Enforcement of International Support Orders Under UIFSA

by
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Introduction

The article discusses the Uniform Interstate Family Support Act (UIFSA)[2] and how it facilitates enforcing international child support orders. It explains that foreign countries can be considered "states" under UIFSA if they have similar laws for issuing and enforcing support orders. Section II describes enforcement under UFISA and Section III gives an overview of international enforcement. When discussing the process for registering a foreign support order in a U.S. state in Section IV below, subsection A. discusses the circumstances in which the order is treated as if it was issued in that state. It also discusses the limited grounds for contesting registration, such as lack of jurisdiction. Section IV. B. addresses the 2008 UIFSA amendments, which implemented the Hague Convention on the International Recovery of Child Support. These amendments require the United States to refuse to enforce "child-based" jurisdiction used by other countries but offer several alternatives to preserve the child support obligation, as outlined in UIFSA 2008. This article also details the process for enforcing international orders, which involves translation, currency conversion, and registration and notice procedures. Finally, the article discusses the mechanics of direct access, defenses to registration, and grounds for refusal to recognize and enforce a registered Convention support order while outlining the process for recognizing and enforcing a foreign support agreement. This

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[2] Unif. Interstate Fam. Support Act (UIFSA) (Unif. Law Comm'n 2008), https://www.uniformlaws.org/committees/community-home?CommunityKey=71d40358-8ec0-49ed-a516-93fc025801fb.

article will aid the practitioner in determining which pathway to follow for foreign agreements within and outside the Convention.

I. Background: How an International Convention Became State Law

Before 2008, the Uniform Interstate Child Support Act (UIFSA) had provisions for enforcing foreign support orders, primarily limited to agreements with the Secretary of State,[3] individual states, or comity.[4]

Those foreign entities' orders with agreements are treated as any U.S. state order.[5] An impediment to enforcing foreign orders is the fact that in the international scheme, the United States is unique in that under its Constitution, the issuing tribunal must have personal jurisdiction over the obligor.[6] In other countries, jurisdiction may be based on the obligee, or the subject child who is under the jurisdiction of the issuing tribunal, often termed "child-based jurisdiction."[7] Unless the obligor submits to that jurisdiction or other constitutionally permissible long-arm jurisdiction, enforcement violates the obligor's due process rights under U.S. law.[8]

In 2007, the United States signed the Convention on the International Recovery of Child Support and Other Forms of

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3 Section 459A of the Social Security Act (42 U.S.C. § 659A) authorizes the Secretary of State, with the concurrence of the Secretary of Health and Human Services, to declare foreign countries, or their political subdivisions, to be reciprocating countries for the purpose of the enforcement of family support obligations. The notice can be found in Notice of Declaration of Foreign Countries as Reciprocating Countries for the Enforcement of Family Support (Maintenance) Obligations, 79 Fed. Reg. 49368 (Aug. 20, 2014), http://www.gpo.gov/fdsys/pkg/FR-2014-08-20/pdf/2014-19794.pdf, which includes a chart listing those countries.

4 Unif. Interstate Fam. Support Act, *supra* note 2, § 105, at 19.

5 *Id.* at 2; *see also id.* at 14 (strikeout from earlier legislation); *In re* Marriage of Beeson and Van der Weg, No. 92,673, 2005 WL 2347788 (Kan. Ct. App. Sept. 23, 2005).

6 Kulko v. Superior Ct, 436 U.S. 84 (1978).

7 *See, e.g.*, Robert Keith, *Ten Things Practitioners Should Know About the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance,* 51 Fam. L.Q. 255, 277 (2017).

8 Unif. Interstate Fam. Support Act, *supra* note 2, at 6.

Family Maintenance.[9] There are several interesting aspects of this Convention, the first being that the Convention is modeled after UIFSA.[10] This Convention was not self-executing; in other words, it did not become federal law upon signing nor enjoy the preemption doctrine.[11] The legislation necessary to implement the Convention could have been federal; instead the Convention is implemented under state law. The reason for using state law was based on the following factors: the similarity between the Convention and UIFSA, the Uniform Law Commission's (ULC's) extensive expertise, and history, how prior versions of UIFSA were mandated under federal law to be adopted by all U.S. states.[12] The Senate gave advice and consent, formally ratifying the treaty in 2010.[13]

In 2008, the 2001 version of UIFSA was amended, with a careful eye trained to avoid expanding or changing the UIFSA currently in effect but to implement the Convention into the existing statutory scheme.[14]

Federal legislation requiring all states to implement the 2008 version of UIFSA was signed into law on September 29, 2014.[15]

II. How UIFSA Enforces International Support Orders

A review of the case law shows that the UIFSA provides a mechanism for establishing and enforcing interstate child support orders, including those issued by foreign countries. Under the

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9 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, Nov. 23, 2007, S. Treaty Doc. No. 110-21 (2008), 2955 U.N.T.S. 81, https://www.hcch.net/en/instruments/conventions/full-text/?cid=131.

10 *Id.* at 7, 97.

11 For a discussion on self-executing treaties, see *Medellin v. Texas*, 128 S. Ct. 1346 (2008).

12 Battle Rankin Robinson, *Integrating an International Convention into State Law: The UIFSA Experience,* 45 Fam. L.Q. 61, 64-66 (Spring 2009).

13 Hague Convention, *supra* note 9, at 97.

14 *Id.* at 6.

15 Preventing Sex Trafficking and Strengthening Families Act, Pub. L. No. 113-183, 128 Stat. 1919 (2014). This law amends 42 U.S.C. § 466(f) of the Social Security Act, requiring all states to enact any amendments to the Uniform Interstate Family Support Act "officially adopted as of September 30, 2008, by the National Conference of Commissioners on Uniform State Laws" (referred to as UIFSA 2008).

UIFSA, a foreign country is considered a "state" if it has enacted laws or procedures substantially like the UIFSA for issuing and enforcing support orders.[16] Once a foreign support order is registered in a U.S. state, it can be enforced as if it were an order issued in that state.[17] However, the non-registering party can contest the registration of a foreign support order on limited grounds, including lack of personal jurisdiction over the obligor in the foreign proceeding.[18] The obligor bears the burden of proving a defense against registration and enforcement.[19] Courts have found that an obligor submitting to genetic testing, engaging in discovery, or otherwise affirmatively seeking relief from the court on issues related to child support waives a personal jurisdiction challenge.[20] When modifying a foreign child support order, courts must apply the substantive law of the issuing country regarding the availability of relief and duration of the support obligation.[21] This includes determining if the issuing country permits modifying the specific aspect of child support.[22] The UIFSA aims to prevent the imposition of new support obligations that could conflict with the issuing order.[23] In summary, the UIFSA provides a pathway for enforcing foreign child support orders in the United States through registration while protecting obligors' due process rights. The U.S. tribunal will use the issuing country's laws governing modifications, and affirmative participation by the obligor can waive jurisdictional defenses.

III. Step-by-Step View of UIFSA 2008 for International Enforcement

The ULC's final version of UIFSA is an excellent resource for understanding international enforcement; again, this is because

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16 Friedetzky v. Hsia, 117 A. 3d 660 (Md. Ct. Spec. App. 2015); Ferguson v. Wallace-Ferguson, 911 N.W.2d 324 (N.D. 2018).

17 *Ex parte* Reynolds 209 So. 3d 1122 (Ala. Civ. App. 2016); *In re* EH, 450 S.W.3d 166 (Tex. App. 2014).

18 *E.H.*, 450 S.W. 3d at 169.

19 *Id.*

20 Cima-Sorci v. Sorci. 17 Cal. App. 5th 875, 225 Cal. Rptr. 3d (Cal. Ct. App. 2017).

21 *In re* Marriage of Connolly, 20 Cal. App. 5th 395 (Cal. Ct. App. 2018).

22 *Id.*

23 *Id.*

this amendment was carefully crafted to avoid changes to the existing UIFSA 2001, only to the extent needed to implement the Convention.[24] This version provides a copy of the Act applicable to all states, and the strikeouts track what needed to be amended to implement the Convention.

As with all Uniform Acts, the definitions section is the most important in interpreting the statute generally. Many terms, like "child," "Convention," and "state," are terms of art.[25]

Under UIFSA 2001, the definition of "state" included foreign countries with a reciprocal agreement federally or with an individual state, or laws establishing support substantially similar to UIFSA. This provision was struck, and, in its place, a new definition for "foreign country" was set; this included reciprocal agreements by federal or state origin, substantially similar statutory schemes, or under the Convention.[26]

A "support order" was broadened from child and spousal support, health care, arrearages, and attorney's fees to include a foreign order, retroactive support, reimbursement provided in place of financial support, and automatic adjustment of reasonable attorney's fees.[27]

IV. How to Analyze UIFSA When Confronted with a Foreign Order

While UIFSA provides the framework for support enforcement agencies to manage inter-jurisdictional support enforcement, UIFSA allows a party to employ private counsel in pleadings under the Act.[28]

Recall a support order could be either a temporary or final order providing traditional child support or spousal maintenance, orders to provide health insurance, in-kind considerations in place of support, related attorney's fees, etc.[29]

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24 Unif. Interstate Fam. Support Act, *supra* note 2, at 6.

25 *Id.* § 102.

26 *Id.* § 102.23, 102.5.

27 *Id.* § 102.28.

28 *Id.* §§ 309, 705.

29 *Id.* § 102.28; *see also id.* § 102.25 (regarding spousal support orders); § 102.2 (regarding child-support orders).

The first step is that the foreign order must be translated, if it is not in English, and the money ordered converted to dollars. The translation is a practical and necessary first step unless the practitioner is fluent in the order's language. Orders under the Convention take the process further and require the original order and an English translation.[30] While that requirement is not black letter law in non-Convention instances, providing both language versions is good practice. A foreign order must be converted into U.S. dollars.[31]

In considering enforcement of an international order, UIFSA offers two pathways: 1) those who were applying under the Convention, which looks to Article 7 of UIFSA 2008, and 2) the remainder who are bound by reciprocity agreements, comity, and the like. The latter pathway follows the UIFSA 2008 Articles 1 through 6.[32] The foreign order, not subject to the Convention, is treated like a sister-state's order or as potentially enforceable under comity.[33]

A. *Enforcing Foreign Orders That Are Not Under the Convention*

Under Article 5 of the UIFSA, an order from another state can be enforced without registration, essentially using income withholding orders. For support orders outside the Convention, Article 6 controls both sister-states' and foreign orders.[34] The procedure to register an order may be for enforcement, modification, or both. Article 6 requires a packet to be filed with the new tribunal; it must include a letter to the tribunal requesting registration and enforcement; two copies, one certified, of the order to be registered, and any modifications to that order; a sworn statement attesting to the current arrearages, if any; the name, address, and Social Security number of the obligor; name and address of the obligor's employer, along with any other stream of income; and a description of non-exempt property.[35]

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30 *Id.* § 713.
31 *Id.* § 205(f).
32 *Id.* § 105.
33 *Id.* § 105(b).
34 *Id.* art. 6, introductory cmt.
35 *Id.* § 602.

The packet is then filed as "an order of a tribunal of another state or a foreign support order."[36] With the open file, the registering party may then file a motion under the laws of the state of this new tribunal requesting modification, enforcement, and a determination of validity.[37] If there is more than one order in effect, the party registering these orders must designate the controlling order and the consolidated arrearages.[38] A registered order has the same effect as though the registering tribunal issued it *ab initio*.[39]

UIFSA's choice of law uses both the tribunal of origin and the registering tribunal. The law of the issuing state controls the nature, extent, amount, and duration of current payments; any computation and payment of arrearages and accrual of interest under the support order; and the existence and satisfaction of other obligations under that order.[40] The longest statute of limitation is used to avoid an obligor choosing a state with a shorter statute of limitation.[41] The registering tribunal will use its state law for enforcement.[42] When modifying a child support order issued by another state, *i.e.,* when all parties and the subject child no longer reside in the issuing state, the registering tribunal will use local support law and guidelines to set the new amount.[43]

Due process is preserved through notice of the registration or order. The non-registering party is given notice and a copy of the registered documents. The notice must include the fact that the registered order is enforceable as though issued in the registering state; that a hearing must be set within 20 days after notice (not applicable in Convention orders); failure to contest the validity or enforcement of the registered order will be a waiver of enforcement and arrearage calculations set out in the registration packet; and, the notice must state the amount of the alleged arrearages.[44]

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36 *Id.* § 602(b).
37 *Id.* § 602(c).
38 *Id.* § 602(d).
39 *Id.* § 603.
40 *Id.* § 604(a).
41 *Id.* § 604(b).
42 *Id.* § 604(d).
43 *Id.* § 611(b).
44 *Id.* § 605(a, b).

The contest of a registered order is narrow and generally attacks the validity of the order. The defenses to registration are: the issuing tribunal did not have jurisdiction over the contesting party; fraud; the order has been vacated, suspended, stayed, or modified by a latter order; some defense under the laws of the registering tribunal is applicable; full or partial payment was made; the statute of limitations under § 604 precludes enforcement; and the alleged controlling order is not the controlling order.[45] Non-parentage after another tribunal has found parentage is not a defense.[46] If a party provides a *prima facie* defense, those aspects of the order are stayed pending a full hearing; those aspects that were not objected to would still be enforceable (*e.g.,* if the arrearages were contested but the monthly support amount was not, the tribunal would enforce the order for current support).[47]

Suppose all the parties under the international order reside in the new state. In that case, that tribunal has jurisdiction to modify the child support order, using local law for enforcement and modification of the amount, and who is the obligor.[48] If all parties and children have left the issuing "state" but reside in different jurisdictions, then the "away game rule" applies, and the movant must file in the nonmovant's state or country.[49] Again, on its statutory basis, the modification is limited to the amount and who is obligated, but the original jurisdiction that made the order sets the duration under their law.[50]

The issuing state has exclusive jurisdiction to modify the spousal support.[51]

The second pathway for support under the Convention is established by Article 7, which operationalizes the treaty's language since the treaty is not substantive law. Article 7 governs proceedings under the Convention for enforcing support orders, taking precedence over Articles 1-6 if there is a conflict. It defines terms to align with the Convention and provides mechanisms for enforcing support orders, even if jurisdictional issues arise.

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45 *Id.* § 607(a).
46 *Id.* § 315.
47 *Id.* § 607(b).
48 *Id.* §§ 613, 604.
49 *Id.* § 611(a).
50 *Id.* § 611(d).
51 *Id.* § 211.

States designate central authorities to implement the Convention. Uniquely, individuals can directly access U.S. courts for matters like child support and recognition of foreign support agreements without relying on central authorities.[52] Registration of foreign support orders in states is pivotal, with Article 7 detailing the process and potential grounds for refusal. Similarly, foreign support agreements, distinct from foreign support orders, have specific criteria for recognition and enforcement. The statute emphasizes both international cooperation and domestic public policy safeguards.

B. *Enforcing a Foreign Order Where the Convention Applies*

Orders under the Convention and Article 7 were where the ULC implemented the treaty's language. Since the treaty is not substantive law, the ULC was directed to amend UIFSA.[53] Article 7 applies only to proceedings under the Convention when enforcing a support order under the Convention; if Article 7 conflicts with Articles 1-6, Article 7 controls.[54] The article has no application for orders of non-convention foreign countries.[55]

Each state's statute will direct which state entity will act as the central authority to implement the Convention functions.[56]

While it is unusual for a Uniform Act to have multiple definition sections, Article 7 defines specific terms to sync with the Convention.[57] The definitions in Article 7 tie the language from the Convention to the UIFSA and supports a continuity between the Convention and UIFSA. While one would want to review the statute, a brief summary of the additional terms of art are: "Application" is a request under the Convention made through the central authority from another central authority; "central authority" is the governmental entity designated under § 102(5)(D) to perform the functions under the Convention; "Convention support order" is a foreign support order under

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52 *Id.* § 705.

53 *Id.* at 96, § 702.

54 *Id.* § 702.

55 *Id.* at 99. The chart listing countries in the Convention is at Notice of Declaration of Foreign Countries as Reciprocating Countries, *supra* note 3, at 49369.

56 Unif. Interstate Fam. Support Act, *supra* note 2, at 96, § 703.

57 *Id.* § 701.

§ 102(5)(d); "direct request" is a petition filed by an individual in a state in a proceeding involving a party or child residing outside the U.S.; "foreign central authority" is the central authority of another country; "foreign support agreement" is an agreement to provide support that is an enforceable order in the country of origin that has been either formally drawn by a foreign tribunal, or authenticated by, concluded, registered or filed with a foreign tribunal and may be reviewed and modified by a foreign tribunal and includes a maintenance arrangement or authentic instrument under the Convention; and finally, "United States central authority is the Secretary of the U.S. Dept. of HHS."[58]

As mentioned, child-based jurisdiction requires the United States to take an exception to satisfy constitutional due process. Article 7 manages this in two ways. First, it references the UIFSA long-arm statute. The jurisdictional requirement is satisfied if the court can find any jurisdiction basis under § 201.[59] The Act clarifies that grounds for refusal are narrow and tightly controlled by Article 7.[60] If any portion of the order is enforceable, it will be.[61] Second, if the court finds that no jurisdictional basis exists, then it should not dismiss the proceeding without allowing a request to establish a new Convention support order; and, if received under § 704, the Central Authority will take all appropriate steps to request a child support order under the Convention.[62]

Because this is an enforcement action of an existing support order, the party called to the tribunal of this state is most likely the obligor. Regardless of the jurisdictional basis of the original order, even when the original tribunal based its order on child-based or child-centered orders, those orders will be enforced if any other constitutionally permissible route exists; failing that, the obligor is not off the hook. The registering party will be allowed time to work through the Central Authorities to establish a new order from this tribunal under this state's law. This workaround will capture most obligors and get support flowing.

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58 *Id.* § 701(7).
59 *Id.* § 708(b)(2).
60 *Id.* § 708(b).
61 *Id.* § 709.
62 *Id.* § 708(c).

Instead of involving the Central Authorities, Article 7 allows direct access to the courts.[63] An individual, irrespective of citizenship or residency in a Convention country, can approach U.S. tribunals for many matters ranging from child and spousal support parentage to recognition of foreign support agreements. In certain instances, the tribunal may modify existing support orders. Notably, this freedom of approach does not dictate the nature of representation. As section 309 highlights, representation can be through *pro se* or private counsel.[64]

Registration of a support order under the Convention in the subject state is crucial.[65] Except for any provisions that suggest otherwise within the same article, parties (individuals or support enforcement agencies) that seek the recognition of a Convention support order must register the order within the state under Article 6. Article 7 has a more specific registration process for orders under the Convention. The statute delves into particular requirements, effectively creating a checklist for applicants the submission must include:

- the complete the support order, alternatively, an abstract or extract crafted by the issuing foreign tribunal. The form recommended by the Hague Conference on Private International Law may be used;[66]
- the record confirming the enforceability of the support order in its originating country is essential;[67]
- the statute accommodates scenarios where respondents might not have appeared during the original proceedings. In such cases, the record must attest to the respondent's receipt of proper notice and their opportunity to contest or appeal the order on factual or legal grounds; [68]
- for outstanding support amounts, a detailed record is necessary, along with the date the calculation was made;[69]

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63 *Id.* § 705.
64 *Id.* § 309.
65 *Id.* § 706(a).
66 *Id.* § 706(b)(1).
67 *Id.* § 706(b)(2).
68 *Id.* § 706(b)(3).
69 *Id.* § 706(b)(4).

- if applicable, records indicating provisions for the automatic adjustment of the support amount and associated calculation information;[70] and,
- in circumstances where the applicant availed free legal aid in the issuing country, a corresponding record must be submitted.[71]

The statute acknowledges that parties might seek only partial enforcement of the Convention support order in certain instances. This provision offers flexibility in how recognition and enforcement can be approached.[72]

While the statute promotes international cooperation, it does not lose sight of domestic public policy considerations. A tribunal within the state retains the discretion to *sua sponte* vacate a registration. However, this is reserved for exceptional cases where recognition and enforcement starkly contravene public policy.[73]

Finally, the tribunal must promptly notify parties of the registration or if the registration has been vacated.[74]

The mechanics of direct access are as follows: By allowing an individual party to file proceedings directly, the Convention facilitates the voluntary submission of an individual to the tribunal's jurisdiction and the respective state law.[75] The acknowledgment that an individual can seek recognition and enforcement of support orders or agreements without intermediation by a central authority reflects a departure from bureaucratized legal processes. However, the Convention remains influential, as its specific sections govern proceedings.[76] The Convention prohibits unnecessary financial burdens like guarantees for payment costs. More importantly, it fortifies the commitment to legal access by ensuring free legal assistance, subject to conditions.[77] A nuanced distinction is made here. An individual filing directly regarding a Convention support order is not privy to governmental aid, specifically from the support enforcement agency. This provision underscores the importance of

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70 *Id.* § 706(b)(5).
71 *Id.* § 706(b)(6).
72 *Id.* § 706(c).
73 *Id.* § 706(d).
74 *Id.* § 706(e).
75 *Id.* § 705(a).
76 *Id.* § 705(b).
77 *Id.* § 705(c).

personal agency and the boundaries of governmental intervention.[78] Drawing inspiration from Article 52 of the Convention, this subsection embodies efficiency. It invites individuals to employ any simplified or expeditious procedures available, provided they respect the protections enshrined in Articles 23 and 24 of the Convention.[79]

Defenses to registration are the same as Article 6, unless otherwise indicated in Article 7; the guidelines for contesting a registered Convention support order are outlined in sections 605 through 608.[80]

A clear distinction is made based on the residence of the contesting party. While a party residing within the United States has a window of 30 days post-registration notice to contest, a non-resident has 60 days. This differentiation likely recognizes the logistical challenges faced by parties outside the United States.[81]

The Act underscores the significance of the aforementioned timelines. If a party does not contest within the stipulated timeframe, the registered Convention support order automatically becomes enforceable, effectively ending challenges to its validity within the state.[82] The burden of proof falls on the party initiating the contest. The scope of contestation is narrowly defined. Parties can only challenge the order based on the grounds mentioned in section 708.[83]

The following are the *only grounds* for refusal to recognize and enforce a registered Convention support order: The statute identifies a violation of public policy, especially a failure to uphold minimum due process standards such as providing notice and an opportunity to be heard, as a primary ground for refusing enforcement.[84] If the issuing tribunal lacked the requisite personal jurisdiction under section 201, recognition could be denied.[85] If the originating country does not enforce the support order itself.[86] If a support order results from a procedural fraud;[87] for an order to be enforced, the accompanying records must be genuine and

78 *Id.* § 705(d).
79 *Id.* § 705(e).
80 *Id.* § 707(a).
81 *Id.* § 707(b).
82 *Id.* § 707(c).
83 *Id.* § 707(d).
84 *Id.* § 708(b)(1).
85 *Id.* § 708(b)(2).
86 *Id.* § 708(b)(3).
87 *Id.* § 708(b)(4).

unaltered. If there is doubt about their authenticity or integrity, the enforcement can be legitimately challenged.[88] To avoid conflicting decisions, if there's a similar ongoing proceeding in the state that predates the foreign order, it takes precedence.[89] In cases of conflicting orders, the more recent order, if it merits recognition in the state, takes precedence.[90] The alleged arrears have been settled either partially or in full.[91] For those respondents who neither appeared nor had representation in the foreign proceedings, their right to proper notice and a chance to be heard is vital. Whether the foreign jurisdiction mandates prior notice of proceedings or not, the respondent's right to contest the order is preserved.[92] Finally, an order that modifies a Convention child support order is limited by section 711, which allows modification only if the obligee submits to the jurisdiction by defending on the merits or failing to object, or the foreign tribunal refuses to exercise modification jurisdiction.[93]

The statute significantly restricts the scope of a state tribunal's review. First, the tribunal must accept the foreign tribunal's factual findings concerning its jurisdiction. Second, the original order's merits are beyond the state tribunal's purview.[94] Once a state tribunal decides on a contest, the involved parties must be promptly informed.[95] Last, the statute highlights that further challenges or appeals to a Convention support order do not inherently halt its enforcement. A stay would be granted only in exceptional circumstances, preserving the urgency and importance of support orders.[96]

Finally, there is one more avenue under Article 7; this is the foreign support agreement. A foreign support agreement is an agreement for support that has been formally drawn up or registered as an authentic instrument by a foreign tribunal or authenticated by or concluded, registered, or filed with a foreign

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88 *Id.* § 708(b)(5).
89 *Id.* § 708(b)(6).
90 *Id.* § 708(b)(7).
91 *Id.* § 708(b)(8).
92 *Id.* § 708(b)(9).
93 *Id.* §§ 708(b)(10), 711.
94 *Id.* § 707(e).
95 *Id.* § 707(f).
96 *Id.* § 707(g).

tribunal, as opposed to a foreign support order issued by a tribunal of a foreign country. [97]

By delineating specific criteria for refusal, the statute provides a clear roadmap for tribunals, ensuring that while foreign agreements are honored, they are not done so at the expense of justice and fairness.

A foreign support agreement will not be enforced if the following occurs: First, a state tribunal can unilaterally vacate the registration of a foreign support agreement if it believes that recognizing and enforcing the agreement would go starkly against public policy.[98] The criteria under which a tribunal can decline recognition and enforcement are if it determines any of the following: the agreement's enforcement starkly contravenes public policy; the agreement was procured through deceptive means like fraud or falsification; the agreement clashes with another support order (involving the same parties and objectives) from this state, another state, or a foreign jurisdiction; the conflicting order must also be recognizable and enforceable under this Act in this state; or, documentation provided is dubious or lacks veracity.[99] Further, any ongoing procedure to recognize and enforce a foreign support agreement must be put on hold if there is an active challenge or appeal against the agreement in another state or foreign tribunal.[100]

If none of the above findings are made, a state's tribunal is generally obliged to recognize and enforce any foreign support agreement registered in the state.[101]

For a foreign support agreement to be recognized and enforced, the application must be complemented by the complete text of the foreign support agreement, a record confirming the agreement's enforceability as a support order in the originating country.[102]

Any ongoing procedure to recognize and enforce a foreign support agreement must be put on hold if there is an active challenge or appeal against the agreement in another state or foreign tribunal.[103]

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97 *Id.* §§ 701(6), 102(28).
98 *Id.* § 710(c).
99 *Id.* § 710(d).
100 *Id.* § 710(e).
101 *Id.* § 710(a).
102 *Id.* § 710(b).
103 *Id.* § 710(e).

Conclusion

In the ever-evolving international child support enforcement landscape, the Uniform Interstate Family Support Act (UIFSA) is a vital legislative instrument. UIFSA delineates a precise mechanism for establishing and enforcing child support orders across state lines and international borders. However, it was not until the 2008 amendments to UIFSA that its provisions were expanded to sufficiently address foreign support orders, aligning with the Hague Convention on the International Recovery of Child Support. This alignment with international standards effectively positions certain foreign countries with parallel child support laws as "states" within the UIFSA framework. Thus, once a foreign order undergoes successful registration in a U.S. state, it gains the same enforceability as any domestically issued order.

Nevertheless, registration is not without its challenges. Parties can contest a foreign order on specific grounds, primarily centered around jurisdictional issues. Interestingly, certain actions, like an obligor's consent to genetic testing, can waive these jurisdictional defenses. Furthermore, in the rare circumstance that a U.S. court finds itself tasked with modifying a foreign child support order, it is bound by the substantive laws of the issuing nation, particularly concerning the availability of relief and the order's duration. Notably, the 2008 UIFSA amendments introduced a mandatory refusal to enforce the "child-based" jurisdiction, which is constitutionally unacceptable and commonly practiced by various countries. Yet, in the spirit of upholding support obligations, they also offered alternative avenues. Enforcing these international orders is complex, encompassing multiple stages, including translation, currency conversion, registration, and due notice. Yet, it is imperative to underscore that defenses against registration remain stringently limited. The amendments have also meticulously defined the reasons for a refusal to recognize and enforce registered Convention support orders while providing comprehensive guidance on the recognition and enforcement of foreign support agreements.