

# INTERNATIONAL ENFORCEMENT ISSUES: A "How To"

Steven K. Yoda | Walzer Melcher LLP | Los Angeles, CA



International  
Custody  
Orders

International  
Support  
Orders

International  
Property  
Orders

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## International Custody Orders

- Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)
- Adopted by 49 of the 50 States (except Massachusetts)
- In California, UCCJEA is codified at Cal. Fam. Code, § 3400 et seq.



Cal. Fam. Code, § 3405, subd. (a).

"A court of this state shall treat a foreign country as if it were a state of the United States for the purpose of applying [the UCCJEA]."

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Unless . . .

"the child custody law of a foreign country violates fundamental principles of human rights."

Cal. Fam. Code, § 3405, subd. (c).

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Domesticating

Contesting

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Domesticating

Contesting



## Domesticating a Foreign Custody Order

- A letter or other document requesting registration.
  - Two copies (including one certified copy) of the order sought to be registered, along with a sworn statement that, to the best of the knowledge and belief of the person seeking registration, the order has not been modified.
  - Unless there are domestic violence allegations, the names and addresses of the person seeking registration and the other parent.
-

TELEPHONE NO.: FAX NO. (Optional)  
E-MAIL ADDRESS (Optional)  
ATTORNEY FOR (Name)

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF**

STREET ADDRESS:  
MAILING ADDRESS:  
CITY AND ZIP CODE:

FILE NUMBER:

PETITIONER:

RESPONDENT:

CASE NUMBER

**REGISTRATION OF OUT-OF-STATE CUSTODY ORDER**

1. The minor children covered by the out-of-state custody order are (name each):

Child's name	Date of birth	Age	Sex
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2. a. Petitioner has been awarded  custody  visitation of those minor children.

b. Petitioner is the  mother  father  other (specify): of those minor children.

c. Petitioner's address is:\*

3. a. Respondent has been awarded  custody  visitation of those minor children.

b. Respondent is the  mother  father  other (specify): of those minor children.

c. Respondent's address is:\*

4.  a. Another person (specify name): has been awarded

custody  visitation of those minor children.

b. That person is the  mother  father  other (specify): of those minor children.

c. That person's address is:\*

\* If there are issues of domestic violence or child abuse, you may give a mailing address instead.

5. A completed Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (form FL-105) is attached to this registration.

6. I request that the attached out-of-state custody order be registered in this court.

a. The court, county, and state where order was made are (specify):

b. The date when the most recent order for child custody/visitation was made in that case (specify):

c. Two copies, including one certified copy of that out-of-state order, are attached to this registration and made a part of it.

d. To the best of my knowledge and belief, this order has not been modified.

Date:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

\_\_\_\_\_  
(PRINT OR PRINT NAME)



(SIGNATURE)



PETITIONER \_\_\_\_\_

DASE KURT R.

RESPONDENT: \_\_\_\_\_

**NOTICE OF REGISTRATION OF OUT-OF-STATE CUSTODY ORDER**

1. To:
  - a. Petitioner at address on 2(c) on page 1
  - b. Respondent at address on 3(c) on page 1
  - c.  Other person who has been awarded custody or visitation in this custody order at address on 4(c) on page 1
  
2. The attached out-of-state custody order can be enforced as of the date of registration in the same manner as an order issued by a California court.
  
3. If you want to contest the validity of this registered out-of-state custody order, you must request a hearing date that is within 20 days of the date that this notice was mailed to you (see clerk's date of mailing below). A request for a hearing must be in writing and filed in this case.
  
4. If you do not request this hearing, the out-of-state order will be confirmed in California and you will not be able to challenge its validity in the future.
  
5. At the hearing, the court will confirm the out-of-state order unless you can prove one of the following:
  - a. The issuing court did not have jurisdiction under chapter 2 of the California Family Code (commencing with section 3421).
  - b. The child custody determination sought to be registered has been vacated, stayed, or modified by a court having jurisdiction to do so under chapter 2 of the California Family Code (commencing with section 3421).
  - c. You were entitled to notice of the original order, but did not receive that notice in accordance with the standards of California Family Code section 3408 in the proceedings before the court that issued the order for which registration is sought.

**CLERK'S CERTIFICATE OF MAILING**

I certify that I am not a party to this case and that a copy of this Registration of Out-of-State Custody Order and all attachments was sent to each person named in item 1 above by first-class mail. The copies were enclosed in envelopes with postage fully prepaid. The envelopes were addressed to the persons named in item 1 of the addressee listed above, sealed, and deposited with the United States Postal Service.

At (place): \_\_\_\_\_

On (date): \_\_\_\_\_

Date: \_\_\_\_\_

Clerk by: \_\_\_\_\_, Deputy

ATTORNEY OR PARTY NOT AN ATTORNEY? (Name, State Bar number, and address):  MAILING ADDRESS (Optional): ATTORNEY FILING OFFICE: <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> COUNTY ADDRESS: CITY AND ZIP CODE: RANCH NAME: (This section applies only to family law cases.)	FOR COURT USE ONLY          COUNTY NUMBER:
<b>DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)</b>	

- I am a party to this proceeding to determine custody of a child.
- My present address and the present address of each child residing with me is confidential under Family Code section 3429 as I have indicated in item 3.
- There are (specify number) \_\_\_\_\_ minor children who are subject to this proceeding, as follows:  
(Insert the information requested below. The residence information must be given for the last FIVE years.)

a. Child's name		Place of birth	Date of birth	Sex
Period of residence	Address	Person child lived with (name and complete current address)		Relationship
to present	<input type="checkbox"/> Confidential Child's residence (City, State)	<input type="checkbox"/> Confidential Person child lived with (name and complete current address)		
to	Child's residence (City, State)	Person child lived with (name and complete current address)		
to	Child's residence (City, State)	Person child lived with (name and complete current address)		
b. Child's name		Place of birth	Date of birth	Sex
<input type="checkbox"/> Residence information is the same as given above for this child. If NOT the same, provide the information below.				
Period of residence	Address	Person child lived with (name and complete current address)		Relationship
to present	<input type="checkbox"/> Confidential Child's residence (City, State)	<input type="checkbox"/> Confidential Person child lived with (name and complete current address)		
to	Child's residence (City, State)	Person child lived with (name and complete current address)		
to	Child's residence (City, State)	Person child lived with (name and complete current address)		

- Additional residence information for a child listed in item a or b is continued on attachment 3c.
- Additional children are listed on form FL-105(A)/GC-120(A). (Provide all requested information for additional children.)



Cal. Fam. Code, § 3429.

"In a child custody proceeding, each party, in its first pleading or in an attached affidavit, shall give information, if reasonably ascertainable, under oath as to the child's present address or whereabouts, the places where the child has lived during the last five years, and the names and present addresses of the persons with whom the child has lived during that period. . . ."

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SHORT TITLE:	CASE NUMBER:
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4. Do you have information about, or have you participated as a party or as a witness or in some other capacity in, another court case or custody or visitation proceeding, in California or elsewhere, concerning a child subject to this proceeding?

Yes  No (If yes, attach a copy of the orders (if you have one) and provide the following information):

Proceeding	Case number	Court (name, state, location)	Court order or judgment (date)	Name of each child	Your connection to the case	Case status
a. <input type="checkbox"/> Family						
b. <input type="checkbox"/> Guardianship						
c. <input type="checkbox"/> Other						

Proceeding	Case Number	Court (name, state, location)
d. <input type="checkbox"/> Juvenile Delinquency/ Juvenile Dependency		
e. <input type="checkbox"/> Adoption		

5.  One or more domestic violence restraining/protective orders are now in effect. (Attach a copy of the orders if you have one and provide the following information):

Court	County	State	Case number (if known)	Orders expire (date)
a. <input type="checkbox"/> Criminal				
b. <input type="checkbox"/> Family				
c. <input type="checkbox"/> Juvenile Delinquency/ Juvenile Dependency				
d. <input type="checkbox"/> Other				

6. Do you know of any person who is not a party to this proceeding who has physical custody or claims to have custody of or visitation rights with any child in this case?  Yes  No (If yes, provide the following information):

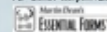
a. Name and address of person	b. Name and address of person	c. Name and address of person
<input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights	<input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights	<input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights
Name of each child	Name of each child	Name of each child

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
Date: \_\_\_\_\_

\_\_\_\_\_  
 (TYPE OR PRINT NAME) ▶ \_\_\_\_\_  
 (SIGNATURE OF DECLARANT)

7.  Number of pages attached: \_\_\_\_\_

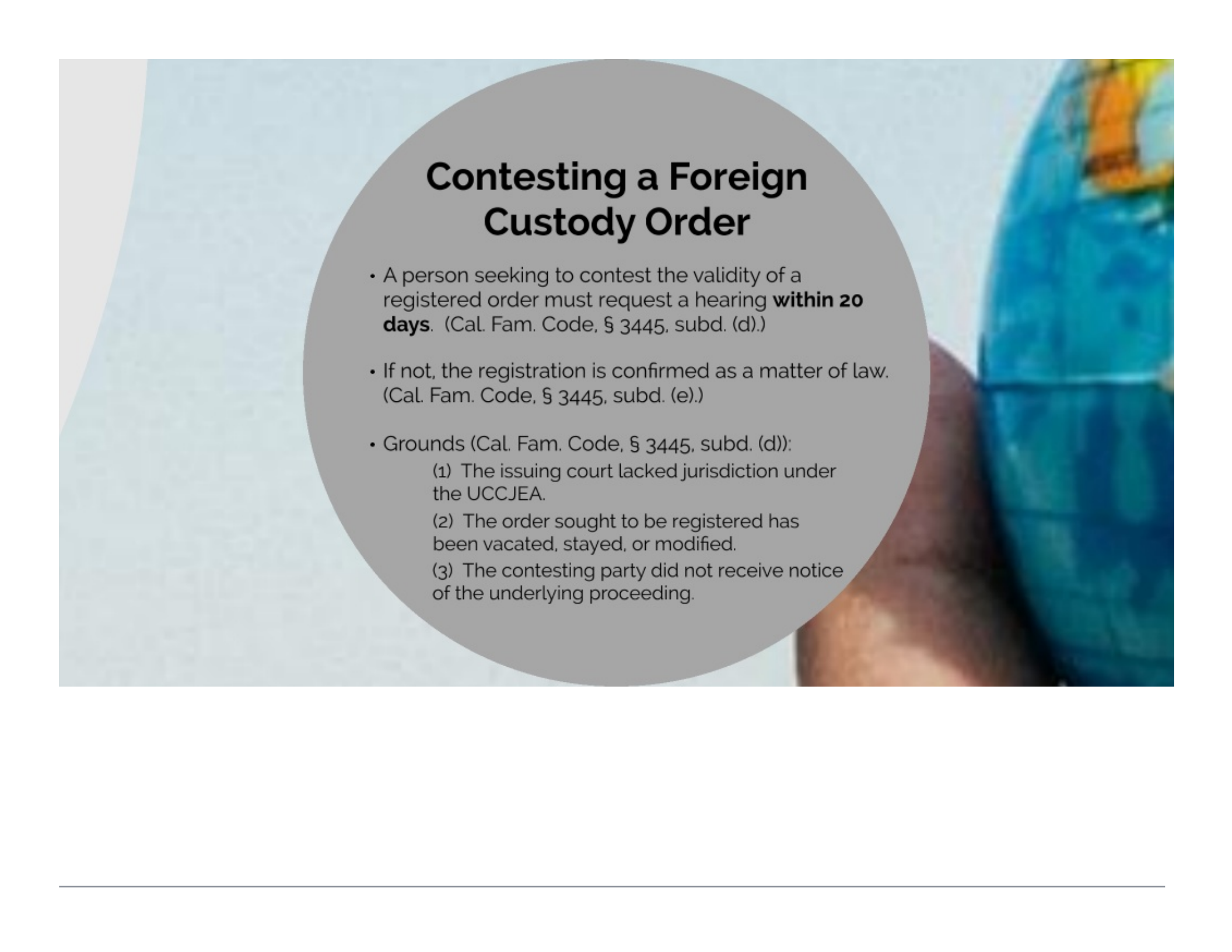
**NOTICE TO DECLARANT:** You have a continuing duty to inform this court if you obtain any information about a custody proceeding in a California court or any other court concerning a child subject to this proceeding.





## Domesticating a Foreign Custody Order

- A letter or other document requesting registration.
  - Two copies (including one certified copy) of the order sought to be registered, along with a sworn statement that, to the best of the knowledge and belief of the person seeking registration, the order has not been modified.
  - Unless there are domestic violence allegations, the names and addresses of the person seeking registration and the other parent.
-

A hand holding a globe is visible on the right side of the image. A large grey circle is centered on the page, containing the title and a list of bullet points. The background is a light blue gradient.

## Contesting a Foreign Custody Order

- A person seeking to contest the validity of a registered order must request a hearing **within 20 days**. (Cal. Fam. Code, § 3445, subd. (d).)
- If not, the registration is confirmed as a matter of law. (Cal. Fam. Code, § 3445, subd. (e).)
- Grounds (Cal. Fam. Code, § 3445, subd. (d)):
  - (1) The issuing court lacked jurisdiction under the UCCJEA.
  - (2) The order sought to be registered has been vacated, stayed, or modified.
  - (3) The contesting party did not receive notice of the underlying proceeding.

## **UCCJEA Jurisdiction**

(Cal. Fam. Code, § 3421)

- The issuing court was the "home state" of the child; or
  - The issuing court was the "home state" of the child within six months before the commencement of the proceeding and the child was absent from the state but a parent (or person acting as a parent) continued to live in the state.
-

"Home state" is "the state in which a child has lived with a parent or a person acting as a parent for at least six consecutive months immediately before the commencement of a child custody proceeding."

"In the case of a child less than six months of age, the term means the state in which the child lived from birth with any of the persons mentioned."

"A period of temporary absence . . . is part of the period."

(Cal. Fam. Code, § 3402, subd. (g).)

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## **UCCJEA Jurisdiction**

(Cal. Fam. Code, § 3421)

- The issuing court was the "home state" of the child; or
  - The issuing court was the "home state" of the child within six months before the commencement of the proceeding and the child was absent from the state but a parent (or person acting as a parent) continued to live in the state.
-

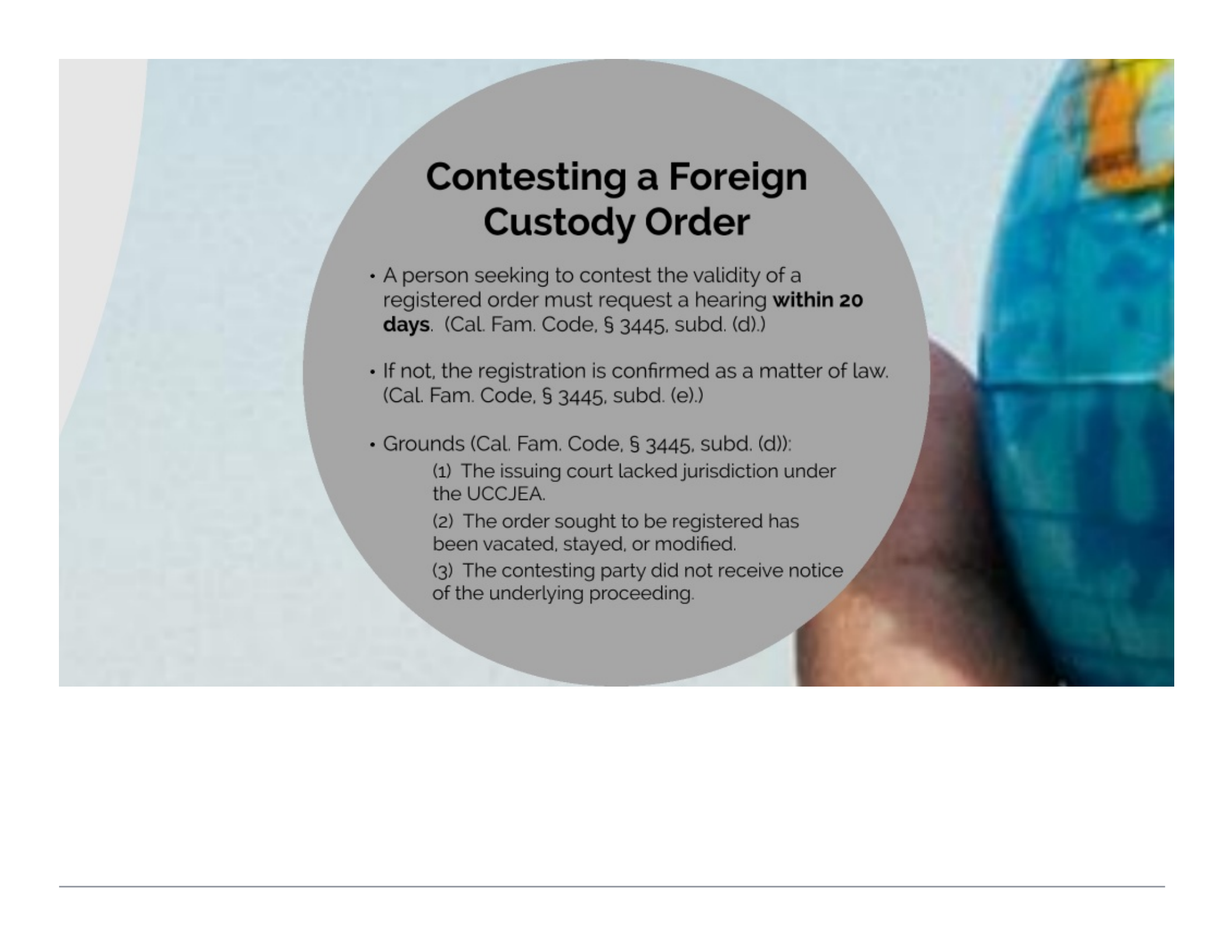
If there was no "home state," or the home state declined to exercise jurisdiction in favor of a more convenient forum (Cal. Fam. Code, § 3427), then the issuing forum had jurisdiction if:

(a) the child and at least one parent (or a person acting as a parent) had a significant connection with the issuing forum; and

(b) substantial evidence was available in the issuing forum concerning the child's care, protection, training, and personal relationships.

(Cal. Fam. Code, § 3421, subd. (a)(2).)

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## Contesting a Foreign Custody Order

- A person seeking to contest the validity of a registered order must request a hearing **within 20 days**. (Cal. Fam. Code, § 3445, subd. (d).)
- If not, the registration is confirmed as a matter of law. (Cal. Fam. Code, § 3445, subd. (e).)
- Grounds (Cal. Fam. Code, § 3445, subd. (d)):
  - (1) The issuing court lacked jurisdiction under the UCCJEA.
  - (2) The order sought to be registered has been vacated, stayed, or modified.
  - (3) The contesting party did not receive notice of the underlying proceeding.

The court shall confirm the registered order unless . . .

" . . . the person contesting registration was entitled to notice, but notice was not given in accordance with . . . Section 3408, in the proceedings . . . that issued the order for which registration is sought."

(Cal. Fam. Code, § 3445, subd. (d)(3).)

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"Before a child custody determination is made . . . , notice and opportunity to be heard in accordance with the standards of Section 3408 must be given to . . . any parent whose parental rights have not been previously terminated[] and any person having physical custody of the child."

(Cal. Fam. Code, § 3245.)

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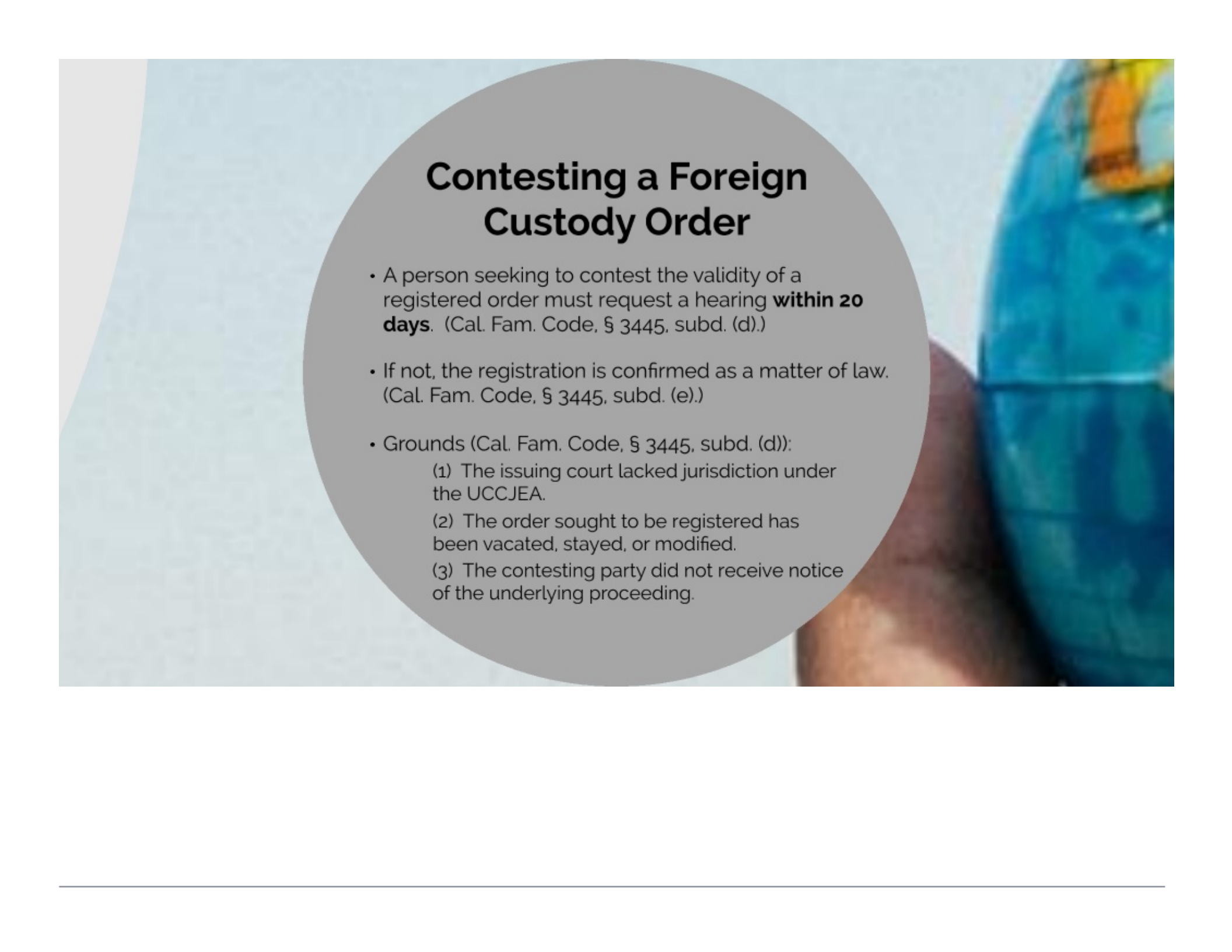
"Notice required for the exercise of jurisdiction . . . *may* be given in a manner prescribed by the law of this state . . . or by the law of the state in which service is made. Notice *must* be given in a manner reasonably calculated to give actual notice but may be by publication if other means are not effective."

(Cal. Fam. Code, § 3408, subd. (a).)

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W.M. v. V.A. (2018) 30 Cal.App.5th 64  
[notice of a Belarus action was  
insufficient under UCCJEA]

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## Contesting a Foreign Custody Order

- A person seeking to contest the validity of a registered order must request a hearing **within 20 days**. (Cal. Fam. Code, § 3445, subd. (d).)
  - If not, the registration is confirmed as a matter of law. (Cal. Fam. Code, § 3445, subd. (e).)
  - Grounds (Cal. Fam. Code, § 3445, subd. (d)):
    - (1) The issuing court lacked jurisdiction under the UCCJEA.
    - (2) The order sought to be registered has been vacated, stayed, or modified.
    - (3) The contesting party did not receive notice of the underlying proceeding.
-



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## **International Support Orders**

- Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance
  - Uniform Interstate Family Support Act (UIFSA)
  - Comity
-

## **42 Hague Countries:**

Albania; Austria; Belarus; Belgium; Bosnia and Herzegovina; Brazil; Bulgaria; Burkina Faso; Canada; Croatia; Cyprus; Czech Republic; Estonia; Finland; France; Germany; Greece; Guyana; Honduras; Hungary; Ireland; Italy; Kazakhstan; Latvia; Lithuania; Luxembourg; Malta; Montenegro; Netherlands; Nicaragua; Norway; Poland; Portugal; Romania; Slovakia; Slovenia; Spain; Sweden; Turkey; Ukraine; United Kingdom; United States of America

(<https://www.hcch.net/en/instruments/conventions/status-table/?cid=131>)

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Hague Convention support orders are governed by a specific chapter (Chapter 7) within California's UIFSA.

"[I]f a provision of this chapter [Chapter 7] is inconsistent with Chapters 1 through 6, this chapter controls."

(Cal. Fam. Code, § 5700.702.)

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## **Domestication of a Hague Convention Support Order**

Registration requires:

- (1) a complete text of the support order or an abstract or extract of the support order drawn up by the issuing foreign tribunal . . . ;
  - (2) a record stating that the support order is enforceable in the issuing country;
  - (3) if the respondent did not appear and was not represented in the proceedings in the issuing country, a record attesting, as appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard or that the respondent had proper notice of the support order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal;
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(4) a record showing the amount of arrears, if any, and the date the amount was calculated;

(5) a record showing a requirement for automatic adjustment of the amount of support, if any, and the information necessary to make the appropriate calculations; and

(6) if necessary, a record showing the extent to which the applicant received free legal assistance in the issuing country.

(Cal. Fam. Code, § 5700.706.)

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<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>                  STREET ADDRESS                  CITY AND ZIP CODE                  COUNTY AND DISTRICT                  BRANCH NAME</p> <p>PETITIONER/PLAINTIFF:                  _____</p> <p>RESPONDENT/DEFENDANT:                  _____</p> <p style="text-align: center;"><b>NOTICE OF REGISTRATION OF AN INTERNATIONAL                  HAGUE CONVENTION SUPPORT ORDER</b></p>	<p>FOR COURT USE ONLY</p>          <p>CASE NUMBER:                  _____</p>
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1. To (name): \_\_\_\_\_
2. You are notified that an International Hague Convention Support Order has been registered with this court. A copy of the following is attached:
  - Complete text of the order
  - Abstract of the order
  - Record stating the support order is enforceable in the issuing country
  - Record attesting proper notice and opportunity to be heard, if respondent did not appear and was not represented
  - Record showing the amount of arrears, if any
    - Record showing a requirement for automatic adjustment of support, if any
    - Record showing the extent to which the applicant received free legal assistance, if necessary
3. The amount of arrears is specified in item 1 on the attached Transmittal Form under Article 12(2).  
 The amount of the alleged arrears is: \_\_\_\_\_ as of \_\_\_\_\_  
 The arrears have a U.S. dollar equivalence of \_\_\_\_\_ as of \_\_\_\_\_
4. The registered order is enforceable in the same manner as a support order made by a California court as of the date the Transmittal Form under article 12(2) is filed.
5. If you want to contest the validity or enforcement of the registered order, you must request a hearing within 30 days if you reside in the United States, or within 60 days if residing outside the United States, of the date that the notice was mailed to you (see below for clerk's date of mailing). You can request a hearing by completing and filing a *Request for Hearing Regarding Registration of an International Hague Convention Support Order* (form FL-594).
6. If you fail to contest the validity or enforcement of the attached order within 30 days, or 60 days if residing outside the United States, of the date this notice was mailed, the order will be confirmed by the court and you will be unable to contest any portion of the order including the amount of arrears as specified in item 1 of the Transmittal Form under article 12(2).

**CLERK'S CERTIFICATE OF MAILING**

7. I certify that I am not a party to this cause and that a copy of the Transmittal Form with a copy of the International Hague Convention Support Order were sent to the person named in item 1 by first-class mail. The copies were enclosed in an envelope with postage fully prepaid. The envelope was addressed to the person named in item 1 only at the address in the Transmittal Form, sealed, and deposited with the U.S. Postal Service.  
 at (place): \_\_\_\_\_  
 on (date): \_\_\_\_\_
8. Copy sent to local child support agency on (state): \_\_\_\_\_

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

Form Adopted by Mandatory Rule  
 Judicial Council of California  
 FL-592 (Rev. 3-1-2011)

**NOTICE OF REGISTRATION OF AN INTERNATIONAL  
 HAGUE CONVENTION SUPPORT ORDER**

Family Code, §§ 5780.780,  
 5780.797  
 www.courts.ca.gov

For your protection and privacy, please press the Clear  
 This Form button after you have printed the form.

[Print this form](#)

[Save this form](#)

[Clear this form](#)

"A tribunal of this state may vacate the registration of a Convention support order [without a contest proceeding] only if, acting on its own motion, the tribunal finds that recognition and enforcement of the order would be manifestly incompatible with public policy."

(Cal. Fam. Code, § 5700.706, subd. (d).)

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There are no published California cases that expound upon this *ex officio, sua sponte* power of the court to deny recognition of a Hague Convention support order on public policy grounds.

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However, UIFSA's official comments to section 706(d) notes that this power is in tension with UIFSA's core policy of promoting and requiring recognition of foreign support orders. It seems the power should be used sparingly: It is "not a vehicle for the review of the merits of the decision."

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One (possible) example: a California court might deny registration of a foreign support order against a parent whose parental rights were terminated and the child was subsequently adopted by another person.

(UIFSA (2008) § 706(d) cmt.)

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Assuming no *sua sponte* action by the court on its own motion, "[t]he tribunal shall promptly notify the parties of the registration . . . of a Convention support order."

(Cal. Fam. Code, § 5700.706, subd. (e).)

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Unless the opposing party later prevails at a contest hearing, "a tribunal of this state *shall* recognize and enforce a Convention support order."

(Cal. Fam. Code, § 5700.708, subd. (a) [emphasis added].)

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A globe is shown in the background, held by a person's hands. The globe is partially visible, showing South America with the word 'BRAZIL' clearly labeled. The background is a soft-focus outdoor scene with greenery and a light sky.

## **International Support Orders**

- Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance
  - Uniform Interstate Family Support Act (UIFSA)
  - Comity
-

## Contesting Registration of a Hague Convention Support Order

- A party contesting a registered Hague Convention support order shall file a contest not later than *30 days* after notice of registration (or *60 days* if the contesting party does not reside in the United States). (Cf. 20 days under UIFSA.)
- If the non-registering party fails to timely contest the registration, then the order shall be enforceable.

(Cal. Fam. Code, § 5700.707, subds. (b), (c).)

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- "The contesting party bears the burden of proof."
- "A contest of a registered Convention support order may be based only on the grounds set forth in Section 5700.708 [setting forth 9 specific grounds]."

(Cal. Fam. Code, § 5700.707, subd. (d).)

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- The Court is bound by the findings of fact on which the foreign tribunal based its jurisdiction; and
- The Court may not review the merits of the foreign order.

(Cal. Fam. Code, § 5700.707, subd. (e).)

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The following grounds are the only grounds on which a tribunal of this state may refuse recognition and enforcement of a registered Convention support order:

- (1) recognition and enforcement of the order is manifestly incompatible with public policy, including the failure of the issuing tribunal to observe minimum standards of due process, which include notice and an opportunity to be heard;
  - (2) the issuing tribunal lacked personal jurisdiction . . . ;
  - (3) the order is not enforceable in the issuing country;
  - (4) the order was obtained by fraud in connection with a matter of procedure;
  - (5) a record transmitted . . . lacks authenticity or integrity;
  - (6) a proceeding between the same parties and having the same purpose is pending before a tribunal of this state and that proceeding was the first to be filed;
-

(7) the order is incompatible with a more recent support order . . . [that] is entitled to recognition and enforcement . . . in this state;

(8) payment, . . . in whole or in part;

(9) in a case in which the respondent neither appeared nor was represented in the proceeding in the issuing foreign country:

(A) if the law of that country provides for prior notice of proceedings, the respondent did not have proper notice of the proceedings and an opportunity to be heard; or

(B) if the law of that country does not provide for prior notice of the proceedings, the respondent did not have proper notice of the order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal; or

(10) the order was made in violation of Section 5700.711 [improper modification of a Convention support order where obligee remains resident of the foreign issuing country, which maintains jurisdiction over the support order].

(Cal. Fam. Code, § 5700.708, subd. (b).)

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PARTY WITHOUT ATTORNEY OR ATTORNEY (name, state bar number, and address):		FOR COURT USE ONLY
NAME: _____ STATE BAR NO.: _____		
FIRM NAME: _____		
STREET ADDRESS: _____		
CITY: _____	STATE: _____	ZIP CODE: _____
TELEPHONE NO.: _____	FAX NO.: _____	
MAIL ADDRESS: _____		
ATTORNEY FOR: (NAME) _____		
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____</b>		
STREET ADDRESS: _____		
MAILING ADDRESS: _____		
CITY AND ZIP CODE: _____		
JUDICIAL DISTRICT: _____		
PETITIONER/PLAINTIFF: _____		
RESPONDENT/DEFENDANT: _____		
OTHER PARTY: _____		
<b>REQUEST FOR HEARING REGARDING REGISTRATION OF AN INTERNATIONAL HAGUE CONVENTION SUPPORT ORDER</b>		CASE NUMBER: _____

**NOTICE OF HEARING**

1. A hearing on this application will be held as follows (see instructions on how to get a hearing date and for more information about what an International Hague Convention Support Order is and how to fill out this form):

a. Date:	Time:	Dept:	Div:	Room:
b. The address of the court is <input type="checkbox"/> same as noted above <input type="checkbox"/> Other (specify): _____				

2. I request that the court refuse recognition and enforcement of the International Hague Convention Support Order because:
- a.  recognition and enforcement of the order is manifestly incompatible with public policy, including the failure of the issuing court or tribunal to observe minimum standards of due process, which include notice and an opportunity to be heard.
  - b.  the court or tribunal that issued the order did not have personal jurisdiction as listed in Family Code section 5700.201.
  - c.  the order is not enforceable in the country that issued it.
  - d.  the order was obtained by fraud in connection with a matter of procedure.
  - e.  a record registering this order as required by Family Code section 5700.708 is not authentic or lacks integrity.
  - f.  a case between the same parties and having the same purpose is pending before a court in California, and that case was the first to be filed.
  - g.  the order is incompatible with a more recent support order involving the same parties and having the same purpose. The more recent support order is entitled to recognition and enforcement under Family Code sections 5700.101–5700.905.
  - h.  the alleged arrears have been paid in whole or in part.
  - i.  I did not attend the hearing, nor did I have a lawyer in the country that issued the order. The law of the issuing country provides for prior notice of proceedings, but I did not have proper notice of the proceedings or an opportunity to be heard.
  - j.  I did not attend the hearing, nor did I have a lawyer in the country that issued the order. The law of that country does not provide for prior notice of the proceedings, and I did not have proper notice of the order or an opportunity to be heard in a challenge or appeal on fact or law before a tribunal.
  - k.  the order was made in violation of Family Code section 5700.711.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE OF DECLARANT)



## **International Support Orders**

- Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance
  - Uniform Interstate Family Support Act (UIFSA)
  - Comity
-

## UIFSA

- Adopted by all 50 states.
  - In California, UIFSA is codified at Cal. Fam. Code, § 5700.101 et seq.
-

UIFSA is *not* the exclusive method of establishing or enforcing a support order in California.

(Cal. Fam. Code, § 5700.104, subd. (b).)

---

"Remedies provided by [UIFSA] are *cumulative* and *do not affect* the availability of remedies *under other law* . . . ."

(Cal. Fam. Code, § 5700.104, subd. (a) [emphases added].)

---



In addition to Hague Convention countries, UIFSA applies to any "foreign country," defined as a country (or political subdivision thereof), which:

- has been declared under the law of the United States to be a foreign reciprocating country;
- has established a reciprocal arrangement for child support with California; or
- has enacted law or procedures for the issuance and enforcement of support orders which are substantially similar to UIFSA.

(Cal. Fam. Code, § 5700.102, subd. (5).)

---

US Foreign Reciprocating Countries: Australia; El Salvador. (<https://www.acf.hhs.gov/css/partners/international>.)

California Reciprocal Countries: Bermuda; Fiji; Mexico; New Zealand; Quebec (Canada); South Africa. (<https://ocsp.acf.hhs.gov/irg/profile.html?selection=STA&stateGeoBox=06>.)

---

In addition to Hague Convention countries, UIFSA applies to any "foreign country," defined as a country (or political subdivision thereof), which:

- has been declared under the law of the United States to be a foreign reciprocating country;
- has established a reciprocal arrangement for child support with California; or
- has enacted law or procedures for the issuance and enforcement of support orders which are substantially similar to UIFSA.

(Cal. Fam. Code, § 5700.102, subd. (5).)

---

"Substantially similar" means "the foreign country has laws and procedures that allow for recognition and enforcement of a California . . . support order, which need not be identical to California's laws and procedures . . . ."

(Cima-Sorci v. Sorci (2017) 17 Cal.App.5th 875, 888.)

---

The Official Comments to UIFSA  
contemplate "individualized  
determinations on a case-by-case basis."

(UIFSA (2008) § 102(5)(C) cmt.)

---

## **Domestication of Non-Hague Support Order**

Requirements for registration:

- (1) a letter of transmittal . . . requesting registration and enforcement;
  - (2) two copies, including one certified copy, of the order to be registered, including any modification of the order;
  - (3) a sworn statement by the person requesting registration . . . showing the amount of any arrearage;
-

(4) the name of the obligor and, if known:

(A) the obligor's address and social security number;

(B) the name and address of the obligor's employer and any other source of income of the obligor; and

(C) a description and the location of property of the obligor in this state not exempt from execution; and

(5) . . . the name and address of the obligee [unless the health, safety, or liberty of the obligee or child would be jeopardized].

(Cal. Fam. Code, § 5700.602, subd. (a).)

---

**CHILD SUPPORT ENFORCEMENT TRANSMITTAL #1 - INITIAL REQUEST**

The information on this form may be disclosed as authorized by law.

If you are not the intended recipient, you are hereby notified that any use, disclosure, distribution, or copying of this form or its contents is strictly prohibited.

**Child Support Agency Confidential Information Form must be attached.**

**Petitioner: Legal Name** (first, middle, last, suffix) **IV-D Case:**  TANF  
 IV-E Foster Care  
 Medicaid Only  
 Former Assistance  
 Never Assistance

File Stamp

**Respondent: Legal Name** (first, middle, last, suffix)  
**Tribal Affiliation** (if applicable)  
**To:** (Agency Name and Address) **Responding Locator Code:** \_\_\_\_\_ **State** \_\_\_\_\_  
**Responding IV-D Case Identifier:** \_\_\_\_\_  
**Responding Tribunal Number:** \_\_\_\_\_

**From:** (Agency Name and Address) **Initiating Locator Code:** \_\_\_\_\_ **State** \_\_\_\_\_  
**Initiating IV-D Case Identifier:** \_\_\_\_\_  
**Initiating Tribunal Number:** \_\_\_\_\_

**Send Payments To:** (If different from above) **Payment Locator Code:** \_\_\_\_\_ **State** \_\_\_\_\_

- NOTE:**  
 Nondisclosure Finding/Affidavit attached  
 This form sent through EDE  
 This request or information sent through CSENet

**Section I. Action:** The responding jurisdiction should open an intergovernmental case with the initiating jurisdiction and provide all appropriate services, including: (Please return the acknowledgment form.)

1.  Establish parentage
2.  Establish and enforce order, and forward payment to the initiating jurisdiction's SDU for:
  - A.  Current child support, including medical support
  - B.  Retroactive child support
  - C.  Medical support only
3.  Take the following action(s) on the responding tribunal's order and forward payment to the initiating jurisdiction's SDU:
  - A.  Enforce
  - B.  Modify and enforce
  - C.  Modify then close the intergovernmental IV-D case
  - D.  Enforce arrears only
  - E.  Change person/entity entitled to receive funds and enforce
4.  Take the following action on a support order of another jurisdiction and forward payment to the initiating jurisdiction's SDU:
  - A.  Register and enforce
  - B.  Register, modify, and enforce
  - C.  Register, modify, then close the intergovernmental IV-D case
  - D.  Register and enforce arrears only
5.  Other \_\_\_\_\_

**Section II. Case Summary:** (Background of this matter: court/administrative actions)

Date of support order \_\_\_\_\_ State and county, tribe, or foreign country issuing order \_\_\_\_\_ Tribunal number \_\_\_\_\_

Support amount/frequency \_\_\_\_\_ Date of last payment \_\_\_\_\_ Total amount of arrears \$ \_\_\_\_\_ Period of computation \$ \_\_\_\_\_ through \_\_\_\_\_

Current Support  Arrears Only



**CHILD SUPPORT ENFORCEMENT TRANSMITTAL #1 - INITIAL REQUEST, PAGE 2**

**Section II. Case Summary (Continued):**

Date of support order \_\_\_\_\_ State and county, tribe, or foreign country issuing order \_\_\_\_\_ Tribunal number \_\_\_\_\_

Support amount/frequency \_\_\_\_\_ Date of last payment \_\_\_\_\_ Total amount of arrears \_\_\_\_\_ Period of computation \_\_\_\_\_  
\$ \_\_\_\_\_ thru \_\_\_\_\_

Current Support  Arrears Only

Additional orders or information attached.

**Section III. Obligee Information:**  Parent  Caretaker

Obligee legal name (first, middle, last, suffix) \_\_\_\_\_

If caretaker, relationship to child(ren) \_\_\_\_\_  Has legal custody/guardianship of the child(ren)

**Section IV. Obligor Information:** Obligor legal name (first, middle, last, suffix) \_\_\_\_\_

**Section V. Dependent Child(ren) Information:**

Legal Name (first, middle, last, suffix) \_\_\_\_\_

**VI. Other Pertinent Information:**

Continued on attached sheet(s), incorporated by reference.

**VII. Attachments:**

(Supporting Documentation)

- |   |  |
|---|--|
| <input type="checkbox"/> Child Support Agency Confidential Information Form for IV-D Use Only | <input type="checkbox"/> Uniform Support Petition        |
| <input type="checkbox"/> Declaration in Support of Establishing Parentage                     | <input type="checkbox"/> General Testimony               |
| <input type="checkbox"/> Personal Information Form for UIFSA § 311                            | <input type="checkbox"/> Support order(s)                |
| <input type="checkbox"/> Letter of Transmittal Requesting Registration                        | <input type="checkbox"/> Acknowledgment of parentage     |
| <input type="checkbox"/> Payment history  | <input type="checkbox"/> Birth certificate/birth record  |
| <input type="checkbox"/> Arrears balance and/or accrued interest (affidavit of arrears)       | <input type="checkbox"/> Nondisclosure finding/affidavit |
| <input type="checkbox"/> Arrears calculation (month by month)                                 | <input type="checkbox"/> Other attachments               |

**VIII. Contact Information:**

Date \_\_\_\_\_ Initiating contact person (first, middle, last, suffix) \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_  
Direct telephone number and extension

Fax: (\_\_\_\_\_) \_\_\_\_\_ E-mail: \_\_\_\_\_

**Encryption Requirements:**

When communicating this form through electronic transmission, precautions must be taken to ensure the security of the data. Child support agencies are encouraged to use the electronic applications provided by the federal Office of Child Support Enforcement. Other electronic means, such as encrypted attachments to e-mails may be used if the encryption method is compliant with Federal Information Processing Standard (FIPS) Publication 140-2 (FIPS PUB 140-2).

**CHILD SUPPORT AGENCY CONFIDENTIAL INFORMATION FORM**

**FOR IV-D AGENCY USE ONLY – DO NOT FILE WITH A TRIBUNAL OR PROVIDE TO THE OTHER PARTY**

The information on the form may be disclosed only as authorized by law.

If you are not the intended recipient, you are hereby notified that any use, disclosure, distribution, or copying of this form or its contents is strictly prohibited.

**NOTE:**

This form sent through EDE

**Section I. Case Information:**

Initiating jurisdiction name:	Responding jurisdiction name:
Initiating IV-D case identifier:	Responding IV-D case identifier:
Initiating tribunal number:	Responding tribunal number:

**Section II. Parent/Caretaker Information:**

Parent <input type="checkbox"/> Obligee or <input type="checkbox"/> Obligor		Parent <input type="checkbox"/> Obligee or <input type="checkbox"/> Obligor	
Legal name (first, middle, last, suffix):		Legal name (first, middle, last, suffix):	
Relationship to child(ren):		Relationship to child(ren):	
Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other		Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other	
Date of birth:	Place of birth: (city, county, state)	Date of birth:	Place of birth: (city, county, state)
SSN:	Home telephone:	SSN:	Home telephone:
Cell telephone:	Work telephone:	Cell telephone:	Work telephone:
Alias (e.g., maiden name, nickname):		Alias (e.g., maiden name, nickname):	
Home address (street, city, state, zip code):		Home address (street, city, state, zip code):	
Date address confirmed: _____		Date address confirmed: _____	
Mailing address (street, PO Box, city, state, zip code):		Mailing address (street, PO Box, city, state, zip code):	
Date address confirmed: _____		Date address confirmed: _____	
E-mail:		E-mail:	
Employer name:		Employer name:	
Date employer confirmed: _____		Date employer confirmed: _____	
Employer address (street, city, state, zip code):		Employer address (street, city, state, zip code):	
Employer FEIN:		Employer FEIN:	
Incarcerated? <input type="checkbox"/> Yes <input type="checkbox"/> No (If yes, inmate #: _____ and facility name: _____)		Incarcerated? <input type="checkbox"/> Yes <input type="checkbox"/> No (If yes, inmate #: _____ and facility name: _____)	

**CHILD SUPPORT AGENCY CONFIDENTIAL INFORMATION FORM, PAGE 2**

<b>Caretaker - Oblige</b> (When obligee is not the child(ren)'s parent)	
Legal name (first, middle, last, suffix): _____	
Relationship to child(ren): _____	
Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other	
Date of birth: _____	
SSN: _____	Home telephone: _____
Cell telephone: _____	Work telephone: _____
Home address (street, city, state, zip code): _____	
Date address confirmed: _____	
Mailing address (street, PO Box, city, state, zip code): _____	
Date address confirmed: _____	
E-mail: _____	

**Section III. Child(ren) information:**

<b>Child #1 legal name</b> (first, middle, last, suffix): _____	
Home address (street, city, state, zip code): _____	
SSN: _____	Date of birth: _____
Place of birth (city, county, state): _____	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
Nonmarital birth: <input type="checkbox"/> Yes <input type="checkbox"/> No (if no, date of marriage: _____)	
If yes, complete the following:	
<input type="checkbox"/> Parentage established. Was this parentage establishment a paternity determination of fatherhood? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Parentage was established on _____ (date) in _____ (state).	
Parentage was established by:	
<input type="checkbox"/> Order	
<input type="checkbox"/> Acknowledgment of Parentage	
<input type="checkbox"/> Adoption	
<input type="checkbox"/> Other: _____	
<input type="checkbox"/> Parentage was not established.	

**CHILD SUPPORT AGENCY CONFIDENTIAL INFORMATION FORM, PAGE 3**

**Section III. Child(ren) Information (Continued):**

Child #2 legal name (first, middle, last, suffix):	
Home address (street, city, state, zip code):	
SSN:	Date of birth:
Place of birth (city, county, state):	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
Nonmarital birth: <input type="checkbox"/> Yes <input type="checkbox"/> No (if no, date of marriage: _____)	
If yes, complete the following:	
<input type="checkbox"/> Parentage established. Was this parentage establishment a paternity determination of fatherhood? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Parentage was established on _____ (date) in _____ (state).	
Parentage was established by:	
<input type="checkbox"/> Order	
<input type="checkbox"/> Acknowledgment of Parentage	
<input type="checkbox"/> Adoption	
<input type="checkbox"/> Other: _____	
<input type="checkbox"/> Parentage was not established.	
Child #3 legal name (first, middle, last, suffix):	
Home address (street, city, state, zip code):	
SSN:	Date of birth:
Place of birth (city, county, state):	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
Nonmarital birth: <input type="checkbox"/> Yes <input type="checkbox"/> No (if no, date of marriage: _____)	
If yes, complete the following:	
<input type="checkbox"/> Parentage established. Was this parentage establishment a paternity determination of fatherhood? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Parentage was established on _____ (date) in _____ (state).	
Parentage was established by:	
<input type="checkbox"/> Order	
<input type="checkbox"/> Acknowledgment of Parentage	
<input type="checkbox"/> Adoption	
<input type="checkbox"/> Other: _____	
<input type="checkbox"/> Parentage was not established.	

Additional Child(ren) Information Attached

**Encryption Requirements:**

When communicating this form through electronic transmission, precautions must be taken to ensure the security of the data. Child support agencies are encouraged to use the electronic applications provided by the Federal Office of Child Support Enforcement. Other electronic means, such as encrypted attachments to e-mails, may be used if the encryption method is compliant with Federal Information Processing Standard (FIPS) Publication 140-2 (FIPS PUB 140-2).

**LETTER OF TRANSMITTAL REQUESTING REGISTRATION**

**THIS FORM CONTAINS SENSITIVE INFORMATION – DO NOT FILE THIS FORM IN A PUBLIC ACCESS FILE.**

The information on this form may be disclosed to the parties in the case, unless accompanied by a nondisclosure finding/affidavit.

If you are not the intended recipient, you are hereby notified that any use, disclosure, distribution, or copying of this form or its contents is strictly prohibited.

For IV-D cases, a Transmittal #1 and Child Support Agency Confidential Information Form must be attached.

Responding IV-D Case Identifier: \_\_\_\_\_ Initiating IV-D Case Identifier: \_\_\_\_\_  
Responding Tribunal Number: \_\_\_\_\_ Initiating Tribunal Number: \_\_\_\_\_

- NOTE:**
- Nondisclosure Finding/Affidavit attached
  - This form sent through EDE
- Action:**
- Register for Enforcement
  - Register for Enforcement of Arrears Only
  - Assigned Arrears
  - Non-assigned Arrears
  - Register for Modification
  - Register for Modification and Enforcement

**Section I. Case Summary:** (Background of this matter: court / administrative actions)

Date of support order: \_\_\_\_\_ State and county/tribe issuing order: \_\_\_\_\_ Tribunal number: \_\_\_\_\_

<b>Current Obligation</b>	<b>Amount</b>	<b>Frequency (per)</b>
Current child support	\$ _____	
Current medical support	\$ _____	
Current spousal support	\$ _____	
Other: _____	\$ _____	

<b>Type of Arrears</b>	<b>Amount</b>
Total child support arrears	\$ _____
Total medical support arrears	\$ _____
Total spousal support arrears	\$ _____
Total interest	\$ _____
Other: _____	\$ _____
Total amount of arrears:	\$ _____

Period of computation: from \_\_\_\_\_ to \_\_\_\_\_  
Assigned arrears only: \$ \_\_\_\_\_ (Attach documentation of TANF time periods.)

**Section II. Oblige Information:**  Parent  Caretaker  
Obligee's legal name (first, middle, last, suffix): \_\_\_\_\_  
Obligee's address: \_\_\_\_\_  
If caretaker, relationship to child(ren): \_\_\_\_\_  Has legal custody/guardianship of the child(ren)

**Section III. Obligor Information:**  
Obligor's legal name (first, middle, last, suffix): \_\_\_\_\_  
Obligor's address: \_\_\_\_\_  
SSN: \_\_\_\_\_ Employer Name: \_\_\_\_\_  
Employer address: \_\_\_\_\_

**LETTER OF TRANSMITTAL REQUESTING REGISTRATION, PAGE 2**

**Section IV. Other Pertinent Information:**

This order is registered in the following states: \_\_\_\_\_

Attach description and location of any property not exempt from execution. \_\_\_\_\_

Identify any source of income of the obligor in addition to employment: \_\_\_\_\_

Other: \_\_\_\_\_

**Section V. Attachments: Required – Two copies, including one certified copy, of the order to be registered, including any modification of the order.**

The following documents are also attached and part of this Letter of Transmittal Requesting Registration:

Certified statement of arrears (IV-D agency or other government entity record)

Sworn statement of arrears (direct payments)

Order determining arrears

Description and location of any property not exempt from execution

Other attachments: \_\_\_\_\_

**NOTE:** If requesting registration for modification, also attach a Uniform Support Petition, General Testimony, and a Personal Information Form for UIFSA § 311.

**Section VI. Declaration:**

Under penalty of perjury, all information and facts stated in this Letter of Transmittal Requesting Registration are true to the best of my knowledge and belief.

_____	_____	_____
Date	Name <input type="checkbox"/> Party seeking registration <input type="checkbox"/> IV-D representative/title	Signature
_____	_____	_____
Date	Printed name of petitioner's private attorney and attorney/bar number (if applicable)	Signature of petitioner's private attorney

**Encryption Requirements:**

When communicating this form through electronic transmission, precautions must be taken to ensure the security of the data. Child support agencies are encouraged to use the electronic applications provided by the federal Office of Child Support Enforcement. Other electronic means, such as encrypted attachments to e-mails may be used if the encryption method is compliant with Federal Information Processing Standard (FIPS) Publication 140-2 (FIPS PUB 140-2).

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS MAILING ADDRESS CITY AND ZIP CODE COUNTY NAME PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	FOR COURT USE ONLY
NOTICE OF REGISTRATION OF OUT-OF-STATE SUPPORT ORDER Support Order <input type="checkbox"/> Income Withholding Order <input type="checkbox"/>	CASE NUMBER:

- To (name):
- You are notified that an  Out-of-State Support Order  Out-of-State Order for Income Withholding has been registered with this court. A copy of the order and the Letter of Transmittal Requesting Registration are attached.
- The amount of arrears is specified in section 1 on the attached Letter of Transmittal Requesting Registration.  
 The amount of the alleged arrears is: \_\_\_\_\_ as of \_\_\_\_\_  
 The arrears have a U.S. dollar equivalence of \_\_\_\_\_ as of \_\_\_\_\_.
- The registered order is enforceable in the same manner as a support order made by a California court as of the date that the Letter of Transmittal Requesting Registration is filed.
- If you want to contest the validity or enforcement of the registered order, you must request a hearing within 20 days after notice. You can request a hearing by completing and filing a Request for Hearing Regarding Registration of Support Order (form FL-575).
- If you fail to contest the validity or enforcement of the attached order within 20 days after notice, the order will be confirmed by the court and you will be unable to contest any portion of the order including the amount of arrears as specified in item 1 of the Letter of Transmittal Requesting Registration.

**CLERK'S CERTIFICATE OF MAILING**

I certify that I am not a party to this cause and that a copy of the Letter of Transmittal Requesting Registration with a copy of the out-of-state order were sent to the person named in item 1 by first-class mail. The copies were enclosed in an envelope with postage fully prepaid. The envelope was addressed to the person named in item 1 only at the address in the Personal Information Form, sealed, and deposited with the U.S. Postal Service.

at (place):

on (date):

B. A copy was sent to the local child support agency on (date):

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_ Deputy

"A . . . foreign support order is registered when the order is filed in . . . this state."

(Cal. Fam. Code, § 5700.603, subd. (a).)

---



"A registered support order issued in . . . a foreign country is enforceable in the same manner . . . as an order issued by a tribunal of this state."

(Cal. Fam. Code, § 5700.603, subd. (b).)

---



## **International Support Orders**

- Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance
  - Uniform Interstate Family Support Act (UIFSA)
  - Comity
-

## **Contesting Registration of a Non-Hague Support Order**

- The non-registering party must contest the validity of a registered support order by requesting a hearing within 20 days after notice of the registered order is sent. (Cal. Fam. Code, §§ 5700.605, subd. (b)(2), 5700.606, subd. (a).)
  - "If the non-registering party fails to contest the validity or enforcement of the registered support order in a timely manner, the order is confirmed by operation of law." (Cal. Fam. Code, § 5700.606, subd. (b).)
-

A party contesting the validity or enforcement of a registered support order or seeking to vacate the registration has the burden of proving one of the following defenses:

- (1) the issuing tribunal lacked personal jurisdiction over the contesting party;
  - (2) the order was obtained by fraud;
  - (3) the order has been vacated, suspended, or modified by a later order;
  - (4) the issuing tribunal has stayed the order pending appeal;
-

(5) there is a defense under the law of this state to the remedy sought;

(6) full or partial payment has been made;

(7) the statute of limitation . . . precludes enforcement of some or all of the alleged arrearages; or

(8) the alleged controlling order is not the controlling order.

(Cal. Fam. Code, § 5700.607, subd. (a).)

---

"In a proceeding for arrears under a registered support order, the statute of limitation of this state, or of the issuing state or foreign country, whichever is longer, applies."

(Cal. Fam. Code, § 5700.604, subd. (b).)

---

Practically speaking, this means that California's statute of limitation will always apply because, in California:

"A money judgment . . . , including a judgment for child, family, or spousal support, is enforceable until paid in full or otherwise satisfied."

(Cal. Fam. Code, § 291, subd. (a).)

---







## **International Support Orders**

- Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance
  - Uniform Interstate Family Support Act (UIFSA)
  - Comity
-

# INTERNATIONAL ENFORCEMENT ISSUES: A "How To"

Steven K. Yoda | Walzer Melcher LLP | Los Angeles, CA



International  
Custody  
Orders

International  
Support  
Orders

International  
Property  
Orders

---




## International Property Orders

- California's Uniform Foreign Country-Money Judgments Recognition Act (UFC-MJRA) is not applicable to family law judgments
  - UFC-MJRA states: "This chapter does not apply to a foreign-country judgment . . . to the extent the judgment is . . . [a] . . . judgment rendered in connection with domestic relations." (Cal. Fam. Code, § 1715, subd. (b)(3)(A).)
  - Comity, comity, comity
-



## International Property Orders

- California's Uniform Foreign Country-Money Judgments Recognition Act (UFC-MJRA) is not applicable to family law judgments
- UFC-MJRA states: "This chapter does not apply to a foreign-country judgment . . . to the extent the judgment is . . . [a] . . . judgment rendered in connection with domestic relations." (Cal. Fam. Code, § 1715, subd. (b)(3)(A).)
- Comity, comity, comity



Comity

---

# Comity

- What is it?

"Comity" is defined as:

"Courtesy among political entities (as . . . courts of different jurisdictions), involving esp. mutual recognition of . . . judicial acts."

(Black's Law Dictionary (7th ed. 1999) p. 261. col. 2.)

---

## **Comity**

- What is it?
  - How does it work?
-

- The doctrine of comity is a discretionary judicial principle.
  - "The courts of this state *may, but are not required to*, execute the judgment of a foreign nation as a matter of comity." (In re Stephanie M. (1994) 7 Cal.4th 295, 314 [emphasis added].)
-



"The doctrine of comity prescribes that a court of this nation recognize the judgment of a court of a foreign nation *when the foreign court had proper jurisdiction and enforcement does not . . . violate domestic public policy.*"

(Id. [emphases added].)

---

"Extension or denial of comity is *discretionary* and is reviewed on an *abuse of discretion standard*."

(Id. [emphases added].)

---

In determining questions of public policy, California courts look to the US and California Constitutions, statutes, and decisional case law.

(12 Cal.Jur.3d (2019) Conflict of Laws, § 19.)

---

When US or California law is in substantial conflict with the law of the foreign country on the subject matter in controversy, California courts will decline to accept jurisdiction.

(Id.)

---

- Likewise, a California court may not capriciously deny the enforcement of foreign laws under the doctrine of comity.
- The mere fact that the law of a foreign country differs from California law is not enough to refuse to respect the foreign law.
- In fact, even if a foreign law offends public policy, it may still be applied in a limited manner such that the potential harm is minimal.

(Id. § 21.)

---



A few final points:

- There is no "automatic" registration process for international property orders.
  - Enforcement must proceed through a normal, civil (non-family-law) action.
  - All of the normal pleading requirements, rules of discovery, dispositive motion practice, etc. in civil actions will apply.
  - The ultimate enforceability of the international property order will have to be established through a full-blown trial.
-