

Legislative Analysis



MODEL UNIFORM INTERSTATE FAMILY SUPPORT ACT

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bills 4742-4743 as introduced
Sponsor: Rep. Robert L. Kosowski

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4744 as introduced
Sponsor: Rep. Clint Kesto

House Bill 4745 as introduced
Sponsor: Rep. Kurt Heise

Committee: Judiciary
Revised as of 9-30-15

SUMMARY:

House Bill 4742 will repeal the Uniform Interstate Family Support Act, Public Act 310 of 1996, which allows states to work together in their collection of court-ordered child support. In its place, the bill enacts a new, more expansive Uniform Interstate Family Support Act (UIFSA) that, in addition to numerous updates, addresses foreign support orders. House Bills 4743-4745 are companion bills that amend various acts to update references to the UIFSA contained in those acts. The bills take effect on January 1, 2016.

House Bill 4742

The bill will enact the Uniform Interstate Family Support Act (UIFSA) which will incorporate provisions established by the 2007 Hague Convention on the International Recovery of Child Support of Family Maintenance that, among other things, provides guidelines and procedures for the registration, recognition, enforcement, and modification of foreign support orders from countries that are parties to the Convention.

The Hague Convention adopted numerous provisions to establish uniform procedures for processing international child support cases. The following year, in 2008, the Uniform Law Commission (National Conference of Commissioners on Uniform State Law, or ULC), approved amendments to its model UIFSA to incorporate the provisions of the Hague Convention. All states are required to adopt the 2008 UIFSA by the end of their 2015 legislative sessions under provisions of the federal Preventing Sex Trafficking and Strengthening Families Act that was enacted in 2014. A state that does not enact the modified UIFSA by that date may lose federal funding that supports state child support programs. To date, 44 states and Puerto Rico have enacted the 2008 UIFSA; California, New Jersey, New York, and the District of Columbia have legislation pending; and only Massachusetts and Pennsylvania have yet to introduce legislation. (Information is derived from materials available on the ULC website regarding the 2008 UIFSA at: [http://www.uniformlaws.org/Act.aspx?title=Interstate%20Family%20Support%20Act%20Amendments%20\(2008\)](http://www.uniformlaws.org/Act.aspx?title=Interstate%20Family%20Support%20Act%20Amendments%20(2008)))

According to a summary provided by the ULC, the main changes to the UIFSA by the 2008 amendments are in a new section that applies to support proceedings under the Convention (under House Bill 4742, the changes are found in Article 7 entitled *Support Proceeding Under Convention*). This 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." Importantly, according to the ULC, the new provision requires that a foreign support order be registered immediately unless a tribunal in the state where that 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. In addition, documents submitted under the Convention must be in the original language and a translated version submitted if the original language is not English.

Further, House Bill 4742 reenacts much of the language of the current law, though numerous provisions are revised and updated. In addition, several new terms are defined, including, but not limited to, "Convention," "foreign country," "foreign support order," and "foreign tribunal." The act will apply to proceedings begun on or after its effective date to establish a support order or determine parentage of a child or to register, recognize, enforce, or modify a prior support order, determination, or agreement, whenever issued or entered.

House Bills 4743-4745

The bills, which amend different acts, change a reference to the Uniform Interstate Family Support Act to the Uniform Interstate Family Support Act (2015). Each bill is tie-barred to House Bill 4742.

House Bill 4743 amends the Office of Child Support Act, MCL 400.233.

House Bill 4744 amends the Support and Parenting Time Enforcement Act, MCL 552.602.

House Bill 4745 amends the Friend of the Court Act, MCL 552.502.

FISCAL IMPACT:

House Bill 4742 would repeal the current Uniform Interstate Family Support Act (UIFSA) which requires Michigan to work with other states for the collection of court-ordered child support payments and would replace it with an expanded version of this act that establishes uniform procedures for the processing of international child support cases. House Bills 4743 – 4745 would amend other related statutes referring to the act.

The bills would likely increase costs initially to the Michigan Department of Health and Human Services by an indeterminate amount which would be dependent, in part, upon the number of foreign support orders that are received. Additional expenditures due to expenses such as the translation of foreign language orders and currency conversion calculations may increase the Department's costs initially. These additional costs are not expected to be significant, however, and would be funded by current department appropriations.

Currently, Michigan receives many more support orders from other states or countries establishing payments to Michigan residents than the number of support orders that are processed to send payments out from Michigan residents to other states or countries. In 2014, Michigan processed 1,369 support orders establishing payments from Michigan residents to other states and countries, while the state sent 6,377 support orders requesting payments to collect support for Michigan residents from other states and countries.

The federal Preventing Sex Trafficking and Strengthening Families Act that was enacted in September 2014 requires all states to enact the new modified UIFSA in the 2015 legislative session as a condition to continue receiving federal funding for state child support programs. In FY 2015-16, Michigan is anticipated to receive and expend \$175.1 million in federal funding for child support programs. The state risks losing this federal funding if a bill that embodies the modified UIFSA, such as HB 4742, is not enacted in 2015. In addition, the federal government requires that the state have an approved federal Title IV-D plan for its child support program in order to be eligible to continue receiving Temporary Assistance for Needy Families (TANF) block grant funding. In order for a state plan to be approved, it would need to include the provisions of the new UIFSA act. Michigan receives approximately \$775.4 million TANF funding annually. If Michigan does not enact the new modified UIFSA act, this TANF funding could be at risk as well.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Viola Bay Wild

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.