

**CHILD SUPPORT
ENFORCEMENT ABROAD**

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Child Support Enforcement Abroad[®]

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CHILD SUPPORT ENFORCEMENT ABROAD

DISCLAIMER: THE INFORMATION IN THIS CIRCULAR RELATING TO THE LEGAL REQUIREMENTS OF SPECIFIC FOREIGN COUNTRIES IS PROVIDED FOR GENERAL INFORMATION ONLY AND MAY NOT BE TOTALLY ACCURATE IN A PARTICULAR CASE.

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FREQUENTLY ASKED QUESTIONS

Q. How Can I Contact the State Child Support Enforcement Agency in the U.S.?

Q. What Countries Does the United States Have Child Support Enforcement Agreements with at Present?

Q. Where Do I Go to Get Help in Trying to Enforce a Child Support Obligation Involving a Resident of the U.S. and a Resident of a Foreign Country?

Q. Which U.S. States Have Child Support Arrangements with Which Foreign Countries?

Q. How Can a U.S. Passport Be Denied to a Person Obligated to Pay Child Support?

Q. If There Is No Federal or State Reciprocal Arrangement on Child Support Enforcement, What Other Options Are Available?

Q. How Can a Foreign Child Support Order Be Enforced in the United States?

INTERNATIONAL CHILD SUPPORT - A PRIORITY

Child support enforcement is a high priority for the United States Government. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), as amended, strengthened and improved child support collection activities. When one parent is in a foreign country, finding a way to enforce a U.S. child support order overseas can be a daunting prospect. This U.S. Department of State, Bureau of Consular Affairs home page feature walks you through the process step-by-step. We welcome your feedback on the usefulness of this material and your suggestions for ways to improve it.

FINDING YOUR WAY THROUGH THE PROCESS

I. WHAT'S NEW IN CHILD SUPPORT ENFORCEMENT

II. GETTING STARTED

III. U.S. FEDERAL INTERNATIONAL CHILD SUPPORT AGREEMENTS

IV. INDIVIDUAL STATE INTERNATIONAL CHILD SUPPORT ARRANGEMENTS

V. LOCATING THE PARENT OVERSEAS

VI. OBTAINING SUPPORT ENFORCEMENT THROUGH THE EMPLOYER

A. U.S. - Based Employer

B. Foreign - Based Employer

C. U.S. Military Employer

D. U.S. Department of State Employer

E. Other U.S.G. Employers

VII. LEGAL SERVICES AND PROCESSES

- A. Passport Restrictions
- B. Foreign Attorneys
- C. Service of Process
- D. Obtaining Evidence Abroad
- E. Authentication of Documents

VIII. HOW OTHER INTERNATIONAL AGREEMENTS MAY HELP

IX. PRIVATE ORGANIZATIONS

X. ENFORCING A FOREIGN CHILD SUPPORT ORDER IN THE U.S.

XI. LINKS

XII. REFERENCE MATERIALS

XIII. STATE CHILD SUPPORT AGENCIES

I. WHAT'S NEW IN CHILD SUPPORT ENFORCEMENT?

New U.S. International Agreements on Child Support: Section 459A of the Social Security Act (42 U.S.C. 659A (1996)) authorizes the Department of State and the Department of Health and Human Services to enter into agreements with foreign countries for child support enforcement. On May 19, 2000, the Department of State issued a Public Notice in the Federal Register (Vol. 65, Number 98, Page 31953) regarding progress in this area. Additional notices will continue to update this information as new agreements are completed. The United States is also participating in the Hague Conference on Private International Law's work to achieve a new multilateral treaty on child support enforcement.

New Measures in Criminal Law: Federal and state prosecutors are finding new ways to use criminal measures to pursue individuals in arrears for child support enforcement. The U.S. Department of Justice, Criminal Division's Child Exploitation and Obscenity Section has interesting news about the implementation of the Deadbeat Parents Punishment Act also known as the Child Support Recovery Act of 1992 (18 USC 228) and how states are using criminal remedies successfully. The Act creates a Federal offense for (1) traveling in interstate or foreign commerce with the intent to evade a child support obligation, if the obligation has remained

unpaid for longer than 1 year or is greater than \$5,000, and (2) the willful failure to pay a past due child support obligation for a child who resides in a state other than that in which the non-custodial parent resides, if the obligation has remained unpaid for longer than 1 year or is greater than \$5,000; the willful failure to pay a past due obligation may qualify as a felony if it has remained unpaid for longer than 2 years or is greater than \$10,000. See also "Child Support Reform in Action: New Strategies and New Frontiers in Massachusetts" for insight into state activities.

New Aggressive Measures to Obtain Child Support Enforcement: Even if the parent owing child support is outside the United States, there are many new aggressive measures available under U.S. law which may help your local child support enforcement office obtain support. New U.S. child support enforcement measures which may impact non-U.S. residents are explained in detail the U.S. Department of Health and Human Services (HHS) Child Support Steps Fact Sheet and Child Support Enforcement Handbook.

A parent can be required to pay child support by income withholding. Overdue child support can be collected from federal and state income tax refunds. Liens can be put on property, and the property itself may even be sold with the proceeds used to pay child support arrearages. Unpaid child support should be reported automatically to credit reporting bureaus. Drivers, professional, occupational and recreational licenses can be suspended if the obligated parent is not paying support as required. State child support enforcement agencies are entering into agreements with financial institutions to compare data about child support obligors, and are able to freeze accounts of people who are identified as owing child support. See our extensive discussion about obtaining support enforcement through the employer.

Arrangements with reciprocating countries also make available a range of enforcement mechanisms in those nations.

Child Support Payments and Getting a U.S. Passport: The Passport Denial Program

denies U.S. passports to parents certified by the U.S. Department of Health and Human Services to be in arrears in excess of \$5,000 of child support payments. Since the The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) was implemented jointly by HHS and the Department of State in 1996, HHS reports it has collected more than \$4 million dollars in lump sum child support payments and currently 30 to 40 passports are denied per day.

II. GETTING STARTED

Q. WHERE DO I GO TO GET HELP IN TRYING TO ENFORCE A CHILD SUPPORT OBLIGATION INVOLVING A RESIDENT OF THE U.S. AND A RESIDENT OF A FOREIGN COUNTRY?

- A. The first step for U.S. residents seeking international child support enforcement is to contact your local child support office. These offices are generally known as the state IV-D Agency, for Title IV-D of the 1975 Social Security Act which established the U.S. Department of Health and Human Service's U.S. Federal Child Support Enforcement program. Although addresses, phone numbers and web pages for state child support agencies are available here, contact information for state agencies changes regularly. You may wish to contact your state child support enforcement office via the Internet or check the address feature of the U.S. Department of Health and Human Services, Office of Child Support Enforcement (OCSE)'s Online Interstate Resource Guide. If you do not have access to the Internet at home or at work contact your local public library.

Residents of other nations should contact family maintenance officials in their nations for information and other assistance and review our discussion about enforcing a foreign child support order in the United States.

The U.S. Child Support Enforcement Program is a Federal/State/local partnership. Each

State in the United States runs a child support program, either in the human services department, department of revenue, or district attorneys office, often with the help of prosecuting attorneys, other law enforcement agencies, and officials of family or domestic relations courts. U.S. local child support offices can provide information about Federal international support agreements and state-level arrangements with foreign countries, as well as about the increasing variety of aggressive techniques now available to pursue enforcement in the U.S. and abroad, including garnishment of wages and federal income tax refunds, revocation of licenses, direct contact with foreign employers, criminal enforcement proceedings, etc.

III. U.S. FEDERAL INTERNATIONAL CHILD SUPPORT AGREEMENTS

Q. WHAT COUNTRIES DOES THE UNITED STATES HAVE CHILD SUPPORT ENFORCEMENT AGREEMENTS WITH AT PRESENT?

- A. Since 1996, when Congress for the first time specifically authorized federal-level agreements regarding child support enforcement, the United States has entered into a number of reciprocal agreements, which do not require U.S. Senate advice and consent. Currently, the U.S. has Federal reciprocal arrangements in force with Australia, the Canadian Provinces of Nova Scotia, Manitoba, and British Columbia, the Czech Republic, Ireland, Poland, Portugal, and the Slovak Republic, and. On May 19, 2000, the Department of State issued a Public Notice in the Federal Register (Vol. 65, Number 98, Page 31953) regarding international child support.

Q. WHAT IS THE AUTHORITY FOR U.S. FEDERAL CHILD SUPPORT AGREEMENTS?

- A. Section 459A(a) of Title IV-D of the Social Security Act (42.U.S.C. 659A(a)) provides

that the Secretary of State, with the concurrence of the Secretary of Health and Human Services, is authorized to "declare any foreign country (or a political subdivision thereof) to be a foreign reciprocating country if the foreign country has established, or undertakes to establish, procedures for the establishment and enforcement of child support owed to persons who are residents of the United States, and such procedures are substantially in conformity with the standards prescribed under subsection (b)."

Q. IS THE UNITED STATES PURSUING NEGOTIATIONS ON CHILD SUPPORT AGREEMENTS WITH OTHER COUNTRIES?

- A. The U.S. has held discussions with over 30 countries since 1997. Negotiations are continuing with many of those countries at this time. Agreements in principle have been reached with Australia, the Netherlands, and Norway and procedures for finalizing these agreements are underway. The Department of State's Office of the Legal Adviser for Private International Law and the Department of Health and Human Services' Office of Child Support Enforcement are proceeding with negotiations with a number of other countries.

Q. HOW DO THE DEPARTMENTS OF STATE AND HEALTH AND HUMAN SERVICES DETERMINE THAT A FOREIGN COUNTRY MAY BE DECLARED A FOREIGN RECIPROCATING COUNTRY FOR THE PURPOSES OF 42 U.S.C. 659A?

U.S. law (42 U.S.C. 659A) requires that a reciprocating country have procedures which are available to residents of the United States. These include procedures for:

- Establishing paternity
- Establishing support orders
- Enforcement of support orders

Collection and distribution of payment under support orders

Providing administrative and legal assistance where necessary without cost to the United States resident, and

Establishing a "Central Authority" to facilitate implementation of support enforcement in cases involving residents of the U.S.

Q. WHAT IS THE TEXT OF THE ARRANGEMENT BETWEEN THE UNITED STATES AND RECIPROCATING COUNTRIES?

A. The Text of a model international child support reciprocity agreement with the United States is on our site.

The text for agreements already in force is not yet available on line, but is under construction. As each agreement becomes available here, you will be able to select the individual country or province listed below to access that information.

- Australia
- Canadian Provinces: British Columbia, Manitoba, Nova Scotia
- Czech Republic
- Ireland
- Poland
- Portugal
- Slovak Republic

Q. WHO IN THE DEPARTMENT OF STATE IS AUTHORIZED TO DECLARE A FOREIGN COUNTRY TO BE A RECIPROCATING COUNTRY UNDER 42 U.S.C. 659A.

A. On September 5, 1997, the Acting Secretary of State delegated authority to the Department of State Legal Adviser and the Assistant Secretary for Consular Affairs with regard to declaration of foreign countries to be reciprocating countries under 42.U.S.C. 659A. The authority of the Secretary of Health and Human Services to concur with declarations proposed by the Department of State has been delegated along with other child support program management authorities to the Assistant Secretary for Children and Families. HHS' concurrence is required before any declaration of a foreign reciprocating country can be made.

Q. WHAT IS THE ROLE OF THE U.S. CENTRAL AUTHORITY FOR INTERNATIONAL CHILD SUPPORT IN INTERNATIONAL CASES?

A. Located in the Department of Health and Human Services' Office of Child Support Enforcement, the United States Central Authority for International Child Support is responsible for facilitating support enforcement in cases involving U.S. residents and residents of foreign reciprocating countries pursuant to 42 USC 659A. However, the preparation of petitions, requests for hearings, and other case management activities are the responsibility of the state child support agency in the state of the U.S. resident involved in the child support case.

The U.S. Central Authority at HHS works with the Department of State, the individual states, international organizations, and foreign governments to improve international child support procedures and cooperation. Bilingual forms are being developed by the U.S. Central Authority in a number of languages in cooperation with the U.S. Department of State, states, the International Relations Committee of the National Child Support Enforcement Association, and with interested foreign countries. The U.S. Central Authority provides general oversight, assistance, and coordination activities regarding international child support. You can contact the U.S. Central Authority by writing to Stephen Grant, Director, U.S. Central Authority for International Child Support, Office of Child Support Enforcement, U.S. Department of Health and Human Services, 4 West Aerospace Building, 370 L'Enfant Promenade SW, Washington, DC 20447 or by phone: 202-260-5943, fax: 202-402-5529, or email to ocseinternational@acf.dhhs.gov.

Q. HOW CAN A PARENT SEEKING CHILD SUPPORT ENFORCEMENT FROM A FOREIGN RECIPROCATING COUNTRY GO ABOUT APPLYING FOR ENFORCEMENT?

A. In the United States, individual state child support offices are responsible for providing the child support services within the state and for cooperating with other states and foreign reciprocating countries. The state child support office or "IV-D agency" will manage the establishment and enforcement of child support obligations in accordance with Federal, state,

and local laws. Any parent who needs help in establishing or enforcing a child support obligation, regardless of where the person who is obliged to pay child support resides, should apply for services at the state child support agency in the individual states. Contacts for the state Central Registry can be found in the address function of OCSE's Online Interstate Resource Guide. If you do not have ready access to the Internet, contact your local public library for assistance in obtaining information from the U.S. HHS Office for Child Support Enforcement's web site.

Q. HOW CAN A FOREIGN RECIPROCATING COUNTRY SEEKING TO ENFORCE A FOREIGN CHILD SUPPORT ORDER IN THE UNITED STATES APPLY FOR ASSISTANCE?

A. A foreign reciprocating country's Central Authority will send petitions to the child support agency in the U.S. state of residence of the person obliged to pay child support. States have enacted uniform interstate laws that greatly reduce the barriers to collecting child support across State lines and end the creation of multiple support orders. Each state or other jurisdiction in the U.S. has child support enforcement laws based on the Uniform Interstate Family Support Act. The U.S. state will provide enforcement services as if the request were from another state of the U.S. If the state of residence of the person who is obliged to pay child support is not known, a foreign reciprocating country may contact the U.S. Central Authority, which will use the Federal Parent Locator Service to attempt to determine a state of residence for the person who is obliged to pay child support to which petitions may be forwarded.

Q. WHERE CAN I FIND INFORMATION ABOUT THE CENTRAL AUTHORITIES OF FOREIGN COUNTRIES WITH WHICH THE U.S. HAS FEDERAL OR STATE RECIPROCAL ARRANGEMENTS FOR CHILD SUPPORT ENFORCEMENT?

A. The contacts for the Central Authorities of Federal-level reciprocating countries are:

Australia

The Child Support Agency

Canadian Provinces

British Columbia

Family Justice Programs Division
 Reciprocal Program
 #304-1175 Cook Street
 Victoria, British Columbia, Canada
 V8V 4A1
 tel: 1-604-356-1555; x1560; x1563
 fax: 1-604-356-8902

Manitoba

Manitoba Justice
 Maintenance Enforcement Program
 Woodworth Building
 2nd Floor
 405 Broadway
 Winnipeg, Manitoba, Canada R3C
 3L6
 tel: 1-204-945-7133
 fax: 1-204-945-5449

Nova Scotia

Courts and Registries Division
 Department of Justice
 P.O. Box 7
 Halifax, Nova Scotia, Canada B3J
 2L6
 tel: 1-902-424-4030
 fax: 1-902-424-4556

Czech Republic

Central Office for International
 Legal Protection of Juveniles
 (Ustredi Pro Mezinarodne Pravni,
 Ochranu Mladeze)
 Benesova 22
 602 00 Brno, Czech Republic

Ireland

Department of Equality and Law
 Reform
 43-49 Mespil Road
 Dublin 4, Ireland
 tel: 353 (1) 667 0344
 fax: 353 (1) 667 0367

Poland

Ministry of Justice
 (Ministerstwo Sprawiedliwosci)
 Al. Ujazdowskie 11
 00-950 Warsaw, Poland

Portugal

Directorate General of the
 Judiciary
 Ministry of Justice
 Lisbon, Portugal

Slovak Republic

Center for International Legal
 Protection of Children and Youth
 Centrum pre medzinrodno-pravnu,
 ochranu deti a mladeze
 Pitalska 6
 P.O. Box 57
 814 99 Bratislava, Slovak Republic

IV. INDIVIDUAL U.S. STATE CHILD SUPPORT ARRANGEMENTS

Q. THE U.S. DOES NOT HAVE A FEDERAL INTERNATIONAL CHILD SUPPORT AGREEMENT WITH THE COUNTRY WHERE THE PERSON WHO IS OBLIGED TO PAY CHILD SUPPORT IS LOCATED. ARE THERE ANY OTHER ARRANGEMENTS AVAILABLE TO ASSIST WITH ENFORCEMENT?

A. Even if there is not a Federal-level agreement for child support enforcement, there may be a state-level arrangement with the country. Individual states have some form of reciprocal arrangement with a number of different countries. Such state-level arrangements may not be as comprehensive in services provided as the Federal-level agreements, however. Not all states have similar arrangements with all countries. In addition, there are a number of multilateral international agreements that may help. While most of these multilateral international agreements are not in force for the United States, their existence can still prove useful in international child support cases. If a country is a party to one of these agreements, your attorney or state child

support office may wish to consider referring to this fact when approaching the foreign country or foreign employer for assistance. This collegial approach, appealing to the spirit of comity, can be helpful.

Q. WHAT IS THE AUTHORITY FOR SUCH STATE - LEVEL RECIPROCAL ARRANGEMENTS WITH FOREIGN COUNTRIES?

A. Federal law provides that "States may enter into reciprocal arrangements for the establishment and enforcement of support obligations with foreign countries that are not the subject of a declaration pursuant to subsection (a), to the extent consistent with Federal law" (42 U.S.C. 659A(d). The Uniform Interstate Family Support Act (in each State the law which governs interstate child support enforcement) provides in section 101(19) that the term "State" includes a foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to the procedures of state law. See also Nash, *Foreign Child Support Judgments: Declarations of Reciprocity by States*, Digest of United States Practice in International Law 1980, Office of the Legal Adviser, U.S. Department of State, 499,502 (1986) and Pfund, *Child Support Orders: Arrangements for Enforcement*, Cumulative Digest of United States Practice in International Law, 1981-1988, Vol. III, U.S. Department of State, Office of the Legal Adviser, 3695-3697 (December 1995)..

Q. WHICH U.S. STATES HAVE CHILD SUPPORT ARRANGEMENTS WITH WHICH FOREIGN COUNTRIES?

A. Contact your state child support agency to find out about the existence and provisions of a state-level arrangements with a specific foreign country. You can also find whether your state has a state-level arrangement with a specific foreign country by going to U.S. Department of Health and Human Services, Office of Child Support Enforcement (OCSE) Online Interstate Roster and Referral Guide (IRG) and selecting your state from the map, then going to section C "Reciprocity."

The information contained below, drawn from the individual state reports, may not be entirely accurate as state reciprocal arrangements change without

notice. It is wise to consult the most up-to-date information, which is available on the HHS home page.

Alabama: Ireland, Slovakia.

Alaska: Australia, Canada (only the following provinces: Alberta, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Ontario, Saskatchewan and Yukon Territory), England, Germany, Ireland, Mexico, Norway, Poland, Sweden.

Arkansas: Canada (all provinces), Germany, Ireland, Poland, United Kingdom.

Arizona: Australia, Canada (including provinces of Alberta, British Columbia, Manitoba, New Brunswick , Ontario, Prince Edward Island and Saskatchewan); France, Germany, Ireland, Mexico, Netherlands, Norway, Poland, Sweden, United Kingdom, British Virgin Islands.

California: Australia, Austria, Bermuda, Canada (all provinces), Czech Republic, Fiji, Finland, France, Germany, Hungary, Ireland, Mexico, New Zealand, Norway, Poland, Republic of South Africa, Slovak Republic, Sweden, United Kingdom.

Colorado: Australia, the following provinces in Canada: (Alberta, British Columbia, New Brunswick, Ontario, Saskatchewan and the Yukon Territory), France, Germany, Ireland, Mexico, Norway, Poland and the United Kingdom.

Connecticut: Australia; Bermuda; Canadian Provinces: (Alberta, Nova Scotia, British Columbia, Ontario, Manitoba, Saskatchewan, New Brunswick); France; Germany; Hungary; Ireland; Mexico (the following 27 of 32 states: Aguascalientes, Nayarit, Baja California, Nuevo Leon, Campeche, Puebla, Chiapas, San Luis Potosi, Chihuahua, Queretaro, Coahuila, Quintana Roo, Colima, Sonora, Distrito Federal, Tabasco, Guanajuato, Tamaulipas, Guerrero, Tlaxcala, Hidalgo, Veracruz, Jalisco, Yucatan, Michoacan, Zacatecas, Morelos); Norway; Poland; Slovak Republic; United Kingdom..

Delaware: Australia, Canada (the following provinces in Canada, Manitoba, New Brunswick, Nova Scotia, Ontario, Saskatchewan, Yukon; England, and Germany.

District of Columbia: None.

Florida: Australia, Austria, Bermuda, Canada

(including Alberta, Manitoba, New Brunswick, Newfoundland/Labrador, Northwest Territories, Nova Scotia, Ontario, Prince Edward Island, Quebec, Saskatchewan, Yukon Territory), Czech Republic, France, Germany, Hungary, Ireland, Jamaica, Norway, Poland, Slovak Republic, South Africa, Sweden, United Kingdom.

Georgia: Australia, Canada (the provinces of British Columbia, Manitoba, Alberta, Nova Scotia, Ontario, Saskatchewan), Germany, Hungary, Norway, Poland, Sweden, and the United Kingdom.

Hawaii: Australia, Germany and United Kingdom.

Idaho: Australia, Austria, Bermuda, Canada (all provinces), Czech Republic, Fiji, Finland, France, Germany, Hungary, Ireland, Mexico (Referrals/Payments thru Consulate of Utah or California), New Zealand, Norway, Poland, Republic of South Africa, Slovak Republic, Sweden and the United Kingdom

Illinois: Australia, Austria, Bermuda, Canada (all provinces), Columbia, Czech Republic, Denmark, Fiji, Finland, France, Germany, Hungary, Ireland, Israel, Jamaica, Mexico, New Zealand, Northern Ireland, Norway, Poland, Scotland, Slovak Republic, South Africa, Sweden and United Kingdom.

Indiana: Australia, Canada (provinces of Saskatchewan, New Brunswick, Ontario, Newfoundland and Labrador), Norway, Sweden, Poland, and the United Kingdom.

Iowa: Australia, Canadian Provinces (Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland/Labrador, Nova Scotia, Northwest Territories, Ontario, Quebec, Saskatchewan, Yukon Territories), France, Germany, Ireland, Jamaica, Poland, Scotland, Slovak Republic, Sweden, and the United Kingdom.

Kansas: None

Kentucky: , Australia, Bermuda, Canada (all provinces), Czech Republic, Hungary, France, Germany, Jamaica, Mexico, New Zealand, Poland, Republic of South Africa, Slovak Republic, Sweden and the United Kingdom.

Louisiana: Australia, Canada (provinces of Ontario, Alberta, Manitoba and Saskatchewan, France, Germany, Hungary, Ireland Poland, and United

Kingdom.

Maine: Canada (provinces of Newfoundland, Labrador, and Quebec), Germany, Sweden, and United Kingdom.

Maryland: Australia, Canada (Provinces of Edmonton Alberta, Winnepeg Manitoba, Frederickton New Brunswick, St. John's Newfoundland , Halifax Nova Scotia , Toronto Ontario, Charlottetown Prince Edward Island, Saskatchewan, Yukon Territory) , France, Ireland, Heidelberg Germany, Berlin Germany, Hungary, Jamaica, Poland, Sweden and United Kingdom.

Massachusetts: Austria, Canada (provinces of Quebec), Germany, Norway, Sweden, and the United Kingdom.

Michigan: Canada (provinces of Alberta, British Columbia, Manitoba, Nova Scotia, New Brunswick, Newfoundland, Labrador, Ontario, Prince Edward Island), France and Germany.

Minnesota: Australia, Austria, Canada: (provinces of Alberta, British Columbia, Manitoba, New Brunswick, Nova Scotia, Ontario, Prince Edward Island, Saskatchewan and Yukon Territories), Czech Republic, Germany, Ireland, Jamaica, Mexico, Norway, Poland, Sweden, and the United Kingdom.

Mississippi: Canada (provinces of Manitoba, Saskatchewan), Czech Republic, Ireland, Slovak Republic and Sweden.

Missouri: Australia, Austria, Canada (provinces of Alberta, New Brunswick, Northwest Territory, Ontario and Saskatchewan), Czech Republic, France, Germany, Hungary, Micronesia, Poland, Slovak Republic and United Kingdom.

Montana: All Canadian provinces and all countries with which the U.S. has federal agreements.

Nebraska: Australia, Canada (provinces of British Columbia, Manitoba, Nova Scotia, Ontario, Saskatchewan), Czech Republic, France, Germany, Hungary, Poland, and the Slovak Republic..

Nevada: Austria, Canada (provinces of Alberta, Saskatchewan, Manitoba, British Columbia, Ontario, Nova Scotia), Czech Republic, France, Germany, Hungary, Ireland, Mexico, Norway, Poland, Slovak Republic and the United Kingdom.

New Hampshire: None.

New Jersey: Australia, Bermuda, Canada (provinces of Alberta, Labrador, Manitoba, New Brunswick, Newfoundland, Northwest Territories, Nova Scotia, Ontario, Quebec, Saskatchewan, Yukon Territory), Czech Republic, Finland, France, Germany, Hungary, Ireland, Jamaica, Mexico, Norway, Poland, Slovak Republic, South Africa, United Kingdom.

New Mexico: Austria, Canada (provinces of Alberta, Saskatchewan, Manitoba, British Columbia, Ontario,- Nova Scotia), Czech Republic, Germany, Hungary, Ireland, Mexico, Norway, Poland, Slovak Republic, and the United Kingdom.

New York: Australia, Austria, Canada (all provinces), Czech Republic, Germany, Greece, Hungary, Ireland, Mexico, Norway, Poland, Slovak Republic, Sweden, United Kingdom.

North Carolina: Australia, Canada (provinces of Saskatchewan, Manitoba, Newfoundland, Alberta, Ontario, New Brunswick, and Nova Scotia), Germany, Hungary, Ireland, Poland, Sweden, and the United Kingdom, ,

North Dakota: Australia, Canada (provinces of Alberta, British Columbia, Manitoba, Ontario, Quebec, Saskatchewan, Yukon Territory), France, Germany, Mexico, Norway, Poland, Sweden and United Kingdom.

Ohio: Australia, Austria, Canada (all provinces, except Nunavut), Czech Republic, France, Germany, Hungary, Ireland, Mexico, New Zealand, Poland, Slovak Republic, Sweden and United Kingdom

Oklahoma: Australia, Canada (provinces of Alberta, New Brunswick, Ontario, Quebec, Saskatchewan), Czech Republic, Germany, Sweden, United Kingdom, .

Oregon: Australia, Canada (provinces of Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland, Northwest Territories, Nova Scotia, Ontario, Prince Edward Island, Quebec, Saskatchewan, Yukon Territory), Czech Republic, Denmark, Finland, France, Germany, Hungary, Jamaica, Micronesia, Norway, Poland, Slovak Republic, Switzerland, United Kingdom and British Virgin Islands.

Pennsylvania: Australia, Canada (provinces of British Columbia, Manitoba, New Brunswick, Nova Scotia, Ontario, Quebec and Saskatchewan), France, Germany, United Kingdom, Sweden, Ireland.

Rhode Island: All countries with which the U.S. has federal agreements.

South Carolina: None

South Dakota: Australia, Canada (provinces of Ontario, New Brunswick, Territory of Nunavut, Yukon, Manitoba, Newfoundland, Labrador, Northwest Territories, Nova Scotia, Saskatchewan,), Czech Republic, France, Germany, Hungary, Ireland, Mexico, Norway, Poland, Slovak Republic, Sweden, United Kingdom.

Texas: Austria, Australia, Canada (provinces of Alberta, Manitoba, New Brunswick, Northwest Territories, Nova Scotia, Ontario, Saskatchewan, and the Yukon Territory), Czech Republic, Germany, Hungary, Mexico, Norway, Poland, Sweden, and the United Kingdom.

Utah: Canada (provinces of Alberta, British Columbia, Manitoba, Ontario, Quebec, Saskatchewan, Yukon Territory), France, Germany, Mexico, Norway, Poland, United Kingdom.

Vermont: Vermont has no official arrangements with foreign countries.

Virginia: Australia, Austria; Canada (provinces of Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland/Labrador, Northwest Territories, Nova Scotia, Ontario, Prince Edward Islands, Quebec, Saskatchewan, Yukon Territory), Czech Republic, France, Germany, Hungary, Poland, Scotland, Sweden, United Kingdom, and Zimbabwe.

Washington State: Austria, Australia, Bermuda, Canadian Provinces of Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland, Labrador, Nova Scotia, NW Territories, Ontario, Prince Edward Islands, Quebec, Saskatchewan; Czech Republic, Fiji, France, Germany, Hungary, Jamaica, Mexico, New Zealand, Norway, Poland, Slovak Republic, Sweden and the United Kingdom.

West Virginia: Not Available.

Wisconsin: Australia, Austria, British West Indies (pending), Canada (provinces of Alberta, British Columbia, Manitoba, New Brunswick, Northwest

Territories (pending), Nova Scotia (pending), Ontario, Prince Edward Island (pending), Quebec (pending), Saskatchewan, Yukon Territory, Newfoundland and Labrador), Denmark, France, Germany, Hungary, Ireland (pending), Mexico (all states except Durango, Mexico, Oaxaca, Sinaloa), New Zealand, Nigeria (pending), Norway, Palau (pending), Poland, Sweden, and the United Kingdom.

Wyoming: None

Q. WHERE CAN I FIND FOREIGN CONTACT INFORMATION FOR FOREIGN COUNTRIES WITH WHICH INDIVIDUAL U.S. STATES HAVE RECIPROCAL CHILD SUPPORT ARRANGEMENTS?

A. Contact your local child support agency for foreign contact information for state-level arrangements.

V. LOCATING THE PARENT OVERSEAS

Q. HOW CAN I LOCATE AN ABSENT PARENT OWING CHILD SUPPORT WHO MAY BE OVERSEAS?

A. Contact your local child support agency which has access to a variety of sources for assistance in locating the absent parent, including state, Federal (Federal Parent Locator Service, 42 USC 653) and some foreign reciprocating countries location resources.

Q. HOW DO I REQUEST INFORMATION FROM U.S. EMBASSY RECORDS TO TRY TO LOCATE A U.S. CITIZEN ABROAD WHO IS OBLIGED TO PAY CHILD SUPPORT?

A. Consular sections in U.S. embassies and consulates can respond to requests from your local child support agency for information from consular registration records regarding U.S. citizen parents registered with the U.S. embassy or consulate. Information regarding the whereabouts of U.S. citizens abroad contained in Department of State passport records or U.S. embassy or consulate registration records abroad is protected by the Privacy Act. For consideration of a request for release of such information from U.S. embassy or

consulate registration records, the state child support enforcement office must submit a written request to the Consular Section, American Citizens Services Unit of the nearest U.S. embassy or consulate, or to the U.S. State Department, Overseas Citizens Services, Office of Policy Review and Interagency Liaison (CA/OCS/PRI), Room 4811A, 2201 C Street, N.W., Washington, D.C. 20520, tel: 202-647-3666, citing the specific law being enforced for which release of information is being requested under the law enforcement provisions of the Privacy Act. Requests cannot be made by individuals, only by state enforcement agencies.

Q. HOW DO I REQUEST INFORMATION FROM U.S. PASSPORT FILES TO LOCATE A MISSING PARENT ABROAD WHO OWES CHILD SUPPORT?

A. Information regarding the whereabouts of U.S. citizens abroad contained in Department of State passport records is protected by the Privacy Act. Child Support Enforcement Agencies may submit requests for information from U.S. passport records to the U.S. Department of State, Office of Passport Services, Research and Liaison Branch (CA/PPT/TD/ RL), Suite 510, 1111 19th Street, N.W., Washington, D.C. 20522-1705. Requests must be made in writing citing the specific law being enforced for which release of information is being requested under the law enforcement provisions of the Privacy Act. Requests cannot be made by individuals, only by state enforcement agencies.

Q. CAN THE U.S. EMBASSY FIND A MISSING PARENT WHO OWES CHILD SUPPORT?

A. Because we must dedicate our limited consular staff to handling critical emergencies of Americans abroad, such as deaths, arrests, medical evacuations, and disasters, we are not in a position to conduct actual searches for U.S. citizens owing child support who are not registered with the embassy or consulate. The U.S. embassy or consulate can provide you with a list of foreign attorneys who may be able to direct you to local private investigators.

VI. OBTAINING SUPPORT ENFORCEMENT THROUGH THE EMPLOYER

U.S.-BASED PRIVATE EMPLOYER

FOREIGN-BASED EMPLOYER

U.S. MILITARY EMPLOYER

U.S. DEPARTMENT OF STATE EMPLOYER

OTHER U.S. FEDERAL AGENCY EMPLOYER

Q. THE PARENT OWING CHILD SUPPORT WORKS OVERSEAS FOR A PRIVATE U.S.-BASED COMPANY. WHAT CAN BE DONE TO OBTAIN ENFORCEMENT?

A. If the person owing the child support is employed abroad for a U.S.-based company, current child support enforcement laws provide a number of steps to obtain enforcement. Contact your local state child support agency for details.

FOREIGN-BASED PRIVATE EMPLOYER

Q. WHAT CAN BE DONE IF THE PARENT OBLIGED TO PAY CHILD SUPPORT WORKS ABROAD FOR A FOREIGN-BASED EMPLOYER, WITH NO U.S. AFFILIATION?

A. Where there is a reciprocal arrangement, the foreign child support agency or Central Authority will help enforce a U.S. support obligation. Contact your local state child support agency for details. If there is no reciprocal arrangement, state child support offices advise they have found it useful to pursue other possible avenues to attempt to collect child support from the person in the foreign country. One example is for the state child support enforcement agency to contact the individual's foreign employer, including the president of the company, providing authenticated, translated copies of outstanding court orders, warrants, etc. Business directories such as Standard and Poors, Dunn & Bradstreet or similar publications may provide resource information concerning addresses of the corporate headquarters of foreign companies. Contact your state child support office for guidance on this process. Also, certain domestic enforcement measures may be effective even if the person who is obliged to pay child support works abroad.

U.S. MILITARY EMPLOYER

CASEWORKER'S GUIDE CHILD TO SUPPORT ENFORCEMENT & THE MILITARY

GARNISHMENT OF WAGES

JUDGE ADVOCATE GENERAL'S OFFICE

SERVICE OF PROCESS

MILITARY PERSONNEL LOCATOR SERVICE

Q. HOW CAN I OBTAIN ENFORCEMENT OF A CHILD SUPPORT ORDER AGAINST AN EMPLOYEE OF THE U.S. MILITARY ABROAD, OR A U.S. MILITARY RETIREE ABROAD?

A. If the parent from whom you are seeking child support is an employee of the U.S. military abroad or a U.S. military retiree abroad, contact your local child support office for assistance in coordinating with the appropriate U.S. military offices. There are a variety of resources for information about child support enforcement and the military. For general guidance, see the U.S. Department of Health and Human Service, Office of Child Support Enforcement's *A Caseworker's Guide to Child Support and the Military*. You also can contact the U. S. Department of Health and Human Services, Office of Child Support Enforcement's Military Liaison, Marilyn Michaels, at 808-692-7139.

Q. WHERE CAN I FIND OUT MORE ABOUT THE PROCEDURES FOR GARNISHMENT OF WAGES OF A PARENT IN THE U.S. MILITARY?

A. The U.S. Department of Defense, Defense Finance and Accounting Service (DFAS) has a web site available with a specific fact sheet about Garnishment, a Frequently Asked Questions feature about Garnishment and a Garnishment Index.

Q. WHERE CAN I FIND OUT MORE ABOUT CHILD SUPPORT ENFORCEMENT AND THE MILITARY?

A. Contact the Judge Advocate General's Office for the applicable branch of the military via general information at the Pentagon, tel: (703) 545-6700. See also the webpages for the Judge Advocate General's Office for the Air Force, Army, and Navy and the Department of Defense Office of General Counsel. It may also be helpful to review "A Guide to Child Support Enforcement Against Military Personnel", (February 1996), Administrative and Civil Law Department, Legal Assistance Branch, The Judge Advocate General's School, U.S. Army, Charlottesville, VA 22093-1781 and the work of the

ABA Military Committee, Family Law Section.

Q. HOW DO I SERVE PROCESS ON A PARENT OWNING CHILD SUPPORT WHO IS SERVING IN THE U.S. MILITARY?

A. See the U.S. Department of Health and Human Services, Office of Child Support Enforcement's *A Caseworker's Guide to Child Support and the Military*. See also, the U.S. Department of State general guidance on service of process, which contains a discussion of this issue, and country specific information on service of process abroad.

Q. HOW CAN I GO ABOUT LOCATING A PERSON OBLIGED TO PAY CHILD SUPPORT WHO IS SERVING WITH THE U.S. MILITARY?

A. See the U.S. Department of Health and Human Services, Office of Child Support Enforcement's *A Caseworker's Guide to Child Support and the Military*. Sec. 363 of H.R. 3734, "Enforcement of Child Support Obligations of Members of the Armed Forces", requires the Secretary of Defense to establish a centralized personnel locator service for members of the Armed Forces. See also Requests for Military Mailing Addresses Active Duty.

**U.S. STATE DEPARTMENT EMPLOYER
POLICY & PROCEDURES**

GARNISHMENT

SERVICE OF PROCESS

LOCATOR SERVICE

FOREIGN COURT ORDERS

DENIAL OF DIPLOMATIC AND OFFICIAL
PASSPORTS

Q. HOW IS THE POLICY OF THE U.S. GOVERNMENT REGARDING ENFORCEMENT OF A U.S. CHILD SUPPORT ORDER ISSUED BY A U.S. COURT AGAINST AN EMPLOYEE OF THE U.S. GOVERNMENT APPLIED REGARDING U.S. DEPARTMENT OF STATE EMPLOYEES WORKING ABROAD?

A. The authority to obtain enforcement is set forth in 42 U.S.C. 659; 5 CFR 581. On February 27, 1995, the President signed Executive Order 12953 which sets forth the actions required by all Federal

agencies, including the Department of State, to facilitate payment of child support. Section 101(b) of the Executive Order requires all Federal agencies to cooperate fully in efforts to establish paternity and in the collection of child and medical support from agency employees. Section 101(c) of the Executive Order requires each Federal agency to provide information to its employees about this subject. The provisions of Executive Order 12953 were publicized in Department of State Notice dated 5/15/95 and Department of State Notice dated 6/23/95. The subject is also addressed in *The Foreign Service Family and Divorce*, Department of State Publication 9914, Family Liaison Office, (M/DGP/FLO), 2000. See Resources - Family Support Services on the Family Liaison site.

Executive Order 13019 - Supporting Families: Collecting Delinquent Child Support Obligations (September 1996) required the Secretary of the Treasury to promptly develop and implement procedures necessary for the collection of past-due child support debts by administrative offset. The Debt Collection Improvement Act of 1996 authorized the Secretary of the Treasury to collect past-due child support by the administrative offset of Federal payments.

Q. HOW DO I ARRANGE FOR GARNISHMENT OF WAGES OF AN EMPLOYEE OF THE U.S. DEPARTMENT OF STATE IN A CHILD SUPPORT CASE?

A. The salary of a federal government employee may be garnished for the purpose of enforcing a legal obligation to provide child support or alimony. (See 42 U.S.C. 659; 5 CFR 581) However, no garnishment procedures can be effectuated until evidence as to the legal obligation is furnished, such as a tribunal order or decree. The Department of State will garnish the wages of an employee to pay child support and alimony when it is served with garnishment orders in accordance with governing law and regulations. See also the Department of State, Family Liaison Office (M/DGP/FLO) guidance on this subject.

Q. WHERE SHOULD GARNISHMENT ORDERS AGAINST U.S. DEPARTMENT OF STATE EMPLOYEES BE SENT IN THE DEPARTMENT OF STATE?

A. Garnishment orders should be sent to Office of the Legal Adviser, L/EX, Room 3422 N.S., Department of State, 2201 C Street, N.W., Washington, D.C. 20520.

Q. HOW DO I EFFECT SERVICE OF PROCESS ON AN EMPLOYEE OF THE U.S. DEPARTMENT OF STATE IN CONNECTION WITH A CHILD SUPPORT CASE?

A. Section 302 of Executive Order 12953 provides that every Federal agency shall assist in the service of legal process in civil actions pursuant to orders of courts of States [of the United States] to establish paternity and establish or enforce a support obligation by making Federal employees stationed outside the United States available for service of process. Each agency shall designate an official who shall be responsible for facilitating a Federal employee's availability for service of process regardless of the employee's workplace.

Although the Department of State is not an agent for the service of process upon its employees with respect to purely personal, non-official litigation, the Department recognizes that its employees stationed overseas should not use their official positions to evade their personal obligations and will, therefore counsel and encourage Department employees to accept service of process in appropriate cases. See 22 CFR 172.2(d). [See also the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. 2635.809 (financial obligations).]

Q. WHO DO I CONTACT IN THE DEPARTMENT OF STATE REGARDING QUESTIONS CONCERNING SERVICE OF PROCESS ON DEPARTMENT EMPLOYEES IN CHILD SUPPORT MATTERS?

A. The Department of State, Office of Employee Relations, Conduct, Suitability and Discipline Staff (HR/ER) will counsel and encourage Department employees to accept service of process and make arrangements to ensure that their children are provided the support to which they are legally entitled Executive Order 12953 of February 27, 1995 and 22 CFR 172.2(d)). The Department of State, Office of Employee Relations, Conduct, Suitability and Discipline Staff (HR/ER) can be contacted at SA-1, Room 236H, U.S. Department of State,

Washington, D.C. 20520; 202-261-8180. HR/ER will coordinate with the Office of the Legal Adviser for Employment Law (L/EMP) and the Office of the Legal Adviser for Ethics (L/Ethics) as necessary. Questions for the Office of the Legal Adviser for Employment Law (L/EMP) or the Office of the Legal Adviser for Ethics (L/Ethics) may be directed to U.S. Department of State, 2201 C Street N.W., Washington, D.C. 20520.

Q. IF SERVICE IS TO BE MADE DIRECTLY ON A U.S. DEPARTMENT OF STATE EMPLOYEE ABROAD HOW CAN ARRANGEMENTS BE MADE FOR WAIVER OF IMMUNITY TO ENABLE THE FOREIGN CENTRAL AUTHORITY TO EFFECT PERSONAL SERVICE ON THE U.S. DEPARTMENT OF STATE EMPLOYEE ABROAD?

A. Questions regarding waiving of applicable diplomatic or consular privileges and immunities should be directed to the Office of the Legal Adviser for Diplomatic Law (L/DL), Room 5420, U.S. Department of State, 2201 C Street, N.W., Washington, D.C. 20520.

Q. HOW DO I ENFORCE A CHILD SUPPORT ORDER AGAINST A U.S. STATE DEPARTMENT EMPLOYEE ISSUED BY A COURT IN A FOREIGN COUNTRY WHEN THE CHILD IN QUESTION IS IN A FOREIGN COUNTRY?

A. If the foreign country in which the person, State agency, or other institution to which a child support is owed has a federal bilateral arrangement with the U.S. or a state level arrangement with the state of residence of the person who is obliged to pay child support, the foreign enforcement agency for international cases may contact the state child support agency in the designated state of residence of the person who is obliged to pay child. The Uniform Interstate Family Support Act (UIFSA), prepared by the National Conference of Commissioners on Uniform State Laws, has been enacted by all of the states in the United States. Pursuant to UIFSA, the child support agency may register the existing foreign order in that state and enforce it as a local state order. If, for some reason, the foreign order is not enforceable in the United

States, a new and enforceable local state order may be established in the state of residence of the person who is obliged to pay child support on behalf of the person, State agency, or other institution to which a child support is owed. The registered foreign order or the new local order may be enforced using garnishment and other appropriate enforcement actions.

Q. WHAT DO I DO IF THE STATE OF RESIDENCE OF THE PERSON OWING THE CHILD SUPPORT IS UNKNOWN?

A. If the foreign country has a federal bilateral arrangement with the United States and the designated state of residence of the person who is obliged to pay child support is unknown, the foreign central authority may contact the United States Central authority for International Child Support, Office of Child Support Enforcement, Department of Health and Human Services, 4 West Aerospace Building, 370 L'Enfant Promenade SW, Washington, DC 20447 or by phone: 202-260-5943, fax: 202-401-5539, or email to ocseinternational@acf.dhhs.gov for assistance in locating the designated state of residence of the person who is obliged to pay child support. If the foreign country has a state level agreement, it may contact a state with which it has such an agreement for assistance in location.

Information regarding garnishment and other appropriate actions may be obtained by contacting the Office of the Legal Adviser, Legislation and General Management, L/LM, Room 3422, Department of State, 2201 C Street, N.W. Washington, DC 20520, tel: (202) 647-2318. All State Department employees have a designated state of residence, and garnishment or other enforcement actions may be taken by the State Department whether the employee is located in the same foreign country, another foreign country or the United States.

Q. WHAT SHOULD I DO IF THE FOREIGN COUNTRY WHERE THE CHILD LIVES DOES NOT HAVE A RECIPROCAL AGREEMENT ON CHILD SUPPORT WITH THE UNITED STATES?

A. If the person, State agency, or other institution to which a child support is owed is in a foreign country with which there is neither a federal agreement nor

a bilateral agreement with the state of residence of the person who is obliged to pay child support, the order may be enforced in the United States only if it is recognized as an enforceable order by a tribunal, through whatever procedures are appropriate and available, in the state of residence of the person who is obliged to pay child support. This may require the services of a local attorney.

The U.S. State Department does not have the authority to garnish wages based on a foreign order which has not been registered or otherwise recognized by a tribunal of a United States state. In such a case, however, other actions pursuant to Department of State personnel rules may be brought to bear to encourage compliance with the support obligation. The person, State agency, or other institution to which a child support is owed or the foreign child support enforcement agency may contact the United States Department of State Office of the Legal Adviser, Legislation Management, L/LM, Room 3422 N.S., Department of State, 2201 C Street, N.W., Washington D.C. 20520 through its embassy in Washington or through the U.S. Embassy or consulate in the foreign country.

Q. WHOM SHOULD I CONTACT IF I HAVE QUESTIONS ABOUT ENFORCEMENT OF FOREIGN COURT ORDERS AGAINST DEPARTMENT OF STATE EMPLOYEES?

A. The U.S. Department of State, Office of the Legal Adviser, Legislation and General Management, L/LM, Room 3422, Department of State, 2201 C Street, N.W., Washington, D.C. 20520, tel: (202) 647-2318 may be contacted for information regarding garnishment procedures and other appropriate actions.

Q. ARE PASSPORT SERVICES DENIED FOR DEPARTMENT OF STATE EMPLOYEES IN CONNECTION WITH CHILD SUPPORT MATTERS?

A. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) went into effect October 1, 1997. The statute prohibits any individual from receiving a U.S. passport who has been certified by the Secretary of Health and Human Services to the Secretary of State as being in arrears on child support payments

by an amount exceeding \$5000. This prohibition extends to the issuance of diplomatic and official passports and includes both new issuances and renewals. See the Department of State Notice of 04/10/2000. The Department of State and its embassies and consulates abroad have no information concerning individual child support obligations and, once a passport has been denied based on nonpayment of child support, have no authority to take other action until HHS removes the person's name from its list. Please direct any questions to the appropriate state child support enforcement agency. You may go to the Department of Health and Human Services - State Child Support Enforcement Web Site for a listing of HHS state and local agencies.

OTHER U.S. GOVERNMENT AGENCY EMPLOYER

Q. HOW DO I ARRANGE FOR ENFORCEMENT OF CHILD SUPPORT FROM OTHER U.S. GOVERNMENT EMPLOYEES ABROAD?

A. The salary of a federal government employee may be garnished for the purpose of enforcing a legal obligation to provide child support or alimony. (See 42 U.S.C. 659; 5 CFR 581) However, no garnishment procedures can be effectuated until evidence as to the legal obligation is furnished, such as a tribunal order or decree. To ascertain procedures for garnishment of the salary of a federal employee of a U.S. Government agency other than U.S. military or U.S. Department of State described above, contact the Personnel Office or the Office of General Counsel of the employing agency. Consult the comprehensive listing of all federal employer agents for purposes of service of process (select #10, then Text; 5 CFR 581 at Appendix A), or contact your state child support office for assistance

VII. LEGAL SERVICES AND PROCESSES

Passport Restrictions

Foreign Attorneys

Criminal Law Options

Service of Process

Obtaining Evidence Abroad

Authentication of Documents

Q. HOW CAN A U.S. PASSPORT BE DENIED TO A PERSON OBLIGED TO PAY CHILD SUPPORT?

A. U.S. passports cannot be denied based on requests from private individuals. 42 U.S.C. 652 (k) provides that the Secretary of State must deny issuance of a passport to a person who is in arrears of child support of more than \$5,000 based upon a certification to that effect by the Secretary of Health and Human Services (HHS). See 22 Code of Federal Regulations, Section 51.70 (a) (8). If a person applies for a U.S. passport or other consular services abroad, and that person's name does not clear the Passport Name Check System due to an outstanding child support obligation certified by HHS, the U.S. embassy or consulate will deny the request for a passport or revoke a passport already issued.

The person may be issued a limited validity passport which is also limited for return to the United States. "Revoke" means that the U.S. government has officially removed the passport from the person - it does not necessarily mean that the original passport (which may include multiple foreign visas) is destroyed or canceled. If there is a hold for HHS certified child support reasons, the passport will not be returned to the person until the name clears the passport lookout system. The formal passport revocation letter prepared by the U.S. embassy or consulate informs the person that the passport is legally revoked and he or she is not entitled to it until HHS gives the Department of State official permission.

Once the name of the person clears the passport lookout system electronically, the passport may be returned. This means that the state where the child support is owed must notify the U.S. Department of Health and Human Services that the \$5,000 or more in arrears has been paid. HHS will in turn notify the U.S. Department of State that the individual's name may be removed from the passport name check system. The Department of State and its embassies and consulates abroad have no information concerning individual child support obligations and have no authority to take other action until HHS removes the person's name from its list. Please direct any questions to the appropriate state child

support enforcement agency. You may go to the Department of Health and Human Services - State Child Support Enforcement Web Site for a listing of HHS state and local agencies. See also the HHS letter to all state IV-D Directors requesting updated information.

Q. IF THERE IS NO FEDERAL OR STATE RECIPROCAL ARRANGEMENT ON CHILD SUPPORT ENFORCEMENT, WHAT OTHER OPTIONS ARE AVAILABLE?

A. If there is no Federal or state arrangement, a state child support agency or an individual seeking child support may want to consult an attorney in the foreign country to learn if there are any remedies available under foreign law. Consult the U.S. Department of State home page for a list of foreign attorneys prepared by the U.S. embassy or consulate abroad and information on retaining a foreign attorney. See also general information about enforcement of judgments. Lists of attorneys are also available from the U.S. Department of State, Overseas Citizens Services, Office of American Citizen Services and Crisis Management at 202-647-5225 or via mail at Room 4811A, 2201 C Street, N.W., Washington, D.C. 20520. Also, domestic enforcement tools such as tax offset, passport restrictions, or lien registries may be effective even if the person who is obliged to pay child support resides in a country without enforcement procedures available to U.S. residents. Consult your local your local child support agency for assistance with these domestic enforcement tools.

Q. DO U.S. CRIMINAL LAWS PROVIDE ANY MECHANISM TO ASSIST IN CHILD SUPPORT ENFORCEMENT?

A. A civil child support debt is not in itself enforceable as a criminal matter and is unlikely to serve as a basis for arrest or extradition. For information about Federal criminal child support measures under the Child Support Recovery Act see the U.S. Department of Justice, Criminal Division. Some states also have criminal laws governing child support enforcement. Contact your state child support office about new criminal enforcement procedures, including any new developments in the

use of criminal procedures in international cases. Questions about extradition treaties should be addressed by prosecutors to the U.S. Department of State, Office of the Legal Adviser for Law Enforcement and Intelligence or the Criminal Division, Office of International Affairs, Department of Justice.

Q. WHERE CAN I FIND INFORMATION ABOUT AUTHENTICATION OF DOCUMENTS FOR USE ABROAD, SERVICE OF PROCESS, OR OBTAINING EVIDENCE IN CONNECTION WITH CHILD SUPPORT MATTERS?

A. It may be necessary to provide foreign authorities with authenticated, translated copies of a child support order and any other pertinent documents. Consult the reciprocating nation's Central Authority or a foreign attorney before going to this expense. If you need to authenticate documents, serve process on a person abroad, or obtain evidence abroad in connection with a child support case, see the Department of State's extensive home page on international judicial assistance where you will find answers to many of these questions.

VIII. OTHER INTERNATIONAL AGREEMENTS

Q. WHY ISN'T THE UNITED STATES A PARTY TO MULTINATIONAL AGREEMENTS ON CHILD SUPPORT ENFORCEMENT?

A. Many multilateral treaties frequently include elements that are incompatible with the U.S. child support system or U.S. Constitutional or judicial standards. The United States supports the work of the Hague Conference on Private International Law to find a new multilateral solution to the issue of child maintenance.

Q. WHY WOULD A TREATY THAT IS NOT IN FORCE FOR THE UNITED STATES HELP IN TRYING TO ENFORCE A U.S. ORDER IN A FOREIGN COUNTRY WHERE THE TREATY IS IN FORCE?

A. While most of these agreements are not in force for the United States, their existence can still prove

useful in international child support cases. If a country is a party to one of these agreements, your attorney or state child support office may wish to consider referring to this fact when approaching the foreign country or foreign employer for assistance. In this context, provide the foreign contact with information about the laws of your state. This collegial approach, appealing to the spirit of comity, can be helpful.

IX. PRIVATE ORGANIZATIONS

Q. WHAT DO YOU ADVISE PEOPLE CONSIDERING RETAINING THE SERVICES OF VARIOUS PRIVATE ORGANIZATIONS TO ENFORCE CHILD SUPPORT ORDERS?

A. U.S. residents should always contact the child support office in their state of residence first, even if the person who is obliged to pay child support resides abroad. The Department of State is aware that many private organizations now claim that they can assist in enforcing child support orders abroad. As a matter of policy, we do not comment on the bona fides of such organizations. Before retaining the services of such an organization, however, U.S. citizens may wish to make appropriate inquiries with applicable state licensing offices, the Better Business Bureau, your local or state child support office, or the attorney general's office of the state where the private organization is located.

X. ENFORCING A FOREIGN SUPPORT ORDER IN THE U.S.

Q. HOW CAN A FOREIGN CHILD SUPPORT ORDER BE ENFORCED IN THE UNITED STATES?

A. If there is an existing federal bilateral child support arrangement between the United States and the foreign country, or a U.S. state-level arrangement with the foreign country, the foreign country should contact the local child support enforcement agency in the state where the person owing child support resides. If the parent's whereabouts are unknown, the foreign central authority can contact the U.S. Central Authority, Director, U.S. Central Authority for International Child Support, Office of Child Support Enforcement, Department of Health and Human Services, Phone:

202-260-5943; Fax: 202-401-5539. If there is no state-level or federal arrangement with the foreign country, it may be necessary for the individual seeking enforcement or the foreign authorities working on behalf of that individual to retain the services of a private attorney in the United States to attempt to enforce the foreign judgment in accordance with U.S. law. There is no treaty in force between the United States and any foreign country on the subject of enforcement of judgments. See our general guidance regarding enforcement of judgments. Information about lawyer referral services is available from the American Bar Association.

XI. LINKS

Q. ARE THERE OTHER SOURCES OF INFORMATION ABOUT INTERNATIONAL CHILD SUPPORT ENFORCEMENT WHERE I CAN OBTAIN INFORMATION?

A. The following links may be helpful.

LAWS, EXECUTIVE ORDERS, FEDERAL REGULATIONS

Personal Responsibility and Work Opportunity Reconciliation Act of 1996 , Section 459A of the Social Security Act (42 U.S.C. 659A (1996), authority to negotiate international agreements

Personal Responsibility and Work Opportunity Reconciliation Act of 1996 Welfare Report Act, 42 USC 652(k), Denial of passports for nonpayment of child support

Deadbeat Parents Punishment Act (18 USC 228); Child Support Recovery Act

Uniform Interstate Family Support Act

Executive Order 13019 - Supporting Families: Collecting Delinquent Child Support Obligations, September 28, 1996, FR Vol 61, No. 193, Thursday, October 3, 1996

Executive Order 12953 - Actions required by all Federal agencies to facilitate payment of child support. Section 101(b) of the Executive Order requires all Federal agencies to cooperate fully in efforts to establish paternity and in the collection of child and medical support from agency employees. Section 101(c) of the Executive Order required each

Federal agency to provide information to its employees about this subject.

Public Notice in the Federal Register (Vol. 65, Number 98, Page 31953) - U.S. Reciprocal Agreements on International Child Support Enforcement

FEDERAL AGENCIES

State Department

U.S. Department of State, Bureau of Consular Affairs, Child Support Enforcement

U.S. Department of State, Passport Services, Denial of Passports for Child Support Arrearages

U.S. Department of State, Office of the Legal Adviser for Private International Law

U.S. Department of State, Family Liaison Office for Department of State Personnel and Dependents

HHS

U.S. Department of Health and Human Services, Office of Child Support Enforcement:

Justice

U.S. Department of Justice, Criminal Division's Child Exploitation and Obscenity Section

Treasury

U.S. Treasury Department, Debt Management Services, Child Support Enforcement

U.S. Treasury Department, Regulations Relating to Child Support

Defense

A Caseworker's Guide to Child Support Enforcement for Military Personnel: U.S. Department of Health and Human Services, Office of Child Support Enforcement:

Defense Finance and Accounting Service (DFAS) fact sheet about Garnishment, Frequently Asked Questions feature about Garnishment and Garnishment Index.

Associations

National Child Support Enforcement Association

American Bar Association, Child Support Committee

Military Committee, Section of Family Law, American Bar Association

Eastern Regional Interstate Child Support Enforcement Association (ERICSA)

International Organizations

Hague Conference on Private International Law

XII. REFERENCE MATERIALS

Q. WHERE CAN I READ MORE ABOUT CHILD SUPPORT ENFORCEMENT?

A. Here is a selected bibliography on child support enforcement.

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XIII. STATE CHILD SUPPORT AGENCIES

(Note: Contact information for state agencies changes regularly and the following may not be accurate. You may wish to contact your state child support enforcement office via the Internet or check the address feature of OCSE's Online Interstate Resource Guide.) **This HHS site includes the most current address and telephone information. The following phone numbers taken from the HHS site may be helpful to inquirers who do not have ready internet access. Your local public library should be able to assist you in checking the HHS site directly for updates.**

STATE CHILD SUPPORT
ENFORCEMENT OFFICES

[This information was edited out for brevity]