

SENATE BILL REPORT

SHB 1253

As Reported by Senate Committee On:
Human Services & Corrections, March 24, 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: Passed House: 3/05/11, 65-32.

Committee Activity: Human Services & Corrections: 3/17/11, 3/24/11 [DP, DNP].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Harper and McAuliffe.

Minority Report: Do not pass.

Signed by Senators Baxter and Carrell.

Staff: Shani Bauer (786-7468)

Background: The Uniform Interstate Family Support Act (UIFSA) was first adopted in 1996 to provide uniform rules across states to determine which jurisdiction has the ability to establish, enforce and modify a support order when parties move across state lines. All states were required to adopt UIFSA in order to comply with state plan requirements and to continue to receive federal funding for child support enforcement and temporary assistance to needy families (TANF). UIFSA was updated by the National Conference of Commissions on Uniform State Laws (NCCUSL) in 2001. That modification was adopted by Washington as well as the rest of the states.

In November of 2007, the United States signed the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (the Convention). The Convention contains numerous provisions that establish uniform procedures for the processing of international child support cases. The Convention borrowed heavily from the principles of UIFSA; however, it was necessary to modify UIFSA provisions in order to

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incorporate provisions addressing orders of foreign countries. UIFSA 2008 is the modified version of UIFSA, now amended to address support orders of a foreign country.

Congress is 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. Five states have adopted UIFSA 2008 thus far. Six states, including Washington, have pending legislation this session.

Summary of Bill: 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.

UIFSA 2008 would not take effect until the earlier of (1) six months after Congress enacts implementing legislation requiring or allowing states to adopt UIFSA 2008; or (2) 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.

Committee/Commission/Task Force Created: No.

Effective Date: The act takes effect six months after Congress adopts UIFSA 2008 or the state obtains a federal waiver of its state plan necessary to implement the act, whichever first occurs.

Staff Summary of Public Testimony: PRO: This bill is about ensuring that a child can be supported when the child or one of the parents moves from Washington to another state or foreign country. UIFSA was successful because it provided clear rules and a mechanism for states to stay in control of collecting child support without the federal government taking over. This bill attempts to synchronize the provisions of UIFSA with the Hague Convention, and apply the principles to international orders. We have every reason to believe that Congress will move forward in requiring states to adopt the provisions of UIFSA 2008. It is anticipated that states would not be allowed to substantively amend the provisions, and will only be given 24 months to adopt the act.

Persons Testifying: PRO: Representative Fitzgibbon, prime sponsor; Marlin Appelwick, WA Uniform Law Commission.