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U.S. Senate Committee on Foreign Relations
Hague Convention on the International Recovery of Child Support and Other
Forms of Family Maintenance (Treaty Doc. 110-21)

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Senator Cardin, Senator Lugar, and members of the Committee, thank you for the opportunity to testify regarding the importance of approving the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. I am Alisha Griffin, Assistant Director in the Division of Family Development responsible for the Office of Child Support Services within the New Jersey Department of Human Services. I have been the child support director for over twelve years, prior to which I served over 20 years in Child Welfare and Child Protection and as a practicing Family Psychologist. During the past seven years, I have had the privilege of working side by side with colleagues from this country as well as 67 other countries to develop this treaty document that provides a significant new framework for the international establishment and enforcement of support orders. I appear before you today to urge your approval of the United States' participation in this convention.

Child support is a critical family service program, one that research has shown lifts families out of poverty. It has made substantial improvements in performance over the last twelve years, and today, both nationally and in New Jersey, we collect 65% of child support due. Unfortunately, 35% of the families we serve do not yet get what they deserve and need. The child support community is committed to doing better to make child support a reliable source of income for all families. In 1996 Congress passed legislation mandating that all states adopt the Uniform Interstate Family Support Act

(UIFSA), which paved the way for significant improvement of cooperation and enforcement across all US states and territories.

Like UIFSA, the Hague Convention contains procedures for processing international child support cases that are uniform, simple, efficient, accessible, and inexpensive. It is founded on the agreement of contracting countries to recognize and enforce each other's support orders. It is based on a system of administrative cooperation among central authorities of contracting countries to facilitate the transfer of documents and case information – using electronic technology where feasible – so that the necessary information is available for expeditious resolution of international child support matters. Similar procedures are already in place in the United States for processing interstate child support cases. Indeed, many provisions of the Convention were drawn from the US experience with UIFSA.

The major benefit to the United States from joining this Convention will be obtaining reciprocity from other contracting countries. For many international cases, US courts and state Title IV-D child support enforcement agencies already recognize and enforce child support obligations, whether or not the United States has a reciprocal agreement with the other country. However, many foreign countries will not enforce US support orders in the absence of a treaty obligation. Ratification of the Convention by the United States will mean that more children residing in the United States will receive financial support from their parents residing in countries that are also signatories to the Convention.

Another significant benefit to joining the Convention will be the ability to effectively coordinate the enforcement of international child support cases with contracting countries through communication with central authorities designated to receive and transmit applications for services and to facilitate case processing. In addition, the ability to use uniform forms for transmitting information and uniform protocols for transferring child support payments in different currencies will minimize

delays in enforcing orders and delivering payments, while reducing transaction costs for both parents.

The Convention effectively addresses jurisdictional barriers that have prohibited the United States from joining other child support conventions. Existing maintenance conventions base jurisdiction to order support on the habitual residence of the creditor (i.e., the custodial parent or child) rather than on minimum contacts with the debtor (the non-custodial parent), as required by US constitutional standards of due process. The Convention provides flexibility for a court of the United States having jurisdiction over the non-custodial parent to establish a new order in circumstances where US jurisdictional requirements were not met in the country issuing the initial order that is sought to be enforced.

The Convention also provides for access to cost-free services for US citizens needing assistance with child support enforcement in a contracting country, an important element of reciprocity for US citizens. The small number of countries that may be required by their own internal procedures to assess fees must use a means test based on the income of the child, not the parents, with the result that any fees will be minimal as compared to current practice where custodial parents must often retain local private counsel in order to establish or enforce a support order.

The Convention does not affect substantive child support law, which is generally left to the individual states. Its primary focus is on uniform procedures for enforcement of decisions and for cooperation among countries.

There is nothing more critical to the benefit of children than the health, safety and stability of the family. That has certainly been demonstrated by the current economic downturn facing this nation. We need to do everything possible to ensure children grow up in safe stable homes and are afforded the best chances possible to grow healthy and strong. Child support is a critical component and ensuring that parents provide the best they can for their children, particularly during tough economic times.

As we know, job markets have changed and we have become a global community. More children are living in countries different from their parents. Nonetheless, they deserve the best we can give them in establishment and enforcement of orders to ensure that they have support from both parents. In New Jersey alone, our international caseload is over 3,000 cases and has been growing every year. We are just one of 54 states and territories operating Title IV-D programs, so the impact and benefit will be significant.

Just as Congress did with the passage of UIFSA when it provided for reciprocity across states and territories, it must do so now with this new opportunity, worldwide. Therefore, I urge the Senate to promptly grant its advice and consent to the ratification by the President of The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.

Thank you for the opportunity to speak to you today, and for your consideration of this important international convention which is critical to the well-being of children and families.