

CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 2

In Support of Ratification of the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance and in Support of Conforming Changes to the Uniform Interstate Family Support Act

WHEREAS, the Conference of State Court Administrators (COSCA) recognizes that international child support enforcement is increasingly more common and important in this global society;

WHEREAS, on November 23, 2007, after four years of deliberation, the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance was adopted at the conclusion of the Twenty-First Diplomatic Session of the Hague Conference on Private International Law at The Hague, The Netherlands;

WHEREAS, this Convention contains procedures for processing international child support cases that are uniform, simple, efficient, accessible, and inexpensive;

WHEREAS, this Convention is founded on the agreement by contracting countries to recognize and enforce each other's support obligations and is based on a system of administrative cooperation among the contracting countries to facilitate the transfer of documents and case information – using electronic technology where feasible – so that the necessary information is available for expeditious resolution of international child support matters;

WHEREAS, similar procedures are already in place in the United States (US) for processing interstate child support cases, as many of the provisions of the Convention were drawn from the US experience with the Uniform Interstate Family Support Act (UIFSA);

WHEREAS, state courts and state child support enforcement agencies in the US already recognize and enforce child support obligations, whether or not the US has a reciprocal agreement with the other country, so the major benefit for the US in joining this Convention will be obtaining child support enforcement services from other contracting countries for US citizens;

WHEREAS, this Convention effectively addresses jurisdictional barriers that have prohibited the US from joining other international child support conventions by providing flexibility for a US court having jurisdiction over the noncustodial parent to establish a new order in circumstances where US jurisdictional

requirements were not met in the country issuing the initial order that is sought to be enforced;

WHEREAS, the Convention and the conforming amendments to the UIFSA will not affect intrastate or interstate cases in the US and will apply only to cases where the custodial parent and child live in one contracting country and the noncustodial parent lives in another contracting country;

WHEREAS, the Convention does not affect substantive child support law, which is generally left to the individual states, as its primary focus is on uniform procedures for enforcement of decisions and for cooperation among countries; and

WHEREAS, the Uniform Law Commission (ULC) worked closely with the US Departments of State and Health and Human Services and a wide variety of organizations with expertise in child support enforcement to develop the 2008 amendments to UIFSA to ensure that state law will conform to the requirements of the Convention.

NOW THEREFORE BE IT RESOLVED that the Conference urges the President to submit to the United States Senate a resolution seeking its advice and consent to ratify the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, adopted by The Hague Conference on Private International Law on November 23, 2007;

BE IT FURTHER RESOLVED that the Conference urges the United States Senate to promptly grant its advice and consent to ratify the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance; and

BE IT FURTHER RESOLVED that the Conference urges the Congress to act promptly to amend the Social Security Act as necessary to comply with the provisions of the Convention, including an amendment to section 466(f) of the Social Security Act to require every state to enact the 2008 version of the Uniform Interstate Family Support Act as a condition of receiving federal funding for the state's Title IV-D child support enforcement program.

Adopted as proposed by the Courts, Children, and Families Committee at the 2008 Midyear Meeting on December 4, 2008