



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 4288 (Substitute H-1 as passed by the House)
Sponsor: Representative Klint Kesto
House Committee: Judiciary
Senate Committee: Families, Seniors and Human Services

Date Completed: 5-2-17

CONTENT

The bill would amend the Uniform Interstate Family Support Act (UIFSA) to revise the conditions under which a tribunal of this State may exercise jurisdiction to establish a support order.

Under the Act, a tribunal of this State may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a pleading is filed in another state or a foreign country only if one of the following applies:

- The petition or a comparable pleading in this State is filed before the expiration of the time allowed in the other state or the foreign country for filing a responsive pleading challenging the exercise of jurisdiction by the other state or the foreign country.
- The contesting party timely challenges the exercise of jurisdiction in the other state or foreign country.
- If relevant, this State is the home state of the child.

The bill would authorize a tribunal of this State to exercise jurisdiction to establish a support order if the petition or comparable pleading were filed after a pleading were filed in another state or a foreign country only if all of the conditions listed above applied.

MCL 552.2205

BACKGROUND

The Uniform Interstate Family Support Act provides for the recognition and enforcement of family support orders across state lines. According to the Uniform Law Commission (ULC), which first promulgated the UIFSA in 1992, the Act has been the law of every state since 1998. The ULC drafted amendments to the Act in 1996, 2001, and 2008. The 2008 amendments incorporated changes required by the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.

In 2014, the U.S. Congress passed implementing legislation for the Hague Convention. The new Federal law, the Preventing Sex Trafficking and Strengthening Families Act, required that the 2008 amendments to the UIFSA be enacted in every jurisdiction as a condition of continued receipt of Federal funds supporting state child support programs. Failure to enact these amendments during the 2015 legislative session could have resulted in a state's loss of this Federal funding.

Michigan originally enacted the Uniform Act in 1998. Public Act 255 of 2015 repealed and reenacted the UISFA with amendments, particularly with respect to support proceedings under the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.

By March 2016, all 50 states, Washington, D.C., Puerto Rico, and the Virgin Islands had enacted the 2008 amendments to the Uniform Act, according to the National Conference on State Legislatures.

Legislative Analyst: Nathan Leaman

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Ryan Bergen
John Maxwell

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.