Family Law (Reports No. 118A)

RESOLVED, That the American Bar Association endorses the recommendations of the U. S. Commission on Interstate Child Support to improve the interstate establishment and enforcement of child support orders.

BE IT FURTHER RESOLVED, That the American Bar Association:

(a) Opposes the federalization of child support establishment, modification or enforcement.

(b) Supports strengthening establishment, modification and enforcement remedies through reform of the present state-based system.

(c) Urges Congress to pass legislation and to give priority to the following recommendations of the Interstate Commission:

1. Ensure uniform laws and procedures in interstate cases by mandating that states and territories enact verbatim the Uniform Interstate Family Support Act (UIFSA), effective on a specific date;

2. Amend the IRS W-4 form for reporting exemption claims to require new employees to report child support obligations and payment through withholding, in order to expedite the location of obligors and enforcement through income withholding;

3. Require employers to honor income withholding orders/notices issued by any state or territory;

4. Establish a national network for the exchange of locate information for the establishment, enforcement and modification of support orders, and for the enforcement of visitation orders;

5. Establish minimum staffing standards for child support agencies;

6. Provide training to child support caseworkers, court administrators, private and public attorneys, and judges involved in child support cases;
7. Require states and territories to have laws and procedures for civil voluntary parentage acknowledgment;

8. Ensure that children receive adequate health care coverage by mandating that the insurance industry cooperate to provide coverage for all eligible children, regardless of their residence or the marital status of their parents;

9. Extend the availability of enforcement remedies currently only available to IV-D cases (handled by state and territory child support agencies) to cases brought by private attorneys on behalf of custodial parents and to pro se parties;

10. Conduct a study to determine the reasons for nonpayment of support; and

11. Strengthen enforcement remedies against the self-employed.
USA REPORT

The methods by which we establish and enforce child support orders throughout the country is desperately in need of substantial revision. From the standpoint of those in need of support the system is too slow, too inefficient and too expensive. Procedures designed to serve previous generations is inadequate to serve an increasingly mobile society.

To address the problem, the U.S. Commission on Interstate Child Support was mandated by the Family Support Act of 1988 to make recommendations to the Congress on improvements to the interstate establishment and enforcement of child support awards. Its recommendations comprise the first blueprint for comprehensive national reform of interstate child support since the adoption of the Uniform Reciprocal Enforcement of Support Act [URESA].

The 15-member Commission, appointed by the leaders of Congress and the HHS Secretary, held a number of public hearings across the country at which it heard testimony on systemic problems and suggestions for improvements from parents, child advocates, judges, child support enforcement (CSE) administrators and the line staff of national, regional and state organizations, public and private attorneys, and other interested persons.

A National Leadership Conference on Interstate Child Support held in April 1991 brought almost 200 leaders from state and federal agencies, judges, court administrators, leaders of national groups, state legislators, and child support advocates together to discuss the issues raised by the Commission and to advise the Commission on reform. The Commission also worked with the National Conference of Commissioners on Uniform State Laws on its redraft of the Uniform Reciprocal Enforcement of Support Act, which resulted in a new uniform statute known as the Uniform Interstate Family Support Act which the Commission endorses.

On October 1, 1992 Congresswomen Marge Roukema and Senator Bill Bradley introduced the Interstate Child Support Enforcement Act, a bill based on the recommendations of the U.S. Commission on Interstate Child Support. The Act addresses paternity establishment; locating parents and tracking cases; support order establishment; enforcement techniques; and staffing/training enforcement personnel.
A short summary of the Bill's provisions is appended to this report.

Respectfully submitted,

Marshall J. Wolf
Chair

February, 1993
118A

GENERAL INFORMATION FORM
To Be appended to Reports with Recommendations
(Please refer to instructions for completing this form.)

Submitting Entity: Section of Family Law
Submitted by: Marshall J. Wolf, Chair

1. Summary of Recommendation.
   That the American Bar Association endorses the recommendations of the U.S. Commission on Interstate Child Support.

2. Approval by Submitting Entity.
   Approved unanimously by Section Council in November, 1992.

3. Has this or a similar recommendation been submitted to the House or Board previously?
   N/A

4. What existing Association policies are relevant to this recommendation and how would they be affected by its adoption?
   In February, 1987, the House of Delegates approved that the ABA support efforts to ensure adequate and fair child support awards and to improve the enforcement of child support orders. The proposed policy is in accordance with this existing one.

5. What urgency exists which requires action at this meeting of the House?
   The Interstate Child Support Enforcement Act is currently pending in Congress. Because of our society's increased mobility, a desperate need exists for effective interstate establishment and enforcement of child support orders.
6. Status of Legislation. (If applicable.)
The Interstate Child Support Enforcement Act (S.3291) was introduced to Congress on October 1, 1992.

7. Cost to the Association. (Both direct and indirect costs.)
N/A

8. Disclosure of Interest. (If applicable.)
N/A

9. Referrals.
Referred to Sections of General Practice and Litigation; Government and Public Sector Lawyers Division; National Conference of Special Court Judges; National Conference of State Trial Judges; Young Lawyers Division; National Conference of Commissioners on Uniform State Laws; and state bar associations in November, 1992.

10. Contact Person. (Prior to the meeting.)
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11. Contact Person. (Who will present the report to the House.)
Samuel V. Schoonmaker III and Harvey L. Golden, Section Delegates