

FINAL BILL REPORT

SHB 2347

C 198 L 02

Synopsis as Enacted

Brief Description: Modifying the uniform interstate family support act.

Sponsors: By House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Darneille, Delvin and Dickerson; by request of Uniform Legislation Commission).

House Committee on Juvenile Justice & Family Law
Senate Committee on Judiciary

Background:

The Uniform Interstate Family Support Act (UIFSA) addresses child support issues that arise when parties reside in different states. The act was drafted by the National Conference of Commissioners on Uniform State Laws in the early 1990s. Washington adopted the UIFSA by 1994.

In 1996 federal welfare reform legislation required states to enact the UIFSA and any recent amendments to the act. At the time, the most recent amendments were the commissioner's 1996 amendments, and Washington adopted these as required. In 2001 the Uniform Law Commissioners adopted additional amendments to the act.

The UIFSA's purpose is to prevent multiple states from issuing competing child support orders for the same parties. The UIFSA contains procedures for:

- obtaining jurisdiction over a nonresident for a support order in Washington;
- enforcing a support order and income-withholding order issued from another state;
- registering an order issued from another state for enforcement purposes; and
- modifying an order issued from another state.

Obtaining Jurisdiction Over a Party

The UIFSA allows a state to obtain personal jurisdiction over a nonresident parent for the purposes of establishing, enforcing, or modifying a support order or to determine paternity. Some of the ways personal jurisdiction may be established under UIFSA include when: (1) the nonresident is served in Washington or consents to jurisdiction; (2) the nonresident resided in Washington with the child; (3) the child resides in Washington as a result of the acts or directives of the nonresident; and (4) the child was conceived in Washington.

Continuing Exclusive Jurisdiction

Generally, the state that issues the support order (the "issuing state") has continuing, exclusive jurisdiction over the order: (1) as long as the state remains the residence of either parent or the child; or (2) until the parties consent to have another state modify the order and assume continuing, exclusive jurisdiction.

If there are multiple orders from multiple states, UIFSA creates procedures for a state court or support enforcement agency to determine which order is controlling and which state has continuing, exclusive jurisdiction.

Registering an Order for Modification and Enforcement

A support order issued from another state may be filed in Washington for enforcement purposes. The UIFSA establishes the notice that must be given to the parties, the registration process, and the defense that may be raised to contest the order or the registration. The court or agency must file the order as a foreign judgment.

After a support order issued from another state has been registered, Washington courts may modify that order if all the parties reside in Washington and the child does not reside in the issuing state. In that case, the issuing state would have lost its continuing exclusive jurisdiction.

Support Enforcement Agreements with Other Countries

Washington's support enforcement agency has international agreements with Canada, Mexico, New Zealand, United Kingdom, Germany, and a number of other countries.

Summary:

In general, the 2001 amendments to UIFSA do the following:

- authorize the state to recognize support orders from foreign country jurisdictions if there is an agreement between the state and the country;
- update certain provisions to recognize the use of standard forms and electronic communications;
- clarify when a party may seek to modify an order registered in a state that is not the issuing state;
- allow the parties to voluntarily seek to have an order issued or modified in a state even if the parties do not reside in that state;
- clarify how to determine which order is controlling in cases of multiple orders from multiple states;
- clarify that a state obtaining jurisdiction over a person for support purposes does not automatically give that state jurisdiction over the person for other nonsupport issues;
- clarify that the local law of a responding state applies with regard to enforcement procedures and remedies; and
- fix the duration of a support order to the duration required under the law of

the issuing state.

The act clarifies that the issuing state continues to have jurisdiction over the matter, absent specified reasons for its termination. The personal jurisdiction that is necessary to establish or enforce a support order persists as long as the order is in effect.

The modification provisions in UIFSA are clarified. A state may have personal jurisdiction over a nonresident for the purposes of establishing or enforcing a support order, but not necessarily to modify the order of a different state.

A state may continue to exercise jurisdiction over its order if the parties consent, even if all the parties have left the state. Likewise, under certain circumstances the parties may consent to have another state assume continuing, exclusive jurisdiction over an order and modify that order. The UIFSA is also clarified to provide that an issuing state may still be considered the parent's residence even if the parent was temporarily absent from the state.

Procedures are established for cases when two or more support orders exist and a party seeks to register an order for enforcement or modification. The party registering the order must provide a copy of all the other orders to the registering state, specify that the order to be registered is the controlling order, and specify the amount of consolidated unpaid support obligations, if any. In addition, Washington's support enforcement agency must make reasonable efforts to ensure that the support order it receives from another state is the controlling order.

The UIFSA explicitly provides that the law of the state that issued the controlling order is the law that applies to the consolidated unpaid obligations. That issuing state's law applies even if support orders from other states contributed to those past due obligations. In addition, it is clarified that the law of the state that issued the controlling order governs the duration of the obligation.

Votes on Final Passage:

House 85 12

Senate 43 3

Effective: Six months after Congress authorizes or requires the states to adopt the 2001 amendments to the UIFSA.