

**CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS**

Resolution 5

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 Chief Justices (the Conference) recognizes that international child support enforcement is increasingly more common and important in this global society; and

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 (the Convention) was adopted at the conclusion of the Twenty-First Diplomatic Session of the Hague Conference on Private International Law at The Hague, The Netherlands; and

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

WHEREAS, the Convention is founded on the agreement of contracting countries to recognize and enforce support obligations ordered by other contracting countries 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 when feasible) so the necessary information is available for expeditious resolution of international child support matters; and

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

WHEREAS, the Uniform Law Commission worked closely with the U.S. 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; and

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

WHEREAS, the Convention effectively addresses jurisdictional barriers that have prohibited the U.S. from joining other international child support conventions by providing flexibility for a U.S. court having jurisdiction over the noncustodial parent to establish a new order in circumstances where U.S. jurisdictional requirements were not met in the country issuing the initial order that is sought to be enforced; and

WHEREAS, the Convention and the conforming amendments to the UIFSA will not affect intrastate or interstate cases in the U.S. and will apply only to cases where one of the parties lives in a foreign contracting country; and

WHEREAS, the Convention does not affect substantive child support law as its primary focus

is on uniform procedures for the enforcement of decisions and for cooperation among countries;

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; and

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.

Adopted as proposed by the CCJ/COSCA Courts, Children, and Families Committee at the CCJ/COSCA Annual Meeting in August 2009.