

STAFF MEASURE SUMMARY

CARRIER: Sen. Gelser

Senate Committee On Judiciary

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 04/09/15

Action: Do Pass With Amendments. (Printed A-Eng.)

Meeting Dates: 03/18, 04/09

Vote:

Yeas: 5 - Burdick, Gelser, Kruse, Prozanski, Thatcher

Prepared By: Laura Handzel, Administrator

WHAT THE MEASURE DOES:

Repeals former provisions of Uniform Interstate Family Support Act (UIFSA). Incorporates most recent version of federal UIFSA into Oregon law. Clarifies existing Oregon law.

ISSUES DISCUSSED:

- History of Uniform Interstate Family Support Act
- Purpose and activity of Uniform Law Commission
- Federal money attached to passage of Senate Bill 604 A
- Hague Convention and treaty ratification status
- Importance of uniformity
- Congressional input
- Benefits of incorporating federal changes
- Social Security Act and child support program

EFFECT OF COMMITTEE AMENDMENT:

Clarifies that the Division of Child Support of the Department of Justice (DCS) is the “support enforcement agency” in Oregon. Increases number of days from two to seven in which DCS must provide copies of notice or communication to petitioner. Clarifies Attorney General is appropriate state official to make certain determinations and orders. States ORS 109.070 is applicable law addressing acknowledged fathers. Clarifies Department of Justice recognized as agency designated by U.S. central authority to perform specific functions. Clarifies definition of “governmental entity” to mean “administrator as defined in ORS 25.010.” Includes other non-substantive scrivener’s changes.

BACKGROUND:

In 2014, the federal government passed the Preventing Sex Trafficking and Strengthening Families Act (Act). The Act amended section 466(f) of the Social Security Act. It requires all states to enact the 2008 Uniform Interstate Family Support Act (UIFSA), which was officially adopted by the National Conference of Commissioners on Uniform State Laws. Adopting the UIFSA amendments are a condition for continuing to receive federal funds for state child support programs. Failure to enact the UIFSA amendments during the 2015 Legislative Session may result in the loss of important federal funding in the State of Oregon. Additionally, because the UIFSA amendments integrate certain provisions of The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, all states must adopt and implement the UIFSA amendments in order for the United States to ratify the treaty.

Senate Bill 604 A incorporates the 2008 UIFSA amendments into Oregon law. It also provides clarification to both the UIFSA amendments as they apply in Oregon as well as to existing law.