

UIFSA HYPOTHETICALS

1. Dad, a newly commissioned Marine Second Lieutenant, and Mom married on 15 May 1990 in Jacksonville, North Carolina. There were three children born of the marriage: Abraham, born, 20 December 1990; Beth, born 26 February 1992; and Carolyn, born, 14 April 1995. Dad's name appears on the North Carolina birth certificates for each of the three children. The parties separated during March 1994 and were divorced by the Onslow County, North Carolina District Court on 1 June 1995. The North Carolina divorce decree specifically dealt with the issues of divorce, custody, child support, and alimony. The order stated that there were three children born of the parties' marriage and that Dad was their biological father. The court order further ordered that Dad pay child support in the amount of \$600 per month and \$300 per month in alimony. Keep in mind that the age of majority in the State of North Carolina is 18. Assume further that the child support award is in keeping with the North Carolina Child Support Guidelines. Today, now Major Dad walks into your office in Quantico, Virginia and, based on certain statements Mom has recently made to him, wants to dispute paternity and child support.

- Does Major Dad have any defenses available to him today as to the issue of paternity for any of the three children?
- For which children, if any, question paternity?
- What defenses may Dad raise in questioning paternity?
- What defense, if any, does Dad have to the trial court's award of child support?
- Do your responses change if Dad had come to see you before he was divorced? What would your advice have been?

2. In August 1996 Dad moved to Georgia and subsequently petitioned the Georgia court for a new child support order. At the time of his request Mom and the children all continued to reside in North Carolina.

- Assuming that UIFSA is the law in Georgia, can the Georgia courts enter a new child support order?
- Why or why not?
- May the Georgia courts modify the North Carolina order?
- While addressing child support modification in Georgia, Dad attempts to contest the paternity determination made in North Carolina. Should he be successful? Explain.
- Is Dad entitled to a court ordered blood test or genetic test to assist him in denying paternity?

- Why?

3. In 2000 Mom moved to Oceanside, California with all three children in tow and she asked the California courts for child support and an increase in alimony. The California court, in an order dated 10 November 2000, ordered that Dad pay child support in the amount of \$900 per month and alimony of \$500 per month.

- Assuming that California had personal jurisdiction over Dad and that California was applying UIFSA law, should California enter its November 2000 order?

- Assuming that UIFSA were the law in California on 10 November 2000, is this an order that complies with UIFSA?

- Why?

- Under what circumstances could California modify the North Carolina child support order?

- Under what circumstances could California modify the North Carolina alimony order?

4a. Assume that Mom never left North Carolina and that in August 2009 (yes, we are talking in the future) Dad left Georgia and moved to Rochester, New York. The only order that has been entered is the North Carolina order. After consulting with the civilian law firm of Dewey, Cheatem, and Howe, Mom believes that New York would require that Dad continue to pay child support, since the New York age of majority is 21, even though the eldest child is now age 18 and has graduated from high school. Mom decides to move to modify Dad's child support obligation.

- Where can Mom move to modify child support?

- In all probability, where should Mom modify the child support order in order to receive the most child support?

- Could Mom be successful if she were to request child support for the remaining two children until they were age 21, the State of New York's age of majority?

- Why?

- Before Mom takes any action to modify child support could Dad properly ask New York to modify child support on his behalf?

- When the eldest child graduated from high school Dad understood that he was no

longer legally obligated to provide child support. Assuming that Dad wants to modify his child support obligation, where may he file his motion?

- Will Dad be successful in modifying his child support obligation?
- Will this automatically result in Dad paying less in child support?

4b. Assume instead that Mom and the kids moved to Oregon. This time the only child support orders in existence are the original North Carolina order and the California order mentioned in question 3. Now Dad wants to determine which court order is controlling and which state, as a result, has continuing, exclusive jurisdiction.

- Where does Dad bring his motion to determine the controlling order?
- What is the trial court's determination?
- Why?

5. Dad, a Lieutenant Colonel, retired from the Marine Corps on 1 June 2010 and is unable to find work immediately in his newly chosen profession. He does not desire to modify his child support, but given the change in his income does believe that a modification of his alimony obligation is appropriate.

- Where should Dad file his motion to modify alimony under existing UIFSA law?