



DAVE HEATON

STATE REPRESENTATIVE • 85TH ASSEMBLY DISTRICT

Testimony before the Assembly Committee on Children and Families
AB 238 Relating to: the effective date of amendments to the Uniform Interstate Family Support Act

Wednesday June 3rd, 2015

Thank you Madam Chairman and members of the committee for allowing me to testify before you today in support of Assembly Bill 238 (AB 238). This bill was brought to us by the Department of Children and Families.

In 2014 Congress passed the Preventing Sex Trafficking and Strengthening Families Act. This act requires all states, by January 1, 2016, to enact any amendments to the Uniform Interstate Family Support Act, which was officially adopted as of September 30, 2008 by the National Conference of Commissioners on Uniform State Laws (Referred to as "UIFSA 2008"). The UIFSA 2008 amendments integrate provisions of the Hague Convention on the International Recovery of Child Support and other Forms of Family Maintenance ("Hague Convention"). The Hague Convention created uniform, simple, and inexpensive procedures for establishing, recognizing, and enforcing child support and family maintenance obligations in international cases.

Wisconsin already enacted the UIFSA 2008 changes when it passed 2009 Wisconsin Act 321 (Act 321). However, under Act 321, the amendments to UIFSA do not go into effect until the day the U.S. finalizes the ratification of the Hague Convention treaty. For ratification to happen, every state must adopt the UIFSA 2008 language.

AB 238 brings Wisconsin into compliance with the Preventing Sex Trafficking and Strengthening Families Act by changing the effective date of the UIFSA 2008 amendments to December 18, 2015 or the day the U.S. finalizes the ratification of the Hague Convention, whichever is earlier. It also makes some minor technical revisions to more closely align the language of the statutes with the language of UIFSA.

As this is a federal child support program requirement, if Wisconsin fails to adopt the required UIFSA modifications by January 1, 2016, the state could lose all of its federal child support enforcement funding as well as access to all federal databases. Failure to adopt the changes would also place our TANF (Temporary Assistance for Needy Families) funding at risk, although the rate at which that would be reduced is not specified.

Simply put, this will make the necessary changes for Wisconsin law to be in compliance with Federal law and allow Wisconsin to continue to receive important Federal funding.

Madam Chairman and members, thank you once again for the opportunity to testify before you today.



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Governor Scott Walker
Secretary Eloise Anderson

Date: June 3, 2015
To: Assembly Children and Families Committee
From: Kimber Liedl, Legislative Liaison
RE: Department Position on AB 238 – In Support

Representative Rodriguez and Assembly Children and Families Committee members,

Thank you for the opportunity to testify on AB 238. My name is Kimber Liedl, and I am the Legislative Liaison at the Wisconsin Department of Children and Families (DCF). With me is Connie Chesnik from the Office of Legal Counsel at DCF. The Department is responsible for administering the child support program in Wisconsin. We are here today to testify in support of AB 238, which amends Chapter 769 of Wisconsin Statutes, the Uniform Interstate Family Support Act, also known as UIFSA.

UIFSA establishes rules and priorities for the exercise of jurisdiction by courts in this state in actions to establish or enforce spousal or child support obligations, modify child support obligations, or to determine paternity when the parties reside in different states or when orders have been issued in different states. By establishing uniform rules, the objective of UIFSA is to eliminate conflicting orders that might be issued or enforced by courts in different states. All states are required by federal law to enact UIFSA as a condition of their receipt of federal funding for the TANF and child support programs.

In 2008, the National Conference of Commissioners of Uniform State Laws (NCCUSL) approved amendments to UIFSA, referred to as UIFSA 2008, in order to integrate the provisions of the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, which was adopted at the Hague conference on Private International Law in November of 2007. The purpose of this convention was to provide rules which would create uniform, simple, and inexpensive procedures for the establishment, recognition, and enforcement of child support and family maintenance obligations in international cases.

On September 29, 2014, President Obama signed Public Law 113-183, the Preventing Sex Trafficking and Strengthening Families Act. This law amends the Social Security Act to require all states to enact UIFSA 2008 in order to ensure compliance with the Hague Convention Treaty. Wisconsin enacted UIFSA 2008 as 2009 Wisconsin Act 321 with a delayed effective date until the Hague Treaty was ratified. However, with the passage of Public Law 113-183,

states are now required to have UIFSA 2008 in effect by a specified date so that the instrument of ratification can be signed and deposited with the Ministry of Foreign Affairs. Accordingly, the provisions of 2009 Wisconsin Act 321 must take effect by January 1, 2016.

Additionally, AB 238 makes the following technical amendments to the language enacted in 2009 Wisconsin Act 321 in order to conform our language to the language of UIFSA 2008:

- Adds the definition of ‘person’ that is in UIFSA 2008 to 769.01. Wisconsin has a definition of ‘person’ in Wis. Stat. §990.01(26) that was thought to be consistent with the provisions of UIFSA 2008. However, we have been informed that the definition needs to be in the language of the Uniform Act.
- Adds the phrase ‘or the recognition of a foreign support order on the basis of comity’ to 769.103(1) to specifically provide that the remedies provided under this chapter don’t affect the recognition of a foreign support order on the basis of comity.
- Changes the wording in 769.611(1)(a)(1) to clarify that if any of the parties or the child lives in the issuing state, that state retains continuing exclusive jurisdiction.
- Deletes the reference to sub. (2)(f) in 769.708 as UIFSA 2008 does not contain that reference.
- Change the wording in 769.307 from ‘as appropriate’ to ‘as applicable’ to clarify that discretion is not permitted in determining the services to be provided under that section.
- Amends 769.101(6) and 769.501 to clarify that income withholding orders may be sent to an employer or to another debtor as specified in §767.75(1f).
- Amends 769.101 and 769.501 to link the definition of ‘employer’ to Wisconsin’s Income Withholding provisions in 767.75(1f).

Thank you for the opportunity to testify on this legislation. We thank Representative Heaton and Senator Cowles for authoring this bill and thank the Chair for holding a hearing. We are happy to answer any of your questions.