SENATE JUDICIARY
Exhibit No. 2
Date: 3/11/15
Bill No. HB 227

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Testimony in Support of House Bill 227

Mr. Chairman and Members of the Committee,

Thank you for your consideration of HB 227, implementing the 2008 amendments to "THE UNIFORM INTERSTATE FAMILY SUPPORT ACT."

The Uniform Interstate Family Support Act (UIFSA) provides universal and uniform rules for the enforcement of family support orders. I have enclosed a more detailed description of the amendments on the back of this testimony.

Uniform laws are well conceived and carefully drafted. The Uniform Law Commission is a non-partisan, volunteer organization. Commissioners (from each state) are not paid for their work. I was appointed by the Montana Legislative Council to serve as a commissioner on your behalf. We act as liaisons between the National Uniform Law Commission and the Montana legislature

The Uniform Law Commission is comprised of commissioners from each state. Commissioners must be lawyers admitted to the bar in the state they represent. There are over 300 commissioners, consisting of private practitioners, government lawyers, judges, educators, and state legislators

The Uniform Law Commission drafts proposed acts using a very thorough process. Each draft act receives a minimum of two years of consideration, and draft acts are submitted for debate of the entire Uniform Law Commission at a minimum of two annual meetings. Once the Committee of the Whole approves an act, the final step is a vote by the commissioners of the states, with each state having one vote. A majority of the states present, and no fewer than 20 states, must approve the act before it is officially approved.

As your appointed Uniform Law Commissioner, I am a resource to help you find answers to any questions you may have about this or other Uniform Laws. I will be available for questions from the committee.

Thank you, and I urge your support of HB 227.

Uniform Law Commission
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THE UNIFORM INTERSTATE FAMILY SUPPORT ACT AMENDMENTS (2008)

- A Summary -

The Uniform Interstate Family Support Act (UIFSA) provides universal and uniform rules for the enforcement of family support orders by: setting basic jurisdictional standards for state courts; determining the basis for a state to exercise continuing exclusive jurisdiction over a child support proceeding; establishing rules for determining which state issues the controlling order in the event proceedings are initiated in multiple jurisdictions; and providing rules for modifying or refusing to modify another state's child support order.

In November 2007, the United States signed the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance ("the Convention"). This Convention contains numerous provisions that establish uniform procedures for the processing of international child support cases. In July 2008, the Uniform Law Commission amended UIFSA to incorporate changes required by the Convention. In order for the United States to fully accede to the Convention it was necessary to modify UIFSA by incorporating provisions of the Convention that impact existing state law. The 2008 UIFSA amendments serve as the implementing language for the Convention throughout the states. Importantly, enacting the UIFSA amendments will improve the enforcement of American child support orders abroad and will ensure that children residing in the United States will receive the financial support due from parents, wherever the parents reside.

The bulk of the 2008 amendments are housed in a new section of UIFSA: Section 7. The new section provides guidelines and procedures for the registration, recognition, enforcement and modification of foreign support orders from countries that are parties to the Convention. Specifically, Section 7 provides that a support order from a country that has acceded to the Convention must be registered immediately unless a tribunal in the state where the registration is sought determines that the language of the order goes against the policy of the state. Once registered, the non-registering party receives notice and is allowed the opportunity to challenge the order on certain grounds. Unless one of the grounds for denying recognition is established, the order is to be enforced. Additionally, Section 7 requires documents submitted under the Convention be in the original language and a translated version submitted if the original language is not English.

In September 2014, Congress passed federal implementing legislation for the Convention. Importantly, the new law (the Preventing Sex Trafficking and Strengthening Families Act) requires that the 2008 UIFSA amendments be enacted in every jurisdiction as a condition for continued receipt of federal funds supporting state child support programs. Failure to enact these amendments during the 2015 legislative session may result in a state's loss of this important federal funding.

The ULC is a nonprofit formed in 1892 to create nonpartisan state legislation. Over 350 volunteer commissioners—lawyers, judges, law professors, legislative staff, and others—work together to draft laws ranging from the Uniform Commercial Code to