

# Interstate Action

## FREQUENTLY ASKED QUESTIONS ABOUT INTERSTATE ACTIONS

### COMMONLY ASKED QUESTIONS

#### How long will it take for services if we work with another state?

This varies depending on what action is necessary. If an Interstate request is made to another State for Enforcement of an order, it may take several months up to a year to get this case into court (some state longer), if legal action is required. Your local CSEA will closely monitor the status of their request for action to assure timely action is taken.

#### My out-of-state order permits standard visitation, I have now moved to Ohio and am being denied visitation. Can the CSEA help me?

Unfortunately, visitation issues cannot be addressed by the CSEA in Interstate Actions and are not a defense to nonpayment of support. Some Ohio County CSEA's provide visitation access programs to assist with issues involving visitation. Contact your CSEA to determine what programs/services are available in your area.

## CROSSING STATE LINES TO PROVIDE CHILD SUPPORT SERVICES

Often times, it is necessary to utilize the assistance of another States' Child Support Agency to successfully establish, enforce and/or modify an existing child support order. This process is known as Interstate Action. The uniform act used to work these interstate cases is referred to as UIFSA (Uniform Interstate Family Support Act). As part of the Welfare Reform Act of 1997, UIFSA became mandated by federal law and all States adopted uniform rules and created the same jurisdictional regulations. UIFSA's governing rule is based on the concept of "one order", "one time" and

"one place". Prior to UIFSA and the FFCCSOA (Full Faith and Credit for Child Support Orders) Act, it was possible for more than one valid order to be in place and enforced for the same child(ren) in more than one state. Thanks to these new acts, child support agencies across the Nation use a structured set of rules to make determinations on which state and which order is valid.

This fact sheet will attempt to provide you with a variety of issues that often occur when we are faced with another state's order or require the assistance of another state to provide child

support services.

As always, it is recommended that you contact your local child support enforcement agency in the county you reside or contact the State/County that issued your support order for more specific information.

To obtain a listing of Ohio County Child Support Agencies and phone numbers, please visit: <http://www.ifs.ohio.gov/county/cntydir.stm> or to view a listing of All States Child Support Agencies and phone numbers, please visit: <http://ocse.acf.hhs.gov/int/directories/index.cfm?fuseaction=main.extivdlist>

## I HAVE A CASE WITH MORE THAN ONE ORDER IN DIFFERENT STATES, WHAT DO I DO?

Contact your local CSEA. A legal analysis of all orders will be conducted and a Controlling Order will be determined. A Controlling Order is made based on details such as; identifying all States that issued orders and which of the parties (including the child) still live in

these states. Determining a Controlling Order does not nullify any of the other valid existing orders, rather, all states are bound by the same rule for selecting which order prospectively sets the current support obligation and the non-modifiable terms that will

control future litigation.



## DO I HAVE TO USE THE SERVICES OF THE CHILD SUPPORT AGENCY THAT ISSUED MY ORDER?

The Oblige may choose to work with their local CSEA or work directly with the State which issued the order. To avoid confusion, the Oblige

should choose one or the other and not both. Some Responding States will only communicate directly with the Initiating State if the Oblige

chooses to apply for child support services with their local CSEA.

**HOW DO I GET MY SUPPORT ORDER MODIFIED WHEN ONE OR BOTH PARTIES NO LONGER LIVE IN THE STATE THAT ISSUED THE ORDER?**

Either party may seek a Modification of an order issued in another state. Issues faced with who has authority to modify an order can be complicated. Your CSEA has tools available to make this assessment for you. Two of the more common scenarios are as follows;

- If either of the parties still reside in the State which issued the support order - and this is the only support

order for this case - only that State has jurisdiction to Modify the Order.

- If neither of the parties still reside in the State which issued the support order - and this is the only support order for this case - the State in which the non-requesting party resides must register the order in that State and has jurisdiction to Modify it.

It is important to note that when a State Modifies another States support order it pertains only to the amount of current support and medical support. It precludes the Modification of Spousal Support. The duration of the duty of support is set by the laws of the state which issued the original controlling order. (i.e. when support for a child terminates)

**HOW DO I GET MY CHILD SUPPORT ORDER ENFORCED IF ONE OR BOTH PARTIES NO LONGER LIVE IN THE STATE THAT ISSUED THE ORDER?**

Enforcement action may include (but is not limited to) both the issuance of an income withholding order or Administrative & Legal action for non compliance. If an income source is located for an Obligor who resides in another state,

the state which issued the support order may send a direct income withholding order to this source. In some instances, a CSEA in one state may need to work with a CSEA in another state to enforce an order. If it becomes necessary to take

Administrative/Legal action against the Obligor, the Obligee may either work directly with the State that issued the support order or contact their local CSEA to initiate action.

**I HAVE BEEN SERVED TO APPEAR AT A HEARING IN ANOTHER STATE - AM I REQUIRED TO TRAVEL AND APPEAR FOR THIS HEARING?**

Some states allow the ability to participate in a hearing through telephone testimony. This pertains to Administrative Hearings held at the CSEA as well. If you are scheduled to

appear at an out-of-state hearing, please contact the CSEA for more details as to whether you are permitted to provide telephone testimony.



**I DISAGREE WITH THE OUTCOME OF THE HEARING RESULTS RENDERED BY ANOTHER STATE - HOW DO I OBJECT?**

If there is a dispute in the amount of support ordered or other issue, an appeal may be possible. You must communicate concerns

immediately to the CSEA as there are time limits to filing an objection. In some instances, there may be no basis for an appeal.

Always remember that a CSEA does not represent you personally and you may choose to obtain your own legal representation.

**Where can I get more information?**

To obtain a listing of Ohio County Child Support Agencies and phones numbers, please visit: <http://www.jfs.ohio.gov/county/cntydir.stm>

To view a listing of All States Child Support Agencies and phone numbers, please visit: <http://ocse.acf.hhs.gov/int/directories/index.cfm?fuseaction=main.extivdlist>

To view the Federal regulations on provision of services in interstate cases please visit <http://www.acf.dhhs.gov/programs/cse/pol/cfr/98/303-7.htm>



**Ohio CSEA Directors Association**

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