

MINUTES
JOINT MEETING
SENATE JUDICIARY & RULES COMMITTEE
HOUSE JUDICIARY, RULES, & ADMINISTRATION COMMITTEE

DATE: Monday, May 18, 2015

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

PLACE: WW 02 - Lincoln Auditorium

MEMBERS PRESENT: Chairman Lodge, Vice Chairman Hagedorn, Senators Davis, Tippetts, Johnson, Bayer, Souza, Burgoyne, and Jordan

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

**ABSENT/
EXCUSED:**

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

CONVENED: **Chairman Lodge** called the Joint Committee meeting to order at 9:32 a.m. and welcomed all in attendance.

H 1: **Relating to the Uniform Interstate Family Support Act.**

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 explained 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. 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.

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 pointed out the Act was first passed into law in Idaho in the late 1990's and since then child support enforcement between states has improved. She gave a summary of the importance and scope of the Hague Convention, and asserted the convention provided many enhancements to child support enforcement. Ms. Wolff reaffirmed all states already have their own provisions, but the Act serves as an ideal vehicle to ensure consistency in enforcement. She emphasized 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 reported 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 the employees at the Department. (See Attachment #1)

Director Armstrong thanked the committee for the opportunity to present **H 1**, and reiterated that this legislation protects state sovereignty and decreases reliance on public assistance.

Senator Tippetts questioned how the current method worked with bilateral agreements with other countries. **Director Armstrong** responded that those agreements are negotiated through the federal government and the treaty would help expedite the collection process.

TESTIMONY:

Lauren Necochea, Idaho Voices for Children, spoke **in support** of **H 1**. She stated that parents should be responsible for their children, and if this legislation fails to pass there will be a severe strain on other support services. (See Attachment #2)

Ronalee Linsenmann, Nampa, spoke **in opposition**, and stated that if this legislation passes it would set a precedent and the treaty would be integrated into state laws and foreign countries would be allowed to access anything in the federal government.

Renea Andersen, Boise, Grandparents and Parents, spoke **in support** of the legislation as receiving child support is critical for grandparents raising their grandchildren. (See Attachment #3)

Bob Neugebauer, Meridian, spoke **in opposition**, and stated this legislation was about the federal government trying to ratify a treaty. He urged the committee to consider adding a sunset clause so they would have the opportunity to review it at a later time.

Michelle Vos, Idaho Coalition Against Sexual and Domestic Violence, spoke **in support**. She reiterated that support for children is essential and if the legislation is not passed, it could put women back into abusive situations as they try to self-collect child support. (See Attachment #4)

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

Roger Sherman, Idaho Children's Trust Fund, Boise, spoke **in support**, and stated H 1 is critically important to Idaho families. The loss of income increases child welfare involvement and will create problems. (See Attachment #5)

Darcy James, Idaho Interfaith Roundtable Against Hunger, spoke **in support**. She stated that her organization works against the development of hunger in Idaho and child support is an essential defense against poverty. (See Attachment #6)

Vicky Davis, Twin Falls County, native Idahoan, spoke **in opposition**. As a system analysis programmer she believed this would give other countries the ability to cut off access to the data system and the integration of the Hague Convention into state law requires the state to follow the Hague Convention rules.

Kathy Scott, Boise, American Association of University Women, spoke **in support**. It would be catastrophic to Idaho children if it is not passed as child support assists individuals to purchase food and clothes for their children. (See Attachment #7)

Jeff Wright, self, spoke **in opposition**. He questioned whether this issue could have been resolved through the state Health and Welfare Department. (See Attachment #8)

Barbara Blasch, AARP Volunteer, spoke **in support** of the legislation. She stated that it is critical in keeping families strong and as a retired educator it is important for children to have financial stability.

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

Beth Oppenheimer, Idaho Education of Young Children, spoke **in support** of all children and their families. She stated 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**. She stated that attorneys have been working on this bill for years and their intention is to transfer state power to international law. She is not against helping children as Idaho has the resources to take care of the problem.

Rebecca De Leon, Community Council of Idaho, spoke **in support**. She stated that the loss of funding would be extremely detrimental to the Idaho Head Start program and continue the cycle of poverty.

Katherine Frazier, self, spoke **in opposition** to the bill. She stated the issue is rushed and questioned why the federal government would offer money in large amounts.

Bill Foxcroft, Idaho Head Start Association, spoke **in support**. He stated Head Start provides early learning for low income children. Also they have found that about 50% of families are single parent homes and rely on child support to survive and function. (See Attachment #9)

Duncan Farris, self, spoke **in opposition**. He stated this is an example of undermining the Constitution.

Christine Tiddens, self, spoke **in support** of H 1. She expressed that child support enforcement is important for people in financial crisis and urged the committee to pass the legislation. (See Attachment #10)

Brent Reagan, District 2, spoke **in opposition**. He stated nothing in the bill would change the child support systems, and there are due process protections in the Constitution.

Aaron White, Idaho AFL-CIO, spoke **in support** and urged the 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 concern that state courts were being addressed as tribunals of the state in the language of the bill, and it could become a conduit to the implementation of international law.

Stephanie Wierschem, self, spoke **in support** and shared her story of her attempt to collect child support for her children through enforcement with the help of the Department of Health and Welfare, attorneys and the FBI.

Steve Pugmire, self, spoke **in opposition** to the legislation. 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**. She stated as an attorney in family law that has worked with the Department of Health and Welfare, individuals depend on the services of the Department to help collect child support. She urged the committee to vote yes on H 1.

Rob Vail, self, Meridian, spoke **in support**. He explained he works in family law and has a contract with the Department for child support enforcement services. He addressed the language of tribunal courts, and stated 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 would not have to enforce the foreign court order.

Alexis Gebauer, self, spoke **in support**. She described what 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**. He stated when the government subsidizes, programs tend to grow. He indicated 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**. He urged the committee to vote against the legislation.

Tom Munns, self, spoke **in opposition**, and expressed concern over the enforcement mechanism. He stated this is very dangerous and 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 felt a treaty is an agreement and did not see how this was 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. He felt that it is time to revamp the system because it is not cost effective.

Leann Simmons, self, spoke **in support** and stated as a taxpayer the committee should vote in favor 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 emphasized there is a good system in place that operates well, and this legislation can make the system better. He further explained that the court orders have personal data, which is confidential and the data is secured in the system. 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.

ADJOURNED: **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.

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.

Senator Lodge
Chair

Jennifer Novak
Secretary