

# Enforcement of an Intrastate Support Order Checklist

One of the primary purposes of the Uniform Interstate Family Support Act (UIFSA), [MCL 552.2101 et seq.](#), is to provide a means for enforcing support orders across state lines and foreign countries subject to “the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, concluded at The Hague on November 23, 2007.” [MCL 552.2102\(c\)](#); [MCL 552.2305\(2\)\(a\)](#); [MCL 552.2704\(2\)\(c\)](#). If the support order was issued in Michigan, the Michigan court may, in certain circumstances, retain its jurisdiction to enforce the order or request a tribunal of another state to enforce it. See [MCL 552.2206](#); [MCL 552.2211\(3\)](#).

If a *child-support order* issued in Michigan is modified by a tribunal of another state that assumed jurisdiction under the UIFSA, *all* of the following apply:

- A tribunal of this state may enforce its order that was modified only as to arrears and interest accruing before the modification.
- A tribunal of this state may provide appropriate relief for violations of its order that occurred before the effective date of the modification.
- A tribunal of this state must recognize the modifying order of the other state, upon registration, for the purpose of enforcement. [MCL 552.2612](#).

On receipt of a petition to enforce a support order, the court should do the following:

- Determine whether the support order was issued in Michigan or outside of Michigan.
  - If the support order was NOT issued in Michigan, refer to the Michigan Judicial Institute’s [Enforcement of a Foreign Support Order Checklist](#).

- If this court issued the *child-support order*, MAY request another tribunal to enforce:
  - the child-support order if it is the controlling order<sup>1</sup> and has not been modified by another state tribunal that assumed jurisdiction under the UIFSA; OR
  - a money judgment for arrears of support and interest on the order accrued before a determination that another state tribunal's order is the controlling order. [MCL 552.2206\(1\)](#).
- If this court has continuing jurisdiction over a *child or spousal support order*, MAY enforce the order. [MCL 552.2206\(2\)](#); see also [MCL 552.2102\(bb\)](#).
  - If this court has *continuing, exclusive jurisdiction* over a *spousal-support order*, MAY:
    - request another state tribunal to enforce the order;  
OR
    - enforce the order. [MCL 552.2211\(3\)](#).
- If this court has continuing jurisdiction, MUST apply the procedural and substantive law of Michigan for purposes of enforcement. See [MCL 552.2210](#).
- If two or more *child-support orders* are in effect at the same time with regard to the same obligor/payor and different individual obligees/recipients of payment and at least one of the orders was issued by another state or foreign country, this court MUST enforce those orders in same manner as if the orders had been issued by this court. [MCL 552.2208](#).
- MUST credit amounts collected for a particular period according to any *child-support order* against the amounts owed for the same period under any other child-support order for support of the same child issued by a tribunal of this state, another state, or a foreign country. [MCL 552.2209](#).
- MAY communicate with a tribunal outside Michigan in a record, or by telephone, electronic mail, or other means, to obtain information concerning the laws, the legal effect of a

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<sup>1</sup> If a proceeding is raised under the UIFSA and only *one* tribunal has issued a child-support order, the order of that tribunal controls and must be recognized. [MCL 552.2207\(1\)](#). However, if two or more child-support orders are issued and a proceeding is raised under the UIFSA OR a party makes a request, the court must determine which order controls and must be recognized. [MCL 552.2207\(2\)-\(3\)](#). [MCL 552.2102\(cc\)](#) defines tribunal as "a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders to determine parentage of a child." For a checklist on a determination of controlling order, see the Michigan Judicial Institute's [Request to Determine Controlling Order Checklist](#).

judgment, decree, or order of that tribunal, and the status of a proceeding. [MCL 552.2210](#); [MCL 552.2317](#).

- MAY request a tribunal outside Michigan to assist in obtaining discovery. [MCL 552.2210](#); [MCL 552.2318](#).
- MUST admit into evidence (where applicable):
  - an affidavit, a document substantially complying with federally mandated forms, or a document incorporated by reference by any of them, that would not be excluded under the hearsay rule if given in person if given under penalty of perjury by a party or witness residing outside of Michigan. [MCL 552.2210](#); [MCL 552.2316\(2\)](#).
  - a copy of the record of child-support payments certified as a true copy of the original by the custodian of record forwarded to the court as evidence of facts asserted in it and to show whether payments were made. [MCL 552.2210](#); [MCL 552.2316\(3\)](#).
  - copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least ten days before trial, to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary. [MCL 552.2210](#); [MCL 552.2316\(4\)](#).
- May NOT exclude documentary evidence transmitted from outside Michigan by telephone, telecopier, or other electronic means that do not provide an original record from evidence on an objection based on the means of transmission. [MCL 552.2210](#); [MCL 552.2316\(5\)](#).
- MUST permit a party or witness residing outside of Michigan to be deposed or to testify under penalty of perjury by telephone, audiovisual means, or other electronic means at a designated location. [MCL 552.2210](#); [MCL 552.2316\(6\)](#).
- MAY draw an adverse inference from a party's refusal to answer when called to testify on the ground the testimony may be self-incriminating. [MCL 552.2210](#); [MCL 552.2316\(7\)](#).
- Privilege against disclosure of communications between spouses OR defense of immunity based on the relationship between spouses or parent and child do NOT apply. [MCL 552.2210](#); [MCL 552.2316\(8\)](#); [MCL 552.2316\(9\)](#).

For court forms related to domestic relations actions, see the One Court of Justice [website](#).

For additional domestic relations resources, see the Friend of the Court Bureau [website](#).