

Registration of a Foreign Support Order for Purposes of Modification Checklist

A petitioner seeking to register and modify another state's or foreign country's support order under the Uniform Interstate Family Support Act (UIFSA), [MCL 552.2101 et seq.](#), must file a petition.¹ [MCL 552.2311\(1\)](#); [MCL 552.2705\(1\)](#).² The petitioner MUST register the support order in Michigan simultaneously with the petition for modification *or* before seeking modification.³ See [MCL 552.2609](#); [MCL 552.2706\(1\)](#). For a checklist on the modification of a foreign support order under the UIFSA, see the Michigan Judicial Institute's a petition for [Modification of a Foreign Support Order Checklist](#).

A Michigan court may NOT modify a registered support order IF the issuing tribunal⁴ had jurisdiction. [MCL 552.2603\(3\)](#).

On receipt of a request for registration of a foreign support 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](#).

¹ The petitioner may not be required to pay a filing fee or other costs. [MCL 552.2313\(1\)](#).

² A petitioner filing a petition seeking modification of a support 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 the assistance of the Friend of the Court (FOC). [MCL 552.2705\(4\)](#); [MCL 552.2701\(d\)](#).

³ If a petitioner is seeking registration and modification of a foreign support order that does NOT fall under the Convention, the petitioner *may* register that order in Michigan under [MCL 552.2601-MCL 552.2608](#). [MCL 552.2616\(2\)](#). [MCL 552.2102\(c\)](#) defines Convention as "the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, concluded at The Hague on November 23, 2007."

⁴ 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 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 that requests registration.
 - 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.
 - 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 the court determines 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).⁵
 - specified the amount of any consolidated arrears. [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.
 - a record showing the amount of any arrears and the date the amount was calculated.
 - a record showing a requirement for automatic adjustment of the amount of any support 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

⁵ A request for a determination of which is the controlling order may be filed separately or with a request for registration and modification. [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](#).

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 foreign support order. See [MCL 552.2603\(1\)](#).
 - Notify nonregistering party of the registration⁶ and:
 - 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 order must be requested within 20 days after notice⁷ 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 any alleged arrearages.

⁶ [MCL 552.2706\(5\)](#) requires *prompt* notification for registration of a Convention support order.

⁷ 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](#).

- 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 the consolidated arrears (if any).
 - 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 may result in confirmation that the order is the controlling order. [MCL 552.2605\(3\)](#).
- 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. 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\(5\)](#).

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\(1\)](#).

Governing law of registered foreign support order. Except as otherwise provided in [MCL 552.2604\(4\)](#) (court's determination between multiple support orders which is controlling and on issuance of arrearage

consolidation order, if applicable), the law of the issuing state or foreign country governs all of the following:

- Nature, extent, amount, and duration of current payments under a registered support order.
- Computation and payment of arrearages and accrual of interest on the arrearages under the support order.
- Existence and satisfaction of other obligations under the support order. [MCL 552.2604\(1\)](#).

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](#).