

Registration of a Foreign Support Order for Purposes of Enforcement Checklist

A support order or income-withholding order issued in another state or a foreign support order may be registered in Michigan for enforcement under the Uniform Interstate Family Support Act (UIFSA), [MCL 552.2101 et seq.](#) [MCL 552.2601](#). The request for registration of the 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 party seeking enforcement¹ 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 documentation to a support enforcement agency² 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.³ [MCL 552.2507\(2\)](#).

A petitioner may also file a direct request⁴ for recognition and enforcement of a foreign support order or support agreement.^{5, 6} [MCL](#)

¹ For a checklist on the enforcement of a foreign support order or an income-withholding order, see the Michigan Judicial Institute's [Enforcement of a Foreign Support Order Checklist](#).

² [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."

³ 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 contest administrative enforcement, the order need not be registered. *Id.*

⁴ [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." For a checklist on the enforcement of a foreign support order, see the Michigan Judicial Institute's [Enforcement of a Foreign Support Order Checklist](#).

[552.2705\(2\)](#). The petitioner MUST register the foreign support order in Michigan. See [MCL 552.2706\(1\)](#). The petitioner's request for registration of a Convention support order may seek recognition and partial enforcement. [MCL 552.2706\(3\)](#).

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 tribunal⁷ of this state. [MCL 552.2603\(2\)](#).

On receipt of a request for registration of a foreign order, inquire and determine the following:

- If INAPPROPRIATE tribunal, forward the request 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 request filing. See [MCL 552.2301\(1\)](#); [MCL 552.2305\(1\)](#).
- Determine that the petitioner filed ALL of the following information with the court *and* file the order petitioner seeks to register as an order of a tribunal of another state or a foreign support order, together with one copy of the documents and information (regardless of form):
 - letter of transmittal to the tribunal requesting registration and enforcement.
 - two copies (one certified) of the order to be registered (and any modification to that order).
 - petitioner's sworn statement OR certified statement by the custodian of records showing the amount of any arrearage.
 - name of obligor/payer, and if known obligor's/payer's address, social security number, employer (sources of income), and description and location of property located in Michigan not exempt from execution.

⁵ [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."

⁶ A petitioner filing a petition seeking establishment of an order 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\(4\)](#).

⁷ For purposes of 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\(cc\)](#).

- name and address of obligee/recipient of payment, and if applicable, the person to whom support payments are to be remitted. [MCL 552.2602\(1\)-\(2\)](#).
- If a petitioner alleges in the request that a party's or child's health, safety, or liberty is at risk by the disclosure of identifying information, seal and do not disclose the information to the other party or the public. [MCL 552.2312](#); [MCL 552.2602\(1\)\(e\)](#).
 - If after a hearing in which the party's or child's health, safety, and liberty were considered and it is determined that the disclosure is in the interest of justice, the court may order disclosure of the identifying information. [MCL 552.2312](#); [MCL 552.2602\(1\)\(e\)](#).
- If two or more support orders are in effect, ensure the petitioner also:
 - provided the court with a copy of every support order asserted to be in effect.
 - specified the order alleged to be the controlling order (if any).⁸
 - specified the amount of consolidated arrears (if any). [MCL 552.2602\(4\)](#).
- If the petitioner is requesting registration of a *foreign Convention support order*, ensure the petitioner also includes:
 - a complete text of the support order or an abstract or extract of the support order drawn up by the issuing foreign tribunal, which may be in the form recommended by the Hague Conference on Private International Law.
 - a record stating that the support order is enforceable in the issuing country.
 - if the respondent did not appear and was not represented in the proceedings in the issuing country, a record attesting, as appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard or that the respondent had proper notice of the support order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal.

⁸ A request for a determination of which is the controlling order may be filed separately or with a request for registration and enforcement. [MCL 552.2602\(5\)](#). For a checklist on the procedures for determining which order controls, see the Michigan Judicial Institute's [Request to Determine Controlling Order Checklist](#).

- a record showing the amount of arrears, if any, and the date the amount was calculated.
- a record showing a requirement for automatic adjustment of the amount of support, if any, and the information necessary to make the appropriate calculations.
- if necessary, a record showing the extent to which the applicant received free legal assistance in the issuing country. [MCL 552.2706\(2\)](#).
- Ensure the petitioner provided notice of the request to each party whose rights may be impacted by the determination. [MCL 552.2602\(5\)](#).
- 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](#).
- 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\(9\)](#).
- REGISTER the support order or income-withholding order issued in another state or a foreign support order. See [MCL 552.2603\(1\)](#).
- Notify nonregistering party of the registration⁹ and that:

- the registered order is enforceable, as of the date of registration, in the same manner as an order issued by a tribunal in Michigan.
- a hearing contesting the validity or enforcement of the registered order¹⁰ must be requested within 20 days after notice UNLESS the party is contesting a registered Convention support order, which instead requires:
 - the party contesting the registered Convention support order must file a request within 30 days after notice of the registration (or 60 days for a contesting party residing outside of the United States), and
 - the party's failure to timely contest the registered Convention support order deems it enforceable. [MCL 552.2707\(2\)-\(3\)](#).
- failure to timely contest the validity or enforcement of the registered order will result in confirmation and enforcement of the order and the alleged arrearages.
- the amount of any alleged arrearages. [MCL 552.2605\(1\)-\(2\)](#); [MCL 552.2707\(1\)](#).
- Provide nonregistering party with a copy of the registration order. [MCL 552.2605\(1\)](#).
- IF registering party asserted two or more support orders in effect, notice must also:
 - identify the orders and the order the registering party alleged to be controlling and any consolidated arrears.
 - notify the nonregistering party of the right to a determination of which is the controlling order.
 - state that the procedures set out in [MCL 552.2605\(2\)](#) also apply to the determination of which is the controlling order.
 - state that failure to timely contest the validity or enforcement of the order alleged to be controlling

⁹ [MCL 552.2706\(5\)](#) requires *prompt* notification for registration of a Convention support order.

¹⁰ For a checklist on contesting the registration of a support order, see the Michigan Judicial Institute's [Contesting the Validity or Enforcement of a Registered Order Checklist](#).

may result in confirmation that the order is the controlling order. [MCL 552.2605\(3\)](#).

- ❑ IF registering an *income-withholding order* for enforcement, the support enforcement agency or tribunal MUST notify the obligor's/payer's employer in accordance with the income-withholding law of this state. [MCL 552.2605\(4\)](#).
- ❑ IF registering a *Convention order*, the record MUST be in the original language and, if not in English, must be accompanied by an English translation. [MCL 552.2713](#).

Court-initiated vacation of registering Convention support order or support agreement. The court MAY vacate the registration of a Convention *support order* without the filing of a contest ONLY if, acting on its own motion, the court finds that recognition and enforcement of the order would be manifestly incompatible with public policy. [MCL 552.2706\(4\)](#). The court MUST promptly notify the parties of the order vacating the registration of a Convention support order. [MCL 552.2706\(5\)](#).

The court MAY vacate the registration of a *foreign support agreement* ONLY if, acting on its own motion, the court finds that recognition and enforcement would be manifestly incompatible with public policy. [MCL 552.2710\(3\)](#).

Confirmation of registered support order. Confirmation of a registered support order precludes further contest of the order with respect to any matter that could have been asserted at the time of registration. [MCL 552.2608](#).

Confirmation of a registered Convention support order MUST be recognized and enforced UNLESS one of the provisions set out in [MCL 552.2708\(2\)](#) apply. [MCL 552.2708\(1\)](#).

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](#).