

Interstate Action

A GUIDE TO ADDRESSING FREQUENTLY ASKED QUESTIONS



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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 from several months up to a year to get this case into court 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 CSEA help me?

Unfortunately, visitation issues cannot be addressed by the CSEA and are not a defense to nonpayment of support.

*Children deserve the
opportunity for a
better life.*

Crossing State Lines To Provide Child Support Services

Oftentimes, it is necessary to utilize the assistance of another state's 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.

The other parent is moving to another state. Can I still collect child support?

Yes. The interstate process allows CSEA to establish paternity, establish support orders, enforce support orders, and collect current and unpaid support from absent parents across state lines. If you know the absent parent's new location, we will enter your case into CSEA interstate collection. The actions to be taken will depend on how much information you can provide.

- If you know the absent parent's new employer, we will begin action for an interstate wage withholding.
- If you don't know the new employer, we will issue a UIFSA (Uniform Interstate Family Support Act) action to the state Central Registry where the absent parent now lives. A UIFSA action asks the other state to enforce the existing support order.
- If you don't know where the other parent lives or works, your case will be referred for location services.

My children and I are in another state. Will this affect my child support?

If the absent parent remains in this county, your move should not affect your support. However, you must notify CSEA in writing of your new address and exactly when you will be at the new location. We cannot ensure that you will receive your child support unless you give us your new address before your move.

Do I have to use the services of the child support agency that issued my order?

The Obligee may choose to work with their local CSEA or work directly with the State which issued the order. To avoid confusion, the Obligee should choose one or the other and not both. Some Responding States will only communicate directly with the Initiating State if the Obligee 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 related to 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 state's 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, the issuance of an income withholding order or Administrative and/or 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 hearing results rendered by another state. How do I object?

If there is a dispute in the amount of support ordered or another issue, an appeal may be possible. You must communicate concerns immediately to CSEA as there are time limits to filing an objection. In some instances, there may be no basis for an appeal. Always remember that CSEA does not represent you personally and you may choose to obtain your own legal representation.

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 decision 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.

Where can I get more information?

To obtain a listing of Ohio County Child Support Agencies and phone numbers, please visit:

<http://www.jfs.ohio.gov/county/cntydir.stm>

To view a listing of all State 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>