

# **Module 1**

## **Overview of 2007 Hague Child Support Convention**

## TRAINING NOTES

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### ***What you need to say/do***

1. Display **PowerPoint Slide 1-1: International Case Processing under UIFSA 2008: Module 1** (title slide). After introducing the webinar course, display **PowerPoint Slide 1-2: Webinar Series**. Explain the targeted audience, the content of the webinar modules, and the webinar resources.
2. Display **PowerPoint Slide 1-3: Webinar Modules** as you explain the focus of each module.
3. Display **PowerPoint Slide 1-4: Module 1: Overview of 2007 Hague Child Support Convention** (title slide).
4. Beginning with **PowerPoint Slide 1-5: International Context for Convention**, follow the content of these Training Notes, displaying the appropriate PowerPoint slide.
5. In addition to Trainer Notes at the bottom of each PowerPoint slide, there is more background information in these Training Notes. You may use this information to supplement the slide content, based on the amount of training time you have.

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### ***What you need to know***

1. *It takes approximately 1.5 hours to complete this module.*

### **PowerPoint Slides:**

- 1-1 through 1-31

### **Handouts:**

- None

## WEBINAR INTRODUCTION: INTERNATIONAL CASE PROCESSING UNDER UIFSA 2008



### INTRODUCTION: TARGETED AUDIENCE

Welcome to the Webinar Series on International Case Processing under UIFSA 2008. Some people in the audience may have attended multiple conference workshops where speakers discussed the background of the Convention or presented an overview of UIFSA (2008). For others, this information will be brand new.

This webinar content is designed to cover both audiences.

The webinar resources for each module include the PowerPoint slides and notes, and an expanded set of trainer notes. These resources will be available on OCSE's website.

### INTRODUCTION: OVERVIEW OF WEBINAR SERIES



The first two modules of the webinar series are overview modules. They provide background information about the Hague Child Support Convention so 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.

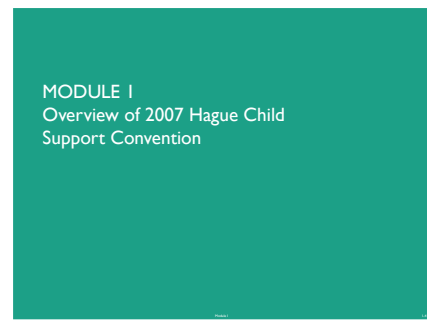
In Module 8 we will address implementation issues and questions that have arisen.

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

## MODULE 1: OVERVIEW OF 2007 HAGUE CHILD SUPPORT CONVENTION

Time: 1.5 hours

### 1.1 OVERVIEW OF 2007 HAGUE CHILD SUPPORT CONVENTION



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.

### 1.2 INTERNATIONAL CONTEXT FOR THE CONVENTION



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. Its strength was that it set up a structure for administrative cooperation through central authorities, which would transmit and receive documents free of charge. At least, that was the vision. Because of a large number of variables, often the provision of free legal assistance was an empty promise. There was also a lack of agreement on whether the mandatory scope included the establishment of a support obligation. Despite these limitations, over time more than 60 countries joined the New York Convention.

There were also two Hague Maintenance Conventions developed in the 1950s -- a Convention on the Law Applicable to Maintenance Obligations Toward Children (1956) and a Convention Concerning the Recognition and Enforcement of Decisions Relating to Maintenance Obligations Toward Children (1958). This 1958 Convention covered only child support obligations. It was followed in 1973 by the more expansive Convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations, which covered spousal support and other forms of family maintenance. This convention was also accompanied by a convention on applicable law.

There are also regional conventions such as the Montevideo Inter-American Convention on Support Obligations from 1989. This Convention has been ratified by 16 Latin American countries.

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).

There were also other reasons the U.S. did not join these prior treaties. During this period from the 1950s through the early 1970s, the United States was still in its infancy stage with regard to interstate enforcement, much less international enforcement. The

Uniform Reciprocal Enforcement of Support Act (URESA) was first drafted in 1950, amended in 1952 and 1958, and revised in 1968. Moreover the Title IV-D program did not come into existence until 1975. This was the first time the federal government created requirements on states with regard to child support, which historically had been considered a matter of state law. There certainly was no pressure for the federal government to get involved in international family law matters.

As a consequence, individual **states** negotiated reciprocal arrangements with countries. The revised Uniform Reciprocal Enforcement of Support Act (RURESA) extended reciprocity to foreign countries with substantially similar laws. Led by Gloria Dehart, a deputy attorney general for the State of California and chair of the American Bar Association Family Law Section's International Law Committee, a number of private and public lawyers travelled to foreign countries to negotiate state reciprocal arrangements. An important outgrowth of this work was the recognition by Congress that there should be federal leadership in the area of international child support.

In 1996 Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act (P.L. 104-193). This federal legislation contained major reforms to child support. One of its provisions authorized the State Department, 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.

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.

An excellent history of U.S. involvement in international child support is in the 43 Family Law Quarterly Spring 2009 issue, published by the American Bar Association Section of Family Law.

### 1.3 U.S. BILATERAL AGREEMENTS PRIOR TO CONVENTION



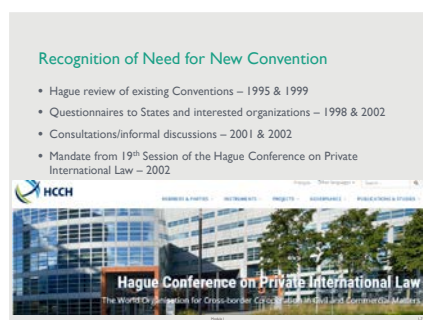
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Prior to the U.S. joining the Convention, the United States had reciprocal arrangements with 14 countries and 12 Canadian provinces. They are listed on this slide.

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.

### 1.4 RECOGNITION OF NEED FOR NEW CONVENTION



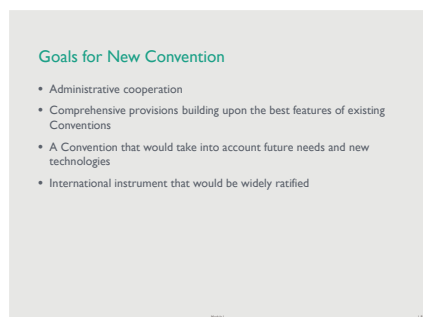


Before investing the huge amount of time and resources to negotiate a new global child support treaty, the Hague Conference on Private International Law wanted to establish that there was a clear need for a new international agreement, that there was consensus on its main components, and that countries would likely ratify and, more importantly, implement it. Beginning in 1995, staff at the Permanent Bureau analyzed defects in existing treaties and sent out 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.

### 1.5 GOALS FOR NEW CONVENTION



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. These provisions needed to establish an efficient and responsive system for transmitting, receiving, and processing cases.

A new Convention should be comprehensive in scope, building upon the best features of the existing Convention. The goal was to replace the fragmented system of international, regional, and bilateral instruments.

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.

### 1.6 HAGUE CONVENTION ON THE INTERNATIONAL RECOVERY OF CHILD SUPPORT AND OTHER FORMS OF FAMILY MAINTENANCE



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.

### 1.6.1 Negotiation Process



Before the first Special Commission in 2003, the Permanent Bureau distributed a detailed questionnaire to the member States of the Hague Conference. (The word “State” in the context of the Hague Conference refers to a country, not an individual U.S. state.) The questionnaire explored national child support practices and tested opinions on the elements that might be included in the new treaty. The Permanent Bureau then prepared a number of background reports based on those responses. 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 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.

### 1.6.2 U.S. Negotiation Goals



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

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.

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 were not allowed 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.

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.

During the formal negotiations, the U.S. delegation met frequently, often more than once a day, to coordinate and plan. All U.S. participants, whether they were part of the U.S. delegation or the delegation of an NGO, were invited to attend these meetings.

### 1.6.3 Successful Conclusion of Treaty



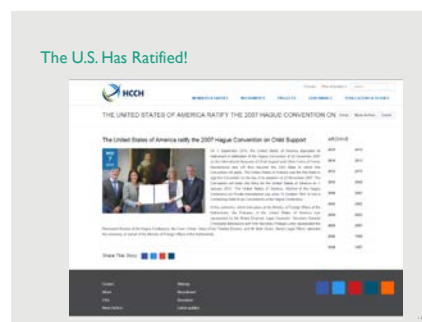
The final Diplomatic Session was held in November 2007. The Convention is not perfect. There are some provisions in the Convention that the United States would have preferred to see handled differently. For example, the U.S. delegation was disappointed that the free services provided to creditors in child support cases was not extended also to debtors. The delegation was also disappointed that specific enforcement measures were not mandated. However, compromise was necessary in order to reach another U.S. goal, namely that the Convention be accepted by most countries in all regions of the world and at all levels of development. Because the U.S. delegation believed that the resulting Convention was an amazing advance over the status quo, 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 November 23, 2007, 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 Department 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.

### 1.7 THE UNITED STATES HAS RATIFIED!



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

#### 1.7.1 Steps Toward U.S. Ratification



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

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

Congress approved implementing legislation in the fall of 2014, called the Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183). Among the Act's child support provisions is a mandate that the Secretary of HHS ensure 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 September 7, 2016, the United States deposited this instrument with the depository for the Hague Conference in the Netherlands.

### 1.7.2 Effective Date in United States



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

## 1.8 HAGUE CHILD SUPPORT CONVENTION – CURRENT STATUS



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.

### 1.9 WHAT HAPPENED WHEN THE CONVENTION WENT INTO FORCE IN THE U.S.?



Once the Hague Child Support Convention went into force in the United States, we immediately had a treaty arrangement with 32 Convention countries. Some of those Convention countries are Foreign Reciprocating Countries (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 will continue to have a bilateral arrangement with the FRCs and Canadian provinces/territories that are not a party to the Convention.

UIFSA Article 7 became effective on January 1, 2017. That is 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 Convention 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.



### 1.10 HOW DOES THE CONVENTION BENEFIT U.S. CHILDREN?



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.

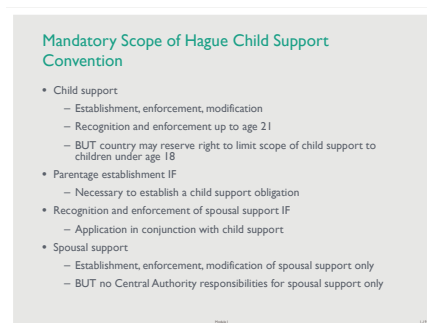
Without reciprocity, the costs of attorney fees and court actions in international cases can exceed the amount of support collected. Under the Hague Convention, treaty countries are required to provide free legal assistance to a creditor in an application related to a child under the age of 21. Free legal assistance for some creditor applications may be subject to a merit test under the Convention. However, a creditor's application for recognition 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 Convention 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.

### 1.11 MANDATORY SCOPE OF HAGUE CHILD SUPPORT CONVENTION



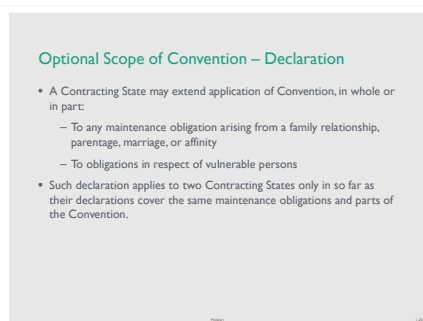
Let's talk about the mandatory scope of the Convention so you'll know what to expect on outgoing cases. Early discussions during negotiations focused on who should benefit from the new Convention. Should it just cover child support? Should its scope be expanded as widely as possible to also include spouses 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. There were also significant differences of opinion about the age up to which children should be entitled on a mandatory basis to the full benefits of the Convention. Ultimately, the decision was to cover the establishment, enforcement, and modification of child support. There is an obligation for a Contracting State to recognize and enforce 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. The United States did not make a reservation to limit the scope of child support enforcement to age 18. 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.

There was consensus on including recognition and enforcement of spousal support within the mandatory scope **if** the spousal support is in conjunction with child support. Some States were willing to do more. As a result, 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 will 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.

### 1.12 OPTIONAL SCOPE OF HAGUE CHILD SUPPORT CONVENTION – DECLARATION



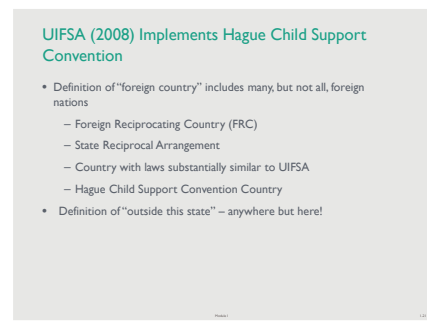
In the final stages of negotiation, a group of Latin American States pressed to include maintenance obligations for vulnerable persons within the mandatory scope of the Convention. “Vulnerable persons” are individuals who are unable to support themselves due to a physical or mental impairment. Delegates did not reach consensus on this proposal in part 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 is 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.

### 1.13 UIFSA (2008) IMPLEMENTS HAGUE CHILD SUPPORT CONVENTION



As noted earlier, UIFSA (2008) is the implementing legislation in the United States for the Hague Child Support Convention. The good news is that all states have enacted UIFSA (2008) – and virtually verbatim – so we have a uniform act that is truly uniform!

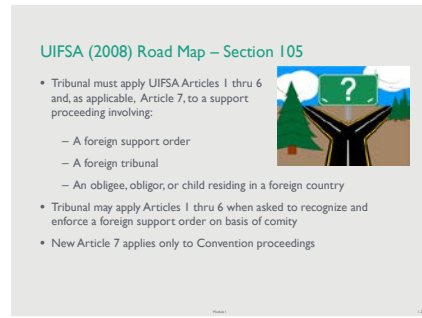
There are some new definitions in UIFSA (2008) that are especially relevant to international cases.

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 will see that phrase in the evidentiary provisions of UIFSA.

### 1.14 UIFSA (2008) ROAD MAP – SECTION 105



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.

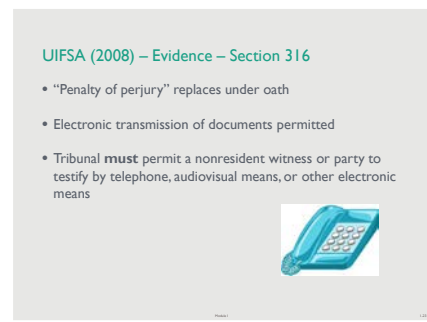
The tribunal **must** apply UIFSA Articles 1 thru 6 to a support proceeding involving an order issued by a foreign country, a tribunal of a foreign country, or a party or child residing in a foreign country. Keep in mind, the Act is referring to a foreign nation that meets UIFSA's definition of a "foreign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

### 1.15 UIFSA (2008) – EVIDENCE – SECTION 316



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

In subsection (b) the Act replaces the prior 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. The revised federal intergovernmental forms reflect this new language. The requirement of admissibility if the information is given under penalty of perjury applies if the person is a party or witness residing “outside this state.” We will discuss this evidentiary 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 nonresident witness or party to testify by telephone, audiovisual means, or other electronic means. It is not discretionary. We will talk about this requirement in a later module.

### 1.16 UIFSA (2008) – EVIDENCE – SECTIONS 317 AND 318

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**

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 the tribunal in your state can communicate with 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 in your state to help a tribunal “outside the state” with the discovery process.

### 1.17 TERMS WITHIN HAGUE CHILD SUPPORT CONVENTION

Terms Within Hague Child Support Convention	
Convention Terms	U.S. Equivalent
• Creditor	• Obligee
• 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

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.

When the Convention refers to a creditor, it is referring to the individual entitled to receive support – the person in the U.S. that most states would refer to as the obligee or



custodial parent. In some cases, the creditor may be a public body. When the Convention refers to a debtor that is the individual responsible for payment of support. In the United States, most states use the term obligor or noncustodial parent.

Probably the most confusing term to us in the United States is the Convention's use of the word "State." This is State with a capital "S" and means a country. A Contracting State is a country that has ratified or approved the Convention. In the United States we often refer to that country as a Convention country.

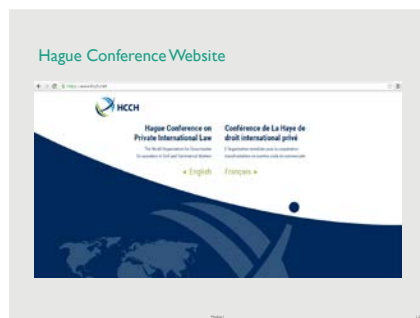
The Convention uses the term "maintenance" whereas in the United States we use the term "support."

When the Convention refers to a "requesting State," it is referring to the Contracting State (i.e., country) that is requesting services from another Contracting State. The Convention country receiving and responding to the request is called the "requested State." As you can tell, the equivalent terminology in UIFSA is an initiating state and a responding state.

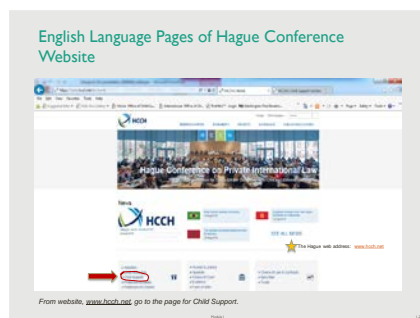
For the most part, in implementing the Hague Child Support Convention, UIFSA (2008) uses words with which IV-D agencies are familiar. For example, the process that the Convention outlines for recognition and enforcement of a support decision is equivalent to the process in Article 7 for recognition and enforcement of a registered support order. However, there are a few additional definitions in Article 7 based on the Convention. Earlier, we discussed the definitions of Central Authority and direct request to a tribunal. Another new definition is the term "foreign support agreement." The drafters of UIFSA were trying to rephrase the definition in the Convention for "maintenance arrangement," using words more familiar to the United States. A "foreign support agreement" is an agreement for support in a record that is enforceable as a support order in the country of origin and has been authenticated by, registered, or filed with a foreign tribunal, and may be reviewed and modified by a foreign tribunal. It is not the same thing as a U.S. separation agreement, which is enforceable as a contract. Section 710 of UIFSA discusses the process for recognition and enforcement of a registered foreign support agreement.

### 1.18 HAGUE RESOURCES RELATED TO THE CHILD SUPPORT CONVENTION

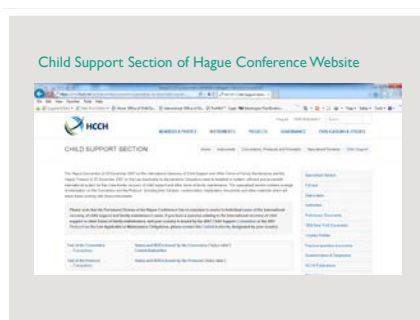
There are a number of resources available to learn more about the Hague Child Support Convention. The best place to start is the website for the Hague Conference on Private International Law.



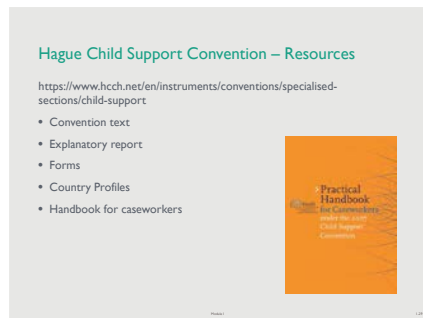
The URL for the website is [www.hcch.net](http://www.hcch.net). There are two official languages used by the Hague Conference: English and French. For resources in English, click on the word “English.”



On this page, in the left column, you will see a list of topics for which the Hague Conference has developed Conventions. Click on “Child Support” in order to reach all the resources related to the Hague Child Support Convention.



The Child Support Section has a wealth of information.



In addition to the Convention text, you can access the Explanatory Report. This Report explains the development of each provision of the Convention and explains the consensus reached. It is a particularly useful resource for lawyers and decision-makers. The webpage also includes links to the mandatory and recommended forms for use with Convention cases. Subsequent modules of the webinar will discuss these forms in relation to applications for establishment, enforcement, and modification.

In order to ensure effective implementation of the Convention, the Convention requires each Contracting State to 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. The United States has completed its Country Profile, which informs Contracting States about child support laws and procedures in the United States. Our response includes links to the IRG so Contracting States can learn information about laws and procedures within individual U.S. states.

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.

### 1.19 OCSE RESOURCES RELATED TO THE HAGUE CHILD SUPPORT CONVENTION

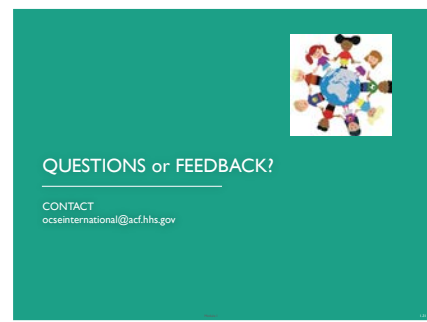


The federal Office of Child Support Enforcement (OCSE) has also developed a number of resources related to the Hague Child Support Convention. Most of them can be easily accessed through the international page of OCSE's website:

[www.acf.hhs.gov/css/partners/international](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. The Division will continue to address implementation issues on an ongoing basis.

## 1.20 QUESTIONS OR FEEDBACK



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 questions on implementing the Convention, OCSE's Division of Policy and Training 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.