

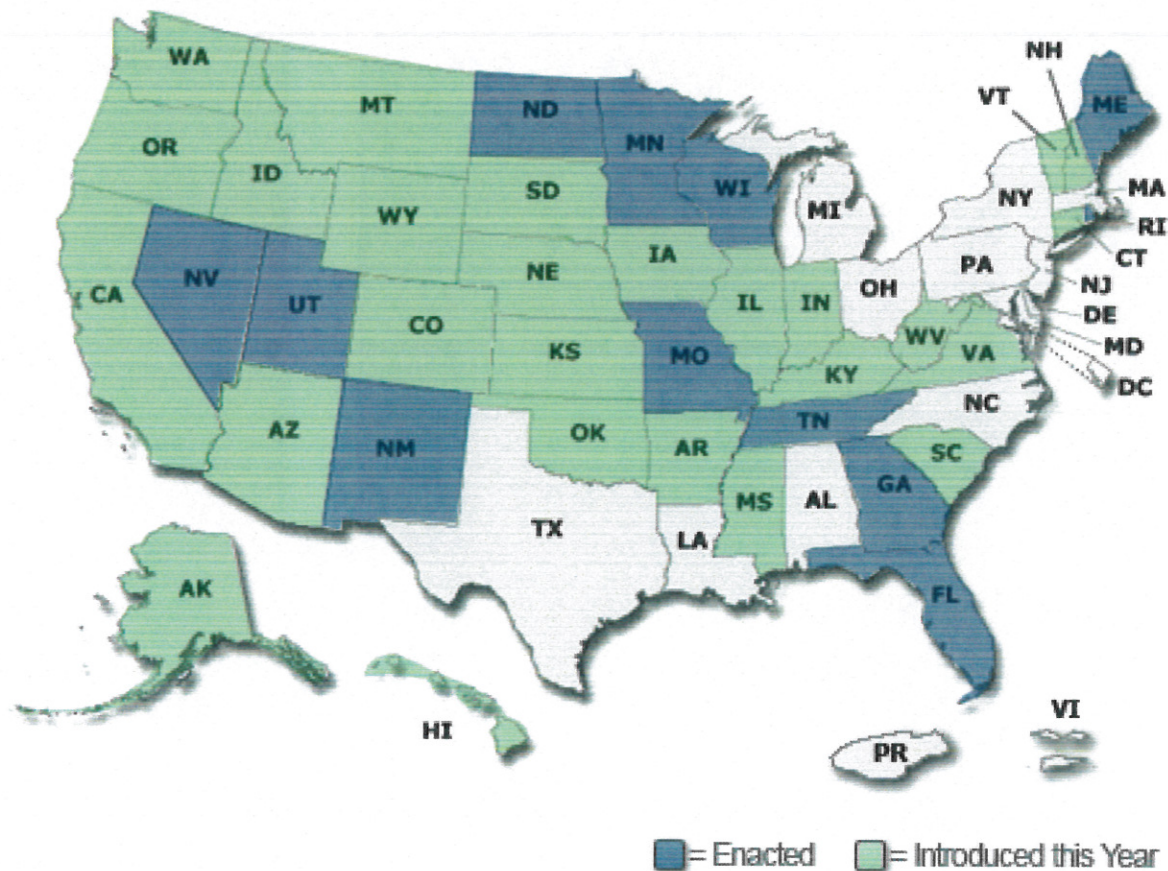


Uniform Law Commission
The National Conference of Commissioners on Uniform State Laws



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Legislative Enactment Status Interstate Family Support Act Amendments (2008)



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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.



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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.



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Statement of Lindsay Beaver, Legislative Counsel from the Uniform Law Commission, to the Senate Judiciary Committee in support of SB 51 – Uniform Interstate Family Support Act (2008)

Chairman McGuire 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 SB 51 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.