

BRIEF SYNOPSIS OF CSHB 106(STA)

House Judiciary – March 27, 2015

Prepared by Department of Revenue, Child Support Services Division and
Department of Law

SB 51 will help Alaskan children receive child support no matter where a parent resides. The Child Support Services Division (CSSD) has about 300 cases where a parent lives in a foreign country. SB 51 adds to existing procedures to enforce child support orders from certain foreign countries. It also provides a necessary element for foreign countries to enforce our child support orders.

We wanted to clarify a few things this bill does not do. The bill does not deal with child custody. The bill does not change the standards applied by Alaska court's for determining the amount of child support or spousal support owed. Those are under a different set of statutes. The bill does not substantively change the process that is currently used by the Child Support Services Division to enforce child support orders.

The following bullet points outline the main changes the bill would make to existing law. The remainder of this summary goes into more detail about the genesis of this bill and what it would do for Alaska.

- The bill would add a new article to the statutes relating to the processing, recognition and enforcement of child support orders from foreign countries that have ratified the 2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. These processes would not differ greatly from how foreign child support orders are dealt with by the Child Support Services Division now. There would be a few new technical requirements for dealing with the other countries and making sure we have good communication between countries.
- Outside of the addition of the new article, most of the changes are to add “foreign country” to the statutes. The existing law included foreign country in the definition of a state, in order to make sure Alaska could recognize foreign child support orders. CSSB 51(JUD) would set out a new definition for “foreign country” and take it out of the definition of “state.” Then, “foreign country” had to be added in to many of the statutes.

- The other changes involve clarifications to the existing law. These are clarifications that the states found helpful after they had worked with the existing law for a number of years. These clarifications do not substantively change the process but make sure that the statutes are as clear as possible, so they can be uniformly used by all the states.

Under current laws, child support collection with foreign countries is a one-way street. We collect child support for other countries against people who live in Alaska, as long as they meet certain requirements such as due process, etc. Foreign countries, however, are not required to enforce child support against their citizens for children who live in Alaska unless the United States or CSSD has entered into a bi-lateral or reciprocating agreement with that country.

This bill is a step forward to change child support enforcement with foreign countries into a two-way street.

Currently, Alaska has in place the Uniform Interstate Family Support Act (UIFSA or Act). This Act, effective in Alaska since 1996 and adopted by all 50 states, was drafted by state Uniform Law Commissioners and provides uniform rules for the establishment, enforcement, and modification of child and spousal support between U.S. states. Under the Act, Alaska already enforces child support orders from foreign countries if those countries have laws and procedures for issuance and enforcement of support orders that are substantially similar to the Act.

The United States has taken steps to have foreign countries enforce child support orders issued by a U.S. state. As the U.S. central authority for international child support, the federal Office of Child Support Enforcement (OCSE) assists states and countries with cases when family members live in different countries. The U.S. government has arrangements with 26 foreign reciprocating countries and provinces to provide child support services. OCSE works with the U.S. Department of State to negotiate and implement foreign reciprocating countries and provinces arrangements. But, the negotiations with individual countries can be time consuming and the procedures and forms vary from country to country making the current process inefficient.

This time-consuming and inefficient agreement process brought forth a new approach: the multi-lateral treaty. The United States delegation participated in the Hague Conference resulting in the 2007 Hague Convention on the International Recovery of

Child Support and Other Forms of Family Maintenance (the Convention). The United States was the first country to sign the Convention and 32 other countries have now signed the Convention. In 2008, the Uniform Law Commission amended the Uniform Family Support Act to incorporate state law changes required by the Convention. In 2010, the US Senate gave its Advice and Consent to the ratification with no Senators raising an objection. But the ratification process is not complete. The treaty is not self-executing because in the U.S., child support orders are issued and enforced by the states, not the federal government. Thus, in the fall of 2014, Congress amended federal law to require all states to adopt the 2008 amendments to UIFSA, which had been drafted by the Uniform Law Commission. The benefit of implementing the Convention through UIFSA instead of direct federal legislation is that the states and other child support organizations had input into the changes, including Alaska, through our state's uniform law commissioner.

Although we believe passage of this bill is good for Alaska regardless of the federal legislation, federal law imposes a short timeframe for passage. That is why passage of the bill this year is critical. Congress required passage of the bill for continued receipt of federal child support funding. The Alaska CSSD is 66% federally funded, roughly \$19 million a year. Plus, all states are required to operate a federally-compliant child support program in order to receive the Temporary Aid for Needy Families (TANF) federal block grant, roughly \$45 million for Alaska. The deadline for adopting the 2008 amendments is July 1, 2015.

As of March 24th, 16 states have enacted UIFSA 2008, 25 states have introduced legislation, and nine states are in the bill drafting stage. The deadline for passage depends on when the legislative session occurs in each state. Since our legislative session ends in April, our deadline is July 1, 2015.