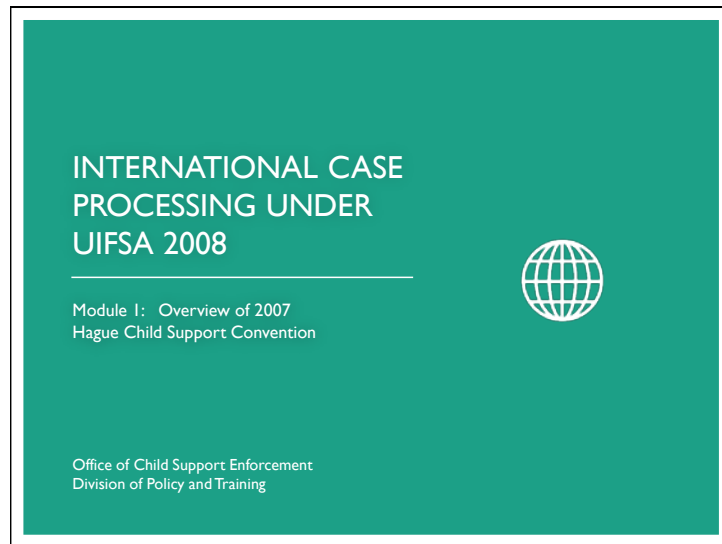


Slide 1




Notes:

Welcome to the Webinar Series on International Case Processing Under UIFSA 2008.

## Webinar Series

- Targeted Audiences
  - Caseworkers and central registry staff
  - Experienced as well as novice
- Content
  - Background information
  - Case processing information
- Resources
  - PowerPoint with notes
  - Trainer notes



Module 1

12

### Notes:

Some people in the audience may have attended multiple conference presentations where speakers have explained the background of the Convention or presented an overview of UIFSA (2008). For others, this information will be brand new. The webinar content has been designed to cover both audiences.

The webinar resources include the PowerPoint presentation with notes for the slides and a set of trainer notes that provide supplemental information. The resources related to a particular module will be available on OCSE's website.

### Webinar Modules

- Overview of 2007 Hague Child Support Convention
- Central Authorities and Applications Under the Convention
- Recognition and Enforcement of a Convention Order under UIFSA (2008) – Incoming Application
- Recognition and Enforcement of a Convention Order under UIFSA (2008) – Outgoing Application
- Establishment of a Convention Order, including where necessary the establishment of parentage
- Modification of a Convention Order – Incoming and Outgoing Applications
- Implementation Issues/Topics
- Case Processing of a Non-Convention Case

Module 1 14

#### Notes:

The first two modules of the webinar series are overview modules. They provide background information about the 2007 Hague Child Support Convention so that you will better understand the U.S. goals during treaty negotiations, the process used for negotiating an international treaty, and terminology in the Convention. They also discuss the scope of the Convention and services that a Central Authority must provide so that you will have a better idea of what to expect on outgoing cases to a Convention country.

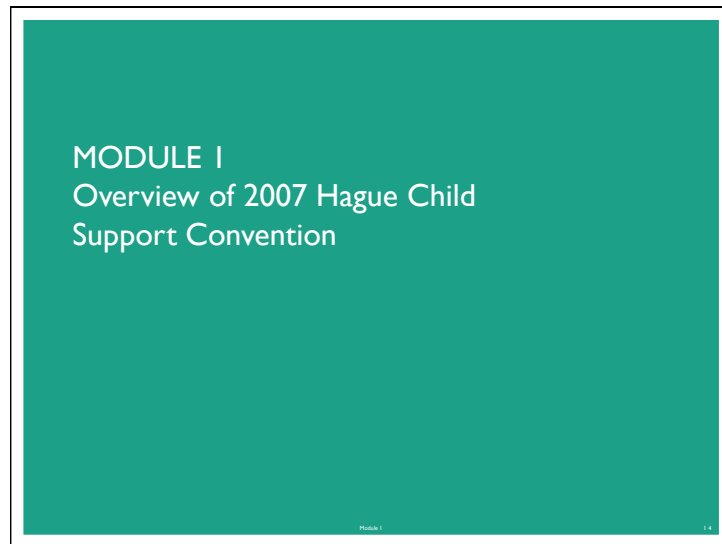
Beginning with Module 3, we will focus on case processing. The most likely application under the Convention is an application to recognize and enforce a support order issued by a Convention country. For that reason, there is one module explaining the process and forms for incoming applications and a separate module explaining the process and forms for outgoing applications.

Module 5 examines incoming and outgoing applications for establishment of a support order, including establishment of parentage when necessary to obtain support.

Modules 6 and 7 examine incoming and outgoing applications for modification under the Convention.

Module 8 addresses implementation issues and questions that have arisen.

Finally, in Module 9 we will discuss processing international support cases from countries with bilateral reciprocity arrangements that are not Convention countries.



Notes:

Today's module is the first in the series of webinars focused on international case processing under UIFSA (2008). Because the 2007 Hague Child Support Convention was the impetus for UIFSA (2008), most of the presentations will discuss how UIFSA (2008) implements provisions of the Hague Child Support Convention.

Module I provides an overview of the Convention.


It will provide the background for the Convention, discuss the negotiation process, explain terminology under the Convention, and highlight UIFSA's role in implementing the Convention in the United States.

### International Context for Convention

- 1956 UN Convention
- Four Hague Conventions
- Regional Conventions
- 1996 PRWORA

Authorizes U.S. State Department, with concurrence of HHS, to declare a country a foreign reciprocating country if it meets certain child support standards

- 26 FRCs, prior to Convention
  - 14 countries
  - 12 Canadian provinces/territories



#### Notes:

The Hague Child Support Convention is not the first international child support treaty. Since the 1950s, there have been a number of international child support treaties.

The most widely adopted was the New York Convention of 1956, sponsored by the United Nations. Over time more than 60 countries joined it.

There were four Hague Maintenance Conventions developed in the 1950s and 1970s.

There are also regional conventions such as the Inter-American Convention on Support Obligations from 1989.

The United States was never a party to any of these treaties. The largest problem was a legal one. Most countries follow creditor or child state jurisdiction, which allows the establishment of a child support order in the country where the creditor or child lives – regardless of any contacts of the debtor with that country. In contrast, the U.S. Supreme Court has held that personal jurisdiction to establish a support order is based on contacts between the debtor and the forum. The relevant case is *Kulko v. Superior Court*, 436 U.S. 84 (1978).

As a consequence, states negotiated reciprocal arrangements with countries.

In 1996 Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act. This federal legislation contained major reforms to child support. One of its provisions authorized the State Dept., with the concurrence of HHS, to declare a country as a foreign reciprocating country if it met certain requirements.

This was the first time there was legislation authorizing federal bilateral agreements.



Notes:

In order for the United States to establish a country as a foreign reciprocating country under section 459A of the Social Security Act, that country must have in effect procedures available to U.S. residents for the establishment of paternity, the establishment of support orders for children and custodial parents, and the enforcement of support orders for children and custodial parents, including procedures for collection and distribution. These procedures must be available to U.S. residents at no cost.

Prior to the U.S. joining the Convention, the United States had reciprocal arrangements with 14 countries and 12 Canadian provinces. They are listed on this slide.

Foreign reciprocal arrangements take precedence over any state reciprocal arrangement.

However, section 459A of the Social Security Act permits states to enter into reciprocal arrangements with countries that are not the subject of a federal declaration.

### Recognition of Need for New Convention

- Hague review of existing Conventions – 1995 & 1999
- Questionnaires to States and interested organizations – 1998 & 2002
- Consultations/informal discussions – 2001 & 2002
- Mandate from 19<sup>th</sup> Session of the Hague Conference on Private International Law – 2002



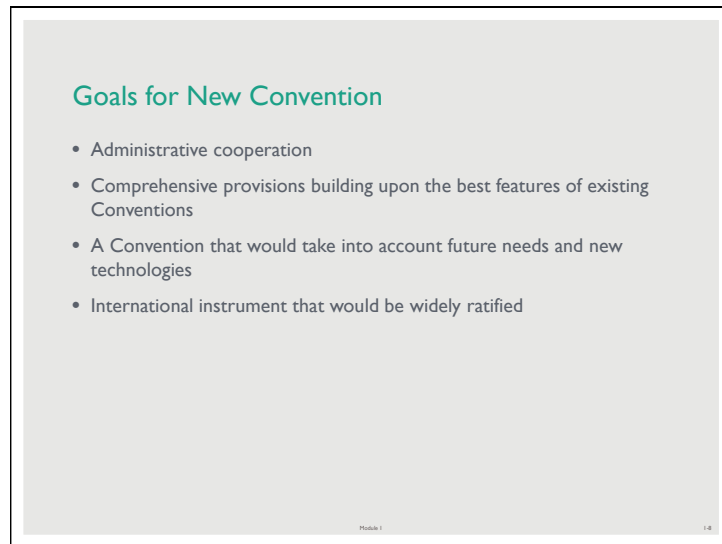
The screenshot shows the official website of the Hague Conference on Private International Law (HCCH). At the top, there is a navigation bar with links for 'MEMBERS & PARTIES', 'INSTRUMENTS', 'PROJECTS', 'GOVERNANCE', and 'PUBLICATIONS & STUDIES'. Below the navigation bar is a large banner image of a modern glass building. Overlaid on the banner is the text 'Hague Conference on Private International Law' and 'The World Organisation for Cross-border Cooperation in Civil and Commercial Matters'. The HCCH logo is visible in the top left corner of the banner area.

#### Notes:

Because of the huge investment of time and resources to negotiate a treaty, the Hague Conference on Private International Law wanted to establish that there was a clear need for a new international agreement, that there was consensus on its main components, and that countries would likely ratify and, more importantly, implement it. Beginning in 1995, staff at the Permanent Bureau analyzed defects in existing treaties and sent questionnaires to member States. This led to two Special Commission meetings in 1995 and 1999. Permanent Bureau representatives also reached out to the United States to determine what a child support convention needed to include in order for the U.S. to be interested in joining it. They recognized that countries would be more willing to ratify the treaty if they knew that the United States was also a contracting State.

Satisfied that there was sufficient interest and agreement on key components, the 19<sup>th</sup> Session of the Hague Conference issued a mandate in 2002 to begin negotiations on a new global child support treaty.

We will discuss this later in the presentation, but the term “State” with a capital “S” means country in Convention terminology.

A presentation slide with a light gray background and a black border. The title "Goals for New Convention" is in teal. Below it is a bulleted list of four goals. At the bottom, there is a small footer with the text "Hochschule" and a page number "14".

**Goals for New Convention**

- Administrative cooperation
- Comprehensive provisions building upon the best features of existing Conventions
- A Convention that would take into account future needs and new technologies
- International instrument that would be widely ratified

Hochschule 14

Notes:

This 2002 mandate included an endorsement of the recommendations of the 1999 Special Commission regarding what should be some basic features of the new Convention:

An essential element would be provisions relating to administrative cooperation among Central Authorities.

It should be comprehensive in scope, building upon the best features of the existing Convention.

It should take into account future needs, the developments occurring in national and international legal systems to recover maintenance, and the opportunities provided by advances in information technology.

It should also be structured to combine the maximum efficiency with the flexibility necessary to achieve widespread ratification.



### Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance

- Negotiations took place from 2003 to 2007
- 55 member countries, 15 observer countries, and NGOs such as NCSEA



Photo: I

14

Notes:

Negotiations on the new Hague Child Support Convention began in 2003 and continued over five years.

In addition to the United States, participants were the 54 other countries that are members of the Hague Conference on Private International Law, observer countries, and nongovernmental organizations such as the National Child Support Enforcement Association (NCSEA) and the International Bar Association.



### Negotiation Process

- Background Reports 2003
- Negotiation sessions once a year
  - Decision by consensus of States
- Meetings between sessions by:
  - Drafting Committee
  - Applicable Law Working Group
  - Administrative Cooperation Working Group
  - Forms Working Group

Module 1 1-18

#### Notes:

Before the first Special Commission in 2003, the Permanent Bureau prepared background reports on various child support issues. For example, one report focused on laws and procedures that countries use to establish parentage and whether countries recognize and enforce a foreign support decision if it entails a determination of parentage based on laws contrary to those of the requested country. These background reports were based on Hague member countries' responses to a 2002 questionnaire and are available on the Child Support Section of the Hague Conference website.

Beginning in 2003, there were five Special Commission meetings and a final Diplomatic Conference for a total of approximately 15 weeks of formal negotiations.

Interpreters provided translations into French, English, and Spanish.

Decisions on the treaty's scope and provisions were made through a consensus approach. That means delegates worked together to reach as much agreement as possible. There was no "voting." Rather, at each step of the process, the chair noted the consensus decision. The Drafting Committee then tried to reflect the decision into treaty language, which was also subject to consensus approval.

In between Special Commission meetings, there were meetings of a number of committees and working groups: the Drafting Committee, the Applicable Law Working Group, the Administrative Cooperation Working Group, and the Forms Working Group.

### U.S. Negotiation Goals

- A Convention that the U.S. could ratify
  - Scope
  - Jurisdiction
  - Establishment
  - Cost free services
- A Convention that would produce results
  - Address long delays in processing applications
  - Expedite the recognition and enforcement of support orders
  - Address the failure by some countries to comply with Convention obligations
- A Convention that would be widely accepted

Notes:

The U.S. delegation had three overall negotiation goals.

1) First, it had to be a Convention the United States could join. Although the U.S. was willing to compromise on some issues, there were others that were “deal breakers.”

- The mandatory scope had to be limited to child support and the enforcement of spousal support (when in conjunction with child support). In other words, the current scope of the IV-D program.
- The Convention could not require recognition and enforcement of orders where jurisdiction was based solely on the fact that the creditor resided there.
- The Convention had to cover establishment of support, including establishment of parentage – not just enforcement.
- The Convention had to provide that all services were cost-free or virtually cost-free to the creditor.

2) Second, the Convention had to actually result in more money reaching more families more quickly.

- That meant the treaty had to address practical issues like timeframes, forms, and procedures that Central Authorities had to follow.
- There had to be improved procedures for recognizing and enforcing orders so that tribunals in one country didn’t get to spend a lot of time reviewing decisions of another country and debtors had limited defenses.
- Finally, there needed to be assurance that a ratifying country had the laws and procedures necessary to implement the Convention.

3) Third, the Convention needed to be one that would be widely accepted. That meant delegations – including the United States – had to be willing to compromise in order to reach consensus.

### Successful Conclusion of Treaty

- Final Diplomatic Session November 2007
- U.S. signed Convention on November 23, 2007, committing to work toward ratification and implementation in the U.S.



Representatives who Participated in Negotiations  
(Four participants missing from photo)

- Treaty went into force in 2013 with ratification by Norway and Albania

Photo 1 1-12


#### Notes:

The final Diplomatic Session was held in November 2007. The United States was the first country to sign the treaty, indicating its intent to work toward ratification of the treaty in the United States. How fitting that, just as the ceremony to sign the Convention ended on Nov. 23, a rainbow burst through the clouds, arching over the Peace Palace!

A number of U.S. representatives helped make the treaty happen. The U.S. delegation included officials from the Dept. of State, OCSE, the HHS Office of the General Counsel, representatives from the Uniform Law Commissioners, and subject matter experts. U.S. child support experts were also included in the delegations of NCSEA, the International Bar Association, the International Association of Women Judges, and the International Society of Family Law.

The Hague Child Support Convention went into force in 2013 when two countries had ratified it – Norway and Albania.

## The U.S. Has Ratified!




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THE UNITED STATES OF AMERICA RATIFY THE 2007 HAGUE CONVENTION ON
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### The United States of America ratify the 2007 Hague Convention on Child Support



SEP 7 2016

On 7 September 2016, the United States of America deposited its instrument of ratification of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Family Maintenance, and will thus become the 32nd State to which the Convention will apply. The United States of America was the first State to ratify the Convention on the day of its adoption on 23 November 2007. The Convention will enter into force for the United States of America on 1 January 2017. The United States of America, Member of the Hague Conference on Private International Law since 10 October 1984, is one of the founding States to a Convention of the Hague Conference.

At the ceremony, which took place at the Ministry of Foreign Affairs of the Netherlands, the Embassy of the United States of America was represented by its Deputy Counsel Legal Counsel, Benjamin General, Christine Bonhomme and First Secretary Philippe Lefebvre. General Bonhomme and First Secretary Philippe Lefebvre represented the Embassy on behalf of the Ministry of Foreign Affairs of the Netherlands.

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Notes:

The United States ratified the Convention on September 7, 2016!

### Steps Toward U.S. Ratification

- Senate gave advice and consent to ratify the Convention on September 29, 2010
- Congress approved implementing legislation, which the President signed on September 29, 2014
  - Pub. L. No. 113-183 - Preventing Sex Trafficking and Strengthening Families Act - required state enactment of UIFSA 2008
- All U.S. states, District of Columbia, Puerto Rico, Guam, and the Virgin Islands enacted UIFSA (2008)
- President signed the instrument of ratification on August 30, 2016
- United States deposited the instrument of ratification with the Ministry of Foreign Affairs of the Kingdom of the Netherlands, the depository for the Hague Conference, on September 7, 2016

Florida 11-14

Notes:

It was a long road to get to that important day!

Following a hearing, the Senate gave its advice and consent on Sept. 29, 2010.

Congress approved implementing legislation in the fall of 2014, called the Preventing Sex Trafficking and Strengthening Families Act. Among the Act's child support provisions is a mandate that the Secretary of HHS ensures U.S. compliance with any multilateral child support convention to which the United States is a party, i.e., the Hague Convention. It also requires that a state enact UIFSA (2008) as a condition of receiving federal IV-D funds. UIFSA (2008) is the law that will implement the Convention in the U.S. states.

Once every U.S. state had enacted UIFSA (2008), the President signed the U.S. instrument of ratification on August 30, 2016.

On Sept. 7, 2016, the United States deposited this instrument with the depository for the Hague Conference in the Netherlands.

Entry into Force in U.S.

January 1, 2017



January 1, 2017

January 1, 2017

Photo: i

1-15

Notes:

The Convention went into force in the United States on January 1, 2017!

**Hague Child Support Convention – Current Status**

- As of July 1, 2018, Convention in force in 36 countries
  - 27 European Union Countries
  - Norway
  - Albania
  - Belarus
  - Bosnia and Herzegovina
  - Brazil
  - Montenegro
  - Turkey
  - Ukraine
  - United States

Module 1 1-18

Notes:

As of July 1, 2018, the Convention is in force in 36 countries, including the United States and the European Union. Note: Although Denmark is an EU member, Denmark is not a Convention country (as of July 1, 2018). That is why the slide indicates there are 27 E.U countries and not 28 E.U. countries.



### What Happened When Convention Went into Force in the U.S.?

- The U.S. immediately had reciprocal arrangements with Convention countries
- The U.S. continued to have reciprocity with Foreign Reciprocating Countries not party to the Convention, including most Canadian provinces/territories
- UIFSA (2008) Article 7 became effective
- States could start sending and receiving “new” cases under the Treaty
  - Pre-existing cases with Hague countries will continue as before, until a major action is needed

Notes:

Once the Hague Child Support Convention went into force in the United States, we ~~will~~ immediately had a treaty arrangement with 32 Convention countries. Some of those Convention countries were FRCs under existing bilateral arrangements but 22 of them were brand new treaty countries for us. As more countries ratify the Convention, that number will grow.

We continue to have a bilateral arrangement with FRCs and Canadian provinces/territories that aren't a party to the Convention.

UIFSA Article 7 became effective on January 1, 2017. That's the new Article of UIFSA (2008) that only applies to Convention cases.

And on January 1, 2017, state child support agencies could start sending and receiving new cases under the Hague Convention.

Pre-existing cases with Hague countries will continue to be in place and worked as before. However, when a major action is needed – such as enforcement or modification – it should be done using Convention forms and following Convention requirements, as provided for under UIFSA Article 7.

### How does Convention Benefit U.S. Children?

- Expedited procedures for enforcing a child support order
  - Limited judicial review
  - Requires recognition unless valid defense timely raised
- Cost-free services – including free legal assistance – to U.S. creditors in child support cases
- Standardized procedures and timeframes




Photo: i

18

Notes:

The Convention is an incredible advance over the status quo.

Under prior treaties, procedures for recognition and enforcement of existing support orders were dependent upon a country's domestic laws. That often meant extensive reviews by a foreign court and long delays in enforcement. The Convention will greatly speed up the enforcement of U.S. orders. It limits the circumstances under which a court can review and object to an order. It requires recognition of a U.S. order unless a respondent timely raises a challenge, and it limits available objections that the respondent may raise to those similar to ones now allowed under UIFSA.

Without reciprocity, the costs of attorney fees and court actions in international cases can exceed the amount of support collected. Under the Hague Convention, treaty countries are required to provide free legal assistance to a creditor in an application related to a child under the age of 21. Free legal assistance for some creditor applications may be subject to a merit test under the Convention. However, a creditor's application for recognition or recognition and enforcement may never be subject to a merit test and, therefore, will benefit from free legal assistance. Child support agencies in the U.S. already provide such assistance. Now other treaty countries must provide cost-free services to U.S. creditors who file a child support application.

The Convention provides standardized procedures and timeframes. Under the Hague Treaty, each country must follow certain procedures to recognize and enforce child support orders. They must meet certain timeframes for allowing a challenge to an order and for providing status

updates. Additionally, there are recommended standardized forms that will reduce the need for a country to request additional information.

As a result of U.S. ratification of the Convention, more U.S. families will receive timely support without regard to whether both parents live in this country.

### Mandatory Scope of Hague Child Support Convention

- Child support
  - Establishment, enforcement, modification
  - Recognition and enforcement up to age 21
  - BUT country may reserve right to limit scope of child support to children under age 18
- Parentage establishment IF
  - Necessary to establish a child support obligation
- Recognition and enforcement of spousal support IF
  - Application in conjunction with child support
- Spousal support
  - Establishment, enforcement, modification of spousal support only
  - BUT no Central Authority responsibilities for spousal support only

Notes:

Let's talk about the mandatory scope of the Convention so you'll know what to expect on outgoing cases. Early discussions during negotiations focused on who should benefit from the new Convention. Should it just cover child support? Should its scope be expanded as widely as possible to also include spouses and adult dependents? A final compromise was not reached until the last Diplomatic Session!

There was early agreement that the Convention should cover enforcement of child support. However, even within that area, there was discussion on whether the establishment of parentage should be mandatory and what age should be within the mandatory scope. Ultimately, the decision was to cover recognition and enforcement of a foreign child support order up to age 21. If a country wants to limit the scope to children up to age 18, it must do so by a reservation. A reservation is a unilateral statement made by a country, when ratifying a treaty, where it says it's excluding or modifying the legal effect of a certain provision of the treaty. The Hague Child Support Convention allows a Contracting State to make a reservation to certain provisions. When a State does that, it means the limitation will apply when it's a requesting as well as requested State. Some countries may make a reservation to limit the obligation to recognize and enforce a child support order to age 18. The United States did not make such a reservation. The Convention also covers the establishment of parentage, if necessary to establish a child support obligation. An action to establish parentage only is not within the mandatory scope of the Convention. When establishing a support obligation, the law of the requested State applies. There is no requirement that a country change its duration of support for establishment purposes, beyond age 18.

Recognition and enforcement of spousal support is within the mandatory scope if the spousal support is in conjunction with child support. If the application is related to spousal support only, it is still within the scope of the Convention. However, there is no requirement that Central Authorities perform services related to such applications. Those cases would be handled as direct requests to a tribunal. In other words, there is nothing in the Convention requiring IV-D agencies to handle spousal support only cases.

### Optional Scope of Convention – Declaration

- A Contracting State may extend application of Convention, in whole or in part:
  - To any maintenance obligation arising from a family relationship, parentage, marriage, or affinity
  - To obligations in respect of vulnerable persons
- Such declaration applies to two Contracting States only in so far as their declarations cover the same maintenance obligations and parts of the Convention.

Module 1 1-28

#### Notes:

In the final stages of negotiation, a group of Latin American States pressed to include maintenance obligations for vulnerable persons within the mandatory scope of the Convention. Vulnerable persons are individuals who are not able to support themselves due to a physical or mental impairment. Delegates did not reach consensus on this proposal, largely because many delegates felt there had been insufficient time to examine its full implications. However, the Convention allows a Contracting State to file a declaration that it will apply the Convention to obligations regarding vulnerable persons.

Likewise a Contracting State may declare that it's extending the scope of the Convention to any maintenance obligation arising from a family arrangement, such as grandparents or an uncle.

Such declarations apply to two Contracting States only insofar as their declarations are mutual.

The United States did not make these declarations.

### UIFSA (2008) Implements Hague Child Support Convention

- Definition of “foreign country” includes many, but not all, foreign nations
  - Foreign Reciprocating Country (FRC)
  - State Reciprocal Arrangement
  - Country with laws substantially similar to UIFSA
  - Hague Child Support Convention Country
- Definition of “outside this state” – anywhere but here!

Florida 11-21

Notes:

As noted earlier, UIFSA (2008) is the implementing legislation in the U.S. for the Hague Child Support Convention.

The good news is that all states have enacted it – and virtually verbatim – so we have a uniform act that is truly uniform!

There are some new definitions in UIFSA (2008) that are especially relevant to international cases.


UIFSA (2008) distinguishes between a “state” and a “foreign country.” The definition of “foreign country” includes many, but not all, foreign nations. To meet the definition of a “foreign country,” the country must be:

- a foreign reciprocating country
- a country with which the forum state has a reciprocal arrangement
- a country with laws substantially similar to UIFSA
- or a Convention country

“Outside this state” means another state, a tribe, a foreign country, or a foreign nation. Basically anywhere other than the forum state. You’ll see that phrase in the evidentiary provisions of UIFSA.

### UIFSA (2008) Road Map – Section 105

- Tribunal must apply UIFSA Articles 1 thru 6 and, as applicable, Article 7, to a support proceeding involving:
  - A foreign support order
  - A foreign tribunal
  - An obligee, obligor, or child residing in a foreign country
- Tribunal may apply Articles 1 thru 6 when asked to recognize and enforce a foreign support order on basis of comity
- New Article 7 applies only to Convention proceedings



Module 11-22

#### Notes:

One of the unique provisions of UIFSA (2008) is Section 105, which provides a clear road map to tribunals that are handling an international case.

The tribunal must apply UIFSA Articles 1 thru 6 to a support proceeding involving an order issued by a foreign country, a tribunal of a foreign country, or a party or child residing in a foreign country. Keep in mind, it's a country that meets UIFSA's definition of a "foreign country."


If a support order is issued by a country that is not an FRC or a Convention country, a U.S. tribunal may decide to recognize and enforce it because of comity. Comity is a legal term. It is a willingness by the U.S. tribunal to recognize an order out of respect for the foreign tribunal because it complied with our concept of due process. The recognition is not as a matter of legal requirement. If a tribunal is recognizing an order on the basis of comity – which is a case by case decision – the tribunal may apply UIFSA Articles 1 thru 6. It is not mandatory to use UIFSA in such cases. Because comity is extended to an order, not a country, the next time a different order from that country comes before the tribunal in a different case, the court must decide anew whether to recognize this second order on the basis of comity.

If it is a Convention proceeding, the tribunal must apply the new Article 7 of UIFSA. So long as there is no conflict with Article 7, the tribunal will also apply Articles 1 thru 6.

Keep in mind that Article 7 applies only to applications under the Hague Child Support Convention. Article 7 became effective on January 1, 2017.

### UIFSA (2008) – Evidence – Section 316

- “Penalty of perjury” replaces under oath
- Electronic transmission of documents permitted
- Tribunal **must** permit a nonresident witness or party to testify by telephone, audiovisual means, or other electronic means



Florida 1 1-23

#### Notes:

Another UIFSA provision that is important in international cases – including Convention cases – is Section 316.

It replaces the requirement that a person swear under oath before a notary in order for information in a document to be admissible into evidence. Section 316 provides that an affidavit or a document, which would not be excluded under the hearsay rule if given in person, is admissible in evidence if given under penalty of perjury. And that applies if the person is a party or witness residing “outside this state.” We will discuss that provision in more detail in a later module.

Section 316 encourages tribunals and parties to take advantage of modern methods of communication. It authorizes the transmission of documents from outside the state by telephone, telecopier, or other electronic means.

A big change from UIFSA 1996 is the requirement that tribunals must allow a witness or party residing outside the state to testify by telephone, audiovisual means, or other electronic means. It is not discretionary. We will talk about this requirement in a later module.



### UIFSA (2008) – Evidence – Sections 317 & 318

- Tribunal may communicate with a tribunal **outside this state** to obtain information about laws, legal effect of tribunal's order, and status of a proceeding
- Tribunal may
  - Request tribunal **outside this state** to assist with discovery; and
  - Upon request, compel a person over which it has jurisdiction to respond to a discovery order issued by tribunal **outside this state**

Florida 1

1-24

#### Notes:

The phrase “outside this state” also appears in Sections 317 and 318.

Section 317 authorizes a state tribunal to communicate with a tribunal “outside this state.” That means a tribunal of another state (as defined by UIFSA), a foreign country, or a foreign nation that is not defined as a foreign country. The communication can be about the laws, legal effect of an order, or status of a proceeding.

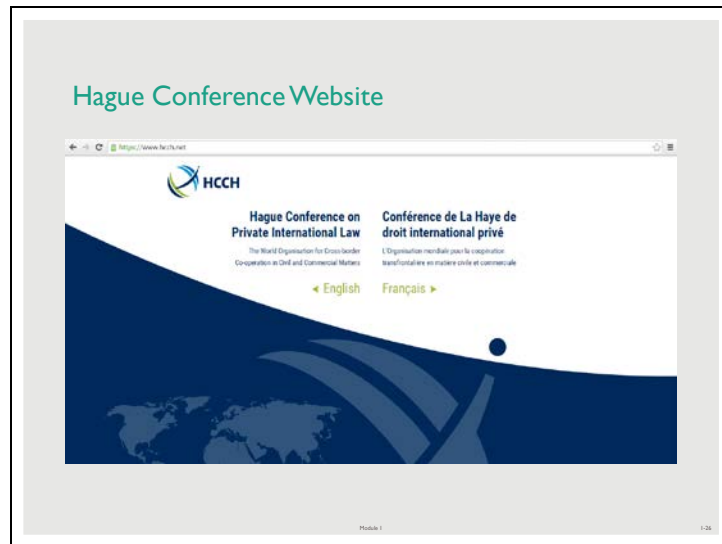
Section 318 authorizes a tribunal to help a tribunal “outside the state” with the discovery process.

Terms Within Hague Child Support Convention	
Convention Terms	U.S. Equivalent
• Creditor	• Oblige
• Debtor	• Obligor
• State	• Country
• Maintenance	• Support
• Requesting State	• Initiating state
• Requested State	• Responding state
• Recognition and Enforcement of a Decision	• Recognition and Enforcement of Registered Order
• Maintenance Arrangement	• Foreign Support Agreement

Notes:

Because the Convention applies to countries with various legal systems, it includes terminology that differs from the terms we use in the United States. This slide “converts” Convention terms to their equivalent U.S. terms. [See the supplemental Trainer Notes for an explanation of each term on the slide.]

For the most part, UIFSA (2008) uses words with which IV-D agencies are familiar. The new Article 7 contains some additional definitions based on the Convention.



Notes:

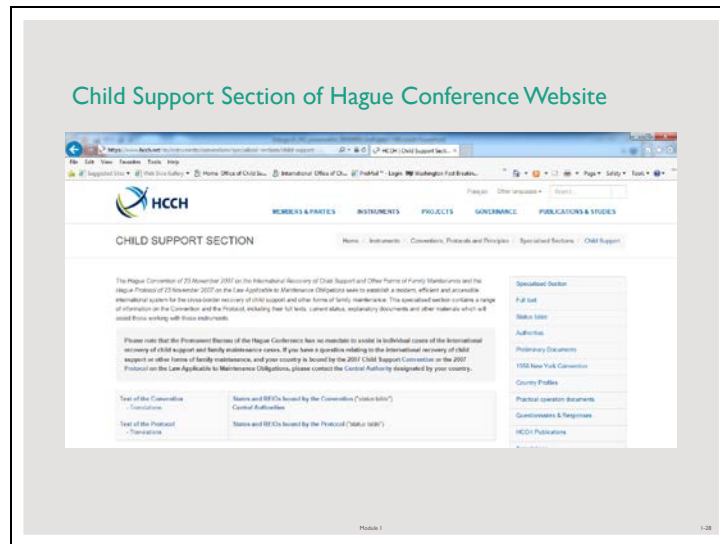
There are a number of resources available to learn more about the Hague Child Support Convention.

The best place to start is the website for the Hague Conference on Private International Law.



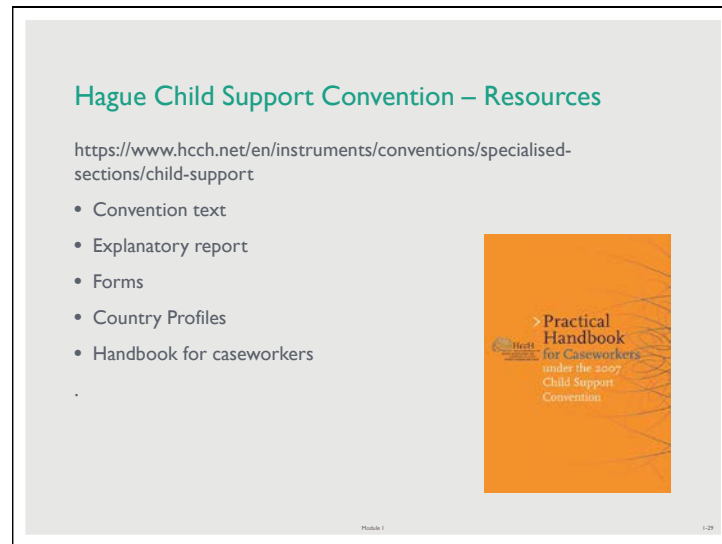
Notes:

When you go to [www.hcch.net](http://www.hcch.net), and click on “English,” it takes you to this page. From here, click on “Child Support.” The children are a helpful clue!



## Notes:

The Child Support Section of the website has a wealth of information. From here, you can click on a number of resources.



#### Notes:

In addition to the Convention text and Explanatory Report, the webpage allows you to click on links to the mandatory and recommended forms for use with Convention cases.

Each Contracting State must provide the Permanent Bureau with a description of its laws and procedures governing maintenance obligations. One way it can do that is through completion of a Country Profile. The Country Profile is based on the U.S. Intergovernmental Reference Guide (IRG). In addition to Central Authority contact information, it contains a country's responses to questions about a number of topics, such as parentage establishment, support guidelines, enforcement methods, and the collection and disbursement of support. Responses are standardized checkboxes but there is also room for free flow text. Because the Profile responses are available in English, it's a wonderful resource for child support caseworkers and attorneys.

Another very practical resource is the Handbook for Caseworkers. It was written by Hannah Roots, a child support attorney in British Columbia who often speaks at U.S. child support conferences. The Handbook explains the Convention's provisions. It has flow charts related to case processing. Most importantly, it provides step-by-step instructions on how to complete the recommended and mandatory Convention forms.

### OCSE Resources on Hague Child Support Convention

- International Website -  
<http://www.acf.hhs.gov/css/partners/international>
- Policy Guidance
  - IM-16-02: 2008 Revisions to the Uniform Interstate Family Support Act
  - IM-15-01: Uniform Interstate Family Support Act (2008) and Hague Treaty Provisions
  - DCL-16-21: Open Comment Period – Hague Child Support Convention Case Processing Forms
  - DCL-16-12: Pending Effective Date of the Hague Child Support Convention and Resources
  - DCL-16-11: U.S. Ratification of Hague Child Support Convention
  - AT-14-08: H.R. 4980: Preventing Sex Trafficking and Strengthening Families Act of 2014

Notes:

OCSE has also developed a number of resources related to the Hague Child Support Convention.

Most of them can be easily accessed through the international page of OCSE's website: <http://www.acf.hhs.gov/css/partners/international>

OCSE's Division of Policy and Training has issued several policy guidance documents related to the Convention and UIFSA (2008). I encourage you to review them if you haven't already. Of particular interest are IM-16-02, which provides an overview of provisions of UIFSA (2008) that have the most significant impact on child support caseworkers and attorneys, and IM-15-01. IM-15-01 is in a question-response format, and addresses questions related to three topics: Convention provisions and requirements, the U.S. involvement in the development of the Convention, and Convention countries and the process for ratification.



**QUESTIONS or FEEDBACK?**

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Notes:

You probably have lots of questions about implementing the Convention in the United States. OCSE's Division of Policy and Training will continue to issue guidance on these implementation issues. To address immediate needs, the Division is hosting this webinar training series. At any point, please do not hesitate to contact OCSE at the address on the slide with questions you may have or feedback on the webinar content.

Thank you for attending this webinar.