



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1603

PRINTERS NO. 2651

PRIME SPONSOR: Watson

COST / (SAVINGS)

FUND	FY 2015/16	FY 2016/17
General Fund	See Fiscal Impact	See Fiscal Impact

SUMMARY: House Bill 1603, Printer's Number 2651, amends Title 23 (Domestic Relations) to update the Uniform Interstate Family Support Act to provide direction for dealing with international family support orders and amends Title 23 (Domestic Relations Code) and Title 42 (Judicial Code) in order to provide for actions by county children and youth agencies with respect to sex trafficking and additional case management duties with respect to children in foster care. The Uniform Interstate Family Support Act changes are effective immediately and the remainder of this legislation is effective January 1, 2016.

ANALYSIS: This legislation incorporates the 2008 Uniform Law Commission (ULC) amendments into Pennsylvania's version of the Uniform Interstate Family Support Act (UIFSA). The 2008 amendments were adopted by the ULC to incorporate changes made by the Hague Convention on International Recovery of Child Support and Other Forms of Family Maintenance in 2007. These amendments provide guidelines for:

- Registering foreign spousal and child support orders;
- Determining if foreign support orders are recognized in Pennsylvania based upon established criteria; and
- Enforcing and modifying foreign support orders.

In September 2014, Congress passed federal legislation, the Preventing Sex Trafficking and Strengthening Families Act, to implement the Hague Convention provisions which included the requirement that states be in compliance with the 2008 UIFSA amendments by December 31, 2015 in order to continue receiving federal funds for state child support programs.

In addition, in order to appropriately incorporate and implement these provisions, this legislation also incorporates amendments promulgated by the ULC in 2001 and not previously adopted in Pennsylvania. The 2001 amendments include the following provisions:

- Clarification of jurisdictional rules to limit the ability of parties to seek modifications of orders in states other than the issuing state.
- Clarification of how a controlling order is to be determined and reconciled in the event multiple orders are issued.

- Providing that UIFSA is not the exclusive method of establishing or enforcing a support order within a given state and separating the jurisdictional basis for the issuance of support orders from that for the issuance of child custody orders.
- Clarification for the redirection of support payments to the current state of residence of the person entitled to the payments.
- Clarification that the local law of a responding state applies with regard to enforcement procedures and remedies.
- Providing that the duration of a child support order is to be that which is required under the law of the state originally issuing the order.
- Inclusion of technical updates reflecting changes in the law since the 1990s, including the use of electronic communications.
- Inclusion within the jurisdiction of the law of support orders from foreign countries pursuant to reciprocity and comity principles.

The legislation also amends Title 23 by adding a new chapter, Sex Trafficking and Missing and Abducted Children, to require that a county children and youth agency (county agency) shall report to law enforcement as soon as is practicable but no longer than 24 hours after receiving information about a child who:

- the county agency has reasonable cause to suspect of being at risk of sex trafficking; or
- the county agency identifies as being a victim of sex trafficking.

The bill requires the county agency to report to law enforcement and to inform the National Center for Missing and Exploited Children as soon as is practicable but no longer than 24 hours after receiving information about a child who is missing from the child's residence or is abducted. Law enforcement must enter the information into the National Crime Information Center (NCIC) database.

The legislation amends Chapter 63 (Juvenile Matters) of Title 42 to require that certain matters be considered by the court during permanency hearings for children in out-of-home placement including:

- consulting with the child about the child's desired permanency goal
- the services needed to assist a child 14 years of age and older to make the transition to successful adulthood
- if the child has been placed with a caregiver, whether the child is being provided with regular, ongoing opportunities to participate in age-appropriate or developmentally appropriate activities

The county agency is required to document the steps it has taken to ensure the caregiver is following the reasonable and prudent parent standard and that the child has regular, ongoing opportunities to engage in age-appropriate or developmentally appropriate activities.

If the court decides that a child who is at least 16 years of age will be placed in another planned permanent living arrangement, the court must:

- ask the child about the desired permanency goal of the child
- make a judicial determination why, as of the date of the hearing, that another planned permanent living arrangement is the best permanency plan for the child

- provide compelling reasons why it continues to not be in the best interest of the child to return home or to be placed for adoption, with a legal guardian or with a fit and willing relative
- make findings that a significant connection is identified in the permanency plan or that efforts have been made to identify a supportive adult, if no one is currently identified.

In these situations, the county agency must document:

- a compelling reason that it would not be best suited to the safety, protection and physical, mental and moral welfare of the child to be returned to the child's parent, guardian or custodian, placed for adoption, placed with a custodian or placed with a fit and willing relative
- the county agency's intensive, ongoing, and unsuccessful efforts to return the child to the child's parent, guardian, custodian, place for adoption, place with a custodian, or place with a fit and willing relative
- the county agency's efforts to utilize search technology to find biological family members for the child

FISCAL IMPACT: Enactment of this legislation is necessary to bring Pennsylvania into compliance with the federal Preventing Sex Trafficking and Strengthening Families Act and to maintain receipt of more than \$150 million in federal funds supporting child support enforcement activities in the Department of Human Services. No additional state funds are anticipated to be needed to comply with this legislation.

PREPARED BY: Ann Bertolino
House Appropriations Committee (R)

DATE: December 13, 2015

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.