

	<b>INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL</b>	
	<b>Chapter 16: Intergovernmental Case Processing</b>	<b>Effective Date: 11/03/2021</b>
	<b>Section 2: Uniform Intergovernmental Case Processing Laws</b>	<b>Version: 1.1 Revision Date: 11/03/2021</b>

**BACKGROUND**

Historically, because child support was a matter of State law, it was difficult to establish or enforce a child support order when the parents lived in different States. In the 1950s and 1960s, States adopted the model Uniform Reciprocal Enforcement of Support Act (URESA) which permitted a child support action that was filed in the custodial party’s (CP’s) State to be transmitted to the State where the non-custodial parent (NCP) resided.

URESA was somewhat successful in establishing and enforcing child support orders but it suffered from several weaknesses:

1. URESA did not provide for enforcing an existing order but instead resulted in the establishment of a new order in the NCP’s State;
2. As the NCP moved to additional States, additional orders were created; and
3. There was no clear guidance as to which order was in effect and how and where these orders could be modified.

In 1990, the National Conference of Commissioners on Uniform State Laws developed a new model act, the Uniform Interstate Family Support Act (UIFSA), to address the shortcomings of URESA. There are several versions of model UIFSA with the most recent being UIFSA 2008.

In October 1994, Congress enacted the Full Faith and Credit for Child Support Orders Act (FFCCSOA). At the time FFCCSOA was enacted, there was no federal mandate that States enact UIFSA. Under FFCCSOA, a State is required to enforce a child support order of a Court in another State and to not modify that order unless modification is otherwise permitted by law.<sup>1</sup>

In 1996, Congress enacted the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). PRWORA required States, excluding Indian nations and tribes, to adopt the model UIFSA 1996 and amended FFCCSOA for consistency with UIFSA 1996. Indiana enacted UIFSA 1996 in 1997.

The U.S. is a party to the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (Convention). The Convention enables the U.S. to work with other Convention countries to ensure that children living abroad receive support. The provisions of the Convention were incorporated into the UIFSA 2008 amendments. All States were required to enact UIFSA 2008 in order for the U.S. to ratify the Convention. Indiana adopted UIFSA 2008 in 2015.<sup>2</sup>

<sup>1</sup> 28 U.S.C. § 1738B(a); OCSS-AT-02-03

<sup>2</sup> IC 31-18.5

While UIFSA 2008 as a whole covers all international cases, and the procedures for cases with Convention countries are similar, there are provisions that differ under the chapter that covers Convention cases. If there are UIFSA provisions that differ between the Convention chapter and the other chapters of UIFSA, the Convention chapter controls for Convention countries.<sup>3</sup>

The federal Office of Child Support Services (OCSS) has developed standardized forms that Title IV-D agencies are required to use in UIFSA cases.<sup>4</sup> Indian nations and tribes are not required to use these UIFSA forms. To further help the States in processing intergovernmental cases, OCSS developed an Intergovernmental Reference Guide (IRG) that is accessible through Indiana's Child Support Resources (CSR) website. The IRG contains contact information and summaries of child support laws and procedures within each State.

States may receive UIFSA cases from foreign countries. These countries may fall under one (1) or more of the following categories:

1. Foreign countries that have also adopted the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance concluded at The Hague on November 23, 2007, (also called Convention countries);
2. Foreign reciprocating countries (FRCs) that have agreements with the U.S.; and
3. Foreign countries that individual States have declared as reciprocating countries.

It is also possible for a foreign resident to apply directly to a State child support agency for services.<sup>5</sup>

Actions brought under UIFSA provisions confer jurisdiction only to establish, enforce, and modify support orders, and establish paternity/parentage. The Uniform Child Custody Jurisdiction Act governs interstate custody and parenting time.<sup>6</sup>

## **POLICY**

The Indiana child support program is committed to the principle of a single order in each case as outlined in UIFSA and FFCCSOA.

## **REFERENCES**

- [IC 31-18.5](#): FAMILY LAW: UNIFORM INTERSTATE FAMILY SUPPORT
- [IC 31-18.5-7-2](#): Applicability
- [IC 31-21](#): UNIFORM CHILD CUSTODY JURISDICTION ACT
- [28 U.S.C. § 1738B](#): Full faith and credit for child support orders
- [45 C.F.R. § 303.7](#): Provision of services in intergovernmental IV-D cases
- [OCSS-AT-02-03](#): Applicability of the Full Faith and Credit for Child Support Orders Act to States and Tribes
- [OCSS-DCL-94-45](#): Residency Requirements for IV-D Services
- [OCSS-PIQ-99-01](#): Direct Application for Title IV-D Services from International Residents

<sup>3</sup> IC 31-18.5-7-2

<sup>4</sup> 45 C.F.R. § 303.7(a)(4)

<sup>5</sup> OCSS-DCL-94-45; OCSS-PIQ-99-01

<sup>6</sup> IC 31-21

**PROCEDURE**

N/A

**FORMS AND TOOLS**

- 1. [Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance](#)
- 2. [OCSS International](#)
- 3. [OCSS IRG State and Tribal Child Support Users Guide](#)

**FREQUENTLY ASKED QUESTIONS**

N/A

**RELATED INFORMATION**

N/A

**REVISION HISTORY**

<b>Version</b>	<b>Date</b>	<b>Description of Revision</b>
Version 1	11/26/2019	Final approved version
Version 1.1	11/03/2021	Updated for consistent formatting and language
	08/22/2023	Changed Office of Child Support Enforcement (OCSE) to Office of Child Support Services (OCSS)