

## **Guest column: Due process and privacy**

*By Janet Trujillo, R-Idaho Falls*

The House Judiciary, Rules and Administration Committee was told it had to pass Senate Bill 1067 in order to secure child support enforcement (CSE) and other welfare money from the federal government totaling roughly \$46 million.

The committee asked if any state had ever lost any funding because only 19 states have ever complied with the previous 2001 Hague Treaty. The answer was that, no states have never lost any funding.

Under the 2007 Hague Treaty, all 50 states must amend their statutes to comply with amendments. States that had previously added provisions stating the law did not take effect until the treaty was ratified have been told they have to remove this language. Only two states have somewhat complied with the amendments — Utah and Wyoming.

Wyoming amended its law (effectively saying they didn't care what the feds demanded) and both states' versions are different, which is confusing because we were told all 50 states must approve the exact language contained in SB 1067.

The federally mandated language raises due-process concerns. Courts in Idaho are required to accept foreign orders with only a few exceptions. Those exceptions include minimal requirements for notice and hearing; however, those rights are undefined and vary drastically from country to country.

Our courts would be curtailed from looking behind those orders. One provision even bypasses court review and allows agency enforcement without court review. Committee members were not comfortable with being told we could not properly protect Idaho Citizens from foreign law orders that may be objectionable.

Implementation of the treaty would open federal databases to foreign countries. An important child support enforcement tool is the Federal Parent Locator Service (FPLS), which includes the National Directory of New Hires (NDNH), as well as access to information from the IRS, the Social Security Administration, VA, the Department of Defense, NSA and FBI.

Regarding the threat to personal information, counsel for the Congressional Research Service expressed significant concern in a report of July 15, 2013. The report states: "The expansion of access to and use of personal information contained in the FPLS, especially in the National Directory of New Hires, could potentially lead to privacy and confidentiality breaches, financial fraud, identity theft, or other crimes. There is also concern that a broader array of legitimate

users of the NDNH may conceal the unauthorized use of the personal and financial data in the NDNH.”

Holding the bill was about protecting the due process and privacy rights of our citizens, and protecting the integrity of our state’s ability to study and analyze issues independent of the coercive threats of the federal government.

---

*Trujillo, a Republican from Idaho Falls, represents Legislative District 33 in the Idaho House of Representatives.*