



THE UNIFORM INTERSTATE FAMILY SUPPORT ACT AMENDMENTS (2008)

- A Summary -

The Uniform Interstate Family Support Act (UIFSA) provides universal and uniform rules for the enforcement of family support orders by: setting basic jurisdictional standards for state courts; determining the basis for a state to exercise continuing exclusive jurisdiction over a child support proceeding; establishing rules for determining which state issues the controlling order in the event proceedings are initiated in multiple jurisdictions; and providing rules for modifying or refusing to modify another state's child support order.

In November 2007, the United States signed the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance ("the Convention"). This Convention contains numerous provisions that establish uniform procedures for the processing of international child support cases. In July 2008, the Uniform Law Commission amended UIFSA to incorporate changes required by the Convention. In order for the United States to fully accede to the Convention it was necessary to modify UIFSA by incorporating provisions of the Convention that impact existing state law. The 2008 UIFSA amendments serve as the implementing language for the Convention throughout the states. Importantly, enacting the UIFSA amendments will improve the enforcement of American child support orders abroad and will ensure that children residing in the United States will receive the financial support due from parents, wherever the parents reside.

The bulk of the 2008 amendments are housed in a new section of UIFSA: Section 7. The new section provides guidelines and procedures for the registration, recognition, enforcement and modification of foreign support orders from countries that are parties to the Convention. Specifically, Section 7 provides that a support order from a country that has acceded to the Convention must be registered immediately unless a tribunal in the state where the registration is sought determines that the language of the order goes against the policy of the state. Once registered, the non-registering party receives notice and is allowed the opportunity to challenge the order on certain grounds. Unless one of the grounds for denying recognition is established, the order is to be enforced. Additionally, Section 7 requires documents submitted under the Convention be in the original language and a translated version submitted if the original language is not English.

In September 2014, Congress passed federal implementing legislation for the Convention. Importantly, the new law (the Preventing Sex Trafficking and Strengthening Families Act) requires that the 2008 UIFSA amendments be enacted in every jurisdiction as a condition for continued receipt of federal funds supporting state child support programs. Failure to enact these amendments during the 2015 legislative session may result in a state's loss of this important federal funding.



WHY STATES SHOULD ADOPT THE UNIFORM INTERSTATE FAMILY SUPPORT ACT 2008 AMENDMENTS

The Uniform Interstate Family Support Act (UIFSA) provides universal and uniform rules for the enforcement of family support orders. UIFSA represents a collaborative effort among the Uniform Law Commission (“ULC”), federal and state child support officials, and representatives of national child support organizations.

In 2008, the ULC approved amendments to UIFSA to incorporate the provisions of the 2007 Hague Convention on the International Recovery of Child Support of Family Maintenance into state law (“the Convention”). The Convention contains numerous provisions that establish uniform procedures for the processing of international child support cases. When the 2008 amendments were approved, all U.S. jurisdictions had in place a version of UIFSA.

The 2008 UIFSA amendments serve as the implementing language for the Convention throughout the states. The 2014 Preventing Sex Trafficking and Strengthening Families Act serves as the federal implementing legislation for the Convention.

All states should act expeditiously to enact the UIFSA 2008 amendments during their 2015 legislative session for the following reasons:

- **Funding** – The 2014 federal law requires that all states enact the 2008 UIFSA amendments by the end of their 2015 legislative session as a condition for continued receipt of federal funds supporting state child support programs. Failure to enact these amendments by that time may result in a state’s loss of important federal funding. This conditional approach is not new; another federal law required all states to enact a previous version of UIFSA within a certain timeframe in order to receive the same federal funds for state child support programs. All jurisdictions complied.
- **Enhanced Recognition Abroad** – Enactment of the 2008 UIFSA amendments will improve the enforcement of American child support orders abroad and will ensure that children residing in the United States will receive the financial support due from parents, wherever the parents reside.
- **Guidelines for Foreign Support Orders** – The amendments provide guidelines and procedures for the registration, enforcement, and modification of foreign support orders from countries that are parties to the Convention.
- **Limited Changes** – The 2008 changes to UIFSA were limited to those necessary to accommodate the Convention. Sections 2-6 are largely unchanged, and a new Section 7 contains all rules applicable to cases involving the Convention.



Uniform Law Commission
The National Conference of Commissioners on Uniform State Laws



Contact Us: 312.450.6600

Legislative Fact Sheet - Interstate Family Support Act Amendments (2008)

Act Interstate Family Support Act Amendments (2008)

Origin Completed by the Uniform Law Commission in 2008.

Description The 2008 UIFSA Amendments modify the current version of UIFSA's international provisions to comport with the obligations of the United States under the 2007 Hague Convention on Maintenance. 2014 federal legislation requires all states to enact the 2008 UIFSA Amendments as a condition of continuing to receive federal funds for state child support programs. Failure to enact these amendments during the 2015 legislative session may result in a state's loss of important federal funding.

Endorsements Approved by the American Bar Association

Enactments Florida, Georgia, Maine, Minnesota, Missouri, Nevada, New Mexico, North Dakota, Rhode Island, Tennessee, Utah, Wisconsin

2015 Introductions Arizona, Arkansas, Colorado, Hawaii, Indiana, Kansas, Kentucky, Mississippi, Montana, Nebraska, New Hampshire, Oklahoma, South Dakota, Vermont, Virginia, Washington, Wyoming

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OFFICE OF CHILD SUPPORT ENFORCEMENT

An Office of the Administration for Children & Families

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P.L. 113-183 UIFSA 2008 Enactment

AT-14-11

Published: October 9, 2014

Information About: State/Local Child Support Agencies
Topics: State Plan, Intergovernmental/Interstate, International
Types: Policy, Action Transmittals (AT)
Tags: UIFSA

ACTION TRANSMITTAL

AT-14-11

DATE: October 9, 2014

TO: State Agencies Administering Child Support Plans under Title IV-D of the Social Security Act and Other Interested Individuals

SUBJECT: P.L. 113-183 UIFSA 2008 Enactment

On September 29, 2014 President Obama signed Public Law (P.L.) 113-183, the Preventing Sex Trafficking and Strengthening Families Act. This law amends section 466(f) of the Social Security Act, requiring all states to enact any amendments to the Uniform Interstate Family Support Act "officially adopted as of September 30, 2008 by the National Conference of Commissioners on Uniform State Laws" (referred to as UIFSA 2008). Among other changes, the UIFSA 2008 amendments integrate the appropriate provisions of The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, which was adopted at the Hague Conference on Private International Law on November 23, 2007, referred to as the 2007 Family Maintenance Convention.

Section 301(f)(3)(A) of P.L. 113-183 requires that UIFSA 2008 must be in effect in every state "no later than the effective date of laws enacted by the legislature of the State implementing such paragraph, but in no event later than the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act." If a state has a 2-year legislative session, "each year of the session shall be deemed to be a separate regular session of the State legislature."

In 2008, after the National Conference of Commissioners on Uniform State Laws adopted the UIFSA 2008 amendments, several states asked OCSE if their state legislatures could enact UIFSA 2008. At that time, section 466(f) of the Social Security Act required states to adopt UIFSA 1996, a previous version to UIFSA 2008. OCSE issued DCL-08-41, which permitted states to enact UIFSA 2008 verbatim with a provision that the effective date of its enactment be delayed until the 2007 Family Maintenance Convention is ratified and the United States deposits its instrument of ratification. States that chose to follow this process did not need to request an exemption from OCSE. Eight states passed UIFSA 2008 using the effective date language described in DCL-08-41.

Due to the specific requirement in P.L. 113-183 that states enact UIFSA 2008 in their next state legislative session, OCSE rescinds DCL-08-41. The eight states that enacted UIFSA 2008 with a delayed implementation date must take the necessary legislative or administrative steps for UIFSA 2008 to be effective as directed in P.L. 113-183.

Now that the President has signed P.L. 113-183, the following steps must occur before the 2007 Family Maintenance convention can enter into force for the United States.

- All states must enact UIFSA 2008 verbatim by the effective date noted in P.L. 113-183. Where UIFSA 2008 has bracketed language, states may use terminology appropriate under state law. In addition, P.L. 113-183 requires states to make minor revisions to the state plan which OCSE will address in forthcoming guidance.
- The President must sign the instrument of ratification.
- Once these activities are completed, the United States will be able to deposit its instrument of ratification with the Ministry of Foreign Affairs of the Kingdom of the Netherlands, which is the depositary for the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.

It is important to note that, once UIFSA 2008 is in effect in your state, international cases will not be processed under Article 7 of UIFSA 2008 until the 2007 Family Maintenance Convention enters into force for the United States. Once this occurs, Article 7 of UIFSA 2008 will be in effect for all cases transmitted and received under the 2007 Family Maintenance Convention.

OCSE expresses our sincere thanks to the entire child support community for the collaborative and monumental effort taken to reach this important milestone. We look forward to working together to enact UIFSA 2008 in all states, and to implement the 2007 Family Maintenance Convention in the United States.

Thank you for your continued efforts on behalf of our nation's children.

SUPERSEDED MATERIAL: DCL-08-41

REFERENCES: AT-14-08, DCL-10-20

INQUIRIES TO: ACF/OCSE Regional Program Managers

Vicki Turetsky
Commissioner
Office of Child Support Enforcement

cc: Tribal IV-D Directors