



Uniform Law Commission

NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

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Statement of Lindsay Beaver, Legislative Counsel from the Uniform Law Commission, to the House State Affairs Committee in support of HB 106 – Uniform Interstate Family Support Act (2008)

Chairman Lynn and Members of the Committee:

The Uniform Law Commission (ULC) has a long history of developing uniform acts intended to reduce the diversity of child support and family maintenance law and ensure the recognition and enforcement of child support orders.

Since 1998, the Uniform Interstate Family Support Act (UIFSA) has been the law of every state in the country, including Alaska. Since its initial adoption in 1992, UIFSA has provided universal and uniform rules for the enforcement of family support orders in the states, and has served as the basis for interstate establishment and enforcement of support obligations. UIFSA is used daily in the numerous interstate cases which are processed through the child support system in the United States, and is familiar to attorneys, judges, and support case workers.

In an age of globalization, the international expansion of consistent rules for enforcement of child support, such as those provided under UIFSA, seems a natural development and one which the ULC believes will be advantageous to American citizens both domestically and internationally. In 2007, the United States signed the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. The Convention will provide a mechanism whereby support orders of tribunals of the United States will be recognized and enforced in other countries. Although tribunals in the United States, as a general matter, already recognize and enforce the orders of foreign tribunals, the reverse is not always the case.

In time, it is anticipated that the Convention will achieve a high level of integration with many other countries. This will help assure acceptance of American orders in other lands. No longer will American citizens have to re-litigate support matters in a distant country or forego support altogether.

The establishment, enforcement, and modification of family support are basically matters of state law. Thus, UIFSA was deemed a logical vehicle for implementing the provisions of the Convention. The ULC was well positioned to carry out this approach because of its experience with the subject matter and its mission of fostering uniformity in state law.

The ULC worked closely with family law practitioners, family court judges, state and national child support organizations, and representatives from the federal government to draft amendments that would implement the Convention provisions without imposing burdensome changes to existing state practices. Accordingly, the changes made to UIFSA in 2008 were limited to only those necessary to accommodate the Convention.

Congress, via the 2014 Preventing Sex Trafficking and Strengthening Families Act, is now requiring that all states update their version of UIFSA to reflect changes made to the act by the ULC as of 2008. Specifically, the new federal law requires that all states enact the 2008 version of UIFSA by the end of their 2015 legislative session in order to continue receiving federal funds supporting state child support programs.

Recognizing the importance of the changes for international child support orders, twelve states have already enacted UIFSA 2008. It is expected that all remaining states will enact the updated version of UIFSA during this legislative session.

I urge your support of HB 106 to update Alaska's version of UIFSA. Doing so will improve the enforcement of Alaska's and other American child support orders abroad, ensuring that more children residing in the United States will receive the financial support due from parents, wherever the parents reside.

Please let me know if you would like further information.