

OBJECTIONS TO THIS PIECE OF LEGISLATION

Included in the proposed legislation the word “convention” is defined. In its definition it discusses some Hague Convention on International Recovery of Child Support. From Wikipedia, the free encyclopedia, they stated the following quote from their website to wit:

“The **Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance** is a [multilateral treaty](#) governing the enforcement of judicial decisions regarding [child support](#) (and other forms of family support) extraterritorially. It is one of a number of conventions in the area of [private international law](#) of the [Hague Conference on Private International Law](#) in 2007.”

As far back as 1994 the Legislature of the State of Idaho enacted the Uniform Interstate Family Support Act, codified as chapter 10 of Title 7, Idaho Code, which as it stands right now does consider and give comity to foreign judgments concerning child support. Many of the suggested amendments to this legislation already exists.

However, as with Uniform Interstate Family Support Act and other acts passed by the legislature in chapter 10 of title 7 having to do with child support issues exists, which is a much more gruesome problem and persuasive issue that is not being addressed by the proposed legislation and is a continuation of the much more gruesome problem and persuasive issue.

That much more gruesome problem and persuasive issue is that all these pieces of legislation are unconstitutional on the basis that the judicial department who has already acted and issued a judgment for child support is being side stepped and being handed over to the Executive Department for enforcement, a clear violation of the Distribution of Powers doctrine cited as Section 1 of Article II of the Constitution of the State of Idaho.

If an individual is not compliant with the Court's Order, then, it is up to the benefactor of the judgment to file a contempt petition as directed by IRCP Rule 75 in conjunction with Chapter 6 of Title 7 having to do with contempt for failing to comply with a Court's Order. IRCP Rule 75 has its authority under Chapter 2 of Title 1, Idaho Code in sections 1-212 and 1-213 just for your information. That Court Order is in under the Judicial Department's authority and direction as does any other contempt of court issue does and not with the Executive Department's discretion.

The Name of the Legislation is the Uniform Interstate Family Support Act in which now we are to include foreign judgments which are part of the interstates – 50 States of the Union and goes well beyond Continental United States of America. I'm pretty sure that Congress has to be involved in such activity and the States are pre-empted from Congressional jurisdiction. Then, of course the name of the act needs to also be modified to properly represent the fact that the legislation in not just “interstate” but other countries are inclusive of the act.

It is certainly an abuse of discretion by the Governor of this State to bring back the legislature after they have signed off “sine dire” for an issue which is neither not an emergency, nor a fix to a problem which would affect the property rights of any one or more individuals, since each individual who has such a judgment for child support already has a remedy to bring forth a petition to the court of competent jurisdiction and petition the court on an contempt issue. It is not the job, nor should it be, for

the Idaho Department of Health and Welfare to interfere with private matters which they themselves have no property or other proprietary interests in which to have legal and lawful standing. As it is right now the Idaho Department of Health and Welfare is merely a bookkeeper and escrow officer for these payments.

Equally true is the issue of whether a State of the Union can use Private International Law to supersede the Supreme Law of the Land of the State and Federal Constitutions of giving comity to foreign judgments, where the litigants may have not had the same protection of rights as provided for Americans. Again that is an issue for the Courts to resolve and not some piece of legislation which is equally a violation of the Distribution of Powers doctrine cited as Section 1 of Article II of the Constitution of the State of Idaho and other Constitutional provisions in the Constitution of the United States of America.

What the legislature needs to do is correct the unconstitutional public policies of chapters 10, 12, and 14 and leave the issues of payment on the judicial department's orders to the judicial department as mandated in the Distribution of Powers doctrine cited as Section 1 of Article II of the Constitution of the State of Idaho and not sophisticate the situation with more sophistry ignoring the real issue.

Signed: Steven David of aver