

SENATE CS FOR CS FOR HOUSE BILL NO. 344(FIN) am S

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Amended: 5/12/98

Offered: 5/10/98

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to paternity establishment and to support orders; relating to the
2 crime of criminal nonsupport; relating to divorces, dissolutions, and actions to
3 declare a marriage void; and providing for an effective date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1. PURPOSE; FINDINGS.** The primary purpose of this Act is to amend the
6 Alaska Statutes to comply with the mandates of the federal Personal Responsibility and Work
7 Opportunity Reconciliation Act of 1996 and other federal law to ensure continued federal
8 financial participation for Alaska's child support enforcement, public assistance, and
9 unemployment programs. The legislature finds that the federal requirements are unreasonable
10 and constitutionally questionable, and the statutory changes that must be made to meet the
11 federal requirements may do little to improve collection of child support. These statutory
12 changes are being made only under duress from the federal government.

13 * **Sec. 2.** AS 09.10.040(a) is amended to read:

14 (a) A [EXCEPT AS PROVIDED IN (b) OF THIS SECTION, A] person may

not bring an action upon a judgment or decree of a court of the United States, or of a state or territory within the United States, and an action may not be brought upon a sealed instrument, unless the action is commenced within 10 years.

* **Sec. 3.** AS 09.50.020 is amended by adding new subsections to read:

(b) In addition to the penalty specified in (a) of this section, the court may suspend, restrict, or revoke, for a period not to exceed six months, a driver's license as defined in AS 28.40.100, a license as defined in AS 25.27.244(s), or a recreational license, or any combination of these licenses, or the person's ability to obtain the licenses, if

(1) the person is a natural person;

(2) the contempt is one under AS 09.50.010(4) - (10); and

(3) the court, sitting without a jury, finds by a preponderance of evidence that the contempt related to failure to pay money in connection with a child support action or proceeding or failure to comply with a subpoena or warrant relating to a paternity or child support proceeding.

(c) In this section, "recreational license" means a recreational fishing license or recreational hunting license. In this subsection,

(1) "recreational fishing license" means a sport fishing license under AS 16.05.340 unless that license is required for participation in personal use fishing, as defined in AS 16.05.940, or subsistence fishing, as defined in AS 16.05.940 and modified by decisions of the Alaska Supreme Court;

(2) "recreational hunting license" means a hunting license under AS 16.05.340 unless that license is required for participation in subsistence hunting, as defined in AS 16.05.940 and modified by decisions of the Alaska Supreme Court.

* **Sec. 4.** AS 11.51.120(c) is amended to read:

(c) Criminal nonsupport is a class A misdemeanor **and is also punishable by loss or restriction of a recreational license as provided in AS 12.55.139.**

* **Sec. 5.** AS 12.55 is amended by adding a new section to read:

Sec. 12.55.139. Penalties for criminal nonsupport. In addition to other penalties imposed for the offense of criminal nonsupport under AS 11.51.120, the court may suspend, restrict, or revoke, for a period not to exceed six months, a recreational

license as defined in AS 09.50.020(c), if the defendant is a natural person.

* **Sec. 6.** AS 16.05.330 is amended by adding a new subsection to read:

(e) A natural person applying for a license or tag for hunting or sport fishing shall provide the person's social security number on the license application. Upon request, the department shall provide the social security number to the child support enforcement agency created in AS 25.27.010, or the child support agency of another state, for child support purposes authorized by law.

* **Sec. 7.** AS 16.05.346 is amended by adding a new subsection to read:

(d) A person applying for a permit under this section shall provide the person's social security number on the permit application. Upon request, the department shall provide the social security number to the child support enforcement agency created in AS 25.27.010, or the child support agency of another state, for child support purposes authorized by law.

* **Sec. 8.** AS 16.05.360 is amended to read:

Sec. 16.05.360. Commissioner charged with license issuance. The commissioner or an authorized deputy shall issue each license and tag to a qualified person under written application containing such reasonable information as required by the commissioner. The commissioner shall designate the license and tag form or type. The form or type must be sufficient to identify and locate the applicant, [AND] establish the applicant's status as to residency and citizenship, and supply the person's social security number if required by this chapter. Each application shall be subscribed and sworn to by the applicant before an officer authorized to administer oaths in the state.

* **Sec. 9.** AS 16.05.360 is amended by adding a new subsection to read:

(b) Upon request, the department shall provide a social security number provided by an applicant under (a) of this section to the child support enforcement agency created in AS 25.27.010, or the child support agency of another state, for child support purposes authorized by law.

* **Sec. 10.** AS 18.50.310(h) is amended to read:

(h) Marriage license applications shall be open for public inspection or examination during normal business hours. The bureau may, in response to a

request under AS 25.27.300, disclose to the child support enforcement agency whether the bureau has a record indicating that a person has remarried after the date specified by the agency.

* **Sec. 11.** AS 22.35 is amended by adding a new section to read:

Sec. 22.35.020. Copies of records for child support purposes. If a copy of a court record is requested by the child support enforcement agency created in AS 25.27.010 or a child support agency of another state, the official custodian of the record shall provide the requesting agency with a copy of the record, including any social security number that the record might contain. If the requested record is maintained by the court system in an electronic data base, the record may be supplied by providing the requesting agency with a copy of the electronic record and a statement certifying its contents. A requesting agency receiving otherwise confidential information under this section may use it only for child support purposes authorized by law.

* **Sec. 12.** AS 25.20.050(n) is amended to read:

(n) **Each** [ON AND AFTER JULY 1, 1997, A] paternity order or [AN] acknowledgment made under this section must include **in the records relating to the matter** the social security numbers, if ascertainable, of the following persons:

- (1) the father;
- (2) the mother;
- (3) the child.

* **Sec. 13.** AS 25.24 is amended by adding a new section to read:

Sec. 25.24.152. Children as dependents for tax purposes. (a) In an action for divorce, dissolution, or to declare a marriage void, the court may not unconditionally grant to a noncustodial parent the right to claim a child as a dependent under federal income tax laws. The court may grant a noncustodial parent the right to claim a child as a dependent under federal tax laws for a tax year if the noncustodial parent satisfies the requirements of federal law and was not in arrears at the end of the tax year in an amount more than four times the monthly obligation under

- (1) a support order applicable to the child in cases where a payment

1 schedule has not been established for payment of continuing support and accumulated
2 arrears under the support order; or

3 (2) a payment schedule if a payment schedule has been established for
4 payment of continuing support and accumulated arrears under a support order
5 applicable to the child.

6 (b) In this section, "noncustodial parent" means the parent who has actual
7 physical custody of the child for less time than the other parent.

8 * **Sec. 14.** AS 25.24.160(d) is amended to read:

9 (d) **For each** [IN A] judgment issued under this section, the court shall include
10 **in the records relating to the matter** the social security numbers, if ascertainable, of
11 the following persons:

12 (1) each party to the action;

13 (2) each child whose rights are addressed in the judgment.

14 * **Sec. 15.** AS 25.24.210(e) is amended to read:

15 (e) If the petition is filed by both spouses under AS 25.24.200(a), the petition
16 must state in detail the terms of the agreement between the spouses concerning the
17 custody of children, child support, visitation, spousal maintenance and tax
18 consequences, if any, and fair and just division of property, including retirement
19 benefits. Agreements on spousal maintenance and property division must fairly allocate
20 the economic effect of dissolution and take into consideration the factors listed in
21 AS 25.24.160(a)(2) and (4). In addition, the petition must state

22 (1) the respective occupations of the petitioners;

23 (2) the income, assets, and liabilities of the respective petitioners at the
24 time of filing the petition;

25 (3) the date and place of the marriage;

26 (4) the name, date of birth, and current marital, educational, and
27 custodial status of each child born of the marriage or adopted by the petitioners who
28 is under the age of 19;

29 (5) whether the wife is pregnant;

30 (6) whether either petitioner requires medical care or treatment;

31 (7) whether any of the following has been issued or filed during the

1 marriage by or regarding either spouse as defendant, participant, or respondent:

2 (A) a criminal charge of a crime involving domestic violence;

3 (B) a protective order under AS 18.66.100 - 18.66.180;

4 (C) injunctive relief under former AS 25.35.010 or 25.35.020;

5 or

6 (D) a protective order issued in another jurisdiction and filed

7 with the court in this state under AS 18.66.140;

8 (8) whether either petitioner has received the advice of legal counsel
9 regarding a divorce or dissolution;

10 (9) other facts and circumstances that the petitioners believe should be
11 considered;

12 (10) that the petition constitutes the entire agreement between the
13 petitioners; and

14 (11) any other relief sought by the petitioners [;

15 (12) THE SOCIAL SECURITY NUMBERS, IF ASCERTAINABLE,
16 OF THE FOLLOWING PERSONS:

17 (A) BOTH SPOUSES TO THE MARRIAGE BEING
18 DISSOLVED;

19 (B) EACH CHILD WHOSE RIGHTS ARE BEING
20 ADDRESSED IN THE PETITION FOR DISSOLUTION].

21 * **Sec. 16.** AS 25.24.210 is amended by adding a new subsection to read:

22 (f) A petition filed under this section must include or be accompanied by a
23 record of the social security numbers, if ascertainable, of the following persons:

24 (1) both spouses to the marriage being dissolved;

25 (2) each child whose rights are being addressed in the petition for
26 dissolution.

27 * **Sec. 17.** AS 25.24.230(i) is amended to read:

28 (i) **For each** [IN A] judgment issued under this section, the court shall include
29 **in the records relating to the matter** the social security numbers, if ascertainable, of
30 the following persons:

31 (1) each party to the dissolution of marriage;

1 (2) each child whose rights are addressed in the judgment.

2 * **Sec. 18.** AS 25.24 is amended by adding a new section to read:

3 **Sec. 25.24.232. Children as dependents for tax purposes.** (a)

4 Notwithstanding other provisions of AS 25.24.200 - 25.24.260, the court may not grant
5 a final decree of dissolution that incorporates an agreement between the parties if the
6 agreement unconditionally entitles a noncustodial parent to claim a child as a
7 dependent under federal income tax laws. The court may incorporate into the decree
8 of dissolution an agreement between the parties that entitles a noncustodial parent to
9 claim a child as a dependent under federal tax laws for a tax year if the noncustodial
10 parent satisfies the requirements of federal law and was not in arrears at the end of the
11 tax year in an amount more than four times the monthly obligation under

12 (1) a support order applicable to the child in cases where a payment
13 schedule has not been established for payment of continuing support and accumulated
14 arrears under the support order; or

15 (2) a payment schedule if a payment schedule has been established for
16 payment of continuing support and accumulated arrears under a support order
17 applicable to the child.

18 (b) In this section, "noncustodial parent" means the parent who has actual
19 physical custody of the child for less time than the other parent.

20 * **Sec. 19.** AS 25.25.602(a) is amended to read:

21 (a) A support order or income withholding order of another state may be
22 registered in this state by sending the following documents and information to a
23 tribunal of this state:

24 (1) a letter of transmittal to the tribunal requesting registration and
25 enforcement;

26 (2) two copies, including one certified copy, of all orders to be
27 registered, including any modification of an order;

28 (3) a sworn statement by the party seeking registration or a certified
29 statement by the custodian of the records showing the amount of any arrearage;

30 (4) the name of the obligor and, if known,

31 (A) the obligor's address and social security number;

(B) the name and address of the obligor's employer and any other source of income of the obligor; **and**

(C) a description and the location of property in this state of the obligor not exempt from execution; and

[(D) THE NAMES AND ADDRESSES OF ALL POTENTIAL THIRD-PARTY RESOURCES, INCLUDING A HEALTH INSURER, THAT MIGHT BE AVAILABLE TO MEET THE REQUIREMENTS OF A MEDICAL SUPPORT ORDER; AND]

(5) the name and address of the obligee and, if applicable, the agency or person to whom support payments are to be remitted.

* **Sec. 20.** AS 25.25.611(a) is amended to read:

(a) After a child support order issued in another state has been registered in this state, unless the provisions of AS 25.25.613 apply, the responding tribunal of this state may modify that order only if, after notice and an opportunity for hearing, it finds that

(1) the following requirements are met:

(A) the child, the individual obligee, and the obligor do not reside in the issuing state;

(B) a petitioner who is not a resident of this state seeks modification; and

(C) the respondent is subject to the personal jurisdiction of the tribunal of this state; or

(2) [AN INDIVIDUAL PARTY OR] the child, **or a party who is an individual**, is subject to the personal jurisdiction of the tribunal and all of the [INDIVIDUAL] parties **who are individuals** have filed a written consent in the issuing tribunal providing that a tribunal of this state may modify the support order and assume continuing, exclusive jurisdiction over the order; however, if the issuing state is a foreign jurisdiction that has not enacted a law or procedure substantially similar to this chapter, the written consent of **an** [THE] individual [PARTY] residing in this state is not required for the tribunal to assume jurisdiction to modify the child support order.

1 * **Sec. 21.** AS 25.27.022(b) is amended to read:

2 (b) **Except for requests for assistance made under (c) of this section or**
 3 **AS 25.25.501, requests** [REQUESTS] from child support enforcement agencies in
 4 other states shall be made by application containing the information that this state's
 5 agency requires and including written authorization from the requesting state agency
 6 and the obligee for this state's agency to initiate necessary action.

7 * **Sec. 22.** AS 25.27.022 is amended by adding new subsections to read:

8 (c) Requests from a child support agency of another state for assistance in
 9 enforcing support orders through high-volume automated administrative enforcement
 10 may be made by electronic or other means and must include the information required
 11 by 42 U.S.C. 666(a)(14).

12 (d) An employer receiving an income withholding order from a child support
 13 agency of another state shall comply with the choice of law provisions of
 14 AS 25.25.502(d), 25.25.503, and 42 U.S.C. 666(b)(6)(A)(i)(V).

15 * **Sec. 23.** AS 25.27.062(e) is amended to read:

16 (e) The agency or the person who obtains an income withholding order under
 17 this chapter shall immediately send a copy of the income withholding order, a copy
 18 of the relevant provisions of AS 25.27.260 and this section, and an explanation of the
 19 effect of the statutes to persons who may owe money to an obligor. These items may
 20 be **served** [SENT] by [FIRST CLASS MAIL OR] certified mail, return receipt
 21 requested, or they may be served personally by a process server, except that the agency
 22 alternatively may send the items by electronic means. An income withholding order
 23 made under this chapter is binding upon a person, employer, political subdivision, or
 24 department of the state immediately upon receipt of a copy of the income withholding
 25 order. **A person receiving an income withholding order** [AN EMPLOYER] shall
 26 immediately begin withholding the specified amount from the **obligor's earnings**
 27 [EMPLOYEE'S WAGES]. The amount withheld shall be sent to the agency within
 28 seven business days after the date the amount would otherwise have been paid or
 29 credited to the **obligor** [EMPLOYEE]. An employer may, for each payment made
 30 under an order, deduct \$5 from other wages or salary owed to the obligor.

31 * **Sec. 24.** AS 25.27.063(b) is amended to read:

(b) If an obligor who is required to provide health care coverage under a medical support order is eligible for family health coverage through an employer [DOING BUSINESS IN THE STATE], the court or agency issuing the medical support order shall send a copy of the medical support order to the employer. **If the agency has notice that the obligor has changed or will be changing employment and is or will be eligible for family health coverage through the new employer, the agency shall send a copy of the medical support order to the new employer.**

* Sec. 25. AS 25.27.075 is repealed and reenacted to read:

Sec. 25.27.075. Employment information. (a) An employer doing business in the state shall report to the agency the hiring, rehiring, or return to work of each employee. The report shall be made within the time limits set out in (b) of this section. The report must contain the name, address, and social security number of the newly hired employee, the name and address of the employer, and the identifying number assigned to the employer by the United States Department of the Treasury, Internal Revenue Service.

(b) An employer required to report under (a) of this section shall use the following procedures to make the report:

(1) if the report is submitted magnetically or electronically, the report shall be made in a format mutually agreed upon by the employer and the agency; an employer reporting under this paragraph shall make two transmissions a month, not less than 12 days nor more than 16 days apart; or

(2) if the report is not submitted magnetically or electronically, the report shall be made on a United States Department of the Treasury, Internal Revenue Service, W-4 form or, at the option of the employer, on an equivalent form; an employer reporting under this paragraph shall make the report to the agency not later than 20 days after the date of the hiring, rehiring, or return to work of the employee; the report shall be transmitted by the employer by first class mail.

(c) An employer that does business in this state and that has employees in at least one other state is not required to comply with (a) of this section if, in compliance with the laws of that state, the employer

(1) submits timely magnetic or electronic reports of hires, rehires, or

1 returns to work to the state directory of new hires of another state in which the
2 employer has employees; and

3 (2) has provided written notification of its election under this subsection
4 to the United States Secretary of Health and Human Services.

5 (d) In addition to reporting under (a) of this section, an employer of an obligor
6 shall promptly provide to the agency, or the child support enforcement agency of
7 another state, information requested regarding the obligor's compensation, employment,
8 wages or salary, and occupation.

9 (e) An employer may charge \$1 to each employee who is reported to the
10 agency under this section to cover the cost of the reporting.

11 (f) In addition to other sanctions available under the law, an employer that
12 violates this section is liable for a civil penalty for each failure to meet the
13 requirements of this section of not more than

14 (1) \$10 for each employee who is newly hired, rehired, or newly
15 returned to work; and

16 (2) \$100 if the failure is the result of a conspiracy between the
17 employee and the employer not to supply the required report or to supply a false or
18 incomplete report concerning an employee.

19 (g) In this section,

20 (1) "employee" has the meaning given in 26 U.S.C. 3401(c);
21 "employee" does not include an employee of a federal or state agency performing
22 intelligence or counterintelligence functions if the head of that agency has determined
23 that reporting under this section on the employee could endanger the safety of the
24 employee or compromise an ongoing investigation or intelligence mission;

25 (2) "employer" has the meaning given in 26 U.S.C. 3401(d);
26 "employer" includes a governmental entity and a labor organization;

27 (3) "labor organization" has the meaning given in 29 U.S.C. 152; "labor
28 organization" includes an entity that is used by the labor organization and another
29 employer to carry out hiring or other requirements described in 29 U.S.C. 158(f)(3) in
30 accordance with an agreement between the labor organization and the other employer.

31 * **Sec. 26.** AS 25.27.085 is amended by adding a new subsection to read:

(g) If a person fails to comply with a subpoena issued under this section, the agency may apply to the court for an order to compel obedience by proceedings for contempt as if the subpoena had been issued by a court.

* **Sec. 27.** AS 25.27 is amended by adding a new section to read:

Sec. 25.27.107. Certification of arrears. Within 30 days after receipt of a written request from an obligee or an obligee's personal representative, the agency shall provide the obligee with a document that certifies whether or not the obligor was, at the end of the most recent calendar year,

(1) in arrears under the support order in an amount more than four times the monthly obligation under the order in cases where a payment schedule has not been established for payment of continuing support and accumulated arrears under the support order; or

(2) in arrears under a payment schedule in an amount more than four times the monthly obligation under the payment schedule if a payment schedule has been established for payment of continuing support and accumulated arrears under the support order.

* **Sec. 28.** AS 25.27.165(b) is amended to read:

(b) In order to initiate a paternity proceeding administratively, the agency shall serve a mother and putative father, as appropriate, with a notice of paternity and financial responsibility. The notice shall be served personally as set out in Rule 4(d), Alaska Rules of Civil Procedure, or by registered, certified, or insured mail, return receipt requested, for restricted delivery only to the person to whom the notice is directed or to the person authorized under federal law to receive that person's restricted delivery mail. The notice must be accompanied by

(1) an administrative order requiring that the mother, child, and putative father submit to genetic testing to be arranged by the agency and stating that a party may provide information to show good cause not to order the testing;

(2) an administrative order requiring the putative father to provide financial information, as defined by the agency in regulation, within 30 [20] days after service of the notice; all financial information provided to the agency under an order under this paragraph shall be held confidential by the agency, according to any

1 applicable regulations; and

2 (3) a notice of right to informal conference, to be held within 20 days
3 after receipt of an admission of paternity or service upon the parties of genetic test
4 results.

5 * **Sec. 29.** AS 25.27.165(c) is amended to read:

6 (c) A person served with a notice of paternity and financial responsibility **and**
7 **accompanying orders under (b) of this section** shall file a response, admitting or
8 denying paternity and providing the required financial information, within **30** [20] days
9 after the date of service of the notice of paternity and financial responsibility. If the
10 putative father admits paternity, the agency shall issue, within 20 days after the
11 admission of paternity, a decision establishing paternity. If the putative father denies
12 paternity, the putative father shall submit to genetic testing, as provided in (b) of this
13 section, within **45** [30] days after the date of service of the notice of paternity and
14 financial responsibility. **If the putative father fails to file a response or fails to**
15 **comply with an accompanying order within the time and in the manner required**
16 **in this subsection, the agency may issue a decision by default establishing**
17 **paternity and financial responsibility, except that, if the proceeding was instituted**
18 **at the request of the putative father, the agency shall dismiss the proceeding**
19 **without prejudice.**

20 * **Sec. 30.** AS 25.27 is amended by adding a new section to read:

21 **Sec. 25.27.167. Contempt of order for genetic testing.** (a) If a person who
22 is located in this state fails to comply with an order for genetic testing issued by the
23 agency in this state, or the tribunal of another state, the agency in this state may certify
24 the facts to the superior court of this state.

25 (b) Upon certification under (a) of this section, the court shall issue an order
26 directing the person to appear and show cause why the person should not be punished
27 for contempt. The order and a copy of the certified statement shall be served on the
28 person in the manner required for service of court orders to show cause.

29 (c) After service under (b) of this section, the court has jurisdiction of the
30 matter brought under this section.

31 (d) The law of this state applicable to contempt of a court order applies to a

1 proceeding for contempt of order for genetic testing brought under this section.

2 * **Sec. 31.** AS 25.27.230(a) is repealed and reenacted to read:

3 (a) The agency shall assert a lien upon the real or personal property of the
4 obligor in the amount of the obligor's liability if an arrearage occurs under a support
5 order being enforced by the agency.

6 * **Sec. 32.** AS 25.27.230 is amended by adding new subsections to read:

7 (e) A lien arising in another state under the child support laws of that state
8 shall be given full faith and credit in this state. The lien may be asserted in this state
9 upon the real or personal property of the obligor in the amount of the obligor's liability
10 by complying with the requirements of this section.

11 (f) A lien recorded under this section is a judgment lien and may be enforced
12 by execution under AS 09.35 in the full amount of the obligor's liability at the time
13 of execution.

14 * **Sec. 33.** AS 25.27.240(a) is amended to read:

15 (a) The agency of this state or another state, **or a party or other entity**
16 **seeking to enforce a child support obligation**, may, at any time after recording of a
17 lien recorded under AS 25.27.230, serve a copy of the lien upon any person, political
18 subdivision, or department of the state possessing earnings, or deposits or balances
19 held in any bank account of any nature that are due, owing, or belonging to the
20 obligor.

21 * **Sec. 34.** AS 25.27.244(a) is amended to read:

22 (a) The agency shall compile and maintain a list of obligors who are not in
23 substantial compliance with a support order or payment schedule negotiated under
24 (g)(1) of this section [AND OF OTHER PERSONS WHO, AFTER RECEIVING
25 APPROPRIATE NOTICE, HAVE FAILED TO COMPLY WITH A SUBPOENA OR
26 WARRANT RELATING TO PATERNITY OR A CHILD SUPPORT PROCEEDING].
27 The agency may not include an obligor on the list unless the agency has sent to the
28 obligor, at the obligor's most recent address on file with the agency, written notice of
29 the arrearages at least 60 days before placement on the list. The list must include the
30 names, social security numbers, dates of birth, and last known addresses of the
31 persons. The list shall be updated by the agency on a monthly basis.

1 * **Sec. 35.** AS 25.27.244(g) is amended to read:

2 (g) If the applicant wishes to challenge being included on the list, the applicant
3 shall submit to the agency a written request for review within 30 days after receiving
4 the notice under (c) or (r) of this section by using the form developed under (e) of this
5 section. Within 30 days after receiving a written request for review, the agency shall
6 inform the applicant in writing of the agency's findings. The agency shall immediately
7 send a release to the appropriate licensing entity and the applicant if any of the
8 following conditions is met:

9 (1) the applicant is found to [HAVE COMPLIED WITH ALL
10 SUBPOENAS AND WARRANTS DESCRIBED IN (a) OF THIS SECTION, IF
11 APPLICABLE, AND IS FOUND TO] be in substantial compliance with each support
12 order applicable to the applicant or has negotiated an agreement with the agency for
13 a payment schedule on arrearages and is in substantial compliance with the negotiated
14 agreement; if the applicant fails to be in substantial compliance with an agreement
15 negotiated under this paragraph, the agency shall send to the appropriate licensing
16 entity a revocation of any release previously sent to the entity for that applicant;

17 (2) the applicant has submitted a timely request for review to the
18 agency, but the agency will be unable to complete the review and send notice of
19 findings to the applicant in sufficient time for the applicant to file a timely request for
20 judicial relief within the 150-day period during which the applicant's temporary license
21 is valid under (d) of this section; this paragraph applies only if the delay in completing
22 the review process is not the result of the applicant's failure to act in a reasonable,
23 timely, and diligent manner upon receiving notice from the licensing entity that the
24 applicant's name is on the list;

25 (3) the applicant has, within 30 days after receiving the agency's
26 findings following a request for review under (2) of this subsection, filed and served
27 a request for judicial relief under this section, but a resolution of that relief will not
28 be made within the 150-day period of the temporary license under (d) of this section;
29 this paragraph applies only if the delay in completing the judicial relief process is not
30 the result of the applicant's failure to act in a reasonable, timely, and diligent manner
31 upon receiving the agency's notice of findings; or

1 (4) the applicant has obtained a judicial finding of substantial
2 compliance.

3 * **Sec. 36.** AS 25.27.244(i) is amended to read:

4 (i) Except as otherwise provided in this section, the agency may not issue a
5 release if the applicant is not in substantial compliance with the order for support or
6 with an agreement negotiated under (g)(1) of this section [, OR IS NOT IN
7 COMPLIANCE WITH A SUBPOENA OR WARRANT DESCRIBED IN (a) OF THIS
8 SECTION]. The agency shall notify the applicant in writing that the applicant may
9 request any or all of the following: (1) judicial relief from the agency's decision not
10 to issue a release or the agency's decision to revoke a release under (g)(1) of this
11 section; (2) a judicial determination of substantial compliance; (3) a modification of
12 the support order. The notice must also contain the name and address of the court in
13 which the applicant may file the request for relief and inform the applicant that the
14 applicant's name shall remain on the list if the applicant does not request judicial relief
15 within 30 days after receiving the notice. The applicant shall comply with all statutes
16 and rules of court implementing this section. This section does not limit an applicant's
17 authority under other law to request an order to show cause or notice of motion to
18 modify a support order or to fix a payment schedule on arrearages accruing under a
19 support order or to obtain a court finding of substantial compliance with a support
20 order or a court finding of compliance with subpoenas and warrants described in (a)
21 of this section.

22 * **Sec. 37.** AS 25.27.244(j) is amended to read:

23 (j) A request for judicial relief from the agency's decision must state the
24 grounds on which relief is requested, and the judicial action shall be limited to those
25 stated grounds. Judicial relief under this subsection is not an appeal and shall be
26 governed by court rules adopted to implement this section. Unless otherwise provided
27 by court rule, the court shall hold an evidentiary hearing within 20 calendar days after
28 the filing of service on the opposing party. The court's decision shall be limited to a
29 determination of each of the following issues, as applicable:

30 (1) whether there is a support order or a payment schedule on
31 arrearages;

1 (2) whether the petitioner is the obligor covered by the support order;

2 and

3 (3) whether the obligor is in substantial compliance with the support
4 order or payment schedule [; AND

5 (4) WHETHER THE PERSON REQUESTING RELIEF COMPLIED
6 WITH ALL SUBPOENAS AND WARRANTS RELATING TO PATERNITY OR A
7 CHILD SUPPORT PROCEEDING].

8 * **Sec. 38.** AS 25.27.244(k) is amended to read:

9 (k) If the court finds that the person requesting relief is in substantial
10 compliance with the support order or payment schedule, [AND IS IN COMPLIANCE
11 WITH ALL SUBPOENAS AND WARRANTS DESCRIBED IN (a) OF THIS
12 SECTION,] the agency shall immediately send a release under (g) of this section to
13 the appropriate licensing entity and the applicant.

14 * **Sec. 39.** AS 25.27.244(l) is amended to read:

15 (l) If an applicant is in substantial compliance with a support order or payment
16 schedule, [AND IS IN COMPLIANCE WITH SUBPOENAS AND WARRANTS
17 DESCRIBED IN (a) OF THIS SECTION,] the agency shall mail to the applicant and
18 the appropriate licensing entity a release stating that the applicant is in substantial
19 compliance [OR IS IN COMPLIANCE WITH THE SUBPOENAS AND
20 WARRANTS, AS APPLICABLE]. The receipt of a release shall serve to notify the
21 applicant and the licensing entity that, for the purposes of this section, the applicant
22 is in substantial compliance with the support order or payment schedule [, OR IS IN
23 COMPLIANCE WITH THE SUBPOENAS AND WARRANTS,] unless the agency,
24 under (a) of this section, certifies subsequent to the issuance of a release that the
25 applicant is once again not in substantial compliance with a support order or payment
26 schedule [, OR IS NOT IN COMPLIANCE WITH A SUBPOENA OR WARRANT].

27 * **Sec. 40.** AS 25.27.246(a) is amended to read:

28 (a) The agency shall compile and maintain a list of obligors who have a
29 driver's license and are not in substantial compliance with a support order or payment
30 schedule negotiated under (f)(1) of this section [AND OF OTHER PERSONS WHO,
31 AFTER RECEIVING APPROPRIATE NOTICE, HAVE FAILED TO COMPLY

1 WITH A SUBPOENA OR WARRANT RELATING TO PATERNITY OR A CHILD
 2 SUPPORT PROCEEDING]. The agency may not include an obligor on the list unless
 3 the agency has sent to the obligor, at the obligor's most recent address on file with the
 4 agency, written notice of the arrearages at least 60 days before placement on the list.
 5 The list must include the names, social security numbers, dates of birth, and last
 6 known addresses of the persons. The list shall be updated by the agency on a monthly
 7 basis.

8 * **Sec. 41.** AS 25.27.246(f) is amended to read:

9 (f) If a licensee wishes to challenge being included on the list, the licensee
 10 shall submit to the agency a written request for review within 30 days after the notice
 11 under (b) of this section was personally delivered or postmarked by using the form
 12 developed under (d) of this section. Within 30 days after receiving a written request
 13 for review, the agency shall inform the licensee in writing of the agency's findings.
 14 The agency shall immediately send a release to the department and the licensee if any
 15 of the following conditions is met:

16 (1) the licensee is found [BY THE AGENCY TO HAVE COMPLIED
 17 WITH ALL SUBPOENAS AND WARRANTS DESCRIBED IN (a) OF THIS
 18 SECTION AND IS FOUND] to be in substantial compliance with each support order
 19 applicable to the licensee or has negotiated an agreement with the agency for a
 20 payment schedule on arrearages and is in substantial compliance with the negotiated
 21 agreement; if the licensee fails to be in substantial compliance with an agreement
 22 negotiated under this paragraph, the agency shall send to the department a revocation
 23 of any release previously sent to the entity for that licensee;

24 (2) the licensee has submitted a timely request for review to the
 25 agency, but the agency will be unable to complete the review and send notice of
 26 findings to the licensee in sufficient time for the licensee to file a timely request for
 27 judicial relief within the 150-day period before the licensee's license will be suspended
 28 under (c) of this section; this paragraph applies only if the delay in completing the
 29 review process is not the result of the licensee's failure to act in a reasonable, timely,
 30 and diligent manner upon receiving notice from the agency that the licensee's driver's
 31 license will be suspended in 150 days;

(3) the licensee has, within 30 days after receiving the agency's findings following a request for review under (2) of this subsection, filed and served a request for judicial relief under this section, but a resolution of that relief will not be made within the 150-day period before license suspension under (c) of this section; this paragraph applies only if the delay in completing the judicial relief process is not the result of the licensee's failure to act in a reasonable, timely, and diligent manner upon receiving the agency's notice of findings; or

(4) the licensee has obtained a judicial finding of substantial compliance.

*** Sec. 42.** AS 25.27.246(h) is amended to read:

(h) Except as otherwise provided in this section, the agency may not issue a release if the licensee is not in substantial compliance with the order for support or with an agreement negotiated under (f)(1) of this section [, OR IS NOT IN COMPLIANCE WITH A SUBPOENA OR WARRANT DESCRIBED IN (a) OF THIS SECTION]. The agency shall notify the licensee in writing that the licensee may request any or all of the following: (1) judicial relief from the agency's decision not to issue a release or the agency's decision to revoke a release under (f)(1) of this section; (2) a judicial determination of substantial compliance; (3) a modification of the support order. The notice must also contain the name and address of the court in which the licensee may file the request for relief and inform the licensee that the licensee's name shall remain on the list if the licensee does not request judicial relief within 30 days after receiving the notice. The licensee shall comply with all statutes and rules of court implementing this section. This section does not limit a licensee's authority under other law to request an order to show cause or notice of motion to modify a support order or to fix a payment schedule on arrearages accruing under a support order or to obtain a court finding of substantial compliance with a support order or a court finding of compliance with subpoenas and warrants described in (a) of this section.

*** Sec. 43.** AS 25.27.246(i) is amended to read:

(i) A request for judicial relief from the agency's decision must state the grounds on which relief is requested, and the judicial action shall be limited to those

1 stated grounds. Judicial relief under this subsection is not an appeal and shall be
 2 governed by court rules adopted to implement this section. Unless otherwise provided
 3 by court rule, the court shall hold an evidentiary hearing within 20 calendar days after
 4 the filing of service on the opposing party. The court's decision shall be limited to a
 5 determination of each of the following issues, as applicable:

6 (1) whether there is a support order or a payment schedule on
 7 arrearages;

8 (2) whether the petitioner is the obligor covered by the support order;

9 **and**

10 (3) whether the obligor is in substantial compliance with the support
 11 order or payment schedule [; AND

12 (4) WHETHER THE PERSON REQUESTING RELIEF COMPLIED
 13 WITH ALL SUBPOENAS AND WARRANTS RELATING TO PATERNITY OR A
 14 CHILD SUPPORT PROCEEDING].

15 * **Sec. 44.** AS 25.27.246(j) is amended to read:

16 (j) If the court finds that the person requesting relief is in substantial
 17 compliance with the support order or payment schedule, [OR IS IN COMPLIANCE
 18 WITH SUBPOENAS AND WARRANTS DESCRIBED IN (a) OF THIS SECTION,]
 19 the agency shall immediately send a release under (f) of this section to the department
 20 and the licensee.

21 * **Sec. 45.** AS 25.27.246(k) is amended to read:

22 (k) If a licensee is in substantial compliance with a support order or payment
 23 schedule, [AND IS IN COMPLIANCE WITH ALL SUBPOENAS AND WARRANTS
 24 DESCRIBED IN (a) OF THIS SECTION,] the agency shall mail to the licensee and
 25 the department a release stating that the licensee is in substantial compliance [OR IS
 26 IN COMPLIANCE WITH THE SUBPOENAS AND WARRANTS,
 27 AS APPLICABLE]. The receipt of a release shall serve to notify the licensee and the
 28 department that, for the purposes of this section, the licensee is in substantial
 29 compliance with the support order or payment schedule [, OR IS IN COMPLIANCE
 30 WITH THE SUBPOENAS AND WARRANTS,] unless the agency, under (a) of this
 31 section, certifies subsequent to the issuance of a release that the licensee is once again

not in substantial compliance with a support order or payment schedule [, OR IS NOT
IN COMPLIANCE WITH A SUBPOENA OR WARRANT].

* **Sec. 46.** AS 25.27.246(n)(5) is amended to read:

(5) "substantial compliance" regarding a support order or payment
schedule means that, with respect to a support order or a negotiated payment schedule
under (f) of this section, whichever is applicable, the obligor [EITHER] has

(A) no arrearage;

(B) [OR HAS] an arrearage in an amount that is not more than
four times the monthly obligation under the support order or payment schedule;

or

(C) been determined by a court to be making the best
efforts possible under the obligor's circumstances to have no arrearages
under any support order or negotiated payment schedule relating to child
support.

* **Sec. 47.** AS 25.27.250(a) is repealed and reenacted to read:

(a) Without prior notice to the obligor, the agency may issue to any person,
including an entity, political subdivision, or state agency, an order to withhold and
deliver property under this section; the order may be issued

(1) immediately upon issuance of an income withholding order that
provides for immediate income withholding under AS 25.27.062(a);

(2) immediately after an arrearage occurs under a support order
described in AS 25.27.150(a);

(3) at the expiration of 30 days after the date of service of a notice and
finding of financial responsibility under AS 25.27.160; or

(4) at the expiration of 30 days after service of a decision establishing
paternity and financial responsibility under AS 25.27.165.

* **Sec. 48.** AS 25.27 is amended by adding a new section to read:

Sec. 25.27.300. Requests pertaining to remarriage. The agency shall, at the
request of a person who is an obligor under a support order enforced by the agency
that includes support for a parent with whom a child is living or at the request of a
child support enforcement agency of another jurisdiction that is enforcing a support

order that includes support for a parent with whom a child is living, request the Bureau of Vital Statistics to disclose to the agency whether the parent has remarried in the state after a specified date if the support order provides that the support for the parent is payable only until the parent remarries. The agency may disclose to the obligor or other child support enforcement agency, as applicable, the information provided by the bureau.

* **Sec. 49.** AS 25.27.900(9) is amended to read:

(9) "support order" means any judgment, decree, or order that is issued by a tribunal for the support and maintenance of a child or of [A CHILD AND] a parent with whom the child is living; "support order" includes a judgment, decree, or order

(A) on behalf of a child who has reached the age of majority if the judgment, decree, or order was lawfully issued; and

(B) for

(i) monetary support, including arrearages;

(ii) payment of health care costs or maintenance of health insurance;

(iii) reimbursement of related costs;

(iv) payment of attorney fees and legal costs and other fees; and

(v) penalty, interest, and other relief as required by a tribunal; [.]

* **Sec. 50.** AS 25.27.900 is amended by adding new paragraphs to read:

(11) "arrearage" means a debt for support that is past due and equal to at least one monthly obligation under the support order;

(12) "high-volume automated administrative enforcement" means the use of automatic data processing to search various state data bases, including license records, employment service data, and state new-hire registries, to determine whether information is available regarding a parent who owes a child support obligation.

* **Sec. 51.** AS 28.15.061(b) is amended to read:

(b) An application under (a) of this section must

(1) contain the applicant's full name, **social security number**, date and place of birth, sex, and mailing and residence addresses;

(2) state whether the applicant has been previously licensed as a driver and, if so, when and by what jurisdiction;

(3) state whether any previous driver's license issued to the applicant has ever been suspended or revoked or whether an application for a driver's license has ever been refused and, if so, the date of and reason for the suspension, revocation, or refusal; and

(4) contain other information that the department may reasonably require to determine the applicant's identity, competency, and eligibility.

* **Sec. 52.** AS 28.15.061 is amended by adding a new subsection to read:

(g) Upon request, the department shall provide a social security number provided under this section to the child support enforcement agency created in AS 25.27.010, or the child support agency of another state, for child support purposes authorized by law.

* **Sec. 53.** Section 148(c), ch. 87, SLA 1997, is amended to read:

(c) The amendments made by other sections of this Act are repealed July 1, **2001** [1999]. Each statute amended by this Act is repealed and reenacted on July 1, **2001** [1999], to read as it existed on the day before the amendment to the law under this Act took effect. Notwithstanding AS 01.10.100(c), a statute repealed under (a) of this section is revived and reenacted on July 1, **2001** [1999], to read as it existed on the day before the effective date of (a) of this section. A court rule that was amended by a statute repealed or reenacted by this Act is further amended on July 1, **2001** [1999], to delete the change that had been made by other sections of this Act.

* **Sec. 54.** (a) AS 09.10.040(b) is repealed.

(b) The amendments made by secs. 3 - 9, 21 - 26, 30 - 33, 47, 51, and 52 of this Act, are repealed July 1, 2001. If a law is amended by secs. 3 - 9, 21 - 26, 30 - 33, 47, 51, or 52 of this Act by adding a new section or subsection, that new section or subsection is repealed July 1, 2001. If a law is amended by secs. 3 - 9, 21 - 26, 30 - 33, 47, 51, or 52 of this Act by adding new language to a section or subsection that existed before the effective date of this section, that section or subsection is repealed and reenacted on July 1, 2001, to

1 read as it existed on the day before the amendment to the law under secs. 3 - 9, 21 - 26, 30 -
 2 33, 47, 51, or 52 of this Act took effect except that, if the same section or subsection is
 3 repealed and reenacted under sec. 148(c), ch. 87, SLA 1997, as amended by sec. 53 of this
 4 Act, that section or subsection is repealed and reenacted on July 1, 2001, to read as it existed
 5 on the day before the amendment to the law under ch. 87, SLA 1997, took effect. When
 6 implementing this subsection and sec. 148(c), ch. 87, SLA 1997, as amended by sec. 53 of
 7 this Act, the revisor of statutes may not retain any amendments made to the affected statutes
 8 that took effect or take effect from July 1, 1997, through June 30, 2001.

9 (c) It is the intent of the legislature that the revisor of statutes' implementation of sec.
 10 148(c), ch. 87, SLA 1997, as amended by sec. 53 of this Act, be consistent with the directions
 11 in (b) of this section, notwithstanding that different wording is used in the two provisions.

12 * **Sec. 55. APPLICABILITY.** The report required under AS 25.27.075(a), enacted by sec.
 13 25 of this Act, applies to the hiring, rehiring, or return to work of an employee that occurs on
 14 or after the effective date of this Act.

15 * **Sec. 56. NONSEVERABILITY OF ACT.** Notwithstanding AS 25.27.280, if a provision
 16 enacted by secs. 1 - 12, 14 - 17, 19 - 26, 28 - 53, or 55 of this Act, or the application of a
 17 provision enacted by secs. 1 - 12, 14 - 17, 19 - 26, 28 - 53, or 55 of this Act to any person
 18 or circumstance, is held to be unconstitutional, that provision and the remainder of the
 19 provisions enacted by secs. 1 - 12, 14 - 17, 19 - 26, 28 - 53, and 55 of this Act shall be
 20 considered to be invalid, and, to this end, secs. 1 - 12, 14 - 17, 19 - 26, 28 - 53, and 55 of this
 21 Act are declared to be nonseverable.

22 * **Sec. 57.** Except as provided in sec. 58 of this Act, this Act takes effect immediately
 23 under AS 01.10.070(c).

24 * **Sec. 58.** Sections 13, 18, and 27 of this Act take effect July 1, 1999.