



Strong Families Make a Strong Kansas

Committee on Judiciary

February 3, 2015

Testimony on:

SB 105

Presented by:

Trisha Thomas

Director of Child Support Services

Kansas Department for Children and Families

Testimony of:

Trisha Thomas, Child Support Services Director
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Topeka, Kansas

Testimony on:

SB 105, Enacting Updates to the Uniform Interstate Family Support Act (UIFSA 2008)

Chairman King, Vice-Chair Smith, Ranking Member and Members of the Committee:

Thank you for the opportunity to provide testimony in support of SB 105.

SB 105 would amend and update the Kansas version of UIFSA 1996 to UIFSA 2008. A state's failure to implement this bill verbatim in the current legislative session may result in a loss of its IV-D child support federal funding (66 percent) and TANF block grant.

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.

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. Additionally, this section requires documents submitted under the Convention be in the original language and a translated version submitted if the original language is not English. 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.

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 within the next legislative period.

We are still obtaining clarification from our federal partners with the Office of Child Support Enforcement, Administration for Children and Families, as to the acceptability of the Kansas version being considered “verbatim” with style changes made such as differences in capitalization and punctuation. We may need to request style changes if we discover that this is necessary for us to receive full funding.

I thank you for the opportunity to address this important issue and I am happy to answer any questions the committee may have.