

HOUSE BILL REPORT

SHB 1253

As Passed House:
March 5, 2011

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

Brief Description: Revising the uniform interstate family support act.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Fitzgibbon, Rivers, Pedersen and Rodne; by request of Uniform Laws Commission).

Brief History:

Committee Activity:

Judiciary: 1/24/11, 1/27/11 [DPS];

Health & Human Services Appropriations & Oversight: 2/15/11, 2/16/11 [DPS(JUDI)].

Floor Activity:

Passed House: 3/5/11, 65-32.

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

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Eddy, Frockt, Kirby, Nealey, Orwall and Roberts.

Minority Report: Do not pass. Signed by 4 members: Representatives Shea, Assistant Ranking Minority Member; Chandler, Klippert and Rivers.

Staff: Trudes Tango (786-7384).

HOUSE COMMITTEE ON HEALTH & HUMAN SERVICES APPROPRIATIONS & OVERSIGHT

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.

Majority Report: The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Dickerson, Chair; Cody, Green, Kagi, Pettigrew and Walsh.

Minority Report: Do not pass. Signed by 4 members: Representatives Johnson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Harris and Overstreet.

Staff: Melissa Palmer (786-7388).

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
- 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 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 Convention, 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 Substitute 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.

The UIFSA 2008 would 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: Available.

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 (Judiciary):

(In support) The United States became a party to an international convention on child support. This bill is an update to the compact that exists between the states to ensure that children in Washington are well taken care of. The federal money received by the state can potentially be at risk if Washington does not adopt this. The UIFSA has been revised to extend the law applicable in all 50 states to foreign support orders. The convention that led to the Hague treaty adopted much of the UIFSA as its structure. However, the treaty does not execute itself; state laws must be amended to execute the treaty.

(Opposed) This bill is premature. The state should wait to see what Congress does before adopting the UIFSA 2008.

Staff Summary of Public Testimony (Health & Human Services Appropriations & Oversight):

(In support) None.

(Opposed) None.

Persons Testifying (Judiciary): (In support) Representative Fitzgibbon, prime sponsor; and Marlin Appelwick, Uniform Law Commission.

(Opposed) Rick Bartholomew, Washington State Bar Association, Family Law Section.

Persons Testifying (Health & Human Services Appropriations & Oversight): None.

Persons Signed In To Testify But Not Testifying (Judiciary): None.

Persons Signed In To Testify But Not Testifying (Health & Human Services Appropriations & Oversight): None.