

	<b>INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL</b>	
	<b>Chapter 16: Intergovernmental Case Processing</b>	<b>Effective Date: 11/26/2019</b>
	<b>Section 8: Enforcing a Child Support Order</b>	<b>Version: 1 Revision Date: 11/26/2019</b>

**BACKGROUND**

Under the Uniform Interstate Family Support Act (UIFSA), orders issued by a tribunal may be enforced in any jurisdiction where the respondent resides, earns income, or has property. Some of the processes for enforcement actions require registration of the order in the state for enforcement while others do not.

**POLICY**

1. Enforcing Another State’s Child Support Order Without Registration

The Title IV-D agency may administratively enforce a child support order and/or income withholding order (IWO).<sup>1</sup> If the respondent does not contest administrative enforcement, no registration is required.<sup>2</sup> An IWO may be sent directly to an obligor’s employer in another state without the order first being registered in that state.<sup>3</sup> The employer must comply with IWOs sent by other states and may reply to IWOs sent by foreign countries. A tribal employer is not required to honor an IWO sent by another state. If the tribal employer does not honor the IWO, the state must initiate a UIFSA to the tribe for enforcement.

2. Registering Another State’s Child Support Order for Enforcement

A child support order or an IWO issued by another tribunal may be registered in Indiana for enforcement.<sup>4</sup> The Clerk of Courts is required to maintain a registry of all Title IV-D orders including foreign support orders that are registered.<sup>5</sup> If there is no challenge to the registered order, Indiana must give full faith and credit to the order.<sup>6</sup>

The law of the state that issued the registered order governs interpretation of the order, including the support amount and the duration of support.<sup>7</sup> Indiana will apply its statute of limitations or that of the issuing state, whichever is longer, in a proceeding for arrears under a registered support order.<sup>8</sup>

<sup>1</sup> IC 31-18.5-5-7(b)

<sup>2</sup> IC 31-18.5-5-7(b)

<sup>3</sup> IC 31-18.5-5-1

<sup>4</sup> IC 31-18.5-6-1

<sup>5</sup> IC 31-25-4-11

<sup>6</sup> 28 U.S.C. § 1738b(a)(1)

<sup>7</sup> IC 31-18.5-6-4(a)(1); IC 31-18.5-6-11(c)

<sup>8</sup> IC 31-18.5-6-4(b)

If a child support order from another state is registered for enforcement in Indiana, the Indiana tribunal may enforce the order, but may not modify the order.<sup>9</sup> A registered order of another jurisdiction is enforceable in the same way as an order of Indiana.<sup>10</sup>

### 3. Registering a Convention Country's Child Support Order for Enforcement

If a party is seeking recognition of an order issued by a Convention country, the party is required to register the order in the same manner as other UIFSA orders.<sup>11</sup>

A request for registration of a Convention support order may include a request for recognition and partial enforcement of the order.<sup>12</sup> If an Indiana court does not recognize and enforce a Convention support order in its entirety, the court shall enforce any part of the order that is severable.<sup>13</sup>

## REFERENCES

- [IC 31-18.5-3-5](#): Duties and powers of responding tribunal
- [IC 31-18.5-5-1](#): Income withholding order of another state
- [IC 31-18.5-5-6](#): Contest by obligor; notice
- [IC 31-18.5-5-7](#): Administrative enforcement of orders
- [IC 31-18.5-6-3](#): Effect of registration for enforcement
- [IC 31-18.5-6-4](#): Choice of law
- [IC 31-18.5-6-5](#): Notice of registration of order
- [IC 31-18.5-6-6](#): Procedure to contest the validity or enforcement of registered support order
- [IC 31-18.5-6-7](#): Contest of registration or enforcement
- [IC 31-18.5-6-11](#): Modification of child support order of another state
- [IC 31-18.5-7-6](#): Registration of support order
- [IC 31-18.5-7-7](#): Contest of registered support order
- [IC 31-18.5-7-9](#): Partial enforcement
- [IC 31-25-4-11](#): State case registry; contents
- [28 U.S.C. § 1738B](#): Full faith and credit for child support orders act

## PROCEDURE

### 1. Contesting the Enforcement of an IWO Issued Without Registration

An obligor in Indiana may contest the validity of an IWO issued in another state by registering the order in Indiana.<sup>14</sup> The obligor shall give notice of the contest to:

- a. The Title IV-D agency providing services to the obligee;<sup>15</sup>

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<sup>9</sup> IC 31-18.5-6-3(c)

<sup>10</sup> IC 31-18.5-6-3(b)

<sup>11</sup> IC 31-18.5-7-6(a)

<sup>12</sup> IC 31-18.5-7-6(c)

<sup>13</sup> IC 31-18.5-7-9

<sup>14</sup> IC 31-18.5-5-6(a)

<sup>15</sup> IC 31-18.5-5-6(b)(1)

- b. Each income payor that has directly received an IWO relating to the obligor;<sup>16</sup>  
and
- c. The person designated to receive payments in the IWO, or if a person is not designated, the obligee.<sup>17</sup>

## 2. Contest of Registration

If a non-registering party wants to contest the validity or enforcement of a registered child support order the party must request a hearing within 20 calendar days after notice unless it is a Convention support order.<sup>18</sup> The party contesting the order has the burden to prove:

- a. The issuing tribunal lacked personal jurisdiction over the contesting party;<sup>19</sup>
- b. The order was obtained by fraud;<sup>20</sup>
- c. The order has been vacated, suspended, or modified by a later order;<sup>21</sup>
- d. The issuing tribunal has stayed the order pending appeal;<sup>22</sup>
- e. There is a defense under Indiana law to the remedy sought;<sup>23</sup>
- f. Full or partial payment has been made;<sup>24</sup>
- g. The statute of limitation precludes enforcement of some or all of the alleged arrears;<sup>25</sup> or
- h. The alleged controlling order is not the controlling order.<sup>26</sup>

A party who wishes to contest a Convention country's support order is required to file the contest within 30 days after receiving notice of the registration if he or she resides in the U.S. or within 60 days after receiving notice if he or she does not live in the U.S.<sup>27</sup> The order is enforceable if the party who did not request the registration fails to timely contest.<sup>28</sup>

If the party fully or partially proves one (1) of the defenses a tribunal may:

- a. Stay enforcement of a registered support order;<sup>29</sup>
- b. Continue the proceeding to permit production of additional relevant evidence;<sup>30</sup> or
- c. Issue other appropriate orders.<sup>31</sup>

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<sup>16</sup> IC 31-18.5-5.6(b)(2)

<sup>17</sup> IC 31-18.5-5-6(b)(3)

<sup>18</sup> IC 31-18.5-6-5; IC 31-18.5-6-6(a)

<sup>19</sup> IC 31-18.5-6-7(a)(1)

<sup>20</sup> IC 31-18.5-6-7(a)(2)

<sup>21</sup> IC 31-18.5-6-7(a)(3)

<sup>22</sup> IC 31-18.5-6-7(a)(4)

<sup>23</sup> IC 31-18.5-6-7(a)(5)

<sup>24</sup> IC 31-18.5-6-7(a)(6)

<sup>25</sup> IC 31-18.5-6-7(a)(7)

<sup>26</sup> IC 31-18.5-6-7(a)(8)

<sup>27</sup> IC 31-18.5-7-7(b)

<sup>28</sup> IC 31-18.5-7-7(c)

<sup>29</sup> IC 31-18.5-6-7(b)(1)

<sup>30</sup> IC 31-18.5-6-7(b)(2)

<sup>31</sup> IC 31-18.5-6-7(b)(3)

If any part of the registered support order is uncontested it may be enforced by all remedies available under Indiana law.<sup>32</sup>

### 3. Assessing Payment on Arrears

In addition to ongoing support, the Indiana court can assess a payment on arrears determined to be due and owing.<sup>33</sup>

### 4. Effect of Registering an Order on the Status of the Controlling Order

Registering an order does not change which order is the controlling order.<sup>34</sup>

When an order is registered in Indiana, the order is assigned an Indiana cause number. This does not change the status of the controlling order.

When an order is registered for purposes of enforcement only, it is likely that Indiana will not be the continuing, exclusive jurisdiction (CEJ) state.

When an order is registered for modification purposes, CEJ is only changed when a court issues an order indicating such.

## FORMS AND TOOLS

1. [Federal Interstate Time Frames UIFSA](#)
2. [Initiating Intergovernmental Cases Checklist](#)
3. [Initiating Intergovernmental \(Outgoing UIFSA\) Smart Guide](#)
4. [Intergovernmental Case Management UIFSA FAQ](#)
5. [Intergovernmental Forms Matrix \(OCSE\)](#)
6. [Responding Intergovernmental Cases Checklist](#)
7. [Responding Intergovernmental \(Incoming UIFSA\) Smart Guide](#)
8. [UIFSA Matrix \(CSB\)](#)

## FREQUENTLY ASKED QUESTIONS

N/A

## RELATED INFORMATION

1. Chapter 12: Enforcement
2. Chapter 16: Intergovernmental Case Processing, Section 4: Controlling Order
3. Chapter 16: Intergovernmental Case Processing, Section 9: Determining Continuing, Exclusive Jurisdiction and Modification of Orders

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<sup>32</sup> IC 31-18.5-6-7(b)

<sup>33</sup> IC 31-18.5-3-5(b)(4)

<sup>34</sup> See Chapter 16: Intergovernmental Case Processing, Section 4: Controlling Order for the steps in determining which order is the controlling order