

MINUTES  
JOINT MEETING

**HOUSE JUDICIARY, RULES, & ADMINISTRATION COMMITTEE  
SENATE JUDICIARY & RULES COMMITTEE**

**DATE:** Monday, May 18, 2015

**TIME:** 9:30 am or at the Call of the Chair

**PLACE:** WW 02 - Lincoln Auditorium

**MEMBERS:** Chairman Wills, Vice Chairman Dayley, Representatives Luker, McMillan, Perry, Sims, Malek, Trujillo, McDonald, Cheatham, Kerby, Nate, Scott, Gannon (King), McCrostie, Nye, Wintrow

Chairman Lodge, Vice Chairman Hagedorn, Senators Davis, Tippetts, Johnson, Bayer, Souza, Burgoyne, Jordan(17)

**ABSENT/  
EXCUSED:** None

**GUESTS:** The sign-in sheets will be filed with the minutes in the Legislative Services Library.

**Chairman Lodge** called the meeting to order at 9:31 a.m. She welcomed all who were present and welcomed the legislators back for the Extraordinary Session. She said she hoped everyone has had time to look over the legislation. She reviewed the procedure of the committee meeting. She said after the joint hearing the legislation will go to House Committee for a vote.

**Chairman Wills** introduced **Director Richard Armstrong** from the Department of Health and Welfare to present the legislation.

**H 1:** **Richard Armstrong**, Director, Idaho Department of Health and Welfare, presented **H 1** to the committee. He started with a brief overview of Idaho's Child Support Program. He said there are two types of Child Support services that the Department engages in, enforcement and receipting services; these services apply only to financial support. He said about one in four Idaho children rely on support services. Director Armstrong explained that this legislation deals with the Uniform Enforcement of Child Support Orders and does not deal with Child Welfare, Child Custody, Child Visitation or Child Protection. He introduced **Lori Wolff** to give greater detail of the legislation.

**Lori Wolff**, Administrator for the Division of Welfare, Department of Health and Welfare, presented the details of **H 1**. She acknowledged the complexity of the bill and explained the details of the Uniform Interstate Family Support Act (UIFSA). She said the Act was first passed into law in Idaho in the late 1990s and since then child support enforcement between states has improved. She gave a summary of the importance and scope of the Hague Convention, saying the convention provided many enhancements to child support enforcement. Ms. Wolff said all states already have their own provisions, but the Act serves as an ideal vehicle to ensure consistency in enforcement. She said by enacting this legislation, Idaho adopts the same standards and processes as other states on how to proceed in courts with enforcement. Ms. Wolff explained that there are minor updates to the UIFSA, as well as explaining other provisions relating to the convention, and other amendments that are Idaho specific in the bill.

**Ms. Wolff** said there are multiple provisions in place to safeguard personal information. She explained the Department has many rules that govern this at the state level and many processes and policies to ensure these standards are upheld by employees at the Department.

**Director Armstrong** thanked the committee for the opportunity to present **H 1**, saying the bill promotes personal responsibility and accountability by parents and ensures due process. He said it also protects state sovereignty and decreases reliance on public assistance. He said it is an important tool that is good for Idaho. He expressed his appreciation for the members of committees in coming together and said he realizes the complexity of the issue.

In answer to questions from the committee regarding bilateral agreements with other countries, **Director Armstrong** said those agreements are all negotiated through the federal government and having the treaty would open a faster route to get an agreement in place. Director Armstrong also answered questions regarding adding amendments to the legislation, saying amendments could not be added to any part of the universal agreement, but the Legislature could amend Idaho Code. He said the provisions that are in the 2008 UIFSA are very specific and there have been a number of modifications through the years. The latest version of that agreement happens to be a version that includes the treaty which adds another layer of refinement to the international treaty.

Responding to further questions from the committee, **Director Armstrong** said today there is no open door to data; he explained the process will not be a negative to the citizens of Idaho. He explained what information can and cannot be provided between states and other countries. The Department does all the communications with these entities, so confidential data information is not released.

**Lauren Necochea**, Idaho Voices for Children, spoke **in support** of **H 1**, saying she agreed parents should be responsible for children, and if this legislation fails to pass there will be a severe strain on other support services.

**Ronalee Linsenmann**, Nampa, spoke **in opposition**, saying passing this bill would set precedent and a treaty would be integrated into state laws and foreign countries would be allowed to access anything in the federal government.

**Renea Andersen**, Boise, Chairman of a children's support group, spoke **in support**. She said it is important that parents be responsible for raising children and child support is a critical lifeline.

**Bob Neugebauer**, Meridian, spoke **in opposition**, saying this legislation is about the federal government trying to ratify a treaty. He urged the committee to implement a sunset clause, then decide if it was appropriate.

**Michelle Vos**, Idaho Coalition Against Sexual and Domestic Violence, spoke **in support**, saying support for children is essential and if this legislation is not passed it will put women back into abusive situations as they try to self-collect child support.

**Paula Davina**, Eagle, self, spoke **in opposition** and expressed concern with the process being followed and with the sovereignty of the state if this is passed.

**Roger Sherman**, Idaho Children's Trust Fund, Boise, spoke **in support**, saying this legislation is critically important to Idaho families. He said loss of income increases child welfare involvement and loss of income at any level will be a problem.

**Doug Davina**, self, spoke **in opposition**, saying this issue should be taken up by the Attorney General and there is a problem of integrating state laws into federal treaties which should be talked about.

**Darcy James**, Idaho Interfaith Roundtable Against Hunger, spoke **in support**, saying her organization works against the development of hunger in Idaho. She said they explore the complexities of hunger, the root causes and what can be done to prevent hunger. She said child support is an essential defense against poverty.

**Vicky Davis**, Twin Falls County, native Idahoan, spoke **in opposition**, saying she has worked as a system analysis programmer and from a systems point of view, this will give other countries the ability to cut off access to the data system once it gets going. She said the integration of the Hague Convention into state law requires the state to follow the Hague Convention rules.

**Kathy Scott**, Boise, AAUW, spoke **in support**, saying this would be catastrophic to Idaho children if it is not passed. She said it will help put food on the table, clothes on the backs and shoes on the feet of Idaho children. She urged the committee to support the legislation.

**Jeff Wright**, self, spoke **in opposition**, saying he questions whether this issue could have been done through the state Health & Welfare Department and whether a citizens' initiative or court in Idaho can change the Hague Convention in Idaho Code.

**Barbara Blasch**, AARP Volunteer, spoke **in support** of the legislation, saying it is critical in keeping families strong. She said as a retired educator she has an understanding of financial stability in a child's life and when families are struggling financially, it hurts the kids.

**Russ Smerz**, Leadership Council, spoke **in opposition** and expressed concerns over state sovereignty. He said it was an overreach by the federal government and he urged the committee to vote no.

**Beth Oppenheimer**, Idaho Education of Young Children, spoke **in support** of all children and their families. She said the well-being of children rests on assurances of living in a healthy and safe environment. She said many families rely on child support and many times support is the only stable source of income for these families. Losing this would be devastating to Idaho families and she asked for support of the legislation.

**Patricia Felts**, self, spoke **in opposition**, saying she is sorry that Idaho is losing its reputation of being the most conservative state in the union. She said attorneys have been working on this bill for years and their intention is to transfer state power to international law. She said in conclusion that she is not against helping children but Idaho has the resources to take care of this problem.

**Rebecca De Leon**, Community Council of Idaho, spoke **in support** and gave an example of the negative effects of losing funding through this to Idaho Head Start. She said losing those funds would be extremely detrimental to the program and breaking the cycle of poverty would not happen. She said she is here to represent the real people that would lose funding.

**Katherine Frazier**, self, spoke **in opposition** to the bill, saying this issue has been rushed through too fast. She believes when the federal government offers money in such high amounts she questions where the money is coming from. She said she considers it a bribe to make this bill better.

**Bill Foxcroft**, Idaho Head Start Association, spoke **in support**, saying Head Start is known as early learning for low income children and encourages them to succeed in school and life. He said they take a two generation approach and are engaged in guiding families to achieve self-sufficiency. He said they have found about 50% of families are single parent families and rely on child support to survive and keep families functioning.

**Duncan Farris**, self, spoke **in opposition** and gave an example of history, saying there is evidence that states are heading into socialism and communism. He gave another example of the undermining of the Constitution.

**Christine Tiddens**, self, spoke **in support** of **H 1**. She expressed why child support enforcement is so important for people in financial crisis. She urged the committee to pass this amended bill and said Idaho can and must work together to support policy decisions.

**Brent Reagan**, District 2, spoke **in opposition**, saying there is nothing in the bill that would change the child support systems. He said there are due process protections in the Constitution. He said if the treaty is enacted, the treaty becomes the supreme law of the land.

**Aaron White**, Idaho AFL-CIO, spoke **in support** and urged passage of the legislation. He said if this is not passed, Idaho will be sent back to the battle stage of child support enforcement.

**Rosann Wiltse**, self, spoke **in opposition**, and expressed her concerns over a point of procedure in that the RS was given a bill number before it had been introduced. She also expressed concern that state courts were being addressed as tribunals of the state in the language of the bill. She said this could become a conduit to the implementation of international law.

**Stephanie Wierschem**, self, spoke **in support** and said child support set by the courts doesn't mean children will receive it. She shared her story of trying to receive child support for her children through enforcement with help from the Department of Health and Welfare, attorneys and the FBI.

**Steve Pugmire**, self, spoke **in opposition** to the legislation, saying no reciprocal agreement has been entered into. He expressed concerns with the proceedings of the International Hague Convention and said such proceedings are imperiling Idaho residents.

**Frances Stern**, self, spoke **in support**, saying she is an attorney in family law and has a contract through the Department of Health and Welfare to help those members of society who need help the most, who but for the services of the Department would have no way to collect what is owed to their children. She urged the committee to vote yes and allow the system to continue as it has been working.

**Rob Vail**, self, Meridian, spoke **in support**, saying he works in family law and has a contract with the Department for child support enforcement services. Concerning the language of tribunal courts, he said Idaho is entitled to refuse a foreign court if it is determined there was not due process. If a foreign court does not comply, Idaho does not need to enforce the foreign court order.

**Alexis Gebauer**, self, spoke **in support**, saying she is a single mom and expressing to the committee what passing the bill could do for her family and how not passing the bill could hurt. She explained the things that child support allows her children to do and she felt this issue is a fight between the federal and state government and her children are caught in the middle.

**Dar Moon**, self, spoke **in opposition**, saying when the government subsidizes, programs tend to grow. He said this is an example of big government spending millions to collect thousands and the collection of money is from foreign courts. He urged the committee to vote no on the legislation.

**Cory Chappell**, self, spoke **in opposition**, saying people have the right to counsel their authorities. He urged the committee to vote against the legislation.

**Tom Munns**, self, spoke **in opposition**, expressing concern over the enforcement mechanism. He said this has triggered an emotional debate about several things. He said this is very dangerous and he felt the federal government was forgetting the spirit of the law.

**Rep. Pete Nielsen** spoke **in opposition** to the legislation. He reviewed several definitions and said a treaty is an agreement and he didn't see how this is not a violation of the state entering into an agreement.

**Rod Stucker**, self, spoke **in opposition**. He expressed concern about the money coming from the federal government. He addressed what happens when the legal system robs a person of the ability to provide for their family and said when a person is in the system it makes it impossible to succeed. He said it is time to revamp the system and for primary providers to care for children. He said he does not believe the system is cost effective.

**Leann Simmons**, self, spoke **in support** and said as a taxpayer she urged the committee to vote in support of the legislation.

**Director Armstrong** concluded by saying Idaho is required to have a certified state plan for child support. He said the Department has had a program in place for years. In answer to committee questions, Director Armstrong said if the Department does not have a qualified state plan they would lose the working relationship between states. He said this is very important and uniformity is critical. He also said there is a good system in place that operates well. He said this can make it better. Director Armstrong, in answer to further questions, said the court orders have personal data, which is confidential. The data is secured in the system, just like any other data. The treaty does not jeopardize the protection of personal information.

In answer to committee questions, **Scott Keim**, Deputy Attorney General, Health and Human Services Division, explained the treaty has been drafted and passed by the US Congress. He said they are withholding the final step of enacting the treaty until each state has enacted these amendments. He said this legislation does not constitute a treaty with a state. In answer to further questions, Mr. Keim said the legislation will provide greater provisions on due process. He said if Idaho wants to continue with the Child Support Program, the amendments for the treaty need to be adopted verbatim. Mr. Keim said the Legislature is fully capable of choosing to not pass the legislation, but if that decision is made, it seems the prudent measure is to make alternative provisions for the agency that would be affected.

**ADJOURN:** **Chairman Lodge** thanked the public and committee for their time. There being no further business to come before the Joint Committee, the joint meeting adjourned at 2:05 p.m.

**CALL TO ORDER:** **Chairman Wills** called the House Judiciary, Rules and Administration Committee meeting to order at 2:30 p.m.

**Chairman Wills** said this issue has been the longest and most arduous bill he could recall. He thanked all who had participated for doing their due diligence in looking at the bill from all aspects.

**MOTION:** **Rep. Malek** made a motion to send **H 1** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE MOTION:** **Rep. Nate** made a substitute motion to send **H 1** to General Orders to amend the bill by adding a sunset clause. **Rep. Sims** seconded the motion.

**Rep. Nate** spoke to the substitute motion, citing discussion of due process and stating that it is important to put in a sunset clause. **Rep. McDonald** spoke **in opposition** to the substitute motion, saying the bill is clear on what it is supposed to do and he would like to make the decision today and move forward.

**Chairman Wills** put the committee at ease at 2:40 p.m. He called the committee back to order at 2:42 p.m.

**Rep. Sims** spoke in support of the substitute motion, saying there has been a lot of discussion and a sunset clause should be added to see if this works. **Rep. Wintrow** spoke in opposition to the substitute motion, saying there is not a need for a sunset clause because this is a straightforward system created to help enforce the Child Support Program. **Rep. Scott** spoke in support of the substitute motion, saying she has issues with the amendments that are already in the bill and she would like to see a time frame.

**ROLL CALL  
VOTE:**

Roll call vote was requested. **The substitute motion failed by a vote of 5 AYE and 12 NAY. Voting in favor** of the substitute motion: **Reps. McMillan, Sims, Cheatham, Nate, and Scott. Voting in opposition** to the substitute motion: **Reps. Dayley, Luker, Perry, Malek, Trujillo, McDonald, Kerby, King, McCrostie, Nye, Wintrow and Wills.**

**Rep. Luker** spoke in support of the original motion, saying they have heard testimony from parents that this would disrupt the child the support system, but this bill does not do that. He said the Attorney General's office has said they do not think that pursuing the matter based upon federal coercion would be successful. However, while opinions differ, at this point the State of Idaho has to deal with the bill as it is. He said there have been positive discussions during the interim and the amendments make the bill better. He said most of his concerns have been addressed and he will support the bill under the circumstances. **Reps. McCrostie and Wintrow** spoke in support of the original motion. Rep. Wintrow said the Department has done an ample job of educating the committee on the merits of the bill and she felt the legislation will protect the state and her constituents. **Rep. Scott** spoke in opposition to the bill, saying she believed the amendments are written in good faith but will not provide protection to Idaho citizens.

**ROLL CALL  
VOTE:**

Roll call vote was requested. **The original motion carried by a vote of 12 AYE and 5 NAY. Voting in favor** of the motion: **Reps. Dayley, Luker, Perry, Malek, Trujillo, McDonald, Kerby, King, McCrostie, Nye, Wintrow and Wills. Voting in opposition** to the motion: **Reps. McMillan, Sims, Cheatham, Nate and Scott. Rep. Wills** will sponsor the bill on the floor.

**Chairman Wills** thanked everyone who had stayed and testified. He also thanked the public and the Department of Health and Welfare Director and staff who had worked on this issue.

**ADJOURN:**

There being no further business to come before the committee, the meeting adjourned at 3:02 p.m.

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Representative Wills  
Chair

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Susan Werlinger  
Secretary