



Welcome to the 26th Annual AB 1058 Child Support Training Conference

We will get started in a few minutes.
If you have any technical issues, please reach out to
william.cervantes@jud.ca.gov,
robert.beavon@jud.ca.gov or eduardo.taylor@jud.ca.gov



**Welcome to the
26th Annual AB 1058
Child Support Training
Conference**

Please enter your First Name/Last Name, and Court or County to sign in for this session

1. Enter your First Name and Last Name (i.e., John Doe, Ann Lewis, Don Lee).



2. Enter your Court or County.



3. Click on “Submit.”

Participant Sign-in

1. Please enter your First Name(s) and Last Name(s) - such as John Doe, Ann Lewis (Short Answer)

2. Please enter your Court or County (Short Answer)



The Interstate Child

Barry J. Brooks

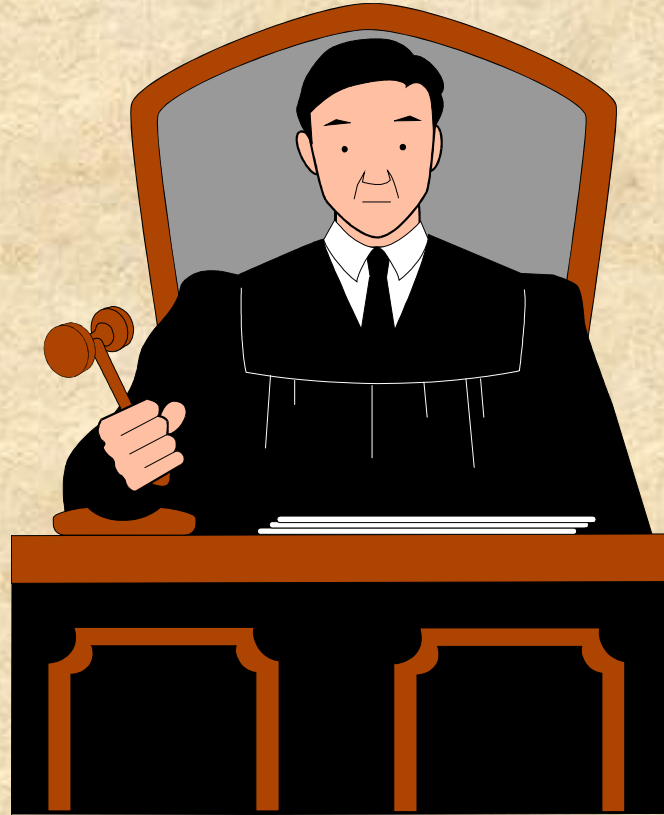
October 13, 2022



CA Family Code

- UIFSA - § 5700.101 -.905
- UCCJEA - §§ 3400-3465





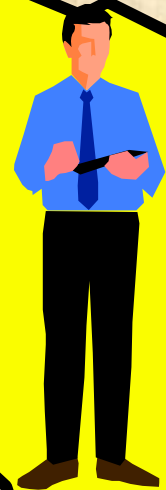
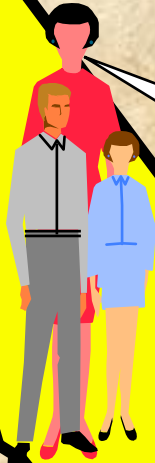
YOU be the Judge



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



**Modify
It
ALL**





Absent an Agreement, who can **MODIFY**:

Custody & Visitation?

Child Support?

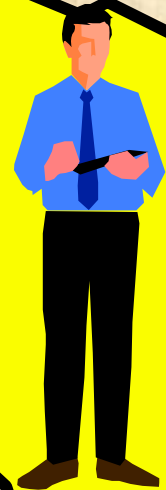
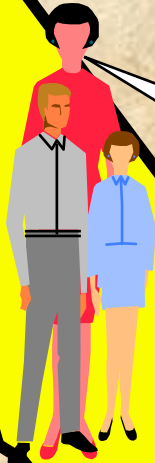
Spousal Support?



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



**Modify
It
ALL**





Absent an Agreement, who can **MODIFY**: Custody & Visitation?

Click the link in the chat

Scan the QR code 
with your phone's camera


Go to www.menti.com and use
Code 4113 8450





Absent an Agreement, who can **MODIFY**: Child Support?

Click the link in the chat

Scan the QR code 
with your phone's camera


Go to www.menti.com and use
code 6254 3975





Absent an Agreement, who can **MODIFY**: Spousal Support?

Click the link in the chat

Scan the QR code 
with your phone's camera

Go to www.menti.com and use
code 44 42 77 4





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

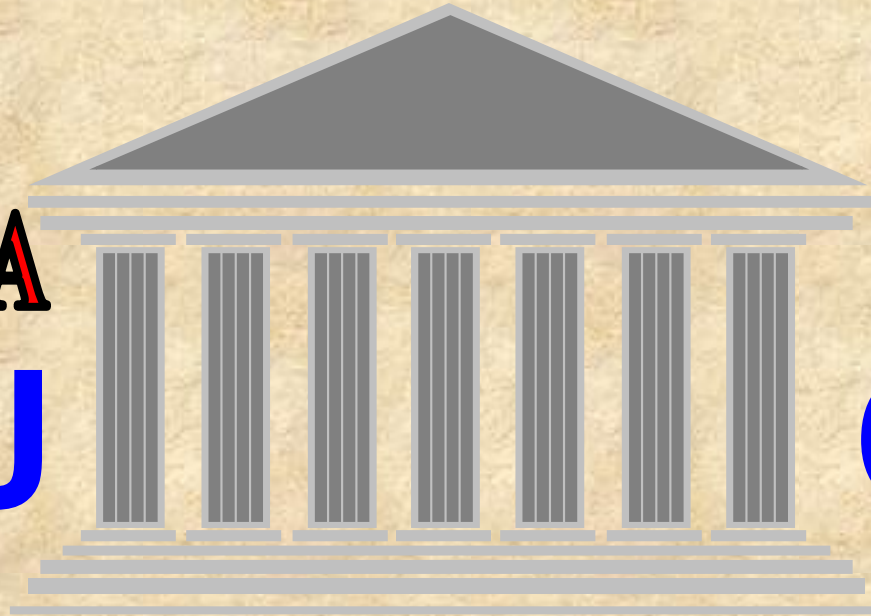
UIFSA

- ▶ Personal
- ▶ Long-Arm

ONE ORDER

UCCJEA

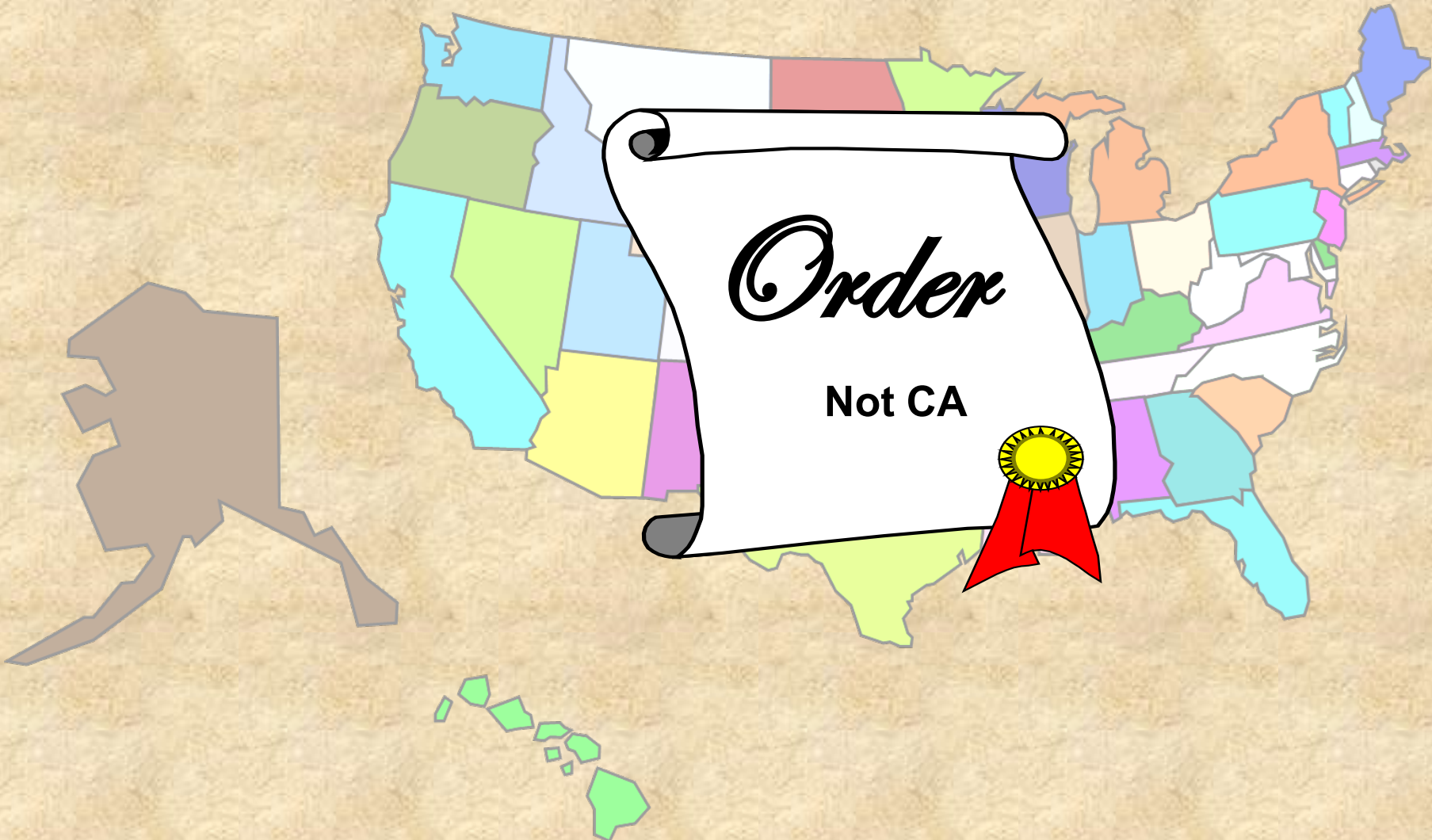
ECJ



UIFSA

CEJ

Exclusive Jurisdiction to MODIFY



Order

Not CA





How

To

Modify

or

Enforce



Registration

UCCJEA & UIFSA

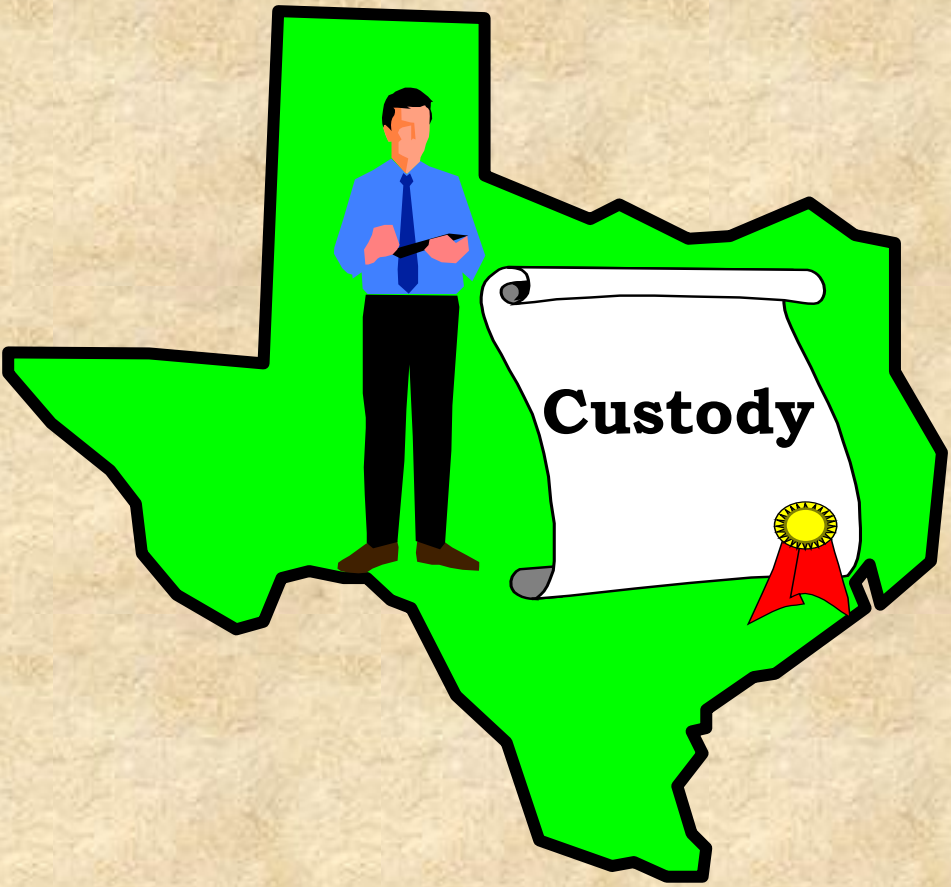
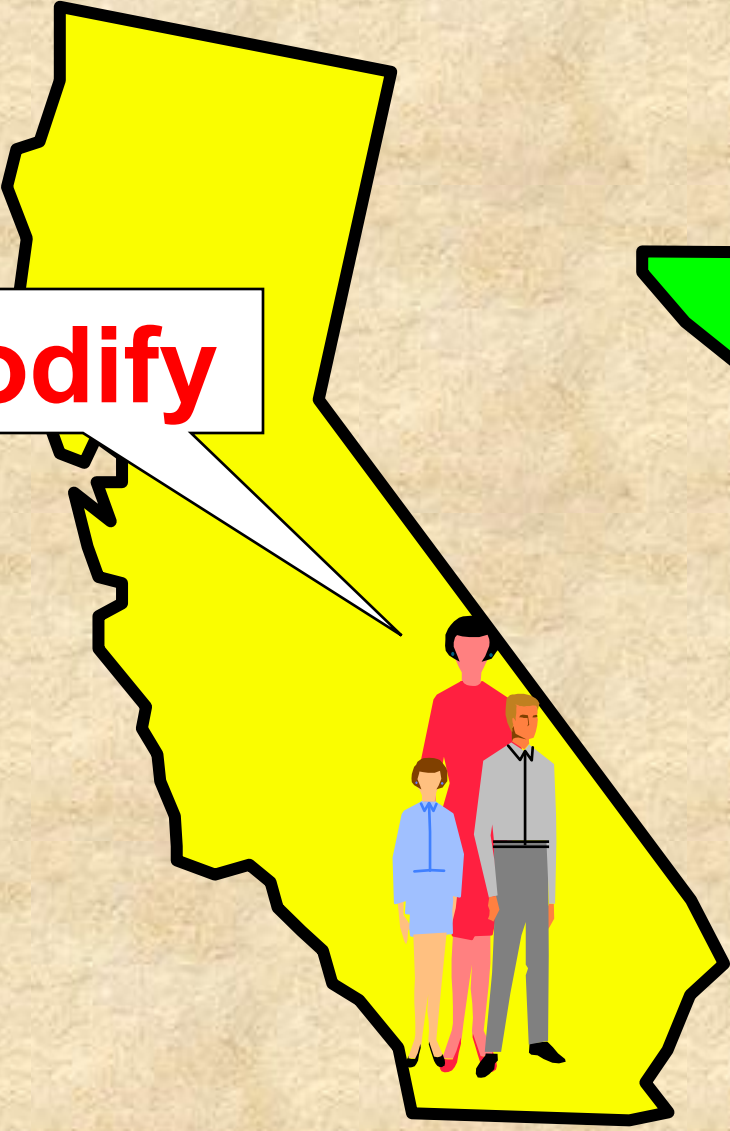
- Notice
- No Contest - Confirmation
- Contest – Limited Defenses

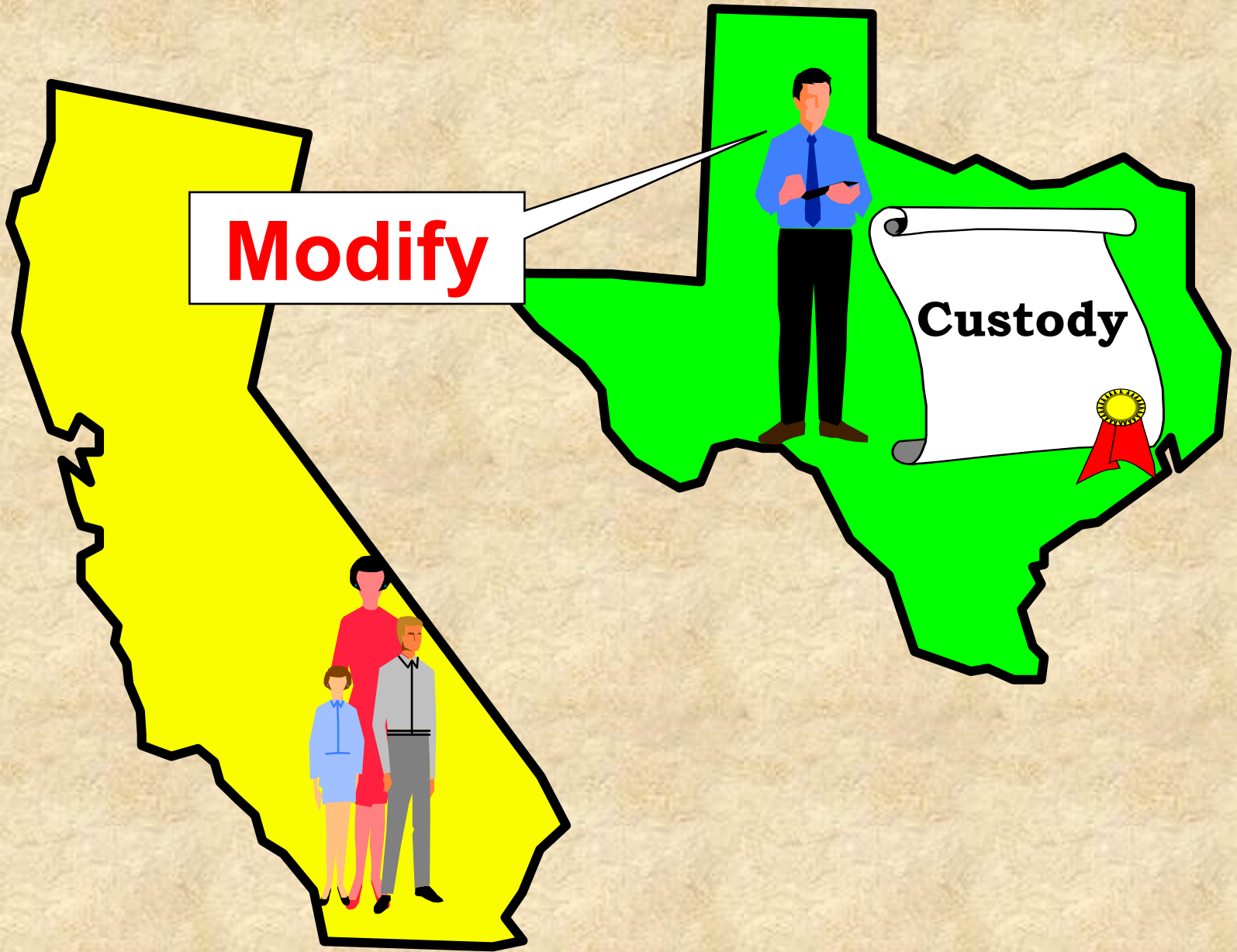
Modification

UCCJEA

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

Modify

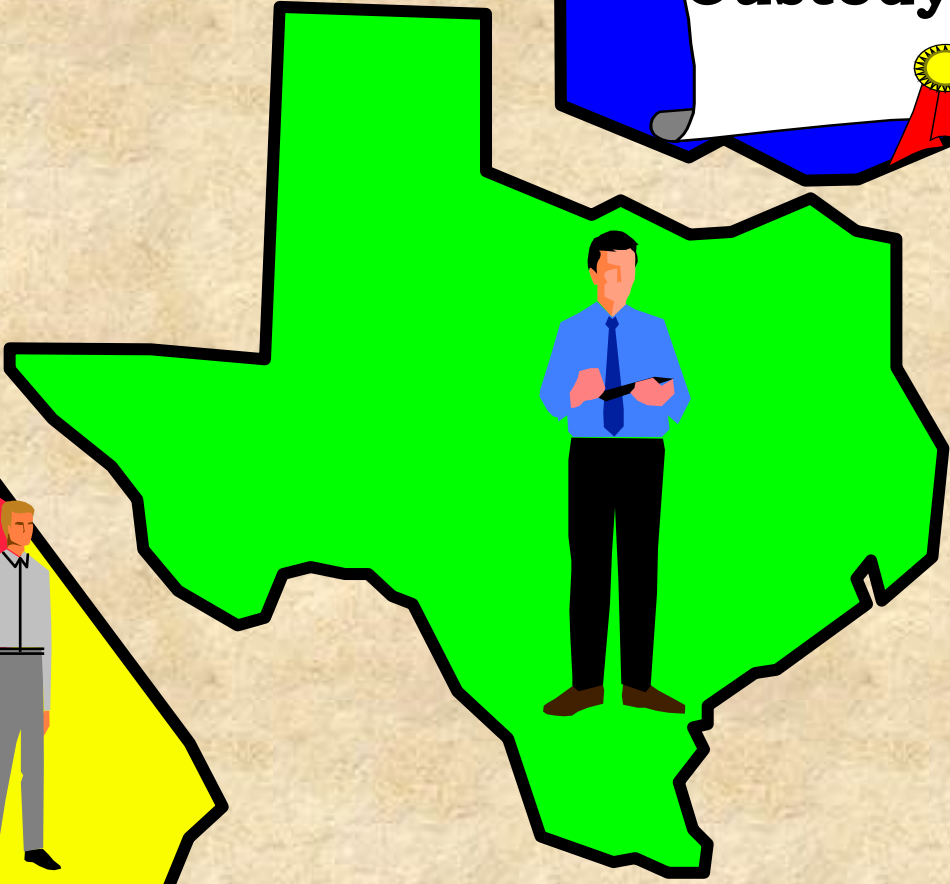
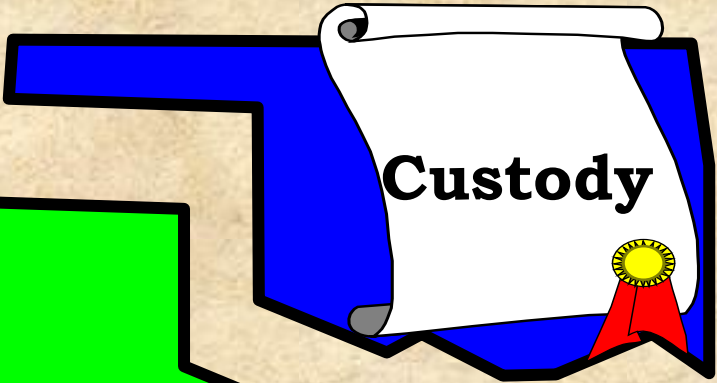
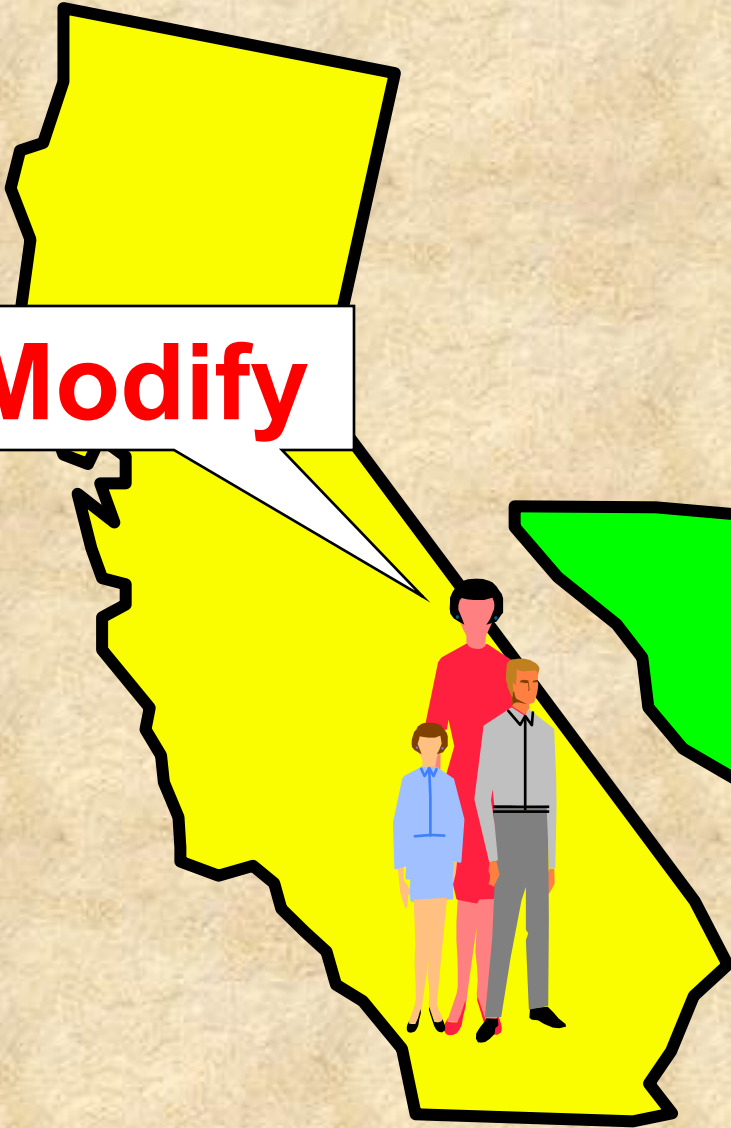




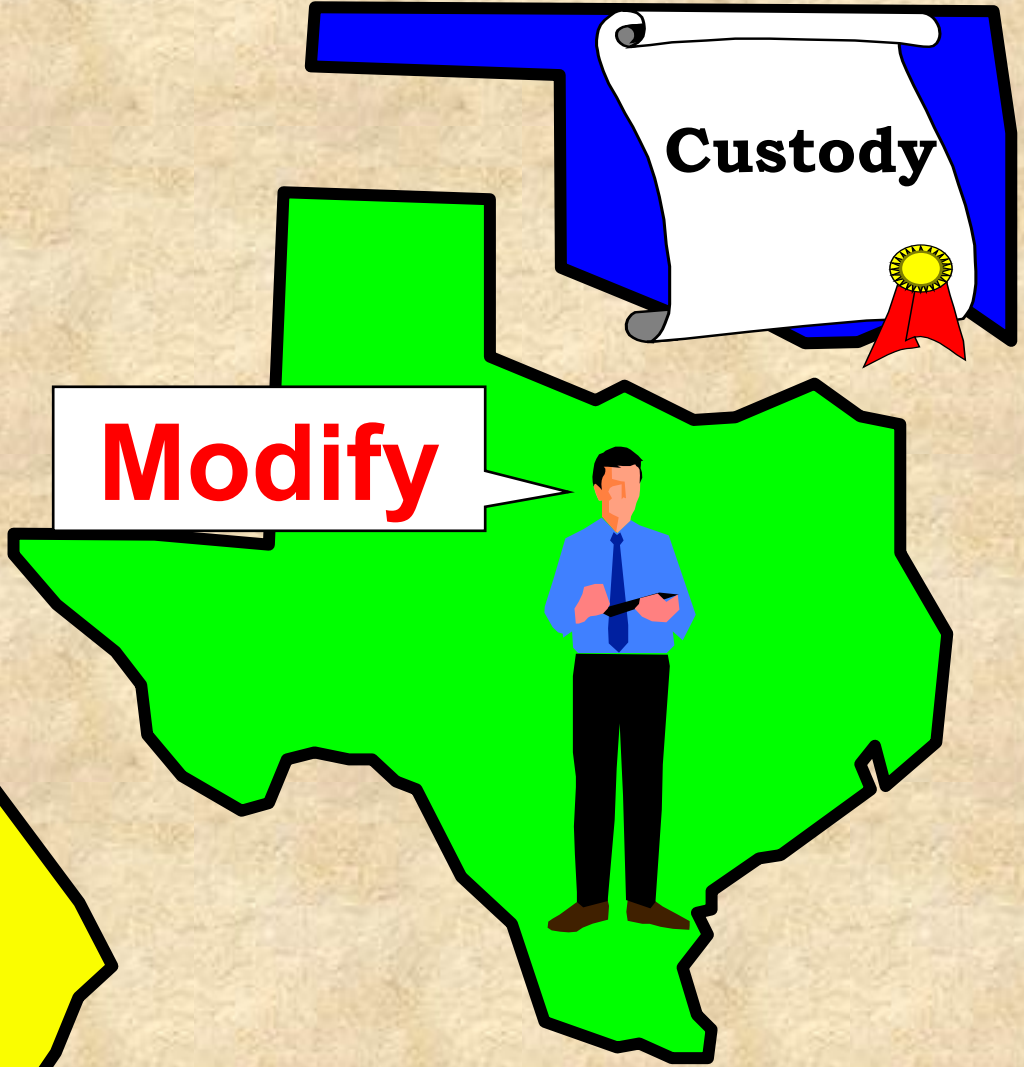
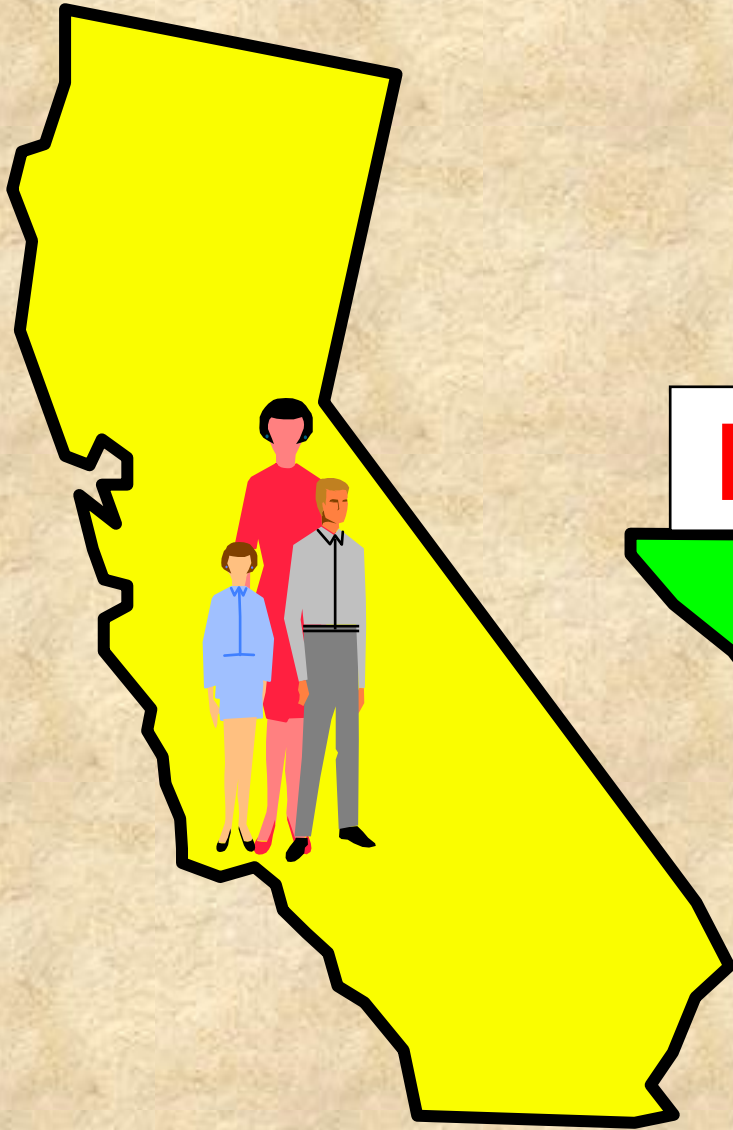
Modify

Custody

Modify







Custody

Modify

Modification

UIFSA

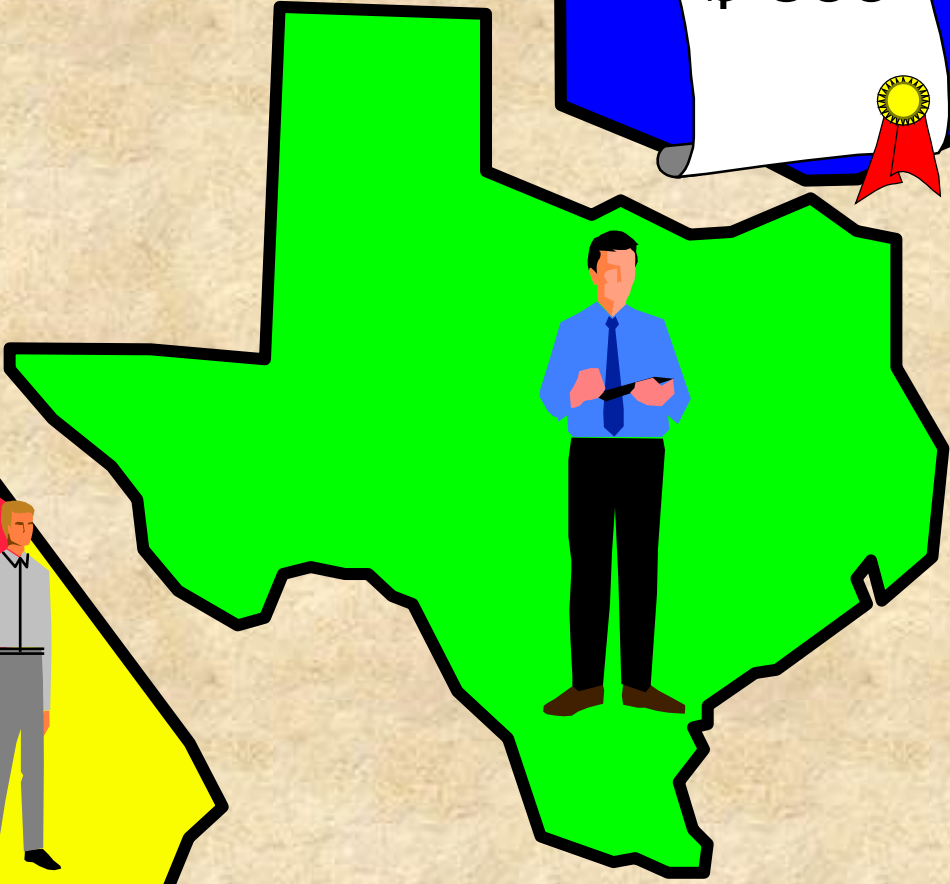
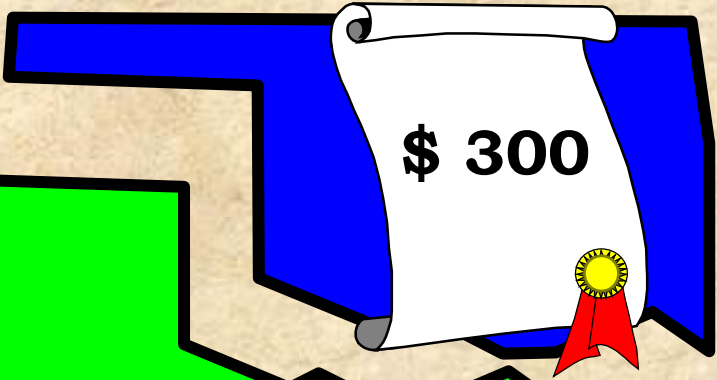
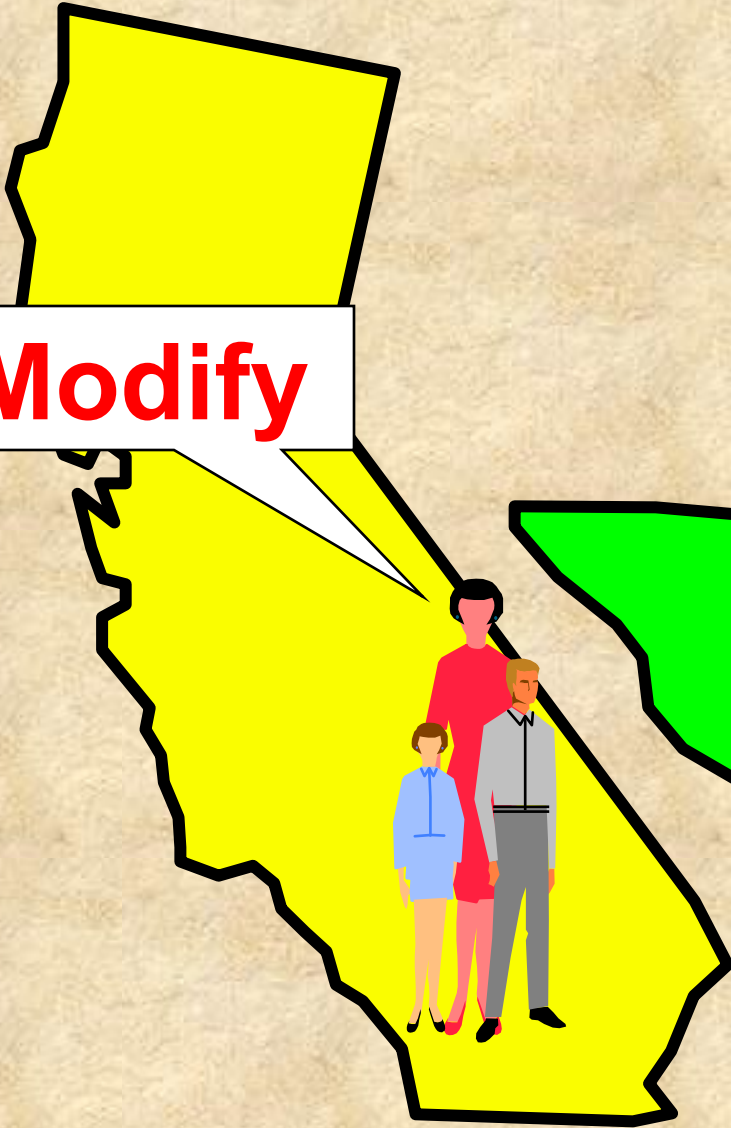
- Agreement
- Assumption Upon Showing
 - All Parties Left Issuing State
 - Petitioner is Nonresident
 - Jurisdiction over Respondent

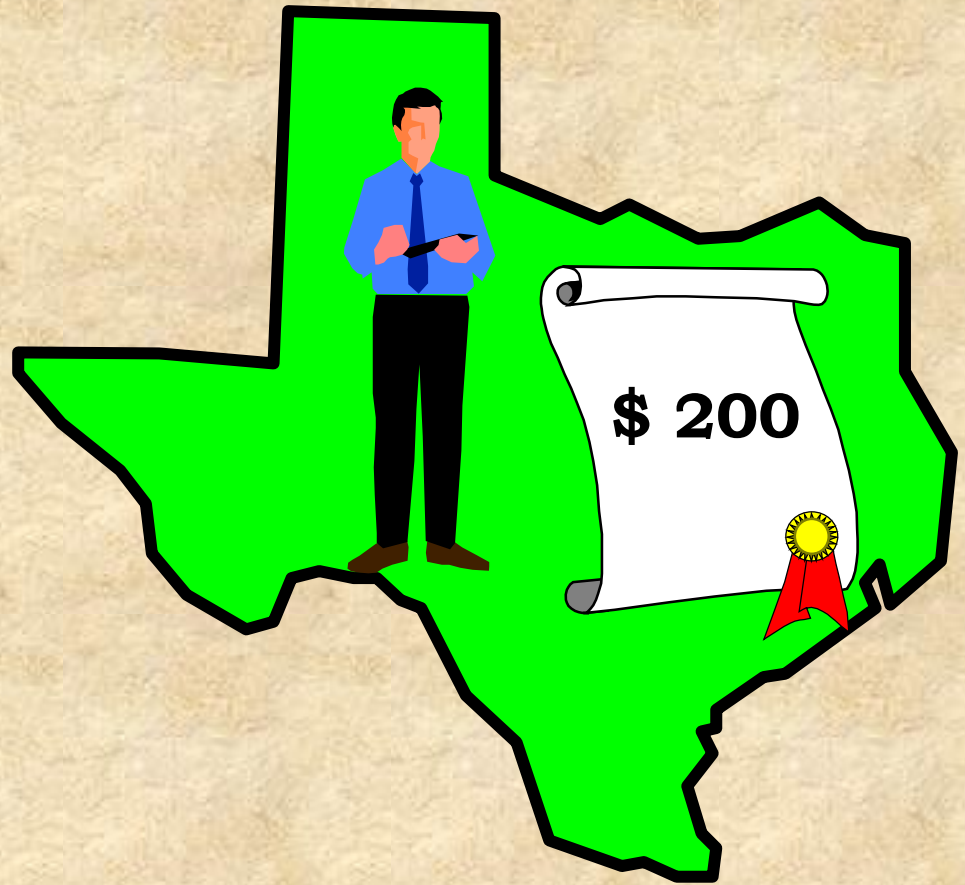
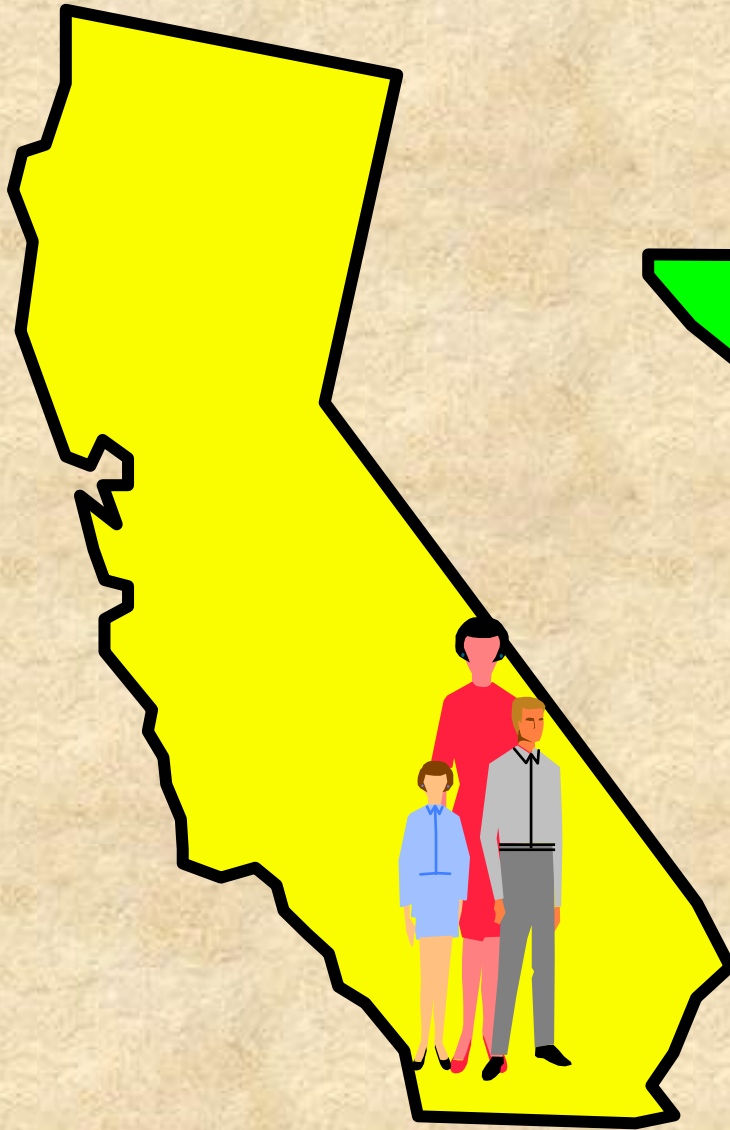
Modification

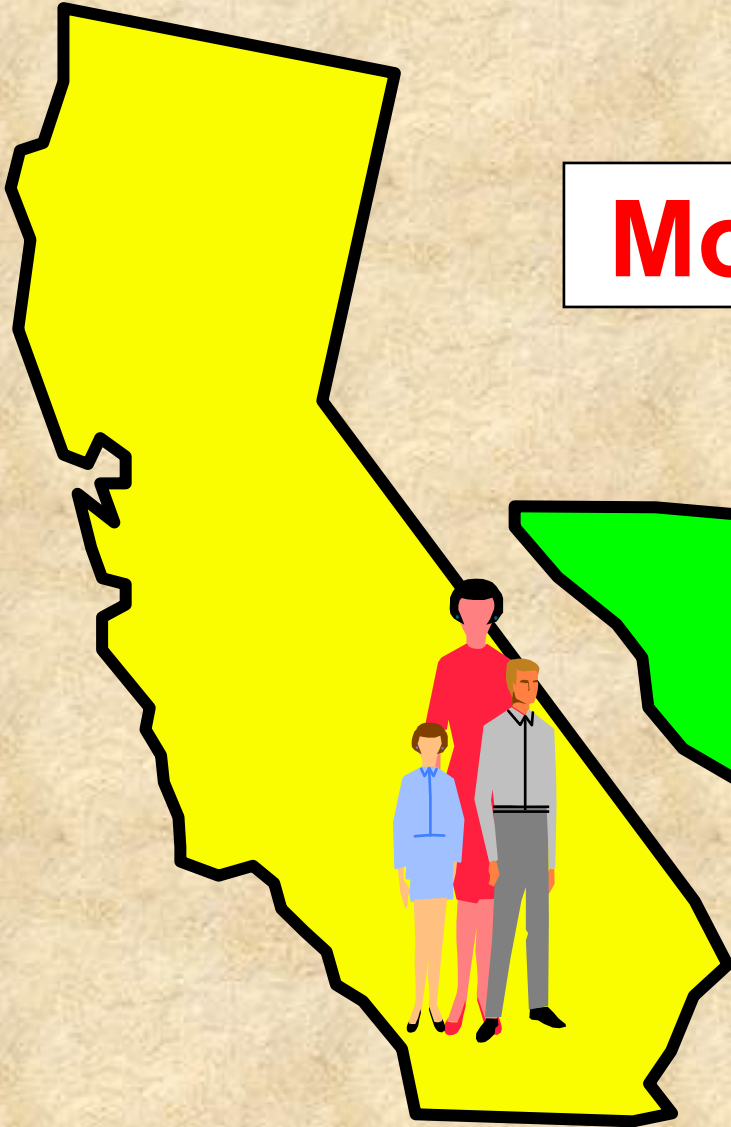
UIFSA

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

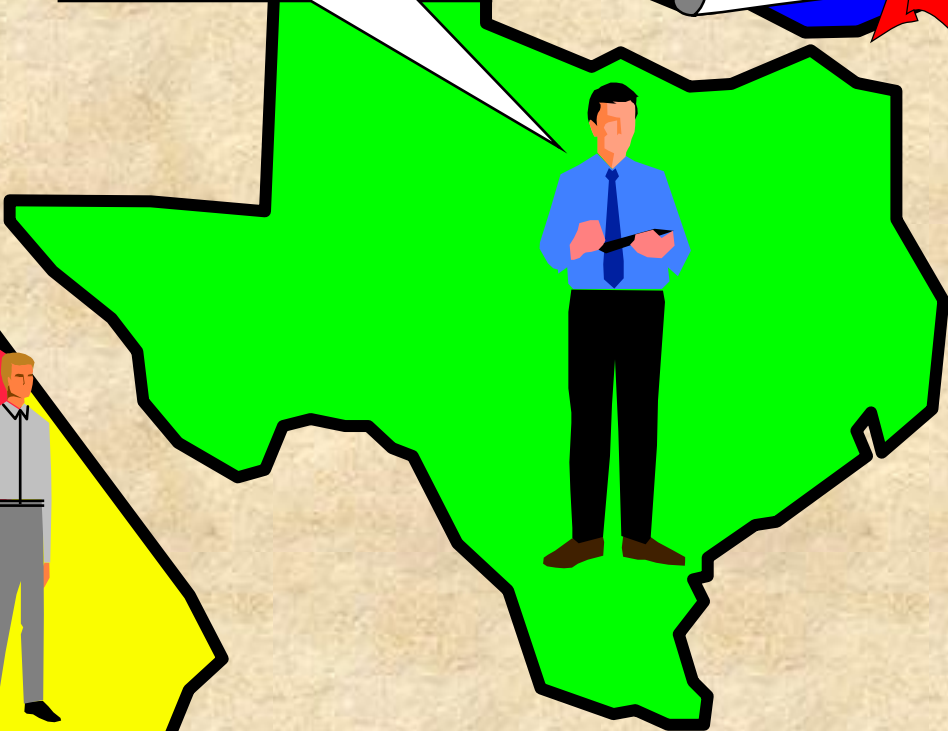
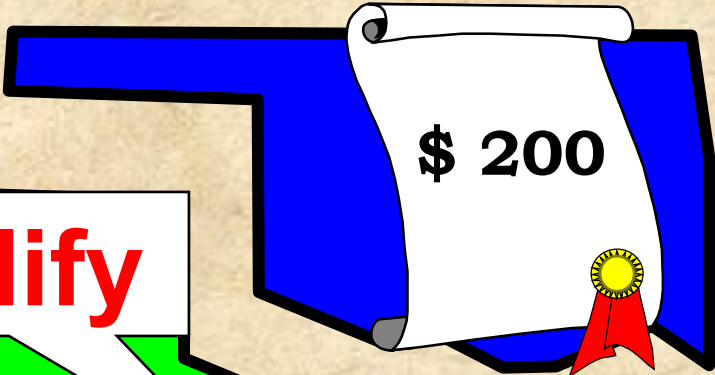
Modify

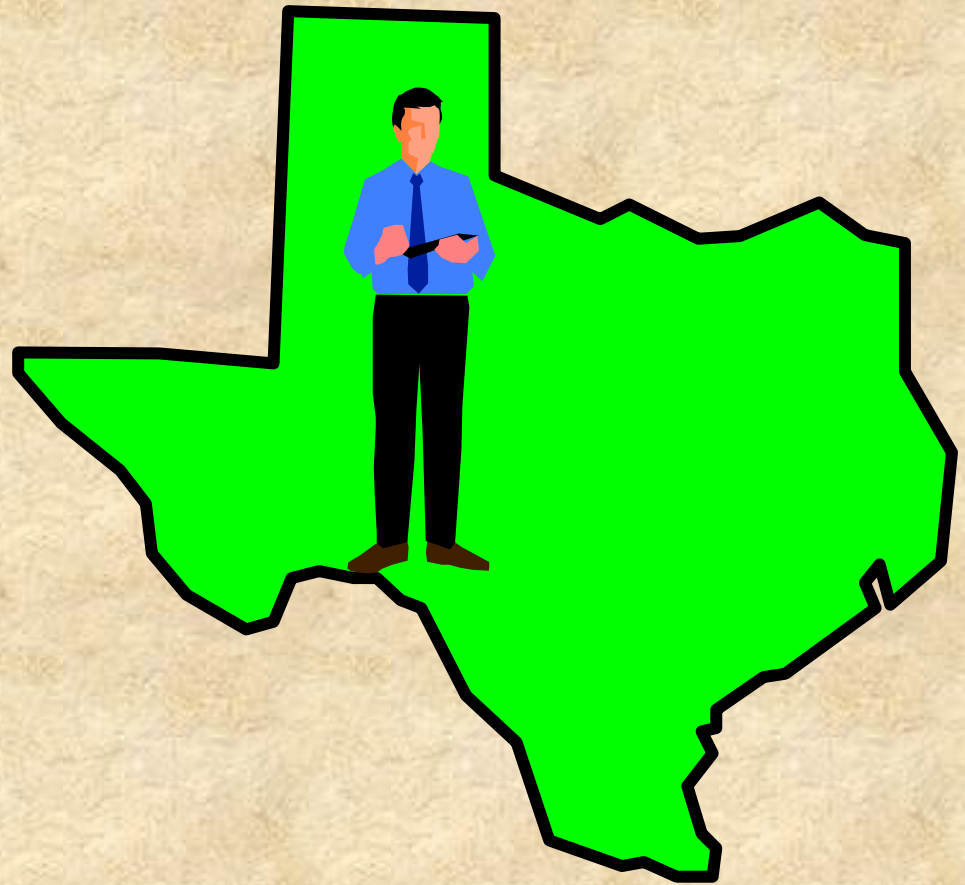
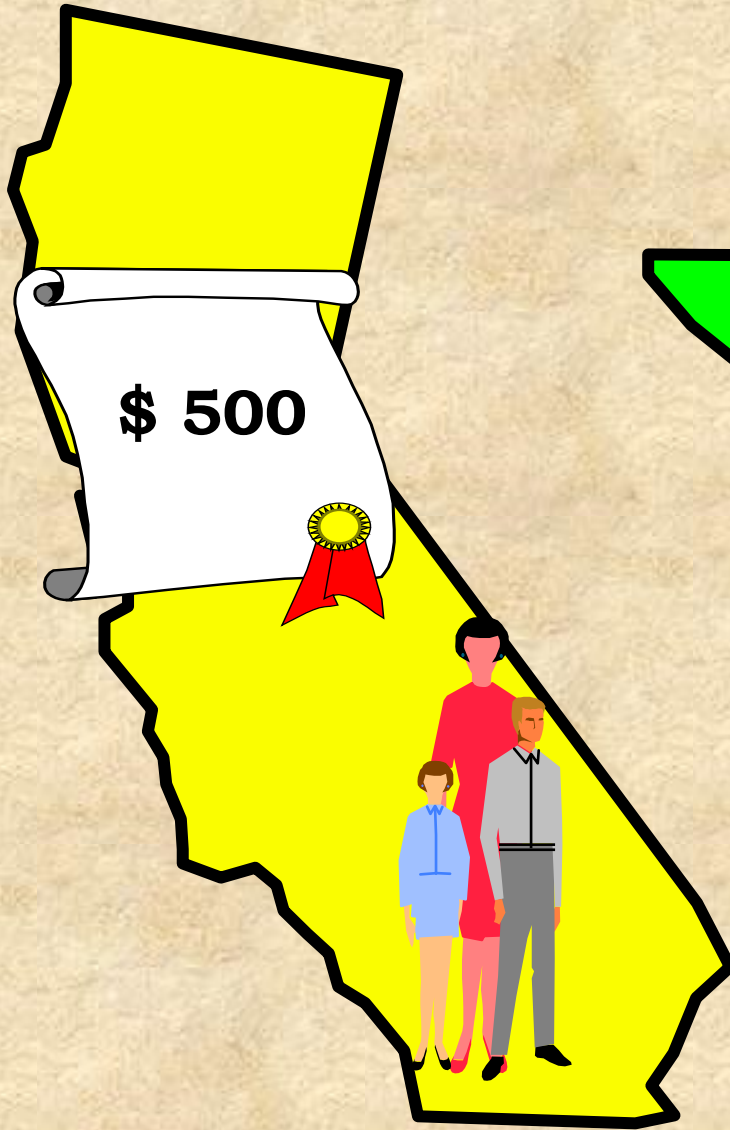


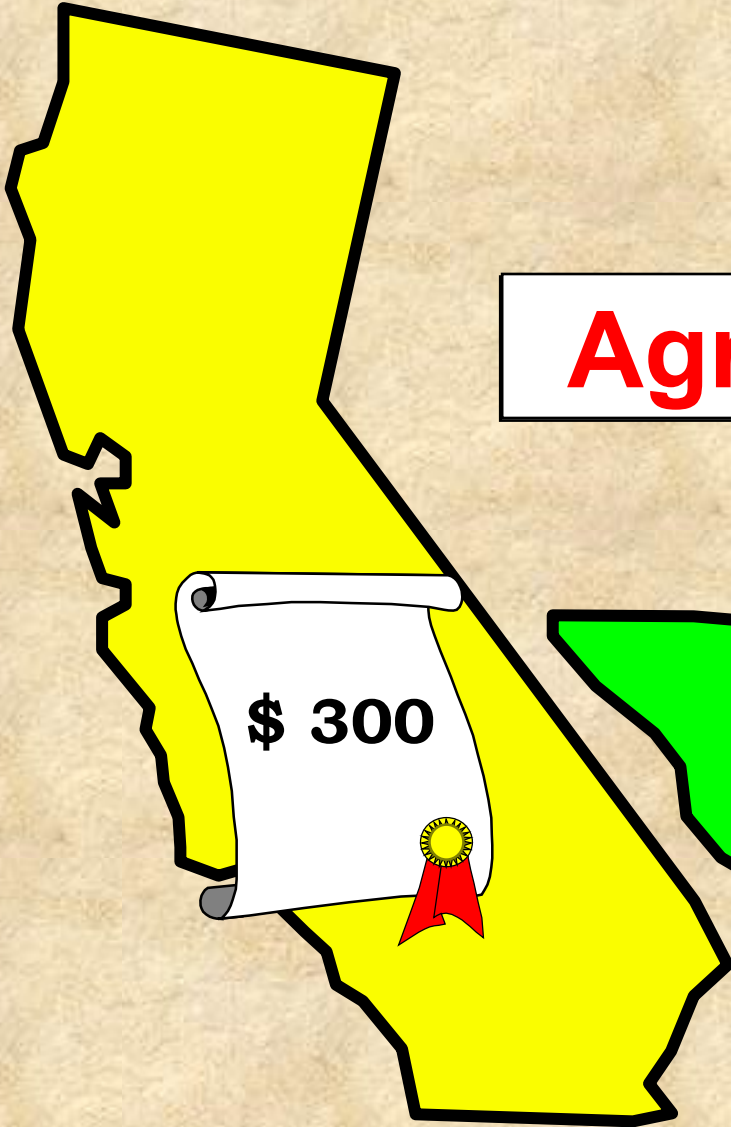




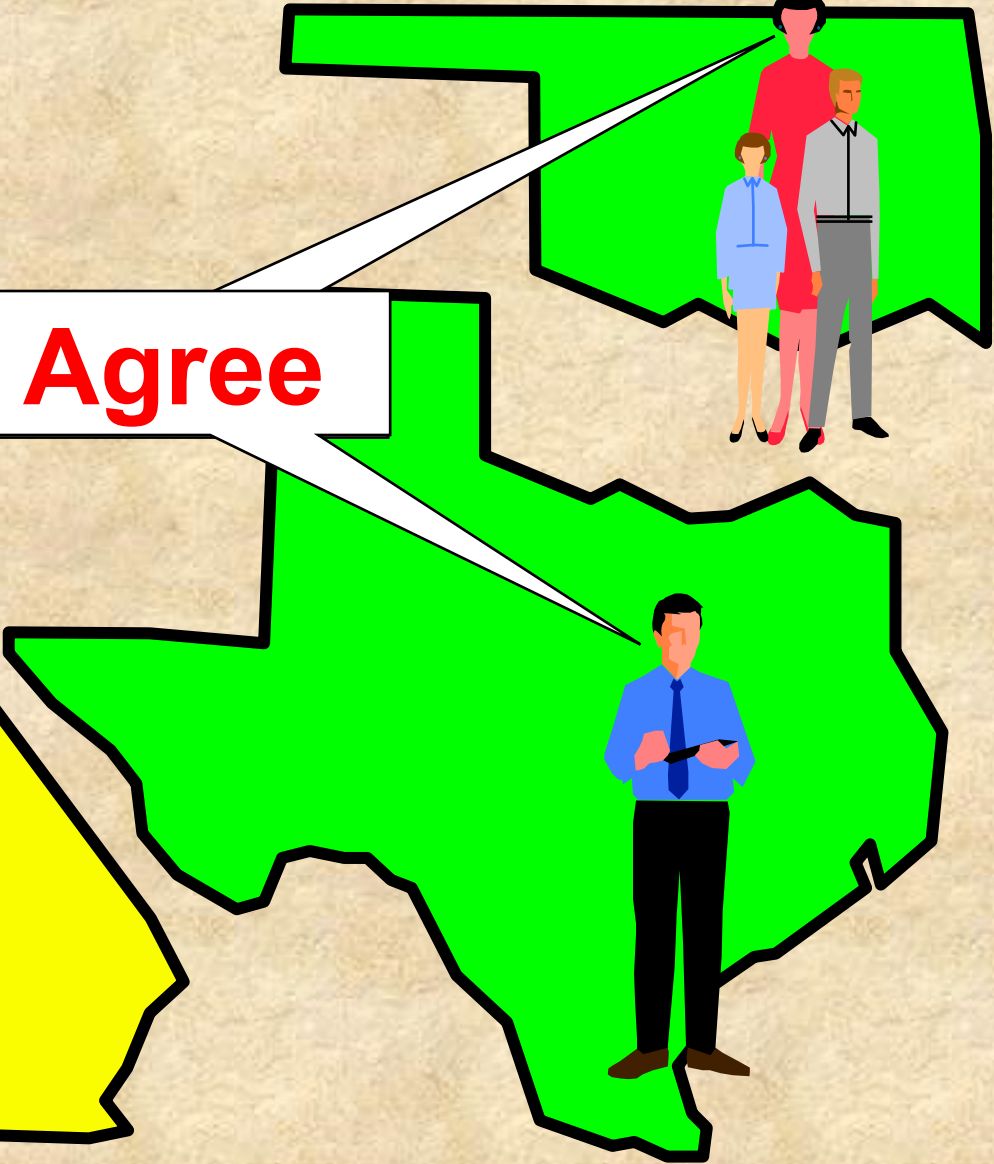
Modify

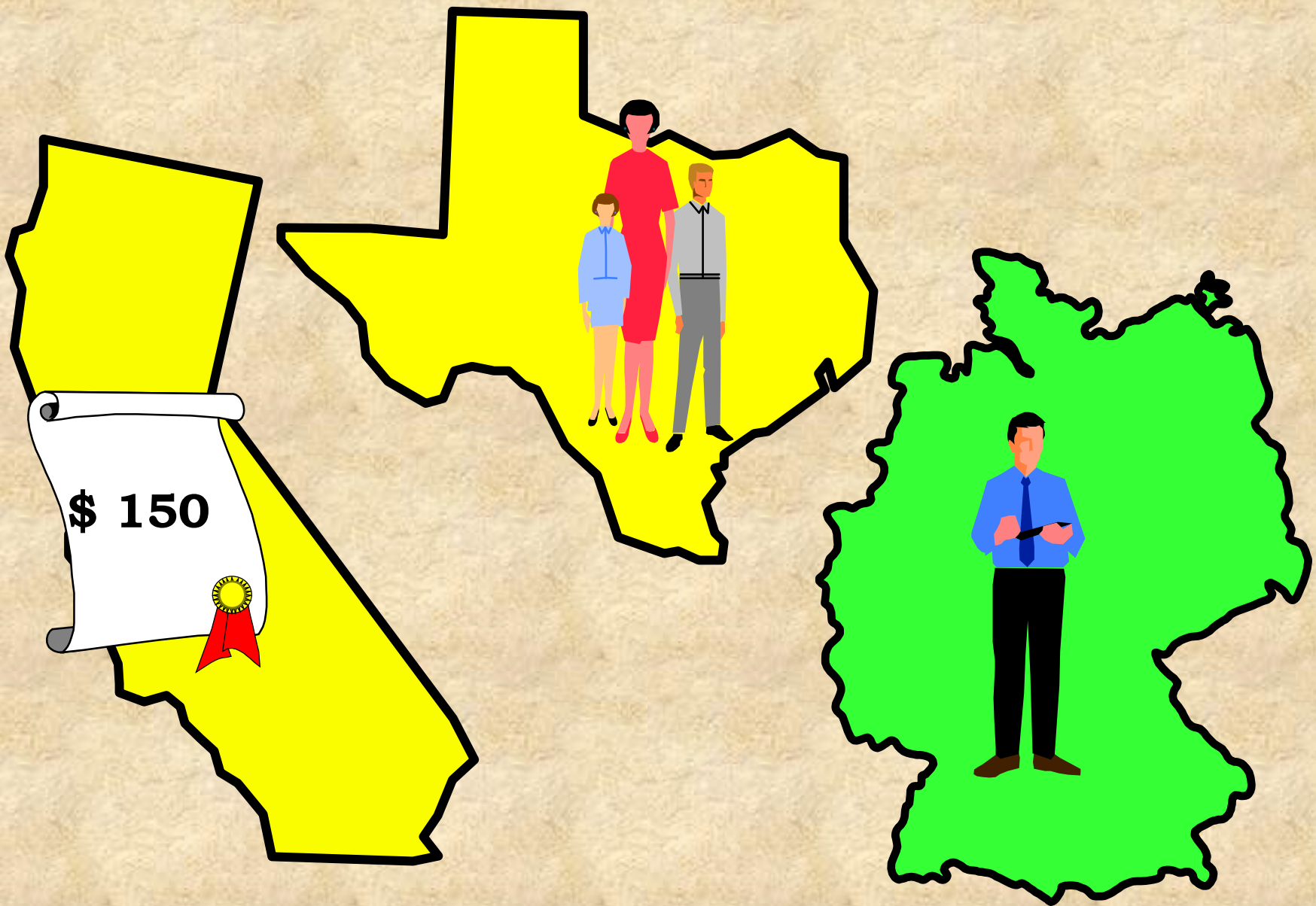




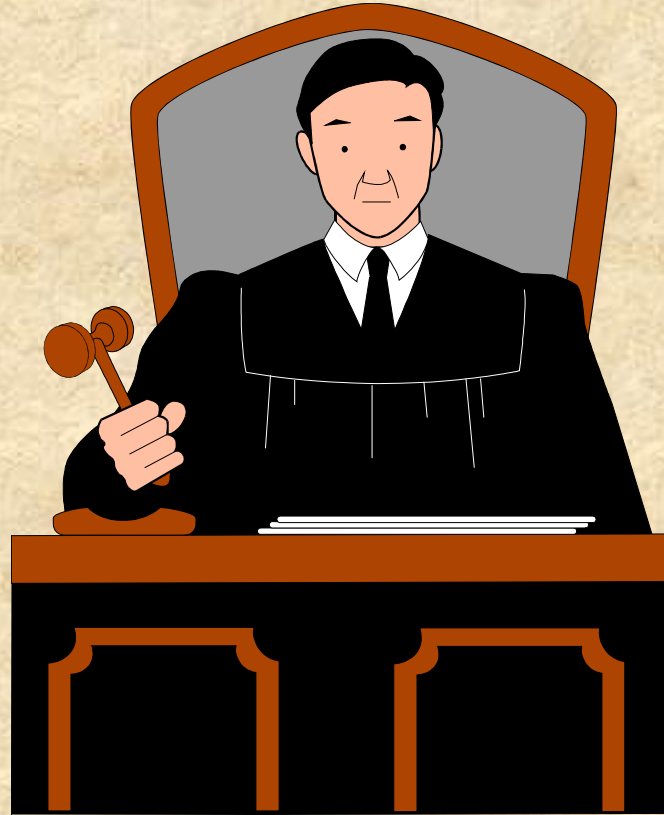


Agree





\$ 150



YOU be the Judge



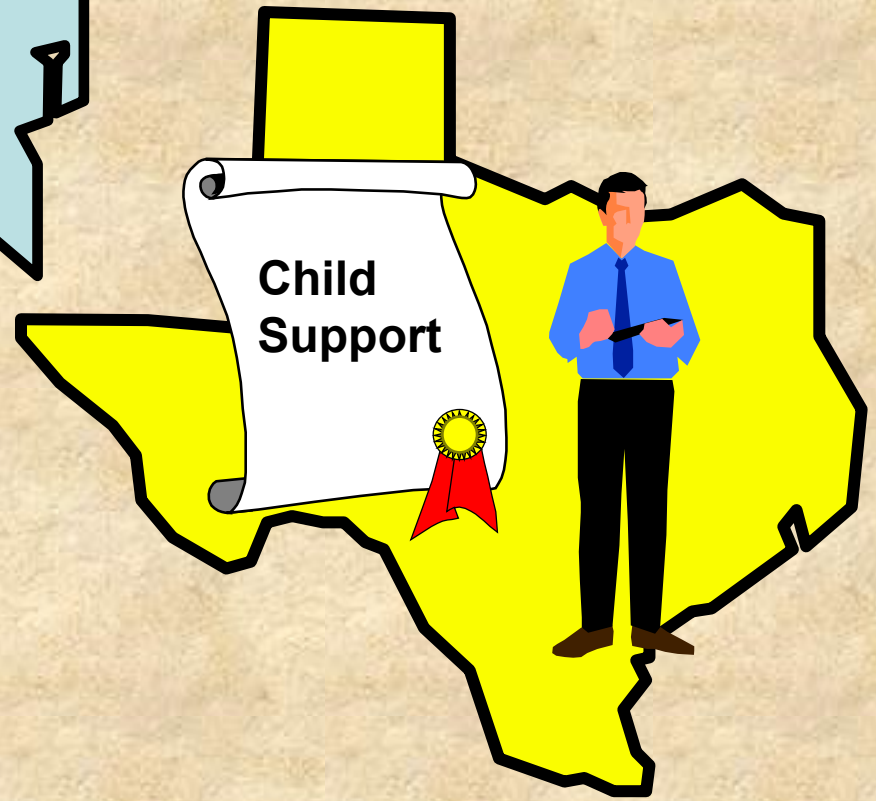
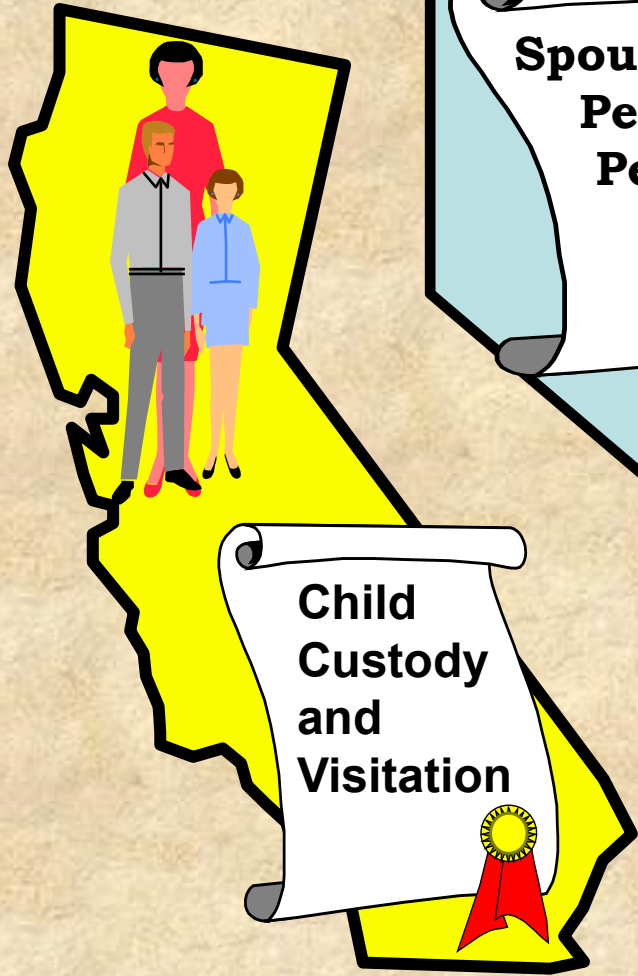
Absent an Agreement, who can **MODIFY**:
Custody & Visitation?



Absent an Agreement, who can **MODIFY**:
Child Support?



Absent an Agreement, who can **MODIFY**:
Spousal Support?



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



UIFSA



International Cases

New Article 7

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

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 the basis of comity

Foreign Country

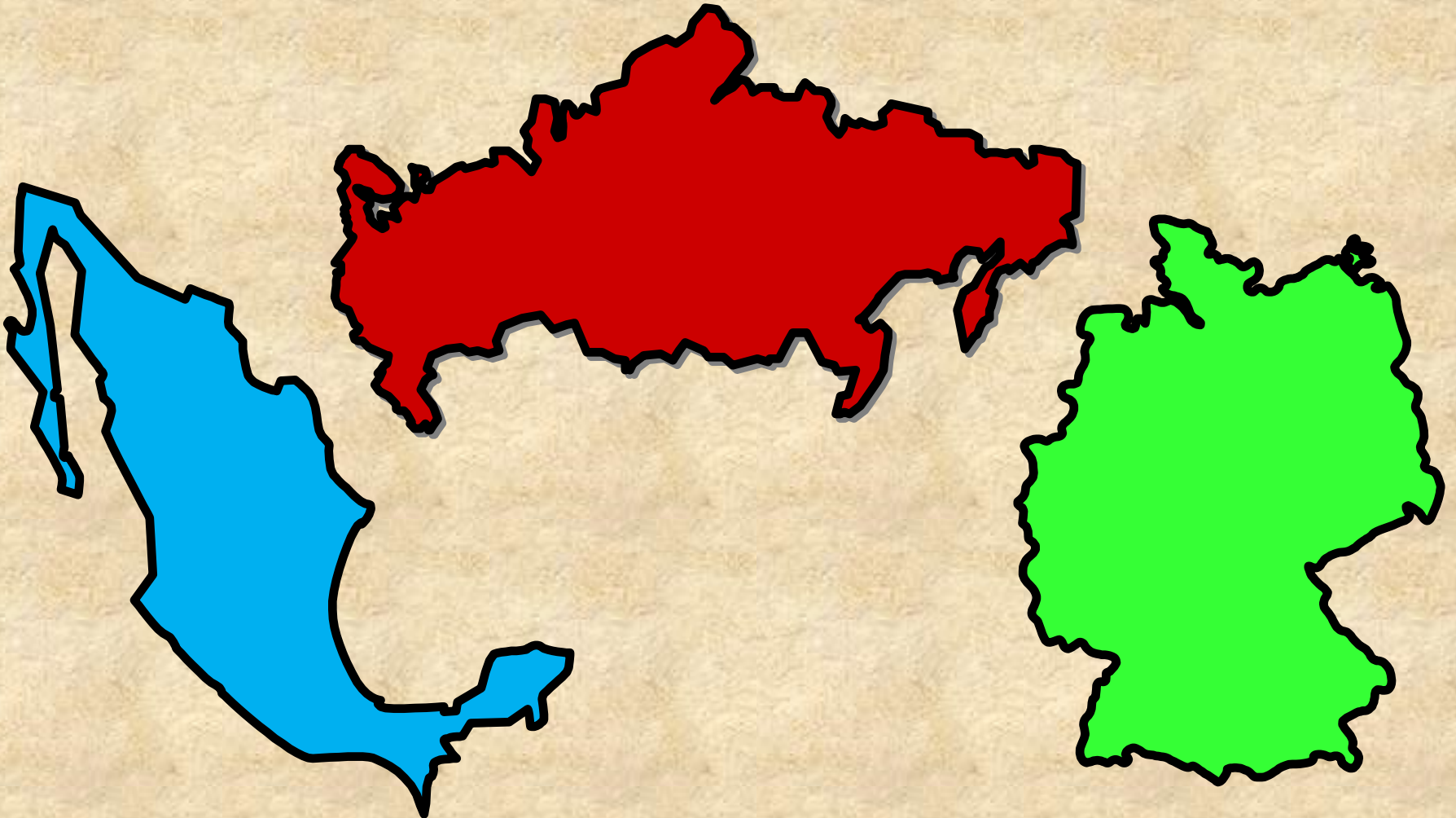
Federally Declared Foreign Reciprocating Country

State Declared Foreign Reciprocating Country

Laws and Procedures Substantially Similar to UIFSA

Hague Convention in Force with US

WHAT AM I?



In a State

Vs.

Not Here

“Outside This
State”

“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

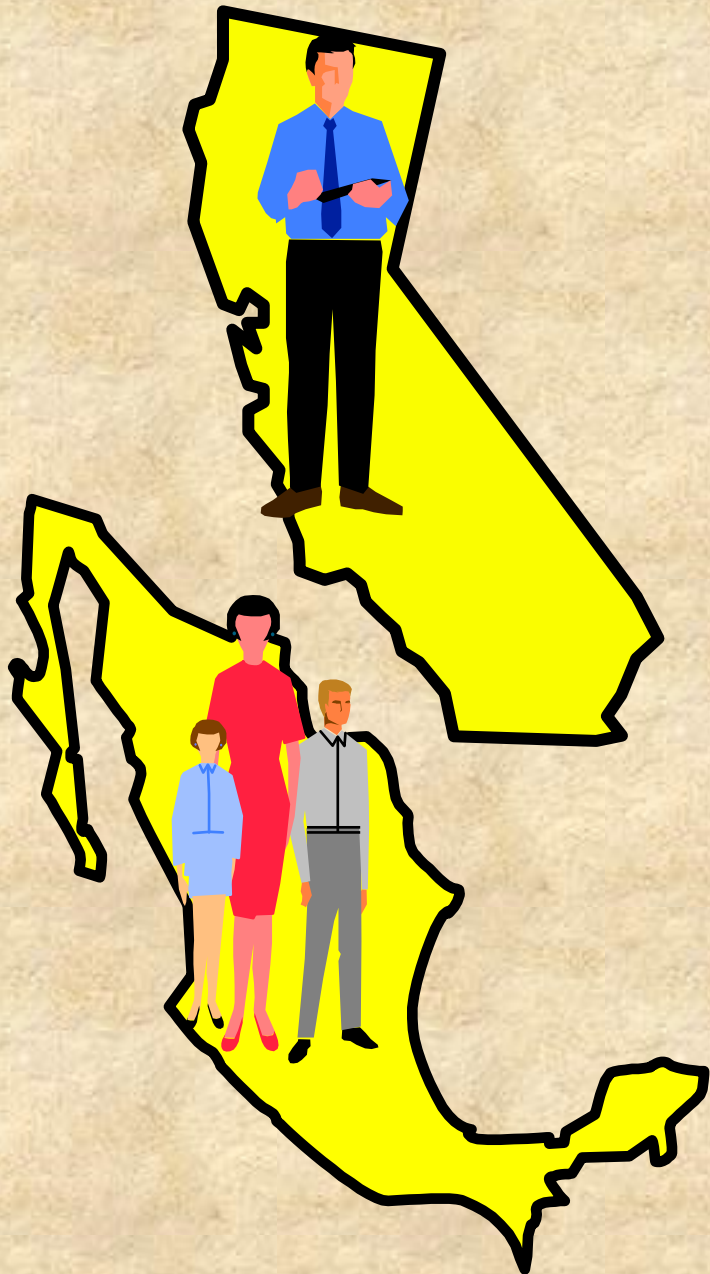
Establishment



Convention

Establishment

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



Responding

Establishment or Enforcement

“Telephonic” Participation

“UIFSA/HAGUE” forms

Genetic Testing



Nationality

Residence

Standard of Living



Registration

FOR

Enforcement

AND/OR

Modification

Registration

- ★ **Federal Reciprocating**
- ★ **State Reciprocating**
- ★ **Comity**

Registration

OF

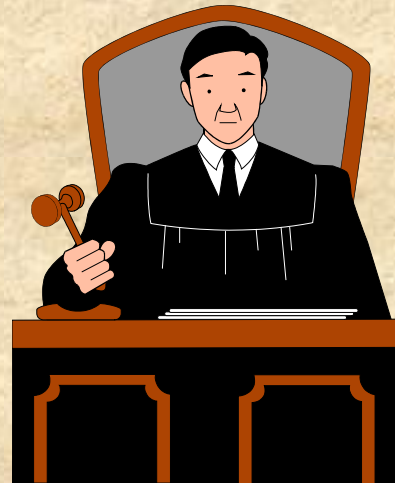
Convention

Order



Tribunal Objection

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



Debtor Defenses Include:

- 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 (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.

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.

Modification

OF

Foreign

Order



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

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

Modification

NOT A Remedy



Under

COMITY

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

**Does Not
Apply**





The End

Contact Information

Barry J. Brooks

bjbrooks625@yahoo.com