

CONGRESSIONAL UPDATE

NCSEA Submits Testimony on International Child Support Treaty to the Senate Foreign Relations Committee

Dear Child Support Professionals,

The Senate Foreign Relations Committee held a hearing on 10/6/09 to consider the Obama Administration's request for the Senate's advice and consent to ratify the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. NCSEA, which has worked closely with the US State Department and OCSE in the development of the Convention, submitted both a resolution and written testimony in support of ratification of the Convention for the Committee's consideration.

[Click Here](#) for a link to the NCSEA Resolution Supporting Ratification of the Hague Convention (under 2008 Resolutions)

[Click Here](#) for a link to the NCSEA Testimony to the 10/6/09 Hearing

[Click Here](#) to view a video recording of the Hearing (click on the underlined Hearing title)

Senator Benjamin Cardin (D-MD) presided over the hearing. In his opening remarks he expressed his support for ratification: "Joining the Hague Convention will help ensure that a parent living abroad does not prevent a child in the U.S. from receiving needed support. The reciprocal obligations created by the Convention provide the fastest and most effective way to ensure that the child support system for American citizens seeking support judgments abroad and not for just those who seek support judgments in the U. S."

Witnesses at the hearing were as follows:

* **Mr. Keith Loken**, Assistant Legal Adviser, Office of Private International Law, U. S. Department of State

* **Ms. Vicki Turetsky**, Commissioner, Office of Child Support Enforcement, U.S. Department of Health and Human Services

* **Hon. Battle Robinson**, Uniform Law Commissioner, Judge of the Family Court of Delaware (Ret.)

* **Ms. Alisha Griffin**, Assistant Director, Office of Child Support Services, New Jersey Department of Human Services

The witnesses provided an overview of the Convention and the 2008 amendments of the Uniform Interstate Family Support Act (UIFSA) and spoke in support of ratification. Commissioner Turetsky advised that implementing legislation, which would require states to adopt the 2008 amendments to UIFSA, has also been submitted to Congress. (The legislation, however, has not yet been introduced.) Judge Robinson noted that Maine, Nevada, and North Dakota have already adopted UIFSA 2008. Ms. Griffin discussed implementation issues and advised that states are already positioning themselves to address the anticipated implementing legislation.

A point of discussion at the hearing was whether two years would be sufficient time for states to enact UIFSA 2008. Drawing on his experience as a state legislator, Senator Jim Risch (R-ID) indicated that because child support enforcement is not a political or controversial issue, he suggested that two years was sufficient and that Congress would have an opportunity to monitor state actions and compliance.

Mr. Loken reported that other countries, most notably, the European Union, Canada, Norway, and Australia, are also taking action toward ratification of the Convention. Senator Cardin acknowledged that the primary benefit of the Convention is reciprocity, which will only be realized if a significant number of countries also ratify the Convention.

The hearing is an important step in the process of ratifying the Convention. It is not clear at this point, however, when the Committee will vote on the request. For the U. S. to become a party to the Convention, the following actions must be taken:

* The Senate Foreign Relations Committee votes to favorably report the Convention.

- * The Senate gives advice and consent to ratify the Convention by a two-thirds vote.
- * Congress approves the implementing legislation.
- * Every state adopts UIFSA 2008.
- * The President deposits documentation with the Hague Conference on Private International Law ratifying the Convention.

We'll keep you advised as new information is available.

Sincerely,

Howard G. Baldwin, Jr.

President

National Child Support Enforcement Association