

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1211
Judiciary

(Delegates Malone and McMillan)

Maryland Uniform Interstate Family Support Act - Modification of Orders

This bill repeals a provision of the Maryland Uniform Interstate Family Support Act (UIFSA) that allows the parties to consent to a tribunal of this State continuing to exercise jurisdiction to modify a child support order under specified circumstances, even if this State is not the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued.

Fiscal Summary

State Effect: The bill does not materially impact the workload of the Judiciary or the Child Support Administration. *Potential* significant impact on federal funds, as discussed below.

Local Effect: The bill does not materially impact the workload of the circuit courts.

Small Business Effect: None.

Analysis

Current Law/Background: A tribunal of this State (a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or determine parentage) that has issued a child support order consistent with the laws of this State has and must exercise continuing, exclusive jurisdiction to modify its child support order if the order is the controlling order and (1) at the time a request for modification is filed, this State is the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued or (2) even if this State is not the residence of any of these individuals, the parties consent in a record or in open court that the tribunal of this State may continue to exercise jurisdiction to modify its order.

Before 1950, a U.S. parent who wanted child support from another parent who lived in another state had to travel to that state to take legal action. In 1950, the Uniform Reciprocal Enforcement of Support Act (URESA) was developed to allow participating states to enforce each other's support orders. In 1968, URESA was revised. By 1992, all U.S. states and most American territories had adopted URESA or the Revised URESA. However, a U.S. General Accounting Office report issued at that time concluded that up to 30% of child support cases involve interstate jurisdiction, and children in these cases were less likely than children whose families resided in the same state to receive support payments. More than one-third of mothers in interstate support cases reported that they never received any support payments.

In 1996, the National Conference of Commissioners on Uniform State Laws (NCCUSL) sponsored substantial revisions to the Revised URESA and renamed the Act the Uniform Interstate Family Support Act or UIFSA. According to NCCUSL, in some respects, the adoption of UIFSA in all states tracked the development of welfare reform efforts in the 1990s. After the 1996 revisions creating UIFSA were established, the federal Personal Responsibility and Work Opportunity Reconciliation Act was enacted. In addition to welfare reform, the law contained major provisions regarding child support enforcement by states. Federal grants for child support enforcement also became partially dependent on adoption of UIFSA. After review and analysis as requested by state child support enforcement agencies and stakeholders, amendments to UIFSA were adopted by NCCUSL in 2001. These amendments were intended to clarify the issuance and enforcement of support orders across multiple jurisdictions and were adopted by Maryland pursuant to Chapter 522 of 2008.

State Revenues: Federal law requires that for each State to qualify for specified federal grants, it must have in effect UIFSA, as approved by the American Bar Association and including any amendments officially adopted by NCCUSL. Legislation in prior sessions has been enacted after the federal Office of Child Support Enforcement identified differences between the State's version of UIFSA and the federal requirements and notified the State that the failure to make conforming changes would put Maryland out of compliance and potentially affect federal funding. Accordingly, *if* the bill is determined to place the State out of compliance with federal requirements, federal funding may be jeopardized. Such funding includes the federal grant for child support services (approximately \$88.2 million in fiscal 2019). Because states must operate a child support program under an approved plan as a condition of receiving Temporary Assistance for Needy Family (TANF) funding, TANF funds may also be jeopardized. The State generally receives \$229.1 million annually in TANF funds and may receive additional contingency funds that are available in specified circumstances.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Human Services; National Conference of Commissioners on Uniform State Laws; U.S. Department of Health and Human Services; Department of Legislative Services

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mm/kdm

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