International Choices of Law - Responding Cases

In General
UIFSA §303 - apply the procedural and substantive law of the forum (CA).

Establishment
Location of CP (participation and evidence) - immaterial = “outside this state” § 102(18)
CA parentage determination laws apply
CA guidelines and duration of support apply
No “adjustment” for cost of living differences

Enforcement
Location of CP (participation and evidence) - immaterial = “outside this state”
Origin of the Order
  Convention Country
  Foreign Country
  Country
Bases for Recognition
  Convention Order UIFSA §701(?)
  Foreign Support Order UIFSA §102(6)
  Comity
Defenses to Registration/Recognition
  All generic UIFSA defenses - UIFSA §607 & §708
  Convention specific - UIFSA §708
If Enforcement Denied
  Seek Establishment - UIFSA §708(c?) & Agency Policy

Modification (International)
Location of CP (participation and evidence) - immaterial = “outside this state”
Location of CP- material for jurisdiction to modify
Convention Order UIFSA §711
  Not if obligee resides in Order issuing county, UNLESS
    • obligee submits or defends without objecting to jurisdiction
    • foreign tribunal lacks or refuses to exercise jurisdiction
Non-Convention Order UIFSA §615
  Foreign tribunal lacks or refuses to exercise jurisdiction
TX order & one person not in the US - TX retains jurisdiction UIFSA §611(f)
No modification of duration
Recognition on the basis of comity does not authorize a modification