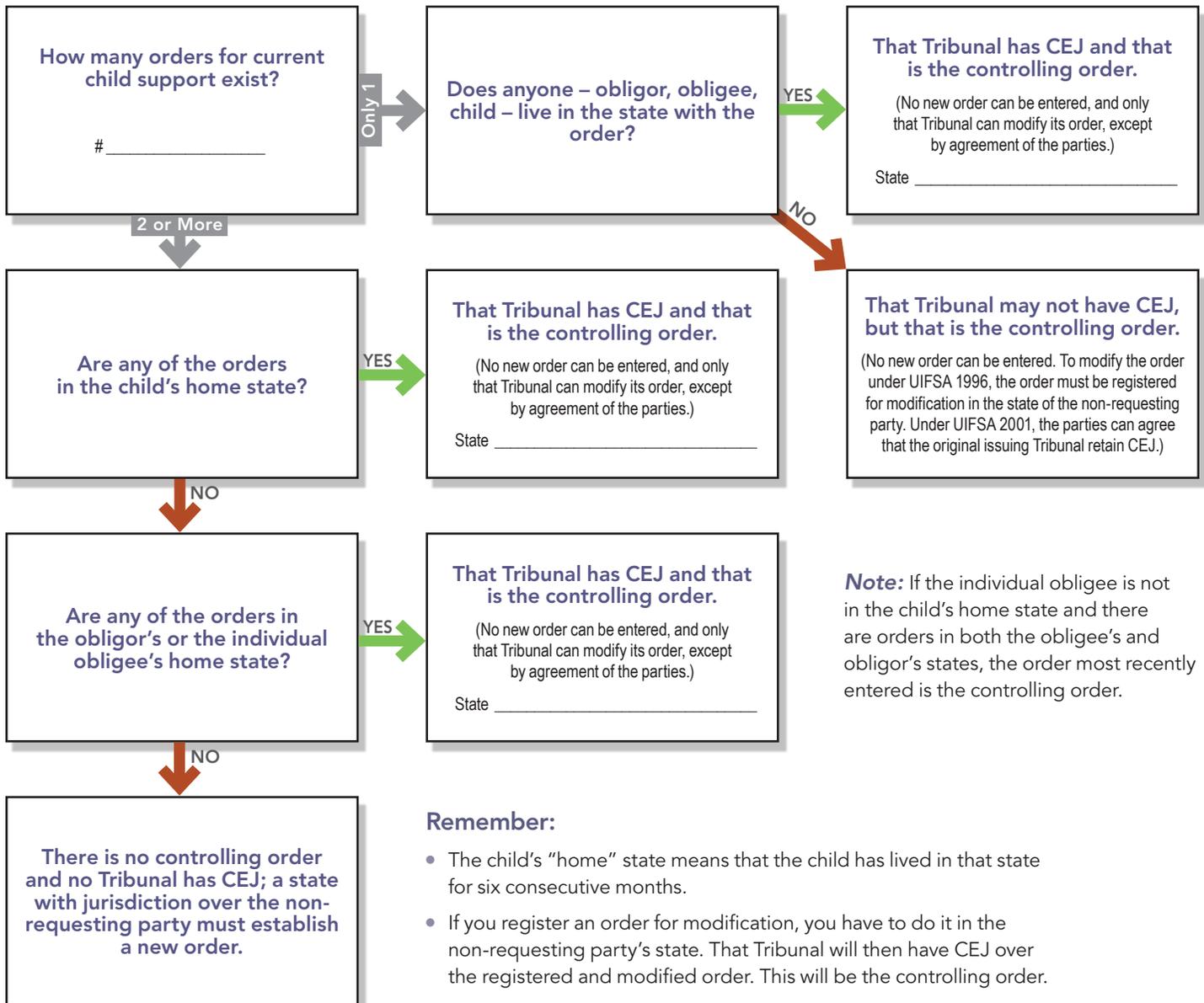


Guide for Determining Continuing Exclusive Jurisdiction (CEJ)



Note: If the individual obligee is not in the child’s home state and there are orders in both the obligee’s and obligor’s states, the order most recently entered is the controlling order.

Remember:

- The child’s “home” state means that the child has lived in that state for six consecutive months.
- If you register an order for modification, you have to do it in the non-requesting party’s state. That Tribunal will then have CEJ over the registered and modified order. This will be the controlling order.
- You can register for enforcement only and that does not give the registering Tribunal CEJ.

Steps to Take Once the Controlling Order Has Been Determined

If the controlling order is in your state and:

The NCP lives or works in your state, enforce your order by in-state income withholding, contempt, or other enforcement remedy.

The NCP doesn't live or work in your state, check to see if (s)he works for a company that has an office or Registered Agent in your state. If so, serve an in-state income withholding order on the Registered Agent or on the employer's place of business in your state. Usually you can call the Secretary of State (Corporate Registration Division) to find out the name and address of a corporation's Registered Agent who can accept service.

The NCP works for a company that doesn't have a Registered Agent in your state, send an income withholding order directly to the NCP's employer (try service by first-class mail).

Special tip: If you are dealing with cases in which (1) you have no NCP employer, (2) you sent a direct withholding to an out-of-state employer and the NCP contested the withholding, or (3) the employer refused to honor the withholding, send an Interstate Child Support Enforcement Transmittal to that state asking for registration for enforcement only. Alternatively, "long-arm" enforcement is available, but filing a contempt action against an out-of-state NCP can be pointless.

A party lives in your state, the Tribunal that issued the controlling order has CEJ to modify it. If the state or either party wants a modification, file the Motion to Modify under your state's action and follow local modification procedures. As a general rule, your state court has continuing jurisdiction over the parties, no matter where they live. Do not register your state's order in another state for enforcement and modification. Modify your state's order and then request registration for enforcement only in the NCP's state.

If the controlling order is in the state where the NCP resides:

Send an Interstate Child Support Enforcement Transmittal requesting enforcement. Request modification if the order seems too low or needs to be modified to include medical support.

If the controlling order is in a third state and:

You know where the NCP works and you can issue a withholding, send the withholding directly to the NCP's employer (try service by first-class mail).

You do not know where the NCP works, you cannot get a withholding, the NCP contests the withholding, or the employer won't honor the withholding, send an Interstate Child Support Enforcement Transmittal to the NCP's state requesting registration for enforcement only.

If your state or the CP are seeking modification, the third state's order must be registered for enforcement and modification in the NCP's state. Once modified, the Tribunal modifying the order becomes the one with CEJ and the modified order is controlling. If the NCP is requesting modification, (s)he must register the third state's order in the CP's state.

Special tip: If you are asking another state to take some action, and if no Tribunal has made a controlling order determination, you must send along a certified copy of every order in effect. Under UIFSA 2001, if you request registration of an order, you are required to make reasonable efforts to ensure that you are registering the controlling order; or if two or more orders exist and the controlling order has not been determined, you must ensure that the request is made in a Tribunal having jurisdiction to make a controlling order determination. A Tribunal that makes a controlling order determination or that issues a new controlling order must state in the order the total amount of consolidated arrears and accrued interest, if any, under all of the orders after all payments are credited.

A controlling order determination only has to be made once.

Contact:
childsupportinfo@maximus.com

Visit:
maximus.com/child-support



1891 Metro Center Drive
Reston, Virginia 20190
1.800.MAXIMUS
maximus.com