

**Karen Marvel's
UIFSA Roadmap for Private Litigants¹**

Modification of Support Order from Another State

Modification – Can TX modify support order from another state when all parties moved from issuing state? TFC §159.613

- ★ If Obligor and Obligee in TX; **AND**
child does not reside in the issuing state

TX has jurisdiction to enforce and to modify the issuing state's child support order

Modification – Can TX modify support order from another state when at least one party moved to TX? TFC §159.611

Only if:

- ★ Parties do not fall under TFC §159.613; **AND**
child, Obligee, and Obligor do not reside in the issuing state; **AND**

petitioner who is a nonresident of TX seeks modification; **AND**

respondent is subject to personal jurisdiction in TX; **OR**

- ★ TX is state of residence of child and child or a party is subject to personal jurisdiction of TX; **AND**

all parties consent in writing for TX to modify the support order and assume continuing, exclusive jurisdiction

then TX has jurisdiction to modify support order from another state.

Enforcement of Support Order from another state by registration. TFC §159.601, 602

Enforcement – Can TX exercise long arm jurisdiction over individual? TFC §159.201

If the individual:

- ★ is personally served with citation in TX; or
- ★ submitted to the jurisdiction of TX by consent, by entering a general appearance, or by filing a

responsive document having the effect of waiving any contest to personal jurisdiction; or resided with the child in TX; or

- ★
- ★ resided in TX and provided prenatal expenses or support for the child; or
- ★ engaged in sexual intercourse in TX and the child could have been conceived by that act of intercourse; or

- ★ asserted parentage in the TX paternity registry; **OR**

- ★ does the child reside in TX as a result of the acts or directives of the individual; or

- ★ is there any other basis consistent with the constitutions of TX and the United States for the exercise of personal jurisdiction?

If yes to any of the above, TX may exercise long arm jurisdiction over the individual to establish parentage and support obligation. [same jurisdictional requirements as establishment of support]

Enforcement – Orders from more than one state? Which order controls? TFC §159.207

If there are child support orders from two or more states brought for enforcement, if TX has personal jurisdiction of Obligor and Obligee, the following rules apply in this order:

- ★ if only one of the courts would have continuing, exclusive jurisdiction, the order of the state controls;

- ★ if more than one court would have continuing, exclusive jurisdiction under this chapter, then

- an order issued by the court in the current home state of the child controls if an order is issued in the current home state of the child; or

- the order most recently issued controls if an order has not been issued in the current home state of the child; and

- if none of the courts would have continuing, exclusive jurisdiction under UIFSA, the TX

court shall issue a child support order that controls.

Enforcement – Which state’s laws applies? TFC §159.604

- ★ the nature, extent, amount, and duration of current payments under a support order registered in TX from another state (“support order”)
- ★ the compulation and payment of arrearages and accrual of interest on the arrearages under the “support order”
- ★ the existence and satisfaction of other obligations under the support order
- ★ after it is determined which order is the controlling order (if necessary) and issues an order consolidating arrearages, if any,

Use the law of the state that issued the original order.

- ★ Enforcing arrearages under a “support order”.

The statute of limitation of TX or of the issuing state, whichever is longer, applies.

- ★ Once “support order” is registered in TX:

Use any TX procedures or remedies available to enforce current support and collect arrearages and interest

Establishment of Parentage & Support

Establishment – Can TX exercise long arm jurisdiction over individual? TFC §159.201

If the individual:

- ★ is personally served with citation in TX; or
- ★ submitted to the jurisdiction of TX by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction; or
- ★ resided with the child in TX; or
- ★ resided in TX and provided prenatal expenses or support for the child; or
- ★ engaged in sexual intercourse in TX and the child could have been conceived by the act of intercourse; or
- ★ asserted parentage in the TX paternity registry;
OR
- ★ does the child reside in TX as a result of the acts or directives of the individual; or

- ★ is there any other basis consistent with the constitutions of TX and the United States for the exercise of personal *jurisdiction*?

If yes to any of the above, TX may exercise long arm jurisdiction over the individual to establish parentage and support obligation.

Establishment – TX may establish support order under TFC §159.401 if an out of state resident requests it.

Establishment – Temporary child support orders TFC §159.401(b)

Can TX order temporary child support? If appropriate & individual ordered to pay is:

- ★ a man petitioning to have his paternity adjudicated; or
- ★ a man identified as the father of the child through genetic testing; or
- ★ an alleged father who has declined to submit to genetic testing; or
- ★ a man shown by clear and convincing evidence to be the father of the child; or
- ★ an acknowledged father under TX law; or
- ★ the mother of the child; or
- ★ an individual who has been ordered to pay child support in a previous proceeding and the order has not been reversed or vacated; or
- ★ a presumed father of the child

then TX may order temporary child support.

Establishment – Can TX exercise jurisdiction if proceedings were already filed in another state? TFC §159.204

Only if:

- ★ the TX pleading is filed before the expiration of the time allowed in the other state for filing a responsive pleading challenging the exercise of jurisdiction by the other state; or
- ★ the contesting party timely challenges the exercise of jurisdiction in the other state; and
- ★ if relevant, TX is the home state of the child.

Then TX may exercise jurisdiction to establish a support order if a TX petition is filed after a petition or similar pleading in another state.