

State of New Jersey
Administrative Office of the Courts

Probation Child Support Enforcement Operations Manual	Volume A	01/02/20
Page 1 of 4	Uniform Interstate Family Support Act 2008 Overview	Section 1800

1800 Uniform Interstate Family Support Act 2008 Overview

A. Authority

United States Code:	42 <u>U.S.C.</u> § 666(f)
Public Law:	<u>P.L.</u> 96-265, <u>P.L.</u> 100-485, <u>P.L.</u> 104-193
Code of Federal Regulations:	45 <u>C.F.R.</u> § 303.7
New Jersey Statutes Annotated:	<u>N.J.S.A.</u> 2A:4-30.124 et seq.
Other Authorities:	OCSE Information Memorandum No. 16-02 OCSE Action Transmittal No. 17-01 OCSE Action Transmittal No. 17-06 DFD Informational Transmittal No. 19-36 DFD Action Transmittal No. 19-07 DFD Action Transmittal No. 17-01

B. Overview

The Uniform Law Commission (ULC) adopted the Uniform Interstate Family Support Act (UIFSA) in 1992 to replace the Uniform Reciprocal

State of New Jersey
Administrative Office of the Courts

Probation Child Support Enforcement Operations Manual	Volume A	01/02/20
Page 2 of 4	Uniform Interstate Family Support Act 2008 Overview	Section 1800

Enforcement of Support Act (URESAs) and the revised version of the Revised Uniform Reciprocal Enforcement of Support Act (RURESAs).

To date, UIFSA has been amended three times, in 1996, 2001, and in 2008. The most recent amendment, UIFSA 2008, was enacted into law in New Jersey on March 23, 2016 and went into effect on April 1, 2016.

UIFSA 2008 builds upon the 2001 amendments, focuses on international child support and implements the Hague Child Support Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (Hague). The Hague treaty was signed into law in the United States on September 29, 2014 (Public Law 113-183, The Preventing Sex Trafficking and Strengthening Families Act).

UIFSA 2008 requires a state to identify the entity that is the support enforcement agency in the state. In New Jersey, the Superior Court Chancery Division is the tribunal of the state. The Probation Services Division of the Superior Court (Probation Child Support Enforcement) and the State IV-D Agency (Division of Family Development) are the enforcing agencies of the state.

Duties of child support entities include, but are not limited to the following:

1. Providing services, upon request, to an obligee or obligor for establishment of parentage and/or a support order, medical coverage/support, enforcement of an existing child support order, or modification of the order;
2. Translation of orders; and
3. Converting any orders, arrears or judgments listed in foreign currency to US dollars using applicable exchange rates. Tribunals in the U.S. have a similar responsibility if they receive a request for currency conversion, this is due in part because foreign countries

State of New Jersey
Administrative Office of the Courts

Probation Child Support Enforcement Operations Manual	Volume A	01/02/20
Page 3 of 4	Uniform Interstate Family Support Act 2008 Overview	Section 1800

do not have UIFSA and sometimes do not provide the exchange rate when asking for enforcement.

UIFSA allows states to pass legislation to choose between two alternatives when enacting UIFSA. Alternative A allows an agency to provide services to a petitioner, regardless of their residency. Alternative B allows an agency to provide services only to a petitioner who resides in their state. New Jersey has elected Alternative A; therefore, we do not require a petitioner to reside in New Jersey in order to be eligible for IV-D services (N.J.S.A. 2A:4-30.146).

Note: Since states can select either alternative, it is important to determine which alternative the other state has chosen when handling intergovernmental requests.

UIFSA has 9 articles. Articles 1 - 6 apply to a support proceeding involving a foreign support order, a foreign tribunal or an obligee, obligor or child residing in a foreign country. Articles 1 - 6 can also be applied by a tribunal recognizing and enforcing a foreign support order, also known as comity. Article 7 applies to Hague cases only. It constitutes a stand-alone portion of UIFSA and is designed to direct an agency and tribunal on the handling of a convention support order. Article 8 pertains to rendition or the ability of one state to request that another state surrender an individual charged with criminal non-support across state lines for the purpose of criminal prosecution. Finally, Article 9 consists of miscellaneous provisions necessary when legislating new or amended laws.

UIFSA requires one controlling order for the child support obligation. The tribunal (administrative or judicial) of a state establishing a support order has the exclusive power to modify the prospective support provisions of that order. If there are older cases with more than one order involving the same parties, there must be a determination of controlling order (DCO). Under UIFSA, a state that issued a controlling order has continuing, exclusive jurisdiction (CEJ) to modify the order as long as the state is the

State of New Jersey
Administrative Office of the Courts

Probation Child Support Enforcement Operations Manual	Volume A	01/02/20
Page 4 of 4	Uniform Interstate Family Support Act 2008 Overview	Section 1800

residence of the obligor, obligee or the child for whose benefit the order is issued.

UIFSA 2008 expands the authority of the tribunal to modify a controlling order even if the parties no longer reside in the state. The modification is permissible if the parties cede jurisdiction (in writing) or in testimony to the court that the issuing tribunal may continue to exercise CEJ to modify its order. UIFSA 2008 also allows a state to retain CEJ to modify its order when all parties have left the issuing state and one party resides outside of the U.S.