

## February 6, 2017; Child Support Act Highlights

An unfortunate aspect of being a family law attorney is coming in contact with so many broken families on Guam where mom, dad, and children no longer all live together. These are difficult situations for everybody and are often made more difficult when child support becomes a contested issue.

In the majority of cases both parents work cooperatively together to set child support, but this is not always true.

Leading obstacles in the pursuit of child support include denied paternity and situations where one or more parents and/or the child have moved away from Guam.

Additionally, enforcement challenges exist when a court from another state or country has entered a child support order and attempts are made to enforce that order on Guam. Another challenge in relocation situations is determining which state or country has the jurisdiction to modify an existing child support order.

As I mentioned last week, as part of my ongoing review of laws passed by the 33<sup>rd</sup> Guam Legislature that impact families, Public Law 33-14, the Uniform Interstate Family Support Act, or UIFSA, addresses the mechanics of establishing, enforcing, and modifying child support orders across state and international borders.

The act itself does not set the amount of child support. Each state, territory, and member-country has the sole authority to establish the level of child support for its residents. Guam has done so. Our child support guidelines can be found online at [www.guamcse.net](http://www.guamcse.net). Because child support is the right of the child and not the parents, child support can't be waived by either parent and must be consistent with the guidelines.

The text of UIFSA is rather complex and is over 60 pages long. Here are some of the law's highlights:

- It establishes the rules for determining which state or member country has the jurisdiction to determine paternity and to set child support.
- Once a state or member-country has set the amount of child support, another state or member-country cannot modify the amount unless specified requirements are met.
- If child support proceedings are filed simultaneously in two different states or member-countries, provision within the act establishes which order prevails.

- It provides that a person petitioning for child support can't be required to pay court filing fees.

- It designates the Unified Courts of Guam as the child support tribunal for the island.

- It designates the Guam Attorney General's Child Support Enforcement Division as the child support enforcement agency for Guam and the appropriate entity to help determine parentage when such a question arises.

- It obligates Guam to work with other states and member-countries to enforce child support orders.

- It requires employers served with a child support order to withhold child support from an employee's wages.

For greater clarification of UIFSA's provisions, or if you have specific child support questions, contact the Child Support Division of the Attorney General's Office. The division is located on the first floor of the ITC building in Tamuning. The phone number is 475-3360. There is no charge for their services.