

MI IQ

Michigan Interstate Issues and Questions

Answered by SCAO FO CB

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Question: Can an out of state order (and its support, parenting time, and custody provisions) be "domesticated" when both parties reside in Michigan? What case-type classification code should be used? What is the friend of the court office permitted to do in domesticating an order?

Answer: Yes. Foreign judgments can be domesticated, or registered and modified. How an order is "domesticated" or recognized depends on the law applied. The "principle subject matter¹ of an action at the time of filing" determines its two-letter² suffix *case-type classification code*.³

The idea of domestication predates the current uniform acts (UIFSA, UCCJEA, and UEFJA).⁴ To domesticate a foreign judgment, one of the parties could file a complaint asking the court to enter the judgment as its own. That person would have to file the complaint and get personal service on the other. The associated pleadings would include the basis for the court to exercise subject matter jurisdiction, and the court must have personal jurisdiction over both parties. The case's principal subject matter at the time of filing determines the case classification code.⁵

A party could also seek to register the custody and parenting time provisions under UCCJEA and in their pleadings request inclusion of support (registration) using UIFSA's domestication provision (MCL 552.1638) since the court would have personal jurisdiction over both resident-parties. Since the UCCJEA controls the case's principal subject matter, the case-type classification code is DC. The party would be responsible for effecting appropriate service on the other.

Other than duties statutorily assigned to the friend of the court, office staff should not give legal or procedural advice to anyone, and only take actions permitted by law. Friend of the court offices

¹ Principal subject matter includes things like divorce or annulment with children, original actions to obtain custody, UCCJEA registration to modify, responding UIFSA registration to modify, paternity, etc. Cases can involve multiple subjects at the time of filing. Cases' subject matter can change or additional issues can be added after filing. The plaintiff (party or agency filing the original action) assigns the code. The clerk of the court may sometimes reject the filing because the clerk's interpretation of its principle subject matter produces a significantly different code.

² Case-type codes are found in the Case File Management Standards – Component 39. MCR 8.117.

³ The case-type codes were added for the primary purpose of aiding the SCAO in collecting statistical information about general case types and were never intended for use for anything other than classifying cases to gather statistics. Using those codes to distinguish qualities about a case after it is filed inevitably will create errors.

⁴ UIFSA includes support issues, UCCJEA includes custody and parenting time issues, and UEFJA relates to enforcement of foreign judgments which additionally permits enforcement of property settlements.

⁵ The generic choices such as "DZ" for other domestic relations "prejudgment matters" or "CZ" for other civil damage "actions not otherwise coded" would likely apply.

cannot assist any party in domesticating orders, and are only permitted to seek registration as permitted under UIFSA.

In a case where all the parties reside in MI and the child does not reside in the state that issued the order, all the FOC can do is follow procedures to register the support order (just as if receiving it from another state).⁶ Under MCL 552.1638, MI “has jurisdiction to enforce and to modify the issuing state’s child support order in a proceeding to register that order” (applying Articles I, II, and VI).⁷ The principle subject matter in this situation is an incoming registration of another state’s orders under UIFSA, since MI automatically has jurisdiction to modify under MCL 552.1638, “UM” would be the appropriate case-type classification code.⁸ The friend of the court is not permitted to seek registration of another state’s custody or visitation orders.

Nothing in UIFSA permits a court to act regarding custody or parenting time issues.⁹ However, UIFSA allows a party to affirmatively seek a remedy under another law of this state by filing petition or comparable pleading that specifies the grounds for the remedy sought. MCL 552.1601(3). In cases, as the tribunal is registering the support order or following registration, a party can seek additional relief under the UCCJEA or UEFJA. The FOC cannot assist a party or file pleadings requesting relief under the UCCJEA or UEFJA.

When registering an order, UIFSA permits a party to contest the validity or enforcement of the order.¹⁰ If either party contests registration without the assistance of legal counsel, afford them due-process by requesting a hearing.

Given this kind of case’s subject matter is a minor subset of existing types, differentiating domesticated judgment cases was determined unnecessary, and remains unnecessary, for the SCAO’s statistical purposes. Different organizations and systems have mistakenly assumed that (1) a case only involves a single subject that is never amended, (2) that a case’s legal qualities never change, and (3) the case-type code can be used to definitively distinguish qualities about a case after it is filed. The Supreme Court and SCAO never intended case-type classifications to be used for anything other than reporting and gathering statistics.

Please direct any friend of the court policy or procedural questions or interstate issues to Bill Bartels at bartelsb@courts.mi.gov or 517-373-2468.

⁶ Procedures include manner of service, forms, timing, etc. The office also has to compile all of the documents and information needed for registration under MCL 552.601.

⁷ MCL 553.638 excludes application of UIFSA Articles III, V, VII, and VIII.

⁸ Jurisdiction to modify conferred by this section distinguishes this kind of case from registration for enforcement.

⁹ UIFSA does not contain a provision allowing the court ordering support to establish, modify, or enforce custody or parenting time. *Fisher v Belcher*, 269 Mich App 247 (2005).

¹⁰ MCL 552.1625 describes a party’s burden of proof and defenses to registration. (MCL 552.1623 says the non-registering party has 20 days to contest or seek to vacate registration, and if the non-registering party timely requests a hearing, the tribunal must schedule one and give notice to the parties. UIFSA does not give any direction on what occurs when a registering party contests registration or seeks to vacate registration.)