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Quick Facts: The 2007 Hague Convention on the International Recovery of Child Support

This Quick Facts guide provides information about collecting child support when parents live in different countries that have joined the Hague Child Support Convention.

The Child Support Program¹ is a successful federal-state-tribal partnership that seeks to promote economic stability for children whose parents live apart. The program collects \$5.27 for every \$1 in public funds invested. In FY 2021, \$34 billion was collected in 12.7 million cases for 13.2 million children.² This Quick Facts guide provides information about an international treaty that greatly improves the collection of child support when parents live in different countries.

Background

In today's global economy where more parents cross international borders to live and work, international child support enforcement is more important than ever. The United States played a leadership role in the successful negotiation of The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (Convention), which was concluded on November 23, 2007.

The Convention contains procedures for processing international child support cases that are uniform, simple, efficient, and accessible to parents. It establishes a comprehensive system of co-operation between the authorities of contracting countries; makes available applications for the establishment of support orders; provides for the recognition and enforcement of support orders; and requires effective measures for the prompt enforcement of support orders. Many provisions of the Convention were drawn from the United States' experience with the Uniform Interstate Family Support Act (UIFSA). UIFSA is a model law that the Uniform Law Commissioners initially drafted in the 1990s to improve interjurisdictional case processing within the United States.

¹ Created by Title IV-D of the Social Security Act.

² [Office of Child Support Enforcement \(OCSE\) FY 2021 Preliminary Report.](#)





Because all U.S. states had already enacted UIFSA,³ the Uniform Law Commissioners drafted amendments to UIFSA in 2008 to implement the treaty provisions within the United States.⁴ The Preventing Sex Trafficking and Strengthening Families Act of 2014 required all states to enact UIFSA 2008.⁵ On August 30, 2016, after all states had enacted UIFSA 2008, President Obama signed the Instrument of Ratification and the Convention went into effect for the United States on January 1, 2017.

Benefits

Expanded Number of Countries that Will Recognize and Enforce U.S. Support Orders

The major benefit of ratification to the United States is the dramatic increase in the number of countries that will enforce U.S. support orders. The United States has federal bi-lateral agreements with several countries.⁶ And U.S. courts and state Title IV-D child support agencies also recognize and enforce foreign child support orders under state reciprocal arrangements. However, over 35 countries have ratified or acceded to the Convention⁷. Ratification of the Convention by the United States means that more U.S. children will receive financial support from their parents, regardless of where their parents live.

No Cost or Low-Cost Access to Services Abroad

Significantly, the Convention requires a treaty country to provide all applicants with effective access to services related to those applications. If the applicant is a child support creditor, effective access means cost-free services including free legal assistance if necessary.⁸ In the United States, Title IV-D child support agencies have always provided such services to parents in other countries. Because the United States is now a party to the Convention, other treaty countries will have to provide cost-free services to U.S. creditors who apply through their state child support agency.⁹ This means that creditor applicants who file through their state child

³ The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) required states to enact UIFSA (1996) as a condition of receiving federal Title IV-D funding.

⁴ The Uniform Law Commissioners worked closely with the U.S. State Department and HHS, as well as with subject matter experts and organizations including NCSEA, to ensure that UIFSA amendments conformed to the requirements of the Convention.

⁵ The Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183) was signed by President Obama on September 29, 2014.

⁶ Congress authorized federal bilateral agreements in 42 U.S.C. § 659a.

⁷ A complete list of countries that have ratified or acceded to the Convention can be found on the website of the [Hague Conference for Private International Law](#).

⁸ See Para. 210 and 211, Explanatory Report, Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance.

⁹ The Convention allows a contracting country to declare it will limit free legal assistance to applications for recognition and enforcement of an order, and provide free legal assistance with respect to other Convention applications subject to a means test based on the income of the child. Very few countries have made such a limiting declaration.





support agency do not need to hire private counsel in order to establish or enforce a child support order in a Convention country.

Administrative Cooperation

The Convention requires contracting countries to designate central authorities who are required to cooperate with each other and promote cooperation among other competent authorities in their countries, such as courts, to achieve the purposes of the Convention. Central authorities are required to receive and transmit child support applications. In relation to child support applications, they also are required to provide services such as assistance with location, service of process, and establishment of parentage where necessary for the recovery of support.¹⁰ In the United States, the Secretary of HHS is the central authority. As permitted by the Convention, HHS has designated state Title IV-D child support agencies to perform central authority functions related to the receipt, transmission, and processing of Convention applications. The Convention also establishes timeframes and requires status updates, which will greatly improve efficiency and timeliness.

Expedited Enforcement

The Convention establishes standard procedures for recognizing and enforcing child support orders. These procedures are similar to what U.S. states already use under UIFSA to recognize and enforce other states' orders. The required Convention procedures include limited challenges that can be raised to recognition and enforcement of the foreign support order and timeframes for raising those challenges. The result is expedited enforcement of U.S. support orders and quicker flow of money to children.

Compliance with U.S. Due Process

Prior to the Hague Convention, the United States was not a party to any existing international child support treaty. That is because prior treaties required the recognition of support orders whose jurisdictional basis did not comply with U.S. due process requirements. In most countries, a court may establish a support order if the custodial parent or child is a habitual resident of the issuing country, regardless of any contact the noncustodial parent has with the country. In contrast to creditor-based jurisdiction, a U.S. tribunal must have personal jurisdiction over the defendant debtor in order to establish a support order. If the defendant does not live in the state of the tribunal, the nonresident defendant must have other sufficient minimum contacts with the state to satisfy U.S. due process. The Convention effectively addresses jurisdictional barriers that had prohibited the United States from joining other international child support conventions. It allows a country to make a reservation to the recognition and enforcement of support orders based on creditor jurisdiction. If a Convention country, such as the United States,

¹⁰ Article 6 of the Convention sets forth the specific functions of central authorities, to include general responsibilities in proceedings under the Convention and requests for specific measures under Article 7.





makes such a reservation, the Convention requires the country to recognize and enforce an order if its law would in similar factual circumstances confer jurisdiction on its authorities to make such a decision. If recognition of an order is not possible as a result of a reservation and the debtor is habitually resident in that country, the Convention requires the country to take all appropriate measures to establish a support order.¹¹

The treaty does not change U.S. law regarding due process protections of notice and an opportunity for a hearing.

No Change to States' Authority Over Interstate or Domestic Cases

The Convention and the conforming amendments to UIFSA 2008 do not affect intrastate or interstate cases in the United States. It applies only to cases where the parent who receives support and child live in one contracting country and the parent who pays support lives in a different contracting country. Similarly, the Convention does not affect state laws regarding duration of support, child support guidelines, and support enforcement remedies. Its primary focus is on uniform procedures for international enforcement of orders and for cooperation among Convention countries.

Maximum Benefits and Minimal Burdens

Ratification and implementation of the Convention imposed a minimal fiscal burden on U.S. state and federal governments because federal law already required states to process international cases.¹² Indeed, ratification and implementation has reduced the time and effort agencies spend trying to enforce orders abroad because other Convention countries are now required to provide certain services to U.S. creditors and debtors. Most importantly, ratification and implementation of the Convention has resulted in more dollars flowing more quickly to more children in cross-border cases.

¹¹ See Article 20 of the Convention and Para. 253, Explanatory Report, Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance.

¹² See 42 U.S.C. § 654(32) and 45 C.F.R. § 303.7.

