

State of New Jersey  
Administrative Office of the Courts

<b>Probation Child Support Enforcement Operations Manual</b>	<b>Volume A</b>	<b>05/04/20</b>
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**1801 Reciprocity/The Hague Child Support Convention/Tribal Nations**

**A. Overview**

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) gave the U.S. Department of State the authority to make international reciprocity agreements on behalf of state's and U.S. territories. Prior to PRWORA, states and countries reached individual agreements for the request of reciprocal support services.

Reciprocity is defined as the process by which one jurisdiction provides services to another jurisdiction on the condition that it receives the same level of services. There are several types of reciprocal agreements that exist at different levels; the federal level, the Hague Child Support Convention (Hague) level, state level, and reciprocal agreements on the basis of comity.

**B. The International Recovery of Child Support and Other Forms of Family Maintenance (Hague)**

The United States signed the Hague treaty on November 23, 2007 and it was signed into law on September 29, 2014. The law required each state to pass legislation to enact the 2008 amendment to the Uniform Interstate Family Support Act (UIFSA). Once all states enacted UIFSA 2008, the U.S. deposited the instrument of ratification on September 7, 2016 to implement the convention into force in the U.S.

Hague is a multilateral treaty, which binds the U.S. and the other Hague countries to assure compliance. Hague covers child support obligations until the age of 21 and spousal support if the spousal support is in conjunction with the child support. It does not cover an alimony-only obligation.

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**Note:** Information concerning Hague or country specific information can be found on the Hague Conference Website, <https://www.hcch.net/en/instruments/conventions/specialised-sections/child-support>.

UIFSA 2008 includes a new Article 7 that integrates the convention into state law. Article 7 applies only to a support proceeding under Hague and provides direction on the handling of requests received from a Hague country. Article 7 also introduces new, agreed upon forms that Hague countries are required to use as well as other recommended forms.

Proceedings with Hague countries have less stringent documentation requirements. If an order is manifestly incompatible with public policy, which could include a lack of proper due process, the order does not have to be recognized. If the order is not recognized, the court cannot dismiss the proceeding without first allowing time for a party to request a new convention order. If the order is not recognized in its entirety, any part of the order that can be recognized must be enforced separately.

Under Article 7, only certain services are available to each party.

The following support proceedings are available to an **obligee only**:

1. Establishment of a support order if there is no existing order, including the determination of parentage;
2. Recognition or recognition and enforcement of a foreign order;
3. Enforcement of a support order issued or recognized in the requested state;
4. Establishment of a support order if recognition of a foreign support order is refused;

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5. Modification of a support order entered in the requested state; and
6. Modification of a support order entered in another U.S. state or foreign country.

The following support proceedings are available to an **obligor only**:

1. Recognition of an order suspending or limiting enforcement of an existing support order entered in the requested state;
2. Modification of a support order entered in the requested state; and
3. Modification of a support order entered in another U.S. state or foreign country.

**C. Current Reciprocity**

The U.S. currently has federal level agreements, also called bilateral arrangements, as of May 4, 2020, with the following countries:

Australia	Canada
El Salvador	Israel
Switzerland	

Additional information and reference material can be found on the Federal Office of Child Support Enforcement (OCSE) website, <https://www.acf.hhs.gov/css/partners/international>.

In accordance with the Hague treaty, the U.S. can send and receive support services requests as of May 4, 2020, from the following signatory countries:

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Albania	Austria	Belarus
Belgium	Bosnia and Herzegovina	Brazil
Bulgaria	Croatia	Cyprus
Czech Republic	Estonia	Finland
France	Germany	Greece
Honduras	Hungary	Ireland
Italy	Latvia	Lithuania
Luxembourg	Malta	Montenegro
Netherlands	Norway	Poland
Portugal	Romania	Slovakia
Slovenia	Spain	Sweden
Turkey	Ukraine	United Kingdom

Additional information and reference material can be found on the Judiciary InfoNet, Intergovernmental Reference Guide (IRG), OCSE website and Hague website under Country Profiles, [http://hcch.cloudapp.net/smartlets/sfjsp?interviewID=hcchcp2012&t\\_lang=en](http://hcch.cloudapp.net/smartlets/sfjsp?interviewID=hcchcp2012&t_lang=en).

At a state level, New Jersey has entered into reciprocal agreements as of May 4, 2020, with the following countries, which are not part of Hague:

Bermuda	Canada (Quebec)	Jamaica
Mexico		South Africa

Additional and updated information can be found on the Judiciary InfoNet website, <http://intranet.njcourts.gov/divisions/assets/probation/csp/interstate/reciprocitywithnon.pdf?c=P03>.

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New Jersey can also accept a request for support services from a country where no formal agreement exists. The Intergovernmental Central Registry (ICR) will process the request and forward the documentation to the local tribunal. Once received, the tribunal will make a determination on the basis of comity as to whether the requested reliefs will be granted. This determination is usually based on the analysis of whether the other country's laws are sufficiently similar to the procedures under UIFSA.

**D. Tribal Nations**

Although tribes are part of UIFSA's definition of state, OCSE does not require them to adopt UIFSA in order to receive federal funding for their Tribal Child Support program. Tribes operate under the Full Faith and Credit to Child Support Orders Act (FFCCSOA). To receive federal funding, tribes must meet the objectives of the Child Support Program, including establishment of parentage, establishment of support, modification, and enforcement of support orders and location of Non-Custodial Parents (NCPs)/obligors.

Some tribes have adopted their own codes and laws, but have incorporated their state's child support statutes by reference, while other tribes have written their own codes, laws, procedures, and policies to govern their child support program. The information required by each agency will vary and it is recommended that the appropriate tribal agency be contacted directly when seeking assistance with a case. Prior to sending a case, it's important to contact the tribe to determine if it meets that tribe's jurisdictional requirement because it may not be the same for all tribes.

**Note:** Tribal Child Support programs may choose to use the federal intergovernmental forms; however, some do not and are not required to use or accept such forms. It is important to contact the tribe to learn what paperwork is necessary for them to process a request.

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A list of Tribal Child Support programs can be found at the OCSE's website under Tribal Child Support Agency Contacts, <https://www.acf.hhs.gov/css/resource/tribal-child-support-agency-contacts>.