

January 30, 2017; Act Helps to Enforce Child Support

We've all heard the saying, "It takes a village to raise a child." I'd like to offer an amendment to this adage that more accurately reflects the realities of child-care. "It takes a village *and money* to raise a child."

This is especially true in situations where a married couple with children divorces, or an unmarried couple with children splits up. In these situations, questions arise. Who bears the responsibility for financially supporting the children? What courts have the jurisdiction to establish paternity and issue a child support order? What happens when a non-custodial parent moves away? In such a situation, which courts are obligated to enforce child support orders issued by other states and which courts can modify support orders?

Legislation passed by the 33rd Guam Legislature, specifically Public Law 33-14, the Uniform Interstate Family Support Act, or UIFSA, addresses these critical questions. The origin of this legislation dates back to 1992 when a national organization known as the National Conference of Commissioners on Uniform State Laws in the United States drafted the act.

Because each state is empowered to establish its own child support laws, enforcement across state borders became very challenging. There was no uniform mechanism for enforcing child support orders among the 50 states and territories. As a result, a parent legally obligated to pay child support in one state could move to another state to avoid his or her child support obligation.

To remedy this situation, the Commissioners drafted UIFSA and asked all state and territorial legislatures across the country to pass the model legislation. The level of pressure to adopt the legislation increased tremendously in 1996 when the U.S. Congress passed the Personal Responsibility and Work Opportunity Act that required states to adopt UIFSA by January 1, 1998, or face the loss of federal funding for child support enforcement. All states complied and adopted the law.

However, as the workforce became more global and workers crossed international borders to find employment, the enforcement of child support orders ran into even more complex legal hurdles. A fix to this problem required international cooperation.

In 2007, representatives from numerous countries met in the Hague and drafted a model international treaty, known as the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, that addressed the legal challenges to enforcing foreign child support orders. About 34 nations are signatories to the treaty.

In 2008, the National Conference of Commissioners on Uniform State Laws in the United States reconvened and recommended amendments to UIFSA to bring it in

compliance with the requirements of the Hague Convention treaty. Not all state legislatures acted on the amendments, so in 2014, the U.S. Congress again passed federal legislation requiring all states and territories to enact the amendments by the end of 2015 or face that loss of federal funding. The Guam Legislature responded by passing the modified UIFSA on April 1, 2015.

Through this law, all U.S. states and territories and member foreign countries agree to recognize and enforce each other's child support orders. The law also establishes which states and countries have the jurisdiction to establish parentage and to order and modify child support. Next week, I'll look at some of the law's provisions and find answer questions.