

International Choices of Law - Responding Cases

In General

UIFSA §303 - apply the procedural and substantive law of the forum (CA).

Establishment

Location of CP (participation and evidence) - immaterial = “outside this state” § 102(18)

CA parentage determination laws apply

CA guidelines and duration of support apply

No “adjustment” for cost of living differences

Enforcement

Location of CP (participation and evidence) - immaterial = “outside this state”

Origin of the Order

Convention Country

Foreign Country

Country

Bases for Recognition

Convention Order UIFSA §701(3)

Foreign Support Order UIFSA §102(6)

Comity

Defenses to Registration/Recognition

All generic UIFSA defenses - UIFSA §607 & §708

Convention specific - UIFSA §708

If Enforcement Denied

Seek Establishment - UIFSA §708(c)

Modification (International)

Location of CP (participation and evidence) - immaterial = “outside this state”

Location of CP- material for jurisdiction to modify

Convention Order UIFSA §711

Not if obligee resides in Order issuing county, UNLESS

- obligee submits or defends without objecting to jurisdiction
- foreign tribunal lacks or refuses to exercise jurisdiction

Non-Convention Order UIFSA §615

Foreign tribunal lacks or refuses to exercise jurisdiction

CA order & one person not in the US - CA retains jurisdiction UIFSA §611(f)

No modification of duration

Recognition on the basis of comity does not authorize a modification