

- SUBJECT:** Conforming the Uniform Interstate Family Support Act to federal law
- COMMITTEE:** Judiciary and Civil Jurisprudence — committee substitute recommended
- VOTE:** 8 ayes — Smithee, Farrar, Clardy, Laubenberg, Raymond, Schofield, Sheets, S. Thompson
- 0 nays
- 1 absent — Hernandez
- WITNESSES:** For — John J. Sampson, Uniform Law Commission; (*Registered, but did not testify*: Steve Bresnen, Texas Family Law Foundation)
- Against — None
- On — Barry Brooks, Joel Rogers, and Charles Smith, Texas Attorney General
- BACKGROUND:** The Uniform Interstate Family Support Act (UIFSA) was created to facilitate interstate enforcement of child support orders. In 1993, Texas adopted UIFSA as chapter 159 of the Texas Family Code. UIFSA has been modified several times and Texas has updated the Family Code to match those modifications. In 2008, the Uniform Law Commission approved amendments to UIFSA to incorporate numerous provisions from the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.
- The recent amendments to UIFSA must be approved as drafted in order to receive federal funding under Title IV-D of UIFSA and to be eligible for a Temporary Assistance for Needy Families block grant. The Office of Attorney General Child Support Division estimates a loss of \$480.8 million in federal funds during the next biennium if the bill is not enacted.
- DIGEST:** CSHB 3538 would make several substantive changes and many technical changes to the Family Code to conform the code to the exact language of

the Uniform Interstate Family Support Act (UIFSA) as it was approved and amended.

Initiating support proceedings under the convention. The bill would allow both the attorney general's office and petitioners to initiate support proceedings for recognition and enforcement of support orders, and for establishment of support orders if none existed, including determination of parentage of a child. The bill would set forth the procedure for initiating proceedings as well as whether current state law or the provisions added by the bill would govern the proceedings.

Registration and contesting of support orders. Under the bill, certain information would be required to accompany any support order sought to be registered in the state, including proof of enforceability, proof that the respondent was given proper notice and was represented in any proceeding, and the amount of support in arrears. The bill also would provide certain procedures for contesting a registered support order.

Refusal of recognition and enforcement of a support order. Under specific circumstances, a court could refuse to recognize and enforce a support order. These circumstances would include public policy, fraud, lack of authenticity, incompatibility with other orders, and improper notice to the respondent. Courts would have several options if they did not recognize support orders, including partial enforcement and establishing new Hague Convention support orders.

Modification of support orders. A court could not modify a Hague Convention child support order if the obligee remained in the foreign country unless the obligee submitted to the jurisdiction of the state or the foreign tribunal lacked or refused to exercise jurisdiction.

The bill also would make many technical and conforming changes to the Family Code.

This bill would take effect July 1, 2015, if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take

effect on the 91st day after the last day of the legislative session and would apply to proceedings commenced on or after that date.

NOTES:

According to the Legislative Budget Board's fiscal note, HB 3538 would have no significant fiscal impact to the state. However, the Office of Attorney General Child Support Division estimates a loss of \$480.8 million in federal funds during fiscal 2016-17 due to Texas law being out of compliance with federal requirements if the bill were not enacted.