



## Best of the Listserv

### Question:

How does UIFSA handle an alimony modification action if both parties have left the state where the initial order was issued?

I understand this is one of UIFSA's idiosyncrasies, but I am unclear whether the parties have to return to the initial state to modify or can a petitioner file in respondent's state and then, that state would apply the initial state's law?

EX: Divorce Decree including alimony issued in NY W later moves to Texas H moves to Florida

Does W have to go back to NY to file action to increase alimony or can she file in FL and FL would then apply NY law?

Many thanks in advance.

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### Answer:

Long and short of it: UIFSA provides that the original state maintains CEJ forever, even after both parties have left. There is also no provision regarding agreements to vest jurisdiction in another state. The comments, however, say that while there is no provision allowing agreements, there is no provision saying you can't have such an agreement. So, if the parties AGREE to put jurisdiction elsewhere, I think you can, so long as you follow the procedure as to agreements. Otherwise, CEJ remains in the original state.

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