

## **117300 Continuing, Exclusive Jurisdiction to Modify a Support Order**

### **(a)**

Except as specified in subsections (b), (f), (j), and (l), only the state that issued the order shall have continuing, exclusive jurisdiction to modify a support order.

### **(b)**

In determining whether it believes California or another state has continuing, exclusive jurisdiction to modify a support order, the local child support agency shall apply the following rules: (1) Only one state shall have continuing, exclusive jurisdiction to modify a support order at any given time. (2) If the child, the obligee who is an individual, or the obligor resides in the state that issued the controlling order, that state has continuing, exclusive jurisdiction to modify. (3) Once a state has continuing, exclusive jurisdiction, it shall retain jurisdiction as long as any one of the parties or children in the case still resides in the state, unless the parties express consent in a record or in open court in the issuing tribunal allowing another state or foreign country, with personal jurisdiction over any of the parties, to assume continuing, exclusive jurisdiction to modify the order.

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**(c)**

When an obligee or obligor requests review and modification of a child support order, the local child support agency shall determine whether California has continuing, exclusive jurisdiction to modify the order, or whether the local child support agency must forward the request to another state or foreign country for modification.

**(d)**

If there is a state or foreign country that has continuing, exclusive jurisdiction, a local child support agency shall forward the request for modification, to the extent practicable, to the state or foreign country that has continuing, exclusive jurisdiction.

**(e)**

If a local child support agency determines that no state has continuing, exclusive jurisdiction, a local child support agency shall forward the request for review and modification to the state of the non-requesting party.

**(f)**

If the child or any individual party to an action resides in California, a California

tribunal may review and modify an order issued by another state if both parties express consent in a record or in open court with the tribunal of the state that issued the order for this state to assume continuing, exclusive jurisdiction and modify the order.

**(g)**

In formulating its determination of whether California or another state or a foreign country has continuing, exclusive jurisdiction to modify the order, the local child support agency should make diligent efforts to determine whether there is any other entity having jurisdiction.

**(h)**

If California is the state that issued the order, and California loses jurisdiction, a local child support agency may not bring a request to modify the support order once another tribunal has properly assumed continuing, exclusive jurisdiction and modified the order.

**(i)**

If a tribunal of another state has appropriately assumed continuing, exclusive jurisdiction pursuant to UIFSA, and has modified the order, the local child support agency loses its authority to enforce the order prospectively but retains jurisdiction to enforce the order as to amounts that accrued prior to the modification and as to nonmodifiable aspects of the order.

**(j)**

If California is the state that issued the order, and all parties no longer reside in this state, California may retain continuing, exclusive jurisdiction to modify the order if all parties express consent in a record or in open court in a California tribunal that California may continue to exercise jurisdiction to modify its order.

**(k)**

Pursuant to FC 5700.611(f), California retains jurisdiction to modify an order issued in California, if all parties reside outside of California, only when requested by a party, and one party resides in another state and the other party resides outside the United States, and no other state has assumed continuing, exclusive jurisdiction.

**(l)**

Pursuant to Family Code section 5700.615, if a foreign country either cannot or refuses to modify an order issued in its tribunal and this state may exercise personal jurisdiction over both parties, a tribunal of this state may modify the support order. Consent from a party residing in California is not required. A request to this state from a resident of the foreign country to modify in this state constitutes submission to the jurisdiction of this state for purposes of modification of support only.

**(m)**

A local child support agency may proceed with a motion to modify support that has been served, even if a party leaves the state while the motion is pending, unless both parties agree to terminate the modification proceeding.