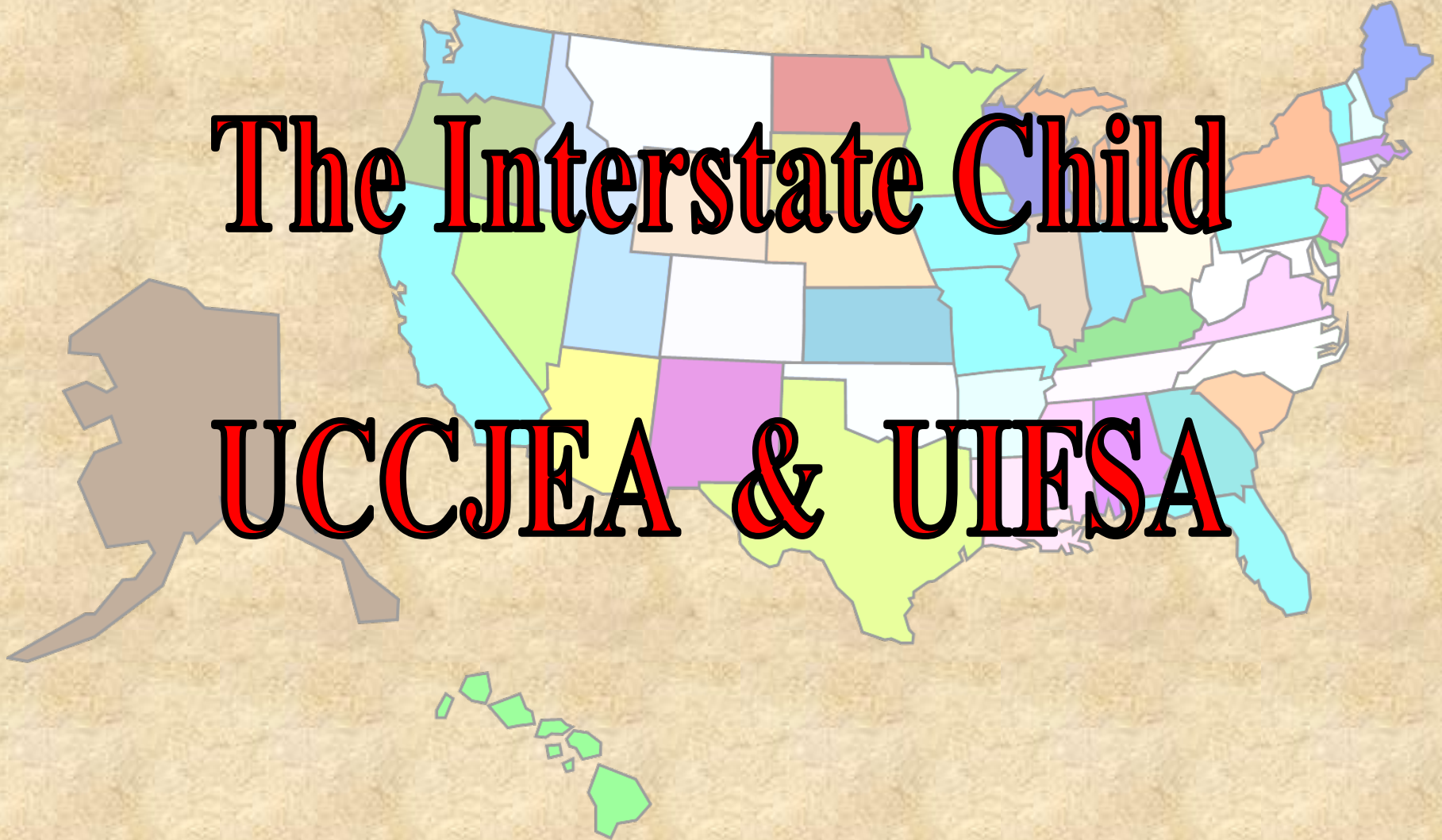
- Enforcing State Law
  - Defenses to Remedy
- Statute of Limitation
  - Longer of Issuing or Enforcing

# **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”**

# CA Fam Code § 5700.102

(18) “Outside this state” means a location in another state or a country other than the United States, whether or not the country is a foreign country.

# Establishment

CA Guidelines & Duration

Telephonic Participation

“UIFSA” forms

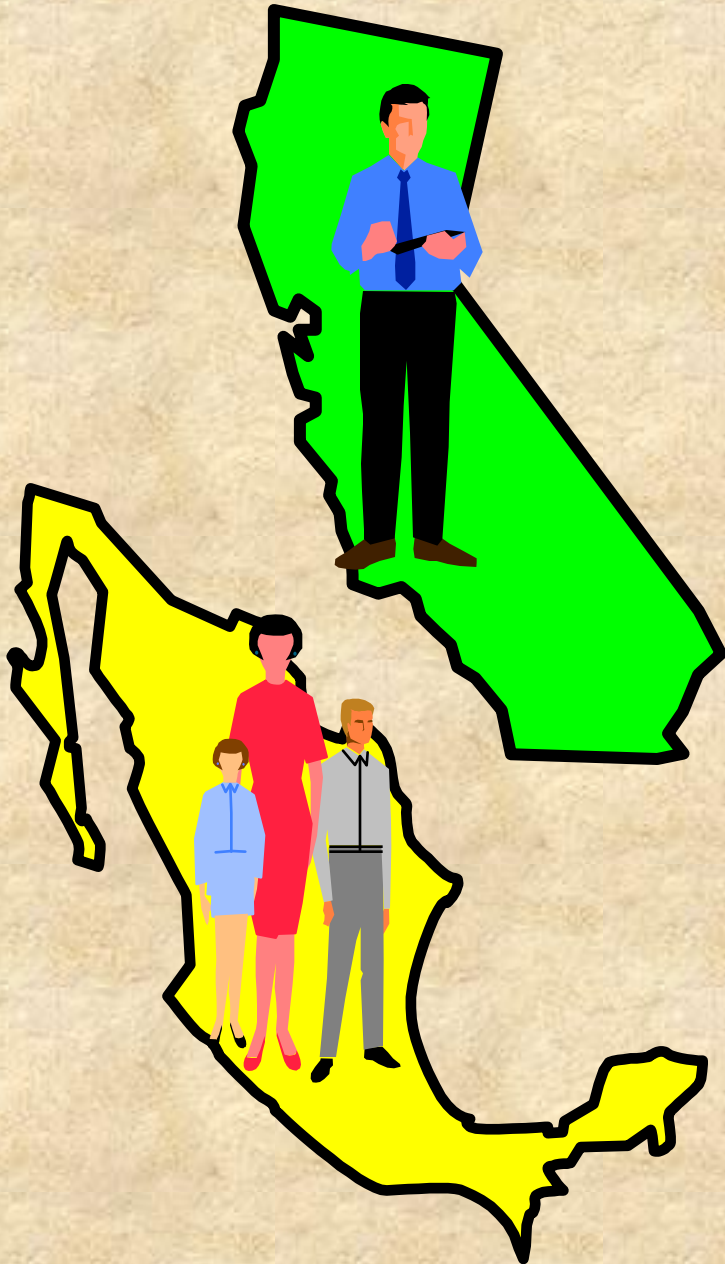
Genetic Testing



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

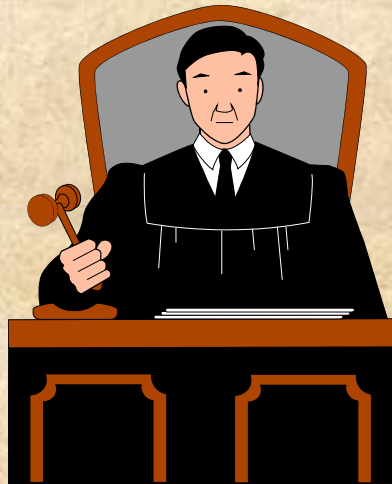
# Non-Recognition of Convention Order (cont'd)

## *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 [governmental entity] 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**



# **Contact Information**

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