

Enforcement of a Foreign 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.¹ [MCL 552.2305\(2\)\(a\)](#); [MCL 552.2704\(2\)\(c\)](#).

A party seeking enforcement of a support order or an income-withholding order (or both) issued in another state or a support order issued in a foreign country may forward the required registration documentation² to a support enforcement agency³ in Michigan. [MCL 552.2507\(1\)](#). On receipt of the registration documentation, the support enforcement agency MUST register the order *if* the obligor/payer contests the validity or administrative enforcement of the order.⁴ [MCL 552.2507\(2\)](#).

A petitioner may also file a direct request⁵ for recognition and enforcement of a foreign support order or support agreement.^{6, 7} [MCL 552.2705\(2\)](#). The petitioner MUST register the foreign support order in

¹ For purposes of the UIFSA, *Convention* is “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\(c\)](#).

² For a checklist on the registration of a foreign order for enforcement purposes, which includes a list of the required documentation, see the Michigan Judicial Institute’s [Registration of Foreign Support Order for Purposes of Enforcement Checklist](#).

³ [MCL 552.2102\(aa\)](#) defines *support enforcement agency* as “a public official or governmental entity or private agency authorized to do 1 or more of the following: (i) [s]eek enforcement of support orders or laws relating to the duty of support[;] (ii) [s]eek establishment or modification of child support[;] (iii) [r]equest determination of parentage of a child[;] (iv) [a]ttempt to locate obligors[/payers] or their assets[; and] (v) [r]equest determination of the controlling child-support order.”

⁴ On receipt of the registration documentation, the support enforcement agency must, without initially seeking to register the order, consider and, if appropriate, use any administrative procedure authorized by the law of this state to enforce the support order or income withholding-order (or both). [MCL 552.2507\(2\)](#). If the obligor/payer does NOT contests administrative enforcement, the order need not be registered. *Id.*

⁵ [MCL 552.2701\(d\)](#) defines *direct request* as “a petition filed by an individual of a tribunal of this state in a proceeding involving an obligee, obligor, or a child residing outside of the United States.”

Michigan. See [MCL 552.2706\(1\)](#).⁸ The petitioner's request for registration of a Convention support order may seek recognition and partial enforcement. [MCL 552.2706\(3\)](#).

The request for registration of a foreign order for purposes of enforcement may be filed at the same time as the petition for enforcement *or* before seeking enforcement. See [MCL 552.2602\(3\)](#). *A registered support order issued in another state or foreign country is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal⁹ of this state.* [MCL 552.2603\(2\)](#).

On receipt of a petition for enforcement of a foreign order, inquire and determine the following:

- If INAPPROPRIATE tribunal,¹⁰ forward the petition to an appropriate tribunal and notify the petitioner where and when the pleading was sent. See [MCL 552.2301\(1\)](#); [MCL 552.2306](#).
- If APPROPRIATE tribunal, ensure the petitioner was notified of the date and location of the petition/comparable pleading filing. See [MCL 552.2301\(1\)](#); [MCL 552.2305\(1\)](#).
- If the obligor/payer FAILS to appear for the enforcement proceedings (after proper notice) the tribunal MAY issue a bench warrant. See [MCL 552.2305\(2\)\(i\)](#). *Note, however, a nonresident party need not be physically present for the enforcement of the support order.* [MCL 552.2316\(1\)](#).
- Determine whether the support order was issued in Michigan or outside of Michigan.
 - If the order WAS issued in Michigan, refer to the Michigan Judicial Institute's [Enforcement of an Intrastate Support Order Checklist](#).

⁶ [MCL 552.2701\(f\)](#) defines *foreign support agreement* as "an agreement for support in a record that is enforceable as a support order in the country of origin, has been formally drawn up or registered as an authentic instrument by a foreign tribunal, has been authenticated by, or concluded, registered, or filed with, a foreign tribunal, and may be reviewed and modified by a foreign tribunal. Foreign support agreement includes a maintenance arrangement or authentic instrument under the Convention."

⁷ A petitioner filing a petition seeking establishment of a support under the UIFSA that involves an obligee/recipient of payment, obligor/payer, or a child residing outside of the United States is NOT entitled to assistance from the Friend of the Court (FOC). [MCL 552.2701\(d\)](#); [MCL 552.2705\(4\)](#).

⁸ For a checklist on the registration of a foreign support order for enforcement purposes, see the Michigan Judicial Institute's [Registration of Foreign Support Order for Purposes of Enforcement Checklist](#).

⁹ For purposes of the UIFSA, *tribunal* is "a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders to determine parentage of a child." [MCL 552.2102\(cc\)](#).

¹⁰ For purposes of the UIFSA, *tribunal* is "a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders to determine parentage of a child." [MCL 552.2102\(cc\)](#).

- If it was a request for recognition and enforcement of a *Convention support order* OR *foreign support agreement*:
 - A security, bond, or deposit is *not* required to guarantee the payment of costs and expenses, AND
 - An obligee/recipient of payment or obligor/payer benefiting from free legal assistance in the issuing country remains entitled to at least the same benefit of free legal assistance provided for by law in Michigan under the same circumstances. [MCL 552.2705\(3\)](#).
- Ensure, for purposes of *foreign support agreements*:
 - petitioner also provided a complete text of the foreign support agreement AND a record stating that the foreign support agreement is enforceable as an order of support in the issuing country. [MCL 552.2710\(2\)](#).
 - there are NO pending challenges to or appeals of the agreement before a tribunal of another state or foreign country (if a pending challenge or appeal exists, MUST suspend recognition and enforcement proceeding). [MCL 552.2710\(5\)](#).
- If request for enforcement of support order states foreign currency, CONVERT amount stated in the foreign currency to the equivalent amount in dollars under the applicable official market exchange rate as publicly reported. [MCL 552.2305\(6\)](#).
- 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 judgment, decree, or order of that tribunal, and the status of a proceeding. [MCL 552.2301\(1\)](#); [MCL 552.2317](#).
- MAY request a tribunal outside Michigan to assist in obtaining discovery. [MCL 552.2301\(1\)](#); [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 552.2301\(1\)](#); [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 552.2301\(1\)](#); [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 552.2301\(1\)](#); [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 552.2301\(1\)](#); [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 552.2301\(1\)](#); [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 552.2301\(1\)](#); [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 552.2301\(1\)](#); [MCL 552.2316\(8\)](#); [MCL 552.2316\(9\)](#).
- MUST recognize and enforce:
 - a registered support order *if* the issuing tribunal had jurisdiction. [MCL 552.2603\(3\)](#).
 - a registered foreign support order *unless* this court under [MCL 552.2708\(2\)](#) refuses recognition and enforcement.¹¹ [MCL 552.2708\(1\)-\(2\)](#).
 - a registered foreign support agreement *unless* the registration is vacated or the Michigan court under [MCL 552.2710\(4\)](#) refuses recognition and enforcement.¹² [MCL 552.2710\(1\)](#); [MCL 552.2710\(3\)](#); [MCL 552.2710\(4\)](#).

¹¹ For a checklist on contesting the validity and enforcement of a foreign support order, including the circumstances for refusal set out under [MCL 552.2708\(2\)](#), see the Michigan Judicial Institute's [Contesting the Validity or Enforcement of a Registered Order Checklist](#).

¹² For a checklist on contesting the validity and enforcement of a foreign support agreement, including the circumstances for refusal set out under [MCL 552.2710\(4\)](#), see the Michigan Judicial Institute's [Contesting the Validity or Enforcement of a Registered Order Checklist](#).

- Uncontested portion(s) of the registered support order:
 - MAY be enforced by all remedies available under Michigan law. [MCL 552.2607\(2\)](#)
 - MUST be enforced for severable parts of the *Convention support order*.¹³ [MCL 552.2709](#).
- Apply the procedures and remedies of Michigan to enforce the current support and collect arrears and interest due on a support order of another state or a foreign country registered in Michigan. [MCL 552.2604\(3\)](#).
- MAY enforce a foreign support order, [MCL 552.2305\(2\)\(a\)](#), and
 - order an obligor/payer to comply with a support order, specifying the amount and manner of compliance. [MCL 552.2305\(2\)\(b\)](#).
 - order income withholding (if not already ordered). [MCL 552.2305\(2\)\(c\)](#).
 - determine the amount of any arrearages and specify a method of payment. [MCL 552.2305\(2\)\(d\)](#).
 - enforce orders by civil or criminal contempt, or both. [MCL 552.2305\(2\)\(e\)](#).
 - set aside property for satisfaction of the support order. [MCL 552.2305\(2\)\(f\)](#).
 - place liens and order execution on the obligor's/payer's property. [MCL 552.2305\(2\)\(g\)](#).
 - order the obligor/payer to keep the court informed of his/her current residential address, electronic-mail address, telephone number, employer, address of employment, and telephone number for the place of employment. [MCL 552.2305\(2\)\(d\)](#).
 - order the obligor/payer to seek appropriate employment by specified methods. [MCL 552.2305\(2\)\(j\)](#).
 - award reasonable attorney fees, filing fees, other fees and costs, and necessary travel and other reasonable expenses incurred against the payer.¹⁴ [MCL 552.2305\(2\)\(k\)](#); [MCL 552.2313\(2\)](#).

¹³ An application or direct request may seek recognition and partial enforcement of a Convention support order. [MCL 552.2709](#). [MCL 552.2701\(a\)](#) defines *application* as "a request under the Convention by an obligee or obligor on behalf of a child, made through central authority for assistance from another central authority."

- grant any other available remedy the court deems fit. [MCL 552.2305\(2\)\(l\)](#).
- Ensure the law of the issuing state or foreign country governs the nature, extent, amount, and duration of current payments under a registered support order, computation and payment of arrearages¹⁵ and accrual of interest on the arrearages under the support order, and existence and satisfaction of other obligations under the support order UNLESS
 - this court or another state's tribunal determines between multiple support orders which is the controlling order and issues an order consolidating arrears (if any), THEN prospectively applies the law of the state or foreign country issuing the controlling order, including its law on interest and arrears, on current and future support, and on consolidated arrears. [MCL 552.2604\(1\)](#); [MCL 552.2604\(4\)](#).

Assessment of fees, costs, or expenses. The court MUST order the payment of costs and reasonable attorney fees if it determines that a hearing was requested primarily for delay. [MCL 552.2313\(3\)](#). A hearing is presumed requested for delay if a registered support order is confirmed or enforced without change. *Id.*

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](#).

¹⁴ Payment of support owed has priority over fees, costs, and expenses. [MCL 552.2313\(2\)](#).

¹⁵ For purposes of arrearage, the statute of limitation in Michigan OR of the issuing state or foreign country, whichever is longer, applies. See [MCL 552.2604\(2\)](#).