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Idaho legislators' mistakes in rejecting child support measure are beyond debate

By Rep. John Gannon, D-Boise

The rejection of international reciprocal child support legislation by an Idaho House committee disrupts our child support system and will hurt families and children. Idaho legislators who resent federal government threats should talk to their members of Congress.

On Sept. 18, 2014, the U.S. Senate by unanimous consent passed HR 4980, which requires states to enact international reciprocal child support legislation. That means Sens. Jim Risch and Mike Crapo consented, along with national leaders such as Sens. Marco Rubio, Rand Paul and Ted Cruz. On July 23, 2014, the Republican-controlled House of Representatives passed the law by voice vote. I listened to the C-SPAN archive, and I could not even hear a "no" vote. Those opposed, if any, didn't complain much. President Barack Obama signed the law on Sept. 29.

Apparently the staffs of 535 members of Congress and those involved in the treaty and administration of the law didn't fear requiring state implementation. They had no problem placing children and parents above any perceived breach of states' rights.

The Uniform Law Commission reports that 20 states, including Utah, have enacted the required legislation, which will allow the orderly collection of child support from parents who try to escape their responsibilities. Last month the Wyoming Senate passed it 30-0. The Wyoming House voted 55-4. Other states are in various stages of consideration.

Our Idaho Senate passed the law 34-0 and our Idaho attorney general endorsed it. Yet, the House Judiciary and Rules Committee, after hearing concerns regarding Sharia law and federal overreaching, adopted a rarely used "Motion to Table." This motion forbids further discussion or debate. Later, some of us again tried to discuss solutions on the House floor, but this attempt was rejected.

Better laws are made when legislators, after hearing the testimony we heard, ask questions, and test ideas in debate — which we didn't. Discussion can't happen when a drastic "Motion to Table" is made.

I do not blame any legislator for questioning this bill. After the Idaho Education Network, Corrections Corporation of America, horse racing and other issues, legislators should carefully evaluate presentations and legislation. I admire every legislator who does so, including the nine who voted to table. The presentation in favor of the bill may have fueled skepticism because of a demand for passage and lack of specifics.

But several committee members, including me, wanted to look at ways to resolve this contentious issue, which creates the possibility of a special session and the severe disruption of our child support system. An amendment, or even a sunset provision, might have been a solution.

This law is drafted by the Uniform Law Commission. Sen. Bart Davis and prominent Idaho attorneys Mike Brassey, Dale Higer and Rex Blackburn represent Idaho. Idaho enacts many of these uniform laws. The law protects children, and protects an obligated parent from two different court support orders — something that can happen. The parent has the right to appear by electronic means in a foreign court if the parent can't afford to travel. Most importantly, no Idaho court can enforce a court order that "is manifestly incompatible with public policy." To be valid, the foreign court must observe "due process."

More discussion and debate is the better way to test ideas and solve problems, and now we have a big problem we don't need.

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