

---

## Judiciary Committee

---

### HB 1253

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

**Brief Description:** Revising the uniform interstate family support act.

**Sponsors:** Representatives Fitzgibbon, Rivers, Pedersen and Rodne; by request of Uniform Laws Commission.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Adopts the 2008 amendments to the Uniform Interstate Family Support Act.</li></ul>
--



**Hearing Date:** 1/24/11

**Staff:** Trudes Tango (786-7384).

**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.

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

---

*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.*

- 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. The provisions applicable to support orders in the Convention countries are very similar to the procedures in the UIFSA. According to the Uniform Law Commission, the Convention was largely modeled after the UIFSA principles.

The NCCUSL amended the UIFSA in 2008 to incorporate changes required by 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.

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

**Summary of Bill:**

The UIFSA 2008 is adopted, which incorporates the Convention provisions when possible, and includes new provisions applicable to Convention support orders. Those provisions 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.

**Appropriation:** None.

**Fiscal Note:** Requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.