

Dear Legislators:

Some important questions need to be considered in the discussion of SB1067 International Treaty. I have broken some of my research into subsections; I will be submitting several emails that I hope you will find helpful and informative.

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*WHY FORCE U.S. STATES/LEGISLATURES TO INCORPORATE AN INTERNATIONAL TREATY INTO STATE LAWS?? (please note that it was John Kerry that originally introduced it in 2010 with the complete title Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance)*

[http://greenbook.waysandmeans.house.gov/sites/greenbook.waysandmeans.house.gov/files/R43779\\_gb.pdf](http://greenbook.waysandmeans.house.gov/sites/greenbook.waysandmeans.house.gov/files/R43779_gb.pdf)

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In the 113th Congress (2nd session), H.R. 4980 (the Preventing Sex Trafficking and Strengthening Families Act), a bill that includes provisions to reduce sex trafficking and increase adoptions as well as provisions that would implement the Convention, was introduced in the House on June 26, 2015 by Representative Dave Camp and three co-sponsors. H.R. 4980 was passed by the House on July 23, 2014, by a voice vote. It was passed by the Senate without amendment by unanimous consent on September 18, 2014. H.R. 48980 was enacted into law on September 29, 2014 as P.L. 113-183. Thus, the first two steps toward ratification of the Convention have been completed.

(footnotes: The Obama Administration has indicated that President Obama will wait until states comply with the new UIFSA requirement before ratifying the Convention. (Source: U.S. Congress, Senate, *Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (Treaty Doc. 110-21)*, Exec. Rept. 111-2 (111th Congress, 2d Session), January 22, 2010, p. 7.)

<sup>41</sup> In the 112th Congress, H.R. 4282 (the International Child Support Recovery Improvement Act of 2012) was introduced in the House by Representative Berg on March 28, 2012. H.R. 4282 contained implementing language for the Convention. The House passed H.R. 4282, by voice vote on June 5, 2012, but the Senate took no action on the bill. In the 113th Congress (1st session), H.R. 1896, almost identical to H.R. 4282, was introduced in the House on May 8, 2013 by Representative Reichert and nine cosponsors. H.R. 1896 was passed by the House on June 18, 2013, by a vote of 394-27. It received no action by the Senate.

<sup>42</sup> In the 111th Congress, S. 3848 (the Strengthen and Vitalize Enforcement of Child Support (SAVE Child Support) Act), a bill which included provisions to implement the Hague Convention, was introduced by Senator Menendez on September 28, 2010. It was not enacted. It was re-introduced as S. 1383 in the 112th Congress by Senator Menendez on July 19, 2011 but was not enacted. It was introduced in the 113th Congress as S. 508 by Senator Menendez on March 7, 2013, and has not been enacted. Also, in the 113th Congress, The Child Support Improvement and Work Promotion Act (S. 1877), which also included provisions to implement the Hague Convention, was introduced by Senator Baucus on December 19, 2013, the provisions of which were the same as those included in Title III of S. 1870, as approved by the Senate Finance Committee that same month.

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<http://www.gpo.gov/fdsys/pkg/CRPT-111erpt2/html/CRPT-111erpt2.htm>

[Senate Executive Report 111-2]

[From the U.S. Government Printing Office]

111th Congress (2nd session) Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (Treaty Doc. 110-21)

January 22, 2010 --Ordered to be printed

Mr. Kerry, from the Committee on Foreign Relations, submitted...

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Multilateral Child Support Convention Implementation Act of 2009

<https://books.google.com/books?id=0lNM0toXqXMC&pg=PA44&lpg=PA44&dq=Multilateral+Child+Support+Convention+Implementation+Act+of+2009&source=bl&ots=mLnZVitvaf&sig=qYg2-Ap9Jp9cY4CcNusU1uXh5zU&hl=en&sa=X&ei=RLpLVc6bBo7ZoASsqICgCA&ved=0CB4Q6AEwAA#v=onepage&q=Multilateral%20Child%20Support%20Convention%20Implementation%20Act%20of%202009&f=false>

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*??ASK WHY OUR U.S. CONSTITUTION IS NOW DEEMED AS A STUMBLING BLOCK THAT MUST BE OVER-RULED IN THE GLOBAL ENDEAVOR TO COLLECT CHILD SUPPORT THAT AFFECTS ONLY 1% OF ALL CASES??*

[http://greenbook.waysandmeans.house.gov/sites/greenbook.waysandmeans.house.gov/files/R43779\\_gb.pdf](http://greenbook.waysandmeans.house.gov/sites/greenbook.waysandmeans.house.gov/files/R43779_gb.pdf)

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Based on data from the federal Office of Child Support Enforcement and the Census Bureau, less than 1% of CSE cases are international cases, in that a noncustodial parent lives outside of the United States.

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Settlement of Jurisdiction

The Convention addresses jurisdictional barriers that have prohibited the United States from joining other child support conventions. Existing maintenance conventions base jurisdiction to order support on the habitual residence of the creditor (custodial parent or child) rather than on minimum contacts with the debtor (noncustodial parent), as required by U.S. Constitutional standards of due process. (31 See *Kulko v. Superior Court of California*, 436 U.S. 84 (1978)(holding that the Due Process Clause requires that for a court to have jurisdiction over a defendant, the defendant must have certain minimum contacts with the forum state).

