Child support, declarations of reciprocity

Number: INFORMAL

Date: October 09, 2009

The Honorable Brad Stetson
Circuit Judge
Duval County Courthouse
330 East Bay Street
Jacksonville, Florida 32202

Dear Judge Stetson:

The Office of Attorney General Bill McCollum has received your letter requesting this office determine whether South Korea is a "state" as defined in section 88.1011(19)(b), Florida Statutes. The statute defines "State" as including 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 under [the Uniform Interstate Family Support Act], the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act, as determined by the Attorney General."

Prior to July 1, 1997, section 88.0405, Florida Statutes, authorized the Attorney General to declare a foreign nation or state of a foreign nation to be a reciprocating state for purposes of Chapter 88, Florida Statutes, relating to uniform reciprocal enforcement of support. Such a declaration was dependent upon a finding by the Attorney General that reciprocal provisions were available in the foreign nation or state for the enforcement of support orders issued in the State of Florida. In light of the duties of the former Department of Health and Rehabilitative Services and then the Department of Children and Families, and finally the Department of Revenue relating to child support, a procedure for declaring reciprocity was established. Requests for reciprocity would be sent to the department which would determine whether a need for reciprocity to be declared with a foreign state or nation existed. The department would obtain a translation of that state's or nation's procedures for the enforcement of support orders issued in foreign nations and would request this office to declare reciprocity with that state or nation. This office has declared reciprocity with the following countries on child support issues:

Australia United Kingdom:
Austria England
Bermuda Northern Ireland
Czech Republic Scotland
Fiji[1] Wales
Finland Canadian Provinces:
France Alberta
Germany British Columbia
Hungary Manitoba
Ireland New Brunswick
Jamaica Newfoundland/Labrador

Norway Northwest Territories
Poland Nova Scotia
Slovak Republic Nunavut
South Africa Ontario
Sweden Prince Edward Island
Quebec
Saskatchewan
Yukon Territory

This office, however, declined to declare reciprocity with Mexico, Belgium, and the Republic of Chile. It does not appear that this office declared reciprocity with South Korea.

Effective July 1, 1997, section 88.0405 was repealed.[2] At that time, the Uniform Interstate Family Support Act became effective, providing procedures for the enforcement of a state's support orders. As noted above, the term "state," as defined in section 88.1011(19), Florida Statutes, 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 under this act, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act, as determined by the Attorney General."

Upon contacting the Department of Revenue regarding your request, I have been advised that such requests should now be sent to the U.S. Department of Health and Human Services, Office of Child Support, now is responsible for handling requests for reciprocity. I am attaching a copy of the letter and attachments from Mr. Thorburn, Senior Attorney, Florida Department of Revenue, which advises that Ms. Lily Matheson, Director of Policy, U.S. Office of Child Support Enforcement, may be contacted at:

Department of Health and Human Services
370 L'Enfant Promenade SW
Washington D.C. 20447

Should you wish to contact Mr. Thorburn on this matter, he may be reached at:

Office of the General Counsel
Department of Revenue
Post Office Box 8030
Tallahassee, Florida 32314-8030
telephone: 850-921-8980
fax: 850-922-6665

I hope that the enclosed information may be of assistance. Thank you for contacting the Attorney General’s Office.

Sincerely,

Joslyn Wilson
Assistant Attorney General

JW/tsh

Enclosures

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[1] This office has been informed by the Department of Revenue that while this office has declared reciprocity with Fiji, it has not declared reciprocity with Florida.

[2] *See* section 10, Chapter 96-189, Laws of Florida, effective July 1, 1997, which repealed sections 88.011 to 88.371, comprising the Revised Uniform Reciprocal Enforcement of Support Act (1968). Since the sections were not repealed by a "current session" of the Legislature, they may be omitted from the Florida Statutes 1999 only through a reviser's bill duly enacted by the Legislature. *See* section 11.242(5)(b) and (i), Florida Statutes, and Chapter 99-4, Laws of Florida.