

# Just when things are looking up, the Times weighs in

**Marty Trillhaase/Lewiston Tribune**

Finally, it looks like Idaho lawmakers are about to fix the child support enforcement mess they left behind just before adjourning for the year.

Gov. C.L. (Butch) Otter has called them back for a special session, set for May 18.

That would indicate Otter has lined up the votes to bring the state's child support enforcement mechanism into compliance with federal law - and the 2007 Hague Convention on International Recovery of Child Support and Family Maintenance.

By a 9-to-8 margin, members of the House Judiciary and Rules Committee tabled a bill to do just that. If not corrected by June 12, the action will sever Idaho from the federal databases needed to collect and distribute about \$205 million on which about 183,000 Idaho children depend.

One by one, the arguments against correcting that error have been debunked:

- Sen. Sheryl Nuxoll's claim that the 2007 Hague Convention would subject Idahoans to Sharia Law. Of the 155,000 child support cases Idaho's Department of Health and Welfare manages, 97 are international. These include 44 from Canada, 11 from Australia, 11 related to Mexico, eight in Germany, five in Great Britain, four in Sweden, one in Poland, one in the Netherlands and 12 more cases involving former Idaho residents now living abroad whose collections are being enforced by another state.
- The contention - made by lawmakers as well as anti-Islam speaker Shahram Hadian - that Idahoans' rights of due process would be subverted by international law. Idaho Attorney General Lawrence Wasden noted that nothing in Senate Bill 1067 undermined due process - or the prerogative of Idaho judges to "refuse to honor a foreign order that violates the constitutional rights of a party. ... The Idaho statutes expressly permit an Idaho court to refuse to honor a foreign order that is manifestly incompatible with Idaho public policy. ... " In fact, the bill enhances those protections.

The only time a foreign law would apply to an Idaho court would be when the U.S. Constitution, the Idaho Constitution, Idaho laws, Idaho court decisions and English Common Law are silent on the matter.

In other words, never.

- The 2007 Hague Convention would violate personal privacy rights by opening federal databases to foreign governments. In a column published April 25 in Idaho Politics Weekly, Idaho Falls attorney Steve Taggart noted those databases "are stored in a secure Social Security Administration facility with access limited to authorized personnel." The

feds will process requests for information and return the results. "Even states only receive data extracts," Taggart wrote, "not the full database."

With everything heading toward decision-making based on facts, logic and reason, what could possibly go wrong?

How about an editorial in the New York Times placing a global spotlight on the legislative rube in Boise?

"The European Union and more than 30 other nations have ratified a long-sought treaty to make it easier to track delinquent parents who flee across foreign borders to duck their child support obligations," the Times said last week. "Until this month, the treaty, which was painstakingly negotiated at The Hague to improve the lot of needy, abandoned families, had been progressing toward acceptance in the United States. Nineteen states found no problem in signing on.

"Then it was Idaho's turn. ... "

Intoned the Times, the Idaho House committee "impulsively" killed the bill, relying on "xenophobic fantasies" and "right-wing alarmists."

"Unless the treaty is ratified, child support recipients not just in Idaho but across the nation could be at risk of losing benefits the treaty is designed to secure. All this from a single vote in Idaho."

So Gov. C.L. (Butch) Otter has no choice but to engage in "damage control" and "promptly summon the Legislature back. ... "

Yikes.

Next came the Washington Post, which Tuesday editorialized that Idaho's lawmakers had surrendered to "a wall of bluster and misinformation" and that they had reacted to "fear-mongering about opening the door to the application in Idaho of sharia law."

Ouch.

If anything can stiffen the resistance of the House GOP's Tea Party contingent, it's the liberal East Coast intelligentsia.

Only one thing could drive these lawmakers to further distraction.

Please, President Barack Obama, don't do us any favors. Vice President Joe Biden, that goes double for you. - M.T.