

Request to Determine Controlling 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 establishing, enforcing, and modifying support orders and determining parentage of a child 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 a proceeding is raised under the UIFSA and only *one* tribunal has issued a child-support order, the order of that tribunal¹ controls and must be recognized. [MCL 552.2207\(1\)](#). However, if two or more child-support orders are issued by tribunals in Michigan, another state, or a foreign country, 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\(2\)-\(3\)](#).

*A request for a determination of which is the controlling order may be filed separately or with a request for registration and modification OR with a request for registration and enforcement.*² [MCL 552.2207\(3\)](#); [MCL 552.2602\(5\)](#).

On receipt of a request or the filing of a proceeding under the UIFSA that requires determination of controlling order:

- Determine that the obligor/payer and child are the same on the applicable support orders. See [MCL 552.2207\(2\)-\(3\)](#).

¹ 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\(cc\)](#).

² For a checklist on the registration and modification of a support order, see the Michigan Judicial Institute’s [Registration of Foreign Support Order for Purposes of Modification Checklist](#) and [Modification of Child Support Checklist](#). For a checklist on the registration and enforcement of a support order, see the Michigan Judicial Institute’s [Registration of Foreign Support Order for Purposes of Enforcement Checklist](#) and [Enforcement of an Intrastate Support Order Checklist](#).

- Ensure personal jurisdiction exists over BOTH the obligor/payer and the obligee/recipient of payment. See [MCL 552.2207\(2\)-\(3\)](#).
- Ensure that every child-support order in effect and the applicable record of payments has been provided to the court. [MCL 552.2207\(4\)](#).
- Ensure notice was provided to each party whose rights might be impacted by the determination. [MCL 552.2207\(4\)](#).
- Issue order that determines the controlling order and recognition belongs to:
 - the only tribunal with continuing, exclusive jurisdiction under the UIFSA.
 - the order issued by the tribunal in the child's current home state³ (if more than one tribunal has continuing, exclusive jurisdiction).
 - the order most recently issued (if an order has NOT been issued in the child's home state and more than one tribunal has continuing, exclusive jurisdiction).
 - if NONE of the tribunals have continuing, exclusive jurisdiction, MUST issue a child-support order, which controls. [MCL 552.2207\(2\)-\(3\)](#).
- Ensure order provides:
 - basis on which the tribunal made its determination.
 - amount of prospective support (if any).
 - total amount of consolidated arrears and accrued interest (if any), under all of the orders after all payments made are credited as provided by [MCL 552.2209](#) (requiring a tribunal of this state to 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 552.2207\(6\)](#).

³ For purposes of the UIFSA, home state is "the state or foreign country in which a child lived with a parent or a person acting as a parent for at least 6 consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than 6 months old, the state or foreign country in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the 6-month or other period." [MCL 552.2102\(h\)](#).

Filing of certified copy. Within 30 days of the order determining controlling order is issued, the requesting party must file a certified copy in each tribunal that issued or registered an earlier order of child support. If the requesting party fails to file a certified copy, the party is subject to “appropriate sanctions by a tribunal in which the issue of failure to file arises[,]” but does not affect the validity or enforceability of the controlling order. [MCL 552.2207\(7\)](#).

Required recognition. An order that has been determined to be the controlling order, or a judgment for consolidated arrears of support and interest, if any, made under [MCL 552.2207](#) must be recognized in proceedings under the UIFSA.

Jurisdiction. The tribunal that issued the controlling order has continuing, exclusive jurisdiction to the extent provided for under [MCL 552.2205](#) and [MCL 552.2206](#). [MCL 552.2207\(5\)](#).

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](#).

