

HOUSE BILL REPORT

HB 1118

As Reported by House Committee On: Judiciary

Title: An act relating to revising the uniform interstate family support act.

Brief Description: Revising the uniform interstate family support act.

Sponsors: Representatives Fitzgibbon, Nealey, Goodman, Rodne, Pedersen, Hansen and Ryu;
by request of Uniform Laws Commission.

Brief History:

Committee Activity:

Judiciary: 1/23/13, 1/31/14, 2/5/14 [DP].

Brief Summary of Bill

- Adopts the 2008 amendments to the Uniform Interstate Family Support Act.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 11 members: Representatives Jinkins, Chair; Hansen, Vice Chair; Rodne, Ranking Minority Member; Nealey, Assistant Ranking Minority Member; Goodman, Kirby, Muri, Orwall, Roberts, Shea and Walkinshaw.

Minority Report: Do not pass. Signed by 2 members: Representatives Haler and Klippert.

Staff: Edie Adams (786-7180).

Background:

The Uniform Interstate Family Support Act (UIFSA) is designed to address child support issues that arise when parties reside in different states. The UIFSA was drafted by the National Conference of Commissions on Uniform State Laws (NCCUSL) in the 1990s, and by 1996, the federal law required all states to enact the UIFSA as a condition of receiving federal funds for the state's child support enforcement program and the state's Temporary Assistance to Needy Families program. The NCCUSL has made various changes to the UIFSA over the years, and Washington has adopted the 2001 version of UIFSA.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The UIFSA addresses support orders. It does not authorize a court to address child custody issues. The UIFSA provides uniform rules and procedures to address issues such as:

- which state's order controls when there are proceedings initiated in multiple states;
- when one state can modify an order issued in another state and to what extent modification is allowed;
- when a state can obtain jurisdiction over a person to establish an order; and
- how a party or enforcement agency registers, in this state, an order from a different state for purposes of enforcement.

In 2007 the United States signed the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (Convention). The Convention establishes uniform procedures for the processing of international child support cases. According to the NCCUSL, the Convention provisions were largely modeled after the UIFSA principles.

The NCCUSL amended the UIFSA in 2008 to incorporate changes necessary in order to implement the Convention. Provisions from the Convention that could not be readily integrated into the existing UIFSA were placed in their own stand-alone sections of the UIFSA.

Congress is expected to amend the federal laws governing state child support plans to require that all states adopt the UIFSA 2008 in order to implement the Convention. Once Congress adopts the federal implementing legislation, states that do not enact the UIFSA 2008 may be considered out of compliance with federal law and in jeopardy of losing federal funds.

Summary of Bill:

The 2008 amendments to the UIFSA are adopted. The UIFSA 2008 incorporates the Convention provisions when possible by making changes throughout the statute to include foreign support orders, foreign tribunals, and parties to a support order that reside outside the United States. A new article of the UIFSA is created that applies only to a support proceeding under the Convention. These new provisions applicable to Convention support orders address issues such as:

- procedures for a party to a Convention support order to register and seek recognition of the order in this state;
- procedures for a party to an order to contest the registration of an order in this state;
- authority of a state court to vacate the registration of a Convention order under certain circumstances; and
- procedures for a party to file a direct request in state court to establish or modify a support order or determine parentage under the Convention.

The UIFSA 2008 will not take effect until the earlier of: (a) six months after Congress enacts implementing legislation requiring or allowing states to adopt the UIFSA 2008; or (b) six months after the state receives a waiver from the federal government. The Department of

Social and Health Services must notify the Legislature and the Office of the Code Reviser when either of those two events occur.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect six months after Congress enacts implementing legislation or six months after the state receives a waiver from the federal government.

Staff Summary of Public Testimony:

(In support) The United States has had significant problems with having our child support orders enforced abroad. The Convention is a multilateral treaty with a number of signatories. Although the United States has ratified the Convention and the President has signed it, it is not self-implementing. In order for the treaty to be effective, the states have to pass implementing legislation since child support issues are a matter of state law. To do that, we have to amend UIFSA because that is the law across the country relating to child support enforcement. Ten states have gone forward and adopted UIFSA 2008. If the Legislature puts this law in place, it is likely the state will get a waiver to allow it to go into effect.

(Comments) Treaties are a technique by which sovereign nations get conquered. Our sovereignty gets overlooked, and the European Union starts to control how things operate.

(Opposed) None.

Persons Testifying: (In support) Marlin Appelwick, Uniform Law Commission.

(Comments) Lucy Luddington.

Persons Signed In To Testify But Not Testifying: None.