

CS FOR SENATE BILL NO. 154(FIN) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Amended: 5/9/97

Offered: 5/8/97

Sponsor(s): SENATOR PEARCE

A BILL

FOR AN ACT ENTITLED

1 "An Act making statutory changes that will be repealed on July 1, 1999,
2 relating to paternity determination and child support; making statutory changes
3 that will be repealed on July 1, 1999, relating to reporting of and access to
4 financial or other information for child support purposes; making statutory
5 changes that will be repealed on July 1, 1999, to laws relating to occupational
6 licenses, crewmember fishing licenses, drivers' licenses, and other permits,
7 certificates, or other authorizations issued by the state, other than recreational
8 fishing and hunting licenses, to facilitate administration of child support laws;
9 making statutory changes that will be repealed on July 1, 1999, relating to
10 immunity from civil liability for good faith compliance with reporting or other
11 requirements for child support purposes; making statutory changes that will be
12 repealed on July 1, 1999, relating to voiding fraudulent transfers and to

1 penalties for noncompliance with orders for child support purposes; making
2 statutory changes that will be repealed on July 1, 1999, providing that an
3 obligor will be considered to be in substantial compliance with a support order
4 or payment schedule if a court determines that the obligor is making the best
5 efforts possible to have no arrearages; making statutory changes that will be
6 repealed on July 1, 1999, providing that the authority of a tribunal to order
7 that service be given to a party by first class mail applies to subsequent child
8 support enforcement efforts by the agency with respect to that party; making
9 statutory changes that will be repealed on July 1, 1999, allowing a party
10 aggrieved by an order of nondisclosure of information relating to a party or
11 a child in a child support proceeding to contest that order in a hearing when
12 the order was based on an ex parte finding of risk; retaining existing law
13 relating to the duty of employers and labor unions to provide employment and
14 compensation reports to the child support enforcement agency; making statutory
15 changes that will be repealed on July 1, 1999, requiring that administrative
16 subpoenas of the child support enforcement agency be served in the manner
17 provided for service of liens by the agency; making statutory changes that will
18 be repealed on July 1, 1999, requiring that administrative orders to withhold
19 and deliver be served by the child support enforcement agency electronically or
20 in the manner provided for service of liens by the agency; retaining existing
21 law with respect to whether a lien arising under the child support laws of
22 another state shall be given full faith and credit in this state; making statutory
23 changes that will be repealed on July 1, 1999, allowing the child support
24 enforcement agency of this or another state, but not any other person, to serve

1 a copy of certain liens relating to child support at any time after recording
 2 of the lien; making statutory changes that will be repealed on July 1, 1999,
 3 allowing the periodic modification of child support orders without a showing of
 4 a material change in circumstances but only if the order was not modified in
 5 the three years preceding the periodic modification; making statutory changes
 6 that will be repealed on July 1, 1999, modifying the duties of the child support
 7 enforcement agency but not authorizing the agency to enter into contracts or
 8 agreements with contractors to perform some or all of the function of the
 9 agency's disbursement unit; reenacting and reinstating existing laws relating to
 10 child support and paternity determination upon the repeal of the changes made
 11 by this law on July 1, 1999; amending Rules 4, 5, 35, 52, 58, 78, 90.1, and
 12 90.3, Alaska Rules of Civil Procedure; amending Rule 901, Alaska Rules of
 13 Evidence; amending Rules 3 and 5, Alaska Bar Association Rules; repealing the
 14 effective date of sec. 45, ch. 107, SLA 1996; and providing for an effective
 15 date."

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

17 * **Section 1.** FINDINGS; INTENT. The legislature finds that the federal requirements are
 18 unreasonable and constitutionally questionable, and the statutory changes that must be made
 19 to meet the federal requirements may do little to improve collections. These statutory changes
 20 are being made only under duress from the federal government.

21 * **Sec. 2.** AS 06.05 is amended by adding a new section to read:

22 **Sec. 06.05.537. Copies of records for child support purposes.** If a copy of
 23 a record concerning an individual who owes or is owed child support, including a
 24 record concerning assets and liabilities of the individual, prepared or maintained by a
 25 bank of this state is requested by the child support enforcement agency established in

AS 25.27.010 or the child support enforcement agency of another state, the bank shall provide the requesting agency with a certified copy of the record. If information is prepared or maintained by the bank in an electronic data base, the bank may provide the requesting agency a copy of the electronic record and a statement certifying its contents. The agency receiving information under this section may use the information only for child support purposes authorized under law.

* **Sec. 3.** AS 06.20.020 is amended by adding a new subsection to read:

(b) In addition to the requirements in (a) of this section, if a natural person makes application for a license, the applicant shall supply the applicant's social security number to the department. 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 enforcement agency of another state, for child support purposes authorized under law.

* **Sec. 4.** AS 06.40.050(a) is amended to read:

(a) Application for a license under this chapter shall be in writing and in the form prescribed by the department. **If the applicant is a natural person, the application form must require submission of the applicant's social security number.**

* **Sec. 5.** AS 06.40.050 is amended by adding a new subsection to read:

(e) Upon request, the department shall provide a social security number submitted 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 under law.

* **Sec. 6.** AS 08.01.060 is amended by adding a new subsection to read:

(b) If the applicant is a natural person, the application must require that the applicant submit the applicant's social security number to the department. Notwithstanding any other provision of this title, a license to engage in a profession may not be issued by the department to a natural person unless the social security number has been provided to the department.

* **Sec. 7.** AS 08.01 is amended by adding a new section to read:

Sec. 08.01.089. Copies of records for child support purposes. If a copy of

a public record concerning an individual who owes or is owed child support that is prepared or maintained by the department is requested by the child support enforcement agency created in AS 25.27.010 or a child support enforcement agency of another state, the department shall provide the requesting agency with a certified copy of the public record, including the individual's social security number. If these records are prepared or maintained by the department in an electronic data base, the records 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 information under this section may use it only for child support purposes authorized under law.

* **Sec. 8.** AS 08.01.100 is amended by adding a new subsection to read:

(e) Notwithstanding any other provision of this title, a renewal of a license may not be issued by the department to a natural person unless the licensee's social security number has been provided to the department.

* **Sec. 9.** AS 08.08.137 is amended to read:

Sec. 08.08.137. Fingerprints. The Board of Governors shall require an applicant for admission to be fingerprinted and to provide the applicant's social security number. The fingerprints shall be used to determine whether the applicant has a record of criminal convictions in this state or another jurisdiction. The Board of Governors may use the information obtained from the fingerprinting only in its official determination of the character and fitness of the applicant for admission to the Alaska Bar Association. The applicant's social security number shall be provided to the child support enforcement agency established in AS 25.27.010, or the child support enforcement agency of another state, upon request by the respective agency; the requesting agency may use that information only for child support purposes authorized under law.

* **Sec. 10.** AS 09.25.100 is amended to read:

Sec. 09.25.100. Disposition of tax information. Information in the possession of the Department of Revenue that discloses the particulars of the business or affairs of a taxpayer or other person is not a matter of public record, except for purposes of child support administration as described in (b) of this section, investigation, and

law enforcement. The information shall be kept confidential except when its production is required in response to a request for purposes of child support administration as described in (b) of this section, in an official investigation, in an administrative adjudication under AS 43.05.400 - 43.05.499, or in a court proceeding. These restrictions do not prohibit the publication of statistics presented in a manner that prevents the identification of particular reports and items, [PROHIBIT] the publication of tax lists showing the names of taxpayers who are delinquent and relevant information that may assist in the collection of delinquent taxes, or [PROHIBIT] the publication of records, proceedings, and decisions under AS 43.05.400 - 43.05.499.

* **Sec. 11.** AS 09.25.100 is amended by adding a new subsection to read:

(b) If a copy of a record of tax information is requested under (a) of this section for the purposes of child support administration, the copy may be released only to the child support enforcement agency created in AS 25.27.010 or a child support enforcement agency of another state. The Department of Revenue shall provide the requesting agency with a copy of the record. The requesting agency receiving information under this subsection may use it only for child support purposes authorized under law.

* **Sec. 12.** AS 09.55.050 is amended to read:

Sec. 09.55.050. Effect of presumptive death certificate. After the judge or magistrate has entered an order declaring that the person is presumed to be dead either under AS 09.55.020 - 09.55.060 or under the laws dealing with missing persons, the judge or magistrate shall make out and sign a certificate entitled "Presumptive Death Certificate" in the form and manner and containing the information required by the Bureau of Vital Statistics. In addition to the information required by the Bureau of Vital Statistics, the certificate must contain the decedent's social security number, if ascertainable. The certificate shall be recorded by the judge or magistrate and then filed with the Bureau of Vital Statistics. Upon the entry of the order and the recording and filing of the "Presumptive Death Certificate" as herein provided, the missing person is presumed to be dead, and the person's estate may be administered in accordance with the then existing provisions of law applicable to the administration

1 of the estates of deceased persons.

2 * **Sec. 13.** AS 09.65 is amended by adding a new section to read:

3 **Sec. 09.65.240. Immunity for certain actions related to child support.** A
4 person, including the state and its subdivisions, agencies, officers, and employees, may
5 not be held liable for good faith

6 (1) compliance with a subpoena of this or another state that requests
7 information, including the social security number and employment history of a person,
8 issued by the child support enforcement agency created in AS 25.27.010, or the child
9 support enforcement agency of another state, for child support purposes authorized
10 under law;

11 (2) collection of child support, including encumbering or surrendering
12 assets in response to a notice of lien or levy for the payment of child support; or

13 (3) compliance with an income withholding notice or an order to
14 withhold and deliver that is regular on its face and is for child support purposes.

15 * **Sec. 14.** AS 14.20 is amended by adding a new section to read:

16 **Sec. 14.20.027. Reporting of and access to social security numbers.**

17 Notwithstanding AS 14.20.010 - 14.20.040, the department may not issue a teacher
18 certificate under AS 14.20.020 or a limited teacher certificate under AS 14.20.025
19 unless the applicant has supplied the department with the applicant's social security
20 number. Upon request, the department shall provide the social security number to the
21 child support enforcement agency created in AS 25.27.010, or the child support
22 enforcement agency of another state, for child support purposes authorized under law.

23 * **Sec. 15.** AS 16.05.450(a) is amended to read:

24 (a) The commissioner or an authorized agent shall issue a crewmember fishing
25 license under AS 16.05.480 to each qualified person who files a written application at
26 a place in the state designated by the commissioner, containing the reasonable
27 information required by the commissioner together with the required fee. **The**
28 **commissioner shall require the reporting of the applicant's social security number**
29 **on the application.** The application shall be simple in form and shall be executed by
30 the applicant under the penalty of unsworn falsification.

31 * **Sec. 16.** AS 16.05.450 is amended by adding a new subsection to read:

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

* **Sec. 17.** AS 16.05.480(b) is amended to read:

(b) A person applying for a resident commercial license under this section shall provide **the person's social security number and** the proof of residence that the department requires by regulation.

* **Sec. 18.** AS 16.05.480 is amended by adding a new subsection to read:

(d) Upon request, the department shall provide a social security number provided 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 under law.

* **Sec. 19.** AS 16.05.815(a) is amended by adding a new paragraph to read:

(8) any of its records and reports to the child support enforcement agency created in AS 25.27.010, or the child support enforcement agency of another state, for child support purposes authorized under law.

* **Sec. 20.** AS 18.50.160(e) is amended to read:

(e) If the mother was not married at conception, during the pregnancy, or at birth, the name of the father may not be entered on the certificate of birth [,] unless

(1) paternity has been lawfully determined by a tribunal, in which case the name of the father, if determined by the tribunal, shall be entered;

(2) both the mother and the man to be named as the father have executed affidavits attesting that that man is the father, so long as the affidavits meet the requirements of (g) of this section **and AS 18.50.165**; or

(3) [AS] otherwise specified by statute.

* **Sec. 21.** AS 18.50.165(a) is amended to read:

(a) The state registrar shall prepare a form for use in acknowledging paternity under AS 25.20.055. **On an after July 1, 1997, the form must comply with the minimum requirements of 42 U.S.C. 652(a)(7).** The form must include

(1) a statement that the man who signs the form is acknowledging that

the man is the natural father of the child named in the form and that the man assumes the parental duty of support of that child;

(2) the address and social security number of both parents of the child named in the form;

(3) signature lines for both parents; [AND]

(4) a signature line for either a witness or notary public; and

(5) on and after July 1, 1997, a statement that

(A) sets out the legal consequences to and the rights and responsibilities of the mother and the man acknowledging paternity of signing the form, including

(i) if one of the parents is a minor, any rights given due to minority status;

(ii) legal alternatives to signing the form; and

(iii) the legal responsibility that arises from signing the form;

(B) the mother and the man acknowledging paternity have been notified that, unless fraud, duress, or material mistake of fact is shown in accordance with AS 25.20.050, the acknowledgment may only be rescinded by the earlier of the following dates:

(i) 60 days after the date of the person's signature;

or

(ii) the date of initiation of an administrative or judicial procedure to establish support of the child in which the person is a party; and

(C) the mother and the man acknowledging paternity have read and understand the contents of the form.

* Sec. 22. AS 18.50.165 is amended by adding new subsections to read:

(e) An acknowledgment of paternity that met the requirements of state law at the time that the acknowledgment was made in this state is not ineffective due to changes in the form for acknowledgment occurring after the date that the acknowledgment was made.

(f) An acknowledgment of paternity affidavit or form executed in another state meeting that state's legal requirements shall be considered in this state as if the affidavit or form was executed in compliance with this section.

(g) The registrar shall offer voluntary acknowledgment of paternity services by making available technical assistance about the form described in this section. Upon request, the registrar shall provide oral assistance to parents wishing to complete the form.

* **Sec. 23.** AS 18.50.230 is amended by adding a new subsection to read:

(f) A death certificate issued under this section must include the decedent's social security number, if ascertainable. Upon request, the registrar shall provide a decedent's 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 under law.

* **Sec. 24.** AS 18.50.280(a) is amended to read:

(a) For each dissolution, divorce, and annulment of marriage granted by a court in the state, the clerk of the court shall prepare and file a certificate of dissolution, divorce, or annulment with the bureau, on forms prescribed and furnished by the bureau. **The forms must require the reporting of the social security numbers of the petitioner or plaintiff and, if ascertainable, the other party to the dissolution, divorce, or annulment of marriage.** The petitioner or plaintiff shall furnish the court with the information necessary to complete the certificate, and the furnishing of this information is prerequisite to the issuance of a decree.

* **Sec. 25.** AS 18.50.280 is amended by adding a new subsection to read:

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

* **Sec. 26.** AS 18.50.320 is amended to read:

Sec. 18.50.320. Copies of data from vital records. Except as otherwise provided and in accordance with the regulations adopted under AS 18.50.310,

(1) the bureau and the custodian of permanent local records shall, upon

request, issue a certified copy of a certificate or record in their custody, or a part of it; each copy issued must show the date of registration or recording, and copies issued from records marked "delayed," "amended," or "court order" shall be similarly marked and must show the effective date;

(2) a certified copy of a certificate or a part of it issued in accordance with (1) of this section is considered the original for all purposes, and is prima facie evidence of the facts stated, provided that the evidentiary value of a certificate or record filed more than one year after the event, or a record that has been amended, or a presumptive death certificate, shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence;

(3) the National Office of Vital Statistics may be furnished the copies or data it requires for national statistics [,] if the bureau is reimbursed for the cost of furnishing the data; the National Office of Vital Statistics may not use the data for purposes other than statistical purposes unless authorized by the state registrar;

(4) federal, state, local, and other public or private agencies, upon request, may be furnished copies or data for statistical purposes on the terms or conditions prescribed by the bureau;

(5) a person or agency may not prepare or issue a certificate or part of a certificate that purports to be an original, certified copy, or copy of a certificate of birth, death, fetal death, or marriage, except as authorized in this chapter or the regulations adopted under it;

(6) upon request, the bureau shall furnish a copy of a certificate or record registered by the bureau to the child support enforcement agency created in AS 25.27.010, or the child support enforcement agency of another state, for child support purposes authorized under law; such a certificate or record that is prepared or maintained in an electronic data base may be supplied by providing the requesting agency with a copy of the electronic certificate or record and a statement certifying its contents.

* Sec. 27. AS 18.60.395(a) is amended to read:

(a) The Department of Labor shall adopt regulations for the licensing of boiler operators. The regulations must conform to the generally accepted nationwide

standards and practices established for boiler operators. In addition to any requirements adopted by regulation under this subsection, a person applying for a license shall provide to the department, on the application, the person's social security number.

* **Sec. 28.** AS 18.60.395 is amended by adding a new subsection to read:

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

* **Sec. 29.** AS 18.65.410 is amended to read:

Sec. 18.65.410. Applications. Application for a license as a security guard must be made on forms provided by the commissioner. The application must require the furnishing of information reasonably required by the commissioner to carry out the provisions of AS 18.65.400 - 18.65.490, including classifiable fingerprints to enable the search of criminal indices for evidence of a prior criminal record, and must require the furnishing of the applicant's social security number if the applicant is a natural person. The application must be accompanied by a nonrefundable application fee of \$50 for a security guard and \$200 for a security guard agency.

* **Sec. 30.** AS 18.65.410 is amended by adding a new subsection to read:

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

* **Sec. 31.** AS 18.72.030 is amended to read:

Sec. 18.72.030. Fireworks wholesaler's license. (a) A person who desires to sell fireworks at wholesale in the state shall first make verified application for a license to the state fire marshal on forms provided by the state fire marshal. The forms must require the applicant to supply the applicant's social security number if the applicant is a natural person. The application shall be accompanied by an annual license fee of \$50.

(b) The license required under (a) of this section is valid until December 31

1 of the year during which it is issued [,] and is renewable upon

2 (1) the payment of each subsequent annual license fee and affirmation
 3 that the information contained in the wholesaler's original application for a fireworks
 4 wholesaler's license is currently accurate; and

5 (2) supplying the wholesaler's social security number if it has not
 6 previously been supplied under (a) of this section and if the wholesaler is a
 7 natural person.

8 * **Sec. 32.** AS 21.06 is amended by adding a new section to read:

9 **Sec. 21.06.255. Information for child support purposes.** Notwithstanding
 10 any other provision of this title, a natural person who applies for a license or requests
 11 renewal of a license issued by the director under this title shall provide the director
 12 with the person's social security number. Upon request, the director shall provide a
 13 social security number provided under this section to the child support enforcement
 14 agency created in AS 25.27.010, or the child support enforcement agency of another
 15 state, for child support purposes authorized under law.

16 * **Sec. 33.** AS 23.20.110(e) is amended to read:

17 (e) The department shall provide information
 18 (1) requested by a state or federal agency under an income and
 19 eligibility verification system that meets the requirements of 42 U.S.C. 1320b-7 (Social
 20 Security Act); or
 21 (2) as required by federal law for child support purposes.

22 * **Sec. 34.** AS 23.20.110 is amended by adding a new subsection to read:

23 (o) Upon request and for child support purposes authorized under law, the
 24 department shall provide to the child support enforcement agency created in
 25 AS 25.27.010, or the child support enforcement agency of another state, the following:
 26 (1) the name, address, social security number, ordinary occupation, and
 27 employment status of each applicant for or recipient of benefits under this chapter;
 28 (2) information about the applicant's or recipient's right to benefits
 29 under this chapter;
 30 (3) the name, address, and employer identification number of the
 31 applicant's or recipient's current or former employer;

- 1 (4) information, if available, on the applicant or recipient concerning
 2 (A) earnings or other income of the applicant or recipient;
 3 (B) benefits from employment, including rights to or enrollment
 4 in group health care coverage; and
 5 (C) the type, status, location, and amount of assets of or debts
 6 owed by or to the applicant or recipient.

7 * **Sec. 35.** AS 25.05.091 is amended by adding a new subsection to read:

8 (b) In addition to the requirements of (a) of this section, each contracting party
 9 to the prospective marriage shall provide to the licensing officer the party's social
 10 security number, if any. Upon request, the licensing officer shall provide a social
 11 security number provided under this subsection to the child support enforcement
 12 agency created in AS 25.27.010, or the child support enforcement agency of another
 13 state, for child support purposes authorized under law.

14 * **Sec. 36.** AS 25.20.050(a) is amended to read:

15 (a) A child born out of wedlock is legitimated and considered the heir of the
 16 putative parent when (1) the putative parent subsequently marries the undisputed parent
 17 of the child; (2) **for acknowledgments made before July 1, 1997,** the putative parent
 18 acknowledges, in writing, being a parent of the child; **(3) for acknowledgments made**
 19 **on or after July 1, 1997, the putative father and the mother both sign a form for**
 20 **acknowledging paternity under AS 18.50.165;** or **(4) [(3)] the putative parent is**
 21 **determined** [JUDGED] by a superior court **without jury or by another tribunal,**
 22 upon sufficient evidence, to be a parent of the child. Acceptable evidence includes [,
 23 BUT IS NOT LIMITED TO,] evidence that the putative parent's conduct and bearing
 24 toward the child, either by word or act, indicates that the child is the child of the
 25 putative parent. That conduct may be construed by the **tribunal** [COURT] to
 26 constitute evidence of parentage. When indefinite, ambiguous, or uncertain terms are
 27 used, the **tribunal** [COURT] may use extrinsic evidence to show the putative parent's
 28 intent.

29 * **Sec. 37.** AS 25.20.050(d) is amended to read:

30 (d) The results of **a genetic test that is of a type generally acknowledged as**
 31 **reliable by an accreditation body designated by the Secretary of Health and**

Human Services and performed by a laboratory approved by such an accreditation body [A BLOOD TEST, TISSUE-TYPE TEST, PROTEIN COMPARISON, OR OTHER SCIENTIFICALLY ACCEPTED PROCEDURE] shall be admitted and weighed in conjunction with other evidence in determining the statistical probability that the putative parent is a legal parent of the child in question. However, a **genetic test described in this subsection** [SCIENTIFICALLY ACCEPTED PROCEDURE] that establishes a probability of parentage at 95 percent or higher creates a presumption of parentage that may be rebutted only by clear and convincing evidence.

* **Sec. 38.** AS 25.20.050(e) is repealed and reenacted to read:

(e) Except as provided in (i) of this section, in proceedings in which paternity is contested, the tribunal shall order the parties, including the child, to submit to testing as described in (d) of this section upon request of

(1) the child support enforcement agency created in AS 25.27.010 or the child support enforcement agency of another state; or

(2) a party, including a sworn statement

(A) alleging the paternity of an individual and setting out facts that show a reasonable possibility that the mother and that individual had sexual contact that could have resulted in the conception of the child; or

(B) denying the paternity of an individual and setting out facts that show a reasonable possibility that the mother and that individual did not have sexual contact that could have resulted in the conception of the child.

* **Sec. 39.** AS 25.20.050(f), as amended by sec. 11, ch. 107, SLA 1996, is amended to read:

(f) [IF THE CHILD SUPPORT ENFORCEMENT AGENCY IS A PARTY IN AN ACTION IN WHICH PATERNITY IS CONTESTED, THE AGENCY SHALL REQUEST THE COURT TO ORDER THE TESTS AND PROCEDURES DESCRIBED IN (e) OF THIS SECTION.] The **child support enforcement** agency may recover the costs of **testing ordered under (e) of this section from the alleged father unless the testing establishes that the individual is not the father** [TESTS AS A COST OF THE ACTION], except that costs may not be recovered from a

1 person who is a recipient of assistance under AS 47.27 (Alaska temporary assistance
2 program).

3 * **Sec. 40.** AS 25.20.050(h) is amended to read:

4 (h) The tribunal [COURT] in a paternity action shall give full faith and credit
5 to a determination of paternity made by another state, whether established through
6 voluntary acknowledgment or through administrative or judicial procedures.

7 * **Sec. 41.** AS 25.20.050 is amended by adding new subsections to read:

8 (i) If a tribunal finds that good cause exists not to order genetic testing after
9 considering the best interests of the child, the tribunal may not order testing under (e)
10 of this section.

11 (j) Invoices, bills, or other standard documents showing charges for medical
12 and related costs of pregnancy, childbirth, or genetic testing are admissible in an action
13 to establish paternity without testimony or other evidence from the medical or other
14 provider or third-party payor to provide the foundation for admissibility of the
15 documents. The documents shall constitute prima facie evidence of the amounts
16 incurred for such charges.

17 (k) Upon the motion of the child support enforcement agency or another party
18 in the action to establish paternity, the tribunal shall issue a temporary order for
19 support of the child whose paternity is being determined. The order shall be effective
20 until the tribunal issues a final order on paternity and a permanent order for support
21 is issued or the tribunal dismisses the action. The temporary order may only be issued
22 if the tribunal finds clear and convincing evidence of the paternity of the putative
23 father on the basis of the results of the genetic tests and other evidence admitted in the
24 proceeding.

25 (l) The tribunal shall consider a completed and signed form for acknowledging
26 paternity that meets the requirements of AS 18.50.165(a) as a legal finding of paternity
27 for a child born out of wedlock. For an acknowledgment signed on or after
28 July 1, 1997, the acknowledgment may only be withdrawn by the earlier of the
29 following dates: (1) 60 days after the date that the person signed it, or (2) the date on
30 which judicial or administrative procedures are initiated to establish child support for,
31 or to determine paternity of, the child who is the subject of the acknowledgement.

After this time period has passed, the acknowledgment may only be contested in superior court on the basis of fraud, duress, or material mistake. The parent wishing to contest the acknowledgment carries the burden of proof by a preponderance of the evidence. Unless good cause is shown, the court may not stay child support or other legal responsibilities while the action to contest the acknowledgment is pending.

(m) If a parent signs an acknowledgment of paternity under (a) of this section and does not successfully challenge the acknowledgment under (l) of this section, the child born out of wedlock is considered legitimated and the heir of the parent without further action of the tribunal to ratify the acknowledgment of paternity.

(n) On and after July 1, 1997, a paternity order or an acknowledgment made under this section must include the social security numbers, if ascertainable, of the following persons:

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

(o) In this section, unless the context requires otherwise, "tribunal" means a court, administrative agency, or quasi-judicial entity authorized by state law to determine parentage.

*** Sec. 42.** AS 25.20.055 is amended by adding a new subsection to read:

(d) Notwithstanding (a) of this section, the Department of Health and Social Services may adopt regulations to establish exceptions for good cause that identify circumstances under which a hospital is not required to comply with (a) of this section. A hospital may be excused from complying with (a) of this section if the hospital meets those regulatory requirements.

*** Sec. 43.** AS 25.24.160 is amended by adding a new subsection to read:

(d) In a judgment issued under this section, the court shall include the social security numbers, if ascertainable, of the following persons:

- (1) each party to the action;
- (2) each child whose rights are addressed in the judgment.

*** Sec. 44.** AS 25.24.170(b) is amended to read:

(b) For the purposes of a motion to modify or terminate child support, the

adoption or enactment of guidelines or a significant amendment to guidelines for determining support is a material change in circumstances [,] if the guidelines are relevant to the motion. **As necessary to comply with 42 U.S.C. 666, a periodic modification of child support may be made without a showing of a material change in circumstances if the child support order being modified on the periodic basis has not been modified or adjusted during the three years preceding the periodic modification.**

* **Sec. 45.** AS 25.24.210(e) is amended by adding a new paragraph to read:

(12) the social security numbers, if ascertainable, of the following persons:

(A) both spouses to the marriage being dissolved;

(B) each child whose rights are being addressed in the petition for dissolution.

* **Sec. 46.** AS 25.24.230 is amended by adding a new subsection to read:

(i) In a judgment issued under this section, the court shall include the social security numbers, if ascertainable, of the following persons:

(1) each party to the dissolution of marriage;

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

* **Sec. 47.** AS 25.24 is amended by adding a new section to read:

Sec. 25.24.920. Provision of information to child support enforcement agency. For purposes of 42 U.S.C. 666 and AS 25.27.193, when a court order or judgment provides for child support to be paid, the clerk of the court shall provide a copy of the order or judgment to the child support enforcement agency created in AS 25.27.010.

* **Sec. 48.** AS 25.25.101(7) is amended to read:

(7) "initiating state" means a state **from** [IN] which a proceeding **is forwarded or in which a proceeding is filed for forwarding to a responding state** under this chapter or a law **or procedure** substantially similar to this chapter, **or under a law or procedure substantially similar to** [THE FORMER PROVISIONS OF THIS CHAPTER,] the Uniform Reciprocal Enforcement of Support Act [,] or the Revised Uniform Reciprocal Enforcement of Support Act [IS FILED FOR

FORWARDING TO A RESPONDING STATE];

* **Sec. 49.** AS 25.25.101(16) is amended to read:

(16) "responding state" means a state in [TO] which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state under this chapter or a law or procedure substantially similar to this chapter, or under a law or procedure substantially similar to [THE FORMER PROVISIONS OF THIS CHAPTER,] the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act;

* **Sec. 50.** AS 25.25.101(19) is amended to read:

(19) "state" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession subject to the jurisdiction of the United States; the term "state" includes a foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders that are substantially similar to the procedures under this chapter or under the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act;

* **Sec. 51.** AS 25.25.207 is repealed and reenacted to read:

Sec. 25.25.207. Recognition of controlling child support order. (a) If a proceeding is brought under this chapter and only one tribunal has issued a child support order, the order of that tribunal is controlling and shall be recognized.

(b) If a proceeding is brought under this chapter and two or more child support orders have been issued by tribunals of this state or another state with regard to the same obligor and child, a tribunal of this state shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction:

(1) if only one of the tribunals would have continuing, exclusive jurisdiction under this chapter, the order of that tribunal is controlling and shall be recognized;

(2) if more than one of the tribunals would have continuing, exclusive jurisdiction under this chapter, an order issued by a tribunal in the current home state of the child shall be recognized, but, if an order has not been issued in the current

home state of the child, the order most recently issued is controlling and shall be recognized;

(3) if none of the tribunals would have continuing, exclusive jurisdiction under this chapter, the tribunal of this state having jurisdiction over the parties shall issue a child support order, which is controlling and shall be recognized.

(c) If two or more child support orders have been issued for the same obligor and child and if the obligor or the individual obligee resides in this state, a party may request a tribunal of this state to determine which order controls and shall be recognized under (b) of this section. The request shall be accompanied by a certified copy of every support order in effect. Every party whose rights may be affected by a determination of the controlling order shall be given notice of the request for that determination.

(d) The tribunal that issued the order that shall be recognized as controlling under (a), (b), or (c) of this section is the tribunal that has continuing, exclusive jurisdiction in accordance with AS 25.25.205.

(e) A tribunal of this state that determines by order the identity of the controlling child support order under (b)(1) or (2) of this section, or that issues a new controlling child support order under (b)(3) of this section, shall include in that order the basis upon which the tribunal made its determination.

(f) Within 30 days after issuance of the order determining the identity of the controlling order, the party obtaining that order shall file a certified copy of that order with each tribunal that had issued or registered an earlier order of child support. Failure of the party obtaining the order to file a certified copy as required under this subsection subjects that party to appropriate sanctions by a tribunal in which the issue of failure to file arises, but that failure has no effect on the validity or enforceability of the controlling order.

* **Sec. 52.** AS 25.25.301(b) is amended to read:

(b) This chapter provides for the following proceedings:

(1) establishment of an order for child support or spousal support under AS 25.25.401;

(2) enforcement of a support order and income withholding order of

another state without registration under AS 25.25.501 - 25.25.507 [AS 25.25.501 - 25.25.502];

(3) registration of an order for child support or spousal support of another state for enforcement under AS 25.25.601 - 25.25.614 [AS 25.25.601 - 25.25.612];

(4) modification of an order for child support or spousal support issued by a tribunal of this state under AS 25.25.203 - 25.25.206;

(5) registration of an order for child support of another state for modification under AS 25.25.601 - 25.25.614 [AS 25.25.601 - 25.25.612];

(6) determination of parentage under AS 25.25.701; and

(7) assertion of jurisdiction over nonresidents under AS 25.25.201 - 25.25.202.

* **Sec. 53.** AS 25.25.304 is amended by adding a new subsection to read:

(b) If a responding state has not enacted a law or procedure substantially similar to this chapter, a tribunal of this state may issue a certificate or other documents and make findings required by the law of the responding state. If the responding state is a foreign jurisdiction, the tribunal may specify the amount of support sought and provide other documents necessary to satisfy the requirements of the responding state.

* **Sec. 54.** AS 25.25.305(a) is amended to read:

(a) When a responding tribunal of this state receives a complaint or comparable pleading from an initiating tribunal or directly under AS 25.25.301(c), it shall cause the complaint or pleading to be filed and notify the petitioner [BY FIRST CLASS MAIL] where and when it was filed.

* **Sec. 55.** AS 25.25.305(e) is amended to read:

(e) If a responding tribunal of this state issues an order under this chapter, the tribunal shall send a copy of the order [BY FIRST CLASS MAIL] to the petitioner and the respondent and to the initiating tribunal, if any.

* **Sec. 56.** AS 25.25.306 is amended to read:

Sec. 25.25.306. Inappropriate tribunal. If a complaint or comparable pleading is received by an inappropriate tribunal of this state, it shall forward the

complaint or pleading, and accompanying documents, to an appropriate tribunal in this state or another state and notify the petitioner [BY FIRST CLASS MAIL] where and when the complaint or pleading was sent.

* **Sec. 57.** AS 25.25.307(b) is amended to read:

(b) In providing services under this chapter to the petitioner, the child support enforcement agency shall, as appropriate,

(1) take all steps necessary to enable an appropriate tribunal in this state or another state to obtain jurisdiction over the respondent;

(2) request an appropriate tribunal to set a date, time, and place for a hearing;

(3) make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;

(4) send written notice from an initiating, responding, or registering tribunal to the petitioner [BY FIRST CLASS MAIL] within two days of receipt, exclusive of Saturdays, Sundays, and legal holidays;

(5) send a copy of a written communication from the respondent or the respondent's attorney to the petitioner [BY FIRST CLASS MAIL] within two days of receipt, exclusive of Saturdays, Sundays, and legal holidays; and

(6) notify the petitioner if jurisdiction over the respondent cannot be obtained.

* **Sec. 58.** AS 25.25.310 is amended to read:

Sec. 25.25.310. Duties of state information and locator agency. The child support enforcement agency is the state information agency under this chapter, and it shall

(1) compile and maintain a current list, including addresses, of the tribunals [COURTS] in this state that have jurisdiction under this chapter and the appropriate agency offices in this state and transmit a copy to the state information agency of every other state;

(2) maintain a register of tribunals and support enforcement agencies received from other states;

(3) forward to the appropriate tribunal in this state all documents

concerning a proceeding under this chapter received from an initiating tribunal or the state information agency of the initiating state; and

(4) obtain information concerning the location of the obligor and the obligor's property within this state that is not exempt from execution by postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and social security.

* **Sec. 59.** AS 25.25.312 is amended to read:

Sec. 25.25.312. Nondisclosure of information in exceptional circumstances.

Upon [SUBJECT TO THE PROVISIONS OF AS 25.27.275 AND UPON] a finding, which may be made ex parte, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this chapter.

* **Sec. 60.** AS 25.25.501 is repealed and reenacted to read:

Sec. 25.25.501. Employer's receipt of income withholding order of another state. An income withholding order issued in another state may be sent to the person or entity defined as the obligor's employer under AS 25.27 without first filing a complaint or comparable pleading or registering the order with a tribunal of this state.

* **Sec. 61.** AS 25.25.502 is repealed and reenacted to read:

Sec. 25.25.502. Employer's compliance with income withholding order of another state. (a) Upon receipt of an order under AS 25.25.501, the obligor's employer shall immediately provide a copy of the order to the obligor.

(b) The employer shall treat an income withholding order issued in another state that appears regular on its face as if it were issued by a tribunal of this state.

(c) Except as provided by (d) of this section and AS 25.25.503, the employer shall withhold and distribute the funds as directed in the withholding order by complying with the terms of the order, as applicable, that specify

(1) the duration and the amount of periodic payments of current child support, stated as a sum certain;

(2) the person or agency designated to receive payments and the address to which the payments are to be forwarded;

(3) medical support, whether in the form of periodic cash payment, stated as a sum certain, or an order to the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment;

(4) the amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney, stated as sums certain; and

(5) the amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.

(d) The employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to

(1) the employer's fee for processing an income withholding order;

(2) the maximum amount permitted to be withheld from the obligor's income; and

(3) the time periods within which the employer must implement the withholding order and forward the child support payment.

* **Sec. 62.** AS 25.25 is amended by adding new sections to article 5 to read:

Sec. 25.25.503. Compliance with multiple income withholding orders. If an obligor's employer receives multiple orders to withhold support from the earnings of the same obligor, the employer shall be considered to have satisfied the terms of the multiple orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for multiple child support orders.

Sec. 25.25.504. Immunity from civil liability. An employer who complies with an income withholding order issued in another state in accordance with AS 25.25.501 - 25.25.505 is not subject to civil liability to an individual or agency with regard to the employer's withholding of child support from the obligor's income.

Sec. 25.25.505. Penalties for noncompliance. An employer who wilfully fails

1 to comply with an income withholding order issued by another state and received for
 2 enforcement is subject to the same penalties that may be imposed for noncompliance
 3 with an order issued by a tribunal of this state.

4 **Sec. 25.25.506. Contest by obligor.** (a) An obligor may contest the validity
 5 or enforcement of an income withholding order issued in another state and received
 6 directly by an employer in this state in the same manner as if the order were issued
 7 by a tribunal of this state. The provisions of AS 25.25.604 apply to the contest.

8 (b) The obligor shall give notice of the contest to

9 (1) a support enforcement agency providing services to the obligee;

10 (2) each employer that has directly received an income withholding
 11 order; and

12 (3) if

13 (A) a person or an agency is designated to receive payments in
 14 the income withholding order, to that person or agency; or

15 (B) no person or agency is designated to receive payments in
 16 the income withholding order, to the obligee.

17 **Sec. 25.25.507. Administrative enforcement of orders.** (a) A party seeking
 18 to enforce a support order or an income withholding order, or both, issued by a
 19 tribunal of another state may send the documents required for registering the order to
 20 the child support enforcement agency of this state.

21 (b) Upon receipt of the documents, the child support enforcement agency,
 22 without initially seeking to register the order, shall consider and, if appropriate, use
 23 any administrative procedure authorized by the law of this state to enforce a support
 24 order or an income withholding order, or both. If the obligor does not contest
 25 administrative enforcement, the order need not be registered. If the obligor contests
 26 the validity or administrative enforcement of the order, the child support enforcement
 27 agency shall register the order under this chapter.

28 * **Sec. 63.** AS 25.25.602(a) is amended to read:

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

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

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

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

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

(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;

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

(D) the names [NAME] and addresses [ADDRESS] of all potential third-party [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. 64.** AS 25.25.605(a) is amended to read:

(a) When a support order or income withholding order issued in another state is registered, the registering tribunal shall notify the nonregistering party. [NOTICE SHALL BE GIVEN BY FIRST CLASS, CERTIFIED, OR REGISTERED MAIL OR BY ANY MEANS OF PERSONAL SERVICE AUTHORIZED BY THE LAW OF THIS STATE.] The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

*** Sec. 65.** AS 25.25.605(b) is amended to read:

(b) The notice must inform the nonregistering party

(1) that a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state;

(2) that a hearing to contest the validity or enforcement of the registered order must be requested within 20 days after [THE DATE OF MAILING

1 OR PERSONAL SERVICE OF THE] notice;

2 (3) that failure to contest the validity or enforcement of the registered
3 order in a timely manner will result in confirmation of the order and enforcement of
4 the order and the alleged arrearages and precludes further contest of that order with
5 respect to any matter that could have been asserted; and

6 (4) of the amount of alleged arrearages.

7 * **Sec. 66.** AS 25.25.606(a) is amended to read:

8 (a) A nonregistering party seeking to contest the validity or enforcement of a
9 registered order in this state shall request a hearing within 20 days after the [DATE
10 OF MAILING OR PERSONAL SERVICE OF] notice of the registration. The
11 nonregistering party may seek to vacate the registration, to assert a defense to an
12 allegation of noncompliance with the registered order, or to contest the remedies being
13 sought or the amount of alleged arrearages under AS 25.25.607.

14 * **Sec. 67.** AS 25.25.606(c) is amended to read:

15 (c) If a nonregistering party requests a hearing to contest the validity or
16 enforcement of the registered order, the registering tribunal shall schedule the matter
17 for hearing and give notice to the parties [BY FIRST CLASS MAIL] of the date, time,
18 and place of the hearing.

19 * **Sec. 68.** AS 25.25.609 is amended to read:

20 **Sec. 25.25.609. Procedure to register child support order of another state**
21 **for modification.** If a party or the child support enforcement agency seeks to modify,
22 or to modify and enforce, a child support order issued in another state but not
23 registered in this state, the party or agency shall register that order in this state in the
24 same manner provided in **AS 25.25.601 - 25.25.608** [AS 25.25.601 - 25.25.604]. A
25 complaint for modification may be filed at the same time as a request for registration,
26 or later. The pleading must specify the grounds for modification.

27 * **Sec. 69.** AS 25.25.611(a) is amended to read:

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

1 (1) the following requirements are met:

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

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

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

8 (2) an individual party or the child is subject to the personal jurisdiction
9 of the tribunal and all of the individual parties have filed a written consent in the
10 issuing tribunal providing that a tribunal of this state may modify the support order and
11 assume continuing, exclusive jurisdiction over the order; **however, if the issuing state**
12 **is a foreign jurisdiction that has not enacted a law or procedure substantially**
13 **similar to this chapter, the written consent of the individual party residing in this**
14 **state is not required for the tribunal to assume jurisdiction to modify the child**
15 **support order.**

16 * **Sec. 70.** AS 25.25.611(c) is amended to read:

17 (c) A tribunal of this state may not modify any aspect of a child support order
18 that may not be modified under the law of the issuing state. **If two or more tribunals**
19 **have issued child support orders for the same obligor and child, the order that**
20 **is controlling and must be recognized under the provisions of AS 25.25.207**
21 **establishes the nonmodifiable aspects of the support order.**

22 * **Sec. 71.** AS 25.25.612 is amended to read:

23 **Sec. 25.25.612. Recognition of order modified in another state.** A tribunal
24 of this state shall recognize a modification of its earlier child support order by a
25 tribunal of another state that assumed jurisdiction under **this chapter or** a law **or**
26 **procedure** substantially similar to this chapter and, upon request, except as otherwise
27 provided in this chapter, shall

28 (1) enforce the order that was modified only as to amounts accruing
29 before the modification;

30 (2) enforce only nonmodifiable aspects of that order;

31 (3) provide other appropriate relief only for violations of that order that

1 occurred before the effective date of the modification; and

2 (4) recognize the modifying order of the other state, upon registration,
3 for the purpose of enforcement.

4 * **Sec. 72.** AS 25.25 is amended by adding new sections to article 6 to read:

5 **Sec. 25.25.613. Jurisdiction to modify support order of another state when**
6 **individual parties reside in this state.** (a) If all of the individual parties reside in
7 this state and the child does not reside in the issuing state, a tribunal of this state has
8 jurisdiction to enforce and to modify the issuing state's child support order in a
9 proceeding to register that order.

10 (b) A tribunal of this state exercising jurisdiction as provided in this section
11 shall apply the provisions of AS 25.25.101 - 25.25.209 and 25.25.601 - 25.25.614 to
12 the enforcement or modification proceeding. AS 25.25.301 - 25.25.507, 25.25.701,
13 25.25.801, and 25.25.802 do not apply, and the tribunal shall apply the procedural and
14 substantive law of this state.

15 **Sec. 25.25.614. Notice to issuing tribunal of modification.** Within 30 days
16 after issuance of a modified child support order, the party obtaining the modification
17 shall file a certified copy of the order with the issuing tribunal that had continuing,
18 exclusive jurisdiction over the earlier order and with each tribunal in which the party
19 knows that an earlier order has been registered. Failure of the party obtaining the
20 order to file a certified copy as required subjects that party to appropriate sanctions by
21 a tribunal in which the issue of failure to file arises, but that failure has no effect on
22 the validity or enforceability of the modified order of the new tribunal of continuing,
23 exclusive jurisdiction.

24 * **Sec. 73.** AS 25.25.701(a) is amended to read:

25 (a) A tribunal of this state may serve as an initiating or responding tribunal in
26 a proceeding brought under this chapter or a law or procedure substantially similar
27 to this chapter, a law or procedure substantially similar to the former provisions of
28 this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised
29 Uniform Reciprocal Enforcement of Support Act to determine whether the petitioner
30 is a parent of a particular child or to determine whether a respondent is a parent of that
31 child.

1 * **Sec. 74.** AS 25.27.020(a)(2) is amended to read:

2 (2) adopt regulations to carry out the purposes of this chapter and AS 25.25,
3 including regulations that establish

4 (A) [SCHEDULES FOR DETERMINING THE AMOUNT AN
5 OBLIGOR IS LIABLE TO CONTRIBUTE TOWARD THE SUPPORT OF AN
6 OBLIGEE UNDER THIS CHAPTER AND UNDER 42 U.S.C. 651 - 669
7 (TITLE IV-D, SOCIAL SECURITY ACT);

8 (B)] procedures for hearings conducted under AS 25.27.170 **and**
9 **for administrative enforcement of support orders;**

10 **(B)** [(C)] subject to AS 25.27.025 and to federal law, a uniform
11 rate of interest on arrearages of support that shall be charged the obligor upon
12 notice if child support payments are 10 or more days overdue or if payment is
13 made by a check backed by insufficient funds; however, an obligor may not be
14 charged interest on late payment of a child support obligation, other than a
15 payment on arrearages, if the obligor is

16 (i) employed and income is being withheld from the
17 obligor's wages under an income withholding order;

18 (ii) receiving unemployment compensation and child
19 support obligations are being withheld from the obligor's unemployment
20 payments under AS 23.20.401; or

21 (iii) receiving compensation for disabilities under
22 AS 23.30 and child support obligations are being withheld from the
23 obligor's compensation payments; [AND]

24 **(C)** [(D)] procedures for establishing and disestablishing
25 paternity under **AS 25.27.165 and 25.27.166** [AS 25.27.165 - 25.27.166],
26 including procedures for hearings; **and**

27 **(D) procedures under which the agency shall enter into**
28 **contracts or agreements with financial institutions, including brokerage**
29 **houses, insurance companies, and other companies providing individual**
30 **investment, transaction, or deposit accounts, doing business in the state to**
31 **develop and operate an automated data match system as required by 42**

U.S.C. 666(a)(17); the agency may pay a reasonable fee to a financial institution for conducting a data match under a contract or agreement under this subparagraph; the fee may not exceed the actual costs incurred by the financial institution for conducting the data match.

* **Sec. 75.** AS 25.27.020(a)(6) is amended to read:

(6) disburse support payments collected by the agency to the obligee, together with interest charged under **(2)(B)** [(2)(C)] of this subsection;

* **Sec. 76.** AS 25.27.020(a)(13) is amended to read:

(13) act as the central registry for all child support orders **and exchange information as required by federal law.**

* **Sec. 77.** AS 25.27.020 is amended by adding new subsections to read:

(d) The agency may issue an administrative order or request a court order that requires an individual in arrears under an order of support for a child who is receiving assistance under AS 47.07, or under AS 47.25.310 - 47.25.420 or a successor program, to make payments according to an approved payment plan or, if the individual is not incapacitated, to participate in appropriate work activities.

(e) To the extent required by federal law and as necessary for locating individuals for child support purposes, the agency, the child support enforcement agency of another state, or the federal government is entitled to have access to information used by the Department of Public Safety or a successor agency to locate an individual for purposes relating to motor vehicles or law enforcement.

* **Sec. 78.** AS 25.27.025 is amended to read:

Sec. 25.27.025. Rate of interest. The rate of interest imposed under **AS 25.27.020(a)(2)(B)** [AS 25.27.020(a)(2)(C)] shall be six percent a year or a lesser rate that is the maximum rate of interest permitted to be imposed under federal law.

* **Sec. 79.** AS 25.27.040(a), as amended by sec. 13, ch. 107, SLA 1996, is amended to read:

(a) The agency may appear on behalf of minor children or their mother or legal custodian or the state and initiate efforts to have the paternity of children born out of wedlock determined by the court. When the agency is a party to a court action in which paternity is contested, it shall request and pay for genetic testing and

procedures under AS 25.20.050(e) and may recover the costs of the testing as provided in AS 25.20.050(f). [THE AGENCY MAY RECOVER THE COSTS OF THE TESTS AS A COST OF THE COURT ACTION, EXCEPT THAT COSTS MAY NOT BE RECOVERED FROM A PERSON WHO IS A RECIPIENT OF ASSISTANCE UNDER AS 47.27 (ALASKA TEMPORARY ASSISTANCE PROGRAM).]

* **Sec. 80.** AS 25.27.062(d) is amended to read:

(d) Income withholding under a support order that does not require immediate income withholding and that is not being enforced by the agency may be initiated either by filing a motion with the court and complying with applicable court rules or, if there is a child support arrearage, by making a written request to the agency for immediate income withholding under AS 25.27.150. Application to the agency under this subsection may not, by itself, be construed as a request for other services of the agency. If immediate withholding under this subsection is sought through a motion to the court, the [THE] court shall order the beginning of income withholding under this subsection if the court finds that any of the grounds in (c)(1), (2), or (3)(B) [(c)(1), (c)(2), OR (c)(3)(B)] of this section is satisfied. It is not a defense to a motion based on (c)(2) of this section that less than one full month's payment is past due by 30 days if at least one full month's payment was past due by 30 days on the date the motion was filed. Notice to the obligor of income withholding ordered under this subsection must be given in a manner that complies with court rules. In this subsection, "past due by 30 days" means unpaid 30 days after the monthly due date specified in the support order.

* **Sec. 81.** AS 25.27.062(e) is amended to read:

(e) The agency or the person who obtains an income withholding order under this chapter shall immediately send a copy of the income withholding order, a copy of the relevant provisions of AS 25.27.260 and this section, and an explanation of the effect of the statutes to persons who may owe money to an obligor. These items may be sent by first class mail or certified mail, return receipt requested, or they may be served personally by a process server, except that the agency alternatively may send the items by electronic means. An income withholding order made under this chapter

is binding upon a person, employer, political subdivision, or department of the state immediately upon receipt of a copy of the income withholding order. An employer shall **immediately** begin withholding the specified amount from the employee's wages. **The amount withheld shall be sent to the agency within seven business days after the date the amount would otherwise have been paid or credited to the employee** [(1) 14 WORKING DAYS AFTER THE MAILING DATE ON THE ORDER OF WITHHOLDING OR 14 WORKING DAYS AFTER THE DATE ON WHICH THE ORDER WAS PERSONALLY SERVED, WHICHEVER IS APPLICABLE, OR (2) ON THE FIRST DAY OF THE NEXT PAY PERIOD, IF EARLIER. THE AMOUNT WITHHELD SHALL BE SENT TO THE AGENCY WITHIN 10 WORKING DAYS AFTER THE DATE THE EMPLOYEE IS PAID]. An employer may, for each payment made under an order, deduct \$5 from other wages or salary owed to the obligor.

* **Sec. 82.** AS 25.27.062(j) is amended to read:

(j) An employer may combine into a single payment to the agency amounts withheld from more than one obligor if the employer specifies the portion of the payment attributable to each obligor **and complies with the time deadlines set out in (e) of this section.**

* **Sec. 83.** AS 25.27.085 is amended to read:

Sec. 25.27.085. Subpoenas. The agency [, WITH THE CONCURRENCE OF THE COMMISSIONER OF REVENUE,] may subpoena persons, books, records, and documents to

(1) **obtain any financial or other information needed to establish, modify, or enforce a child support order** [DETERMINE THE EXTENT AND LOCATION OF ASSETS OF ANY OBLIGOR WHO IS MORE THAN 45 DAYS IN ARREARS IN A CHILD SUPPORT OBLIGATION ESTABLISHED EITHER BY COURT OR ADMINISTRATIVE ORDER];

(2) determine the paternity of a child under AS 25.27.165; or

(3) disestablish the paternity of a child under AS 25.27.166.

* **Sec. 84.** AS 25.27.085 is amended by adding new subsections to read:

(b) An administrative subpoena issued under this section shall be served in the

manner provided for service of liens under AS 25.27.240. Proof of service may be completed according to Rule 5, Alaska Rules of Civil Procedure.

(c) A person who is issued an administrative subpoena shall be provided an opportunity to refuse to comply with it for good cause by filing a request for a conference with the agency in this state in the manner and within the time specified in regulations adopted by the agency. Good cause shall be limited to mistake in identity of the person or to a prohibition under law to release such information.

(d) After a conference requested under (c) of this section, the agency shall issue an order on the request relating to good cause. If the person continues to refuse to comply with the administrative subpoena, the agency in this state shall issue an order to impose a civil penalty of \$10 for each day of noncompliance with the subpoena.

(e) An order imposing a civil penalty under this section is a final administrative decision and may be appealed under AS 25.27.210.

(f) This section does not limit the ability of the agency to make other lawful requests for information.

* **Sec. 85.** AS 25.27 is amended by adding a new section to read:

Sec. 25.27.086. Subpoenas issued by agency of another state. (a) If the child support enforcement agency of another state issues a subpoena regarding persons, books, records, or documents in this state, the subpoena must be complied with as if it were issued by this state's child support enforcement agency if

(1) the subpoena is for obtaining

(A) financial or other information needed to establish, modify, or enforce a support order; or

(B) information needed to determine or disestablish the paternity of a child under the laws of the state in which the subpoena was issued; and

(2) the issuing agency complied with AS 25.27.085(b).

(b) The procedures in or adopted under AS 25.27.085(c) and (d) apply to a person who is issued a subpoena described in (a) of this section.

(c) The child support enforcement agency of this state shall enforce a subpoena described in (a) of this section and shall provide the opportunity for conference and

1 issue any order under AS 25.27.085(c) and (d) on behalf of the issuing agency.
 2 AS 25.27.085(e) applies to an order under this subsection.

3 (d) The penalties provided in AS 25.27.085 apply regarding a subpoena
 4 described in (a) of this section.

5 (e) Nothing in this section limits the ability of a child support enforcement
 6 agency of another state to make other lawful requests for information in this state.

7 * **Sec. 86.** AS 25.27.100(a) is amended to read:

8 (a) The agency shall provide aid to any person due child support under the
 9 laws of this state upon application. **The** [SUBJECT TO (b) OF THIS SECTION,
 10 THE] agency may, by regulation, impose a fee for services provided under this
 11 chapter.

12 * **Sec. 87.** AS 25.27.103 is amended to read:

13 **Sec. 25.27.103. Payments to agency.** An obligor **shall** [MAY] make child
 14 support payments to the agency **if the agency is enforcing a duty of child support**
 15 **under AS 25.25 or this chapter.** [AN OBLIGOR MAY PAY MONEY TO THE
 16 AGENCY TO SATISFY THE OBLIGOR'S IMMEDIATE DUTY OF CHILD
 17 SUPPORT AS WELL AS ANY ADDITIONAL AMOUNT OF MONEY INTENDED
 18 BY THE OBLIGOR TO BE USED FOR SUPPORT OF THE CHILD.] The agency
 19 shall disburse that portion of a payment that exceeds the amount of money necessary
 20 to satisfy the obligor's immediate duty of support in accordance with **state and federal**
 21 **requirements** [THE INSTRUCTIONS OF THE OBLIGOR]. The agency shall credit
 22 money disbursed under this subsection toward satisfaction of the obligor's duty of
 23 support.

24 * **Sec. 88.** AS 25.27.105 is amended to read:

25 **Sec. 25.27.105. Audit of collections.** Within 30 working days after receipt
 26 of a written request from an obligor, the obligor's legal representative, the obligee, or
 27 the obligee's legal representative, the agency shall provide an audit of all child support
 28 payments made by the obligor and received by the agency. The audit shall include the
 29 date and amount of each payment, the name of the obligee, and the total amount of
 30 arrearages of support past due and amount of unpaid penalties and interest imposed
 31 under **AS 25.27.020(a)(2)(B)** [AS 25.27.020(a)(2)(C)]. The agency is required to

1 provide only one audit each year for each obligee and obligor under this section.

2 * **Sec. 89.** AS 25.27.120(c) is amended to read:

3 (c) Within 30 days after the agency knows the identity and address of an
 4 obligor who resides in the state and who is liable to the state under this section, the
 5 agency shall send written notification by certified mail to the obligor **and the obligee**
 6 **[PARENT] of the obligor's accruing liability and that the obligor shall make child**
 7 **support payments to the agency.** The notice required under this subsection must be
 8 in clear, concise, and easily readable language. The notice may accompany other
 9 communications by the agency.

10 * **Sec. 90.** AS 25.27.150(a) is amended to read:

11 (a) **If an arrearage occurs under** [IN ORDER TO INITIATE INCOME
 12 WITHHOLDING FOR] a support order being enforced by the agency for which
 13 immediate income withholding is not required under AS 25.27.062(a) **or an**
 14 **application is made to the agency for withholding under AS 25.27.062(d), the**
 15 **agency may execute an income withholding order without prior notice to the**
 16 **obligor. At the time of execution,** the agency shall serve a notice of [ITS INTENT
 17 TO INITIATE] income withholding on the obligor. Notice under this subsection shall
 18 be served upon the obligor by certified mail to the obligor's last known address, and
 19 service is complete when the notice is properly addressed, certified, and mailed.

20 * **Sec. 91.** AS 25.27.150(c) is amended to read:

21 (c) The notice shall inform the obligor that [THE] income withholding **has**
 22 **been ordered and of the procedures to follow if the obligor wishes to contest**
 23 **withholding on the grounds that the withholding is improper due to a mistake of**
 24 **fact. The notice must also inform the obligor of the information that was**
 25 **provided to the employer in the document that ordered the withholding** [ORDER
 26 WILL TAKE EFFECT 15 DAYS AFTER THE DATE ON WHICH THE NOTICE IS
 27 SERVED UNLESS THE OBLIGOR REQUESTS A HEARING WITHIN 15 DAYS
 28 AFTER THE NOTICE IS SERVED. IF THE OBLIGOR REQUESTS A HEARING,
 29 AN INCOME WITHHOLDING ORDER MAY NOT TAKE EFFECT UNTIL THE
 30 CONCLUSION OF THE HEARING].

31 * **Sec. 92.** AS 25.27.150(e) is amended to read:

(e) The conference [APPEALS] officer shall inform the obligor of the informal conference decision [,] either at the informal conference hearing or within 15 days after the hearing [, WHETHER OR NOT THE WITHHOLDING WILL OCCUR AND OF THE DATE ON WHICH IT IS TO COMMENCE].

* **Sec. 93.** AS 25.27.150(f) is amended to read:

(f) If the conference [APPEALS] officer determines that withholding will continue [OCCUR], the obligor may request a formal hearing [,] as provided in the department's regulations. [THE INCOME WITHHOLDING ORDER SHALL BE ISSUED AND WITHHOLDING SHALL BEGIN UNDER THE PROCEDURES IN AS 25.27.062, WHETHER OR NOT THE OBLIGOR REQUESTS A FORMAL HEARING, UNLESS THE OBLIGOR POSTS SECURITY OR A BOND IN THE AMOUNT THAT WOULD HAVE BEEN WITHHELD PENDING THE OUTCOME OF A FORMAL HEARING.]

* **Sec. 94.** AS 25.27.160(b) is amended to read:

(b) The notice and finding of financial responsibility served under (a) of this section must state

(1) the sum or periodic payments for which the alleged obligor is found to be responsible under this chapter [, CALCULATED BY TAKING INTO CONSIDERATION THE NEED OF THE ALLEGED OBLIGEE, THE ALLEGED OBLIGOR'S LIABILITY TO THE STATE UNDER AS 25.27.120 IF ANY, AND THE DUTY OF SUPPORT UNDER THE LAW];

(2) the name of the alleged obligee and the obligee's custodian;

(3) that the alleged obligor may appear and show cause in a hearing held by the agency why the finding is incorrect, should not be finally ordered, and should be modified or rescinded, because

(A) no duty of support is owed; or

(B) the amount of support found to be owed is incorrect;

(4) that, if the person served with the notice and finding of financial responsibility does not request a hearing within 30 days, the property and income of the person will be subject to execution under AS 25.27.062 and 25.27.230 - 25.27.270 in the amounts stated in the finding without further notice or hearing.

1 * **Sec. 95.** AS 25.27.165(a) is amended to read:

2 (a) Upon application from a mother, custodian, **putative father**, or legal
3 custodian of a child, or from a state, the agency may institute administrative
4 proceedings to determine the paternity of a child born out of wedlock.

5 * **Sec. 96.** AS 25.27.165(b) is amended to read:

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

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

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

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

24 * **Sec. 97.** AS 25.27.165(d) is amended to read:

25 (d) Upon receipt of genetic test results, the agency shall serve on the putative
26 father notice of the test results and of the date for the informal conference. Service
27 of the notice shall be made by first class mail. If the genetic test results are negative
28 under the standard set in AS 25.20.050(d), the agency shall issue a finding of
29 nonpaternity within 20 days after the agency's receipt of the test results. If the genetic
30 test results are positive under the standard set in AS 25.20.050(d), the agency shall
31 issue an informal conference decision within 20 days after the agency's receipt of the

test results. Upon request and advance payment by a party, the agency shall order additional genetic tests. If the second genetic test results contradict the first genetic test results, the agency shall provide copies of the second genetic test results to the parties and conduct another informal conference. The agency shall issue the second informal conference decision within 20 days after the agency's receipt of the second genetic test results.

* **Sec. 98.** AS 25.27.165(i), as amended by sec. 21, ch. 107, SLA 1996, is amended to read:

(i) The agency may recover any costs it pays for genetic tests required by this section from the putative father unless the testing establishes that the individual is not the father, except that costs may not be recovered from a person who is a recipient of assistance under AS 47.27 (Alaska temporary assistance program).

* **Sec. 99.** AS 25.27.165 is amended by adding new subsections to read:

(j) A decision establishing paternity or an admission of paternity under this section must include the social security numbers, if ascertainable, of the father, mother, and the child.

(k) Notwithstanding any other provision of this section, if the agency determines, after considering the best interests of the child, that good cause exists not to order genetic testing under this section, it shall, without ordering the genetic testing and as the agency determines appropriate in the best interests of the child,

(1) end the administrative proceedings under this section without making a determination of paternity; or

(2) after a hearing provided for under regulations adopted by the agency, enter a final decision regarding paternity.

* **Sec. 100.** AS 25.27.166(a) is amended to read:

(a) The agency shall, by regulation, establish procedures and standards for the disestablishment of paternity of a child whose paternity was established in this state other than by court order if the paternity was not established by

(1) genetic test results that met the standard set out in AS 25.20.050(d) at the time the test was performed; or

(2) an acknowledgment of paternity under AS 25.20.050 or an

admission of paternity under AS 25.27.165.

* **Sec. 101.** AS 25.27.190(a) is amended to read:

(a) Unless a support order has been entered **by a court and except as provided in AS 25.25**, the obligor, or the obligee or the obligee's custodian, may petition the agency or its designee for a modification of the **administrative** finding or decision of responsibility previously entered with regard to future periodic support payments. **In addition, the agency may initiate a modification and grant a hearing under (c) - (e) of this section.**

* **Sec. 102.** AS 25.27.190(c) is amended to read:

(c) If a hearing is granted, the agency shall serve a notice of hearing together with a copy of **any** [THE] petition and affidavits submitted on the obligee or the obligee's custodian and the obligor personally 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 regulation to receive that person's restricted delivery mail.

* **Sec. 103.** AS 25.27 is amended by adding a new section to read:

Sec. 25.27.193. Periodic review or adjustment of support orders. As necessary to comply with 42 U.S.C. 666, the agency, by regulation, shall provide procedures and standards for the modification, through periodic review or adjustment, of a support order. Regulations adopted under this section must include procedures for periodic notice of the right to request review, procedures for hearings, and standards for adjustments regarding future periodic support payments. A modification under this section may be made without a showing of a material change in circumstances.

* **Sec. 104.** AS 25.27.230(a) is amended to read:

(a) At the expiration of 30 days after (1) the date of distribution of an income withholding order under AS 25.27.062; [,] (2) the date of service of a notice and finding of financial responsibility under AS 25.27.160; [,] or (3) the date of service of a decision establishing paternity under **AS 25.27.165** [AS 25.27.165(c) OR (d)], the agency may assert a lien upon the real or personal property of the obligor [,] in the amount of the obligor's liability.

1 * **Sec. 105.** AS 25.27.240(a) is amended to read:

2 (a) The agency of this state or another state may, at any time after recording
3 of a lien recorded under AS 25.27.230, serve a copy of the lien upon any person,
4 political subdivision, or department of the state possessing earnings, or deposits or
5 balances held in any bank account of any nature that are due, owing, or belonging to
6 the obligor.

7 * **Sec. 106.** AS 25.27.244(a) is amended to read:

8 (a) The agency shall compile and maintain a list of obligors who are not in
9 substantial compliance with a support order or payment schedule negotiated under
10 (g)(1) of this section and of other persons who, after receiving appropriate notice,
11 have failed to comply with a subpoena or warrant relating to paternity or a child
12 support proceeding. The agency may not include an obligor on the list unless the
13 agency has sent to the obligor, at the obligor's most recent address on file with the
14 agency, written notice of the arrearages at least 60 days before placement on the list.
15 The list must include the names, social security numbers, dates of birth, and last
16 known addresses of the **persons** [OBLIGORS]. The list shall be updated by the
17 agency on a monthly basis.

18 * **Sec. 107.** AS 25.27.244(c) is amended to read:

19 (c) Promptly after receiving an application from an applicant and before
20 issuing or renewing a license, a licensing entity, other than one issuing commercial
21 crewmember fishing licenses, shall determine whether the applicant is on the most
22 recent list provided by the agency. If the applicant is on the list, the licensing entity
23 shall immediately serve notice under (e) of this section of the licensing entity's intent
24 to withhold issuance or renewal of the license. The notice shall be considered given
25 when delivered personally to the applicant or deposited in the United States mail
26 addressed to the applicant's last known mailing address on file with the licensing
27 entity.

28 * **Sec. 108.** AS 25.27.244(d) is amended to read:

29 (d) Other than for a commercial crewmember fishing license, a [A]
30 licensing entity shall issue a temporary license valid for a period of 150 days to an
31 applicant whose name is on the list if the applicant is otherwise eligible for a license.

The temporary license may not be extended. Only one temporary license may be issued during a regular license term and its validity shall coincide with the first 150 days of that license term. A license for the full or remainder of the license term may be issued or renewed only upon compliance with this section. If a license or application is denied under this section, money paid by the applicant or licensee shall be refunded by the licensing entity after retention of the temporary license fee, if any.

* **Sec. 109.** AS 25.27.244(e) is amended to read:

(e) Notices for use under (c) **and (s)** of this section shall be developed by each licensing entity under guidelines provided by the agency and are subject to approval by the agency. The notice must include the address and telephone number of the agency and shall emphasize the necessity of obtaining a release from the agency as a condition for the issuance or renewal of a license. The notice must inform an applicant whose license is governed by (d) of this section that the licensing entity shall issue a temporary license for 150 calendar days under (d) of this section if the applicant is otherwise eligible and that, upon expiration of that time period, the license will be denied unless the licensing entity has received a release from the agency. The agency shall also develop a form that the applicant may use to request a review by the agency. A copy of this form shall be included with each notice sent under (c) **or (s)** of this section.

* **Sec. 110.** AS 25.27.244(g) is amended to read:

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

(1) the applicant is found to **have complied with all subpoenas and warrants described in (a) of this section, if applicable, and is found to** be in substantial compliance with each support order applicable to the applicant or has negotiated an agreement with the agency for a payment schedule on arrearages and is

1 in substantial compliance with the negotiated agreement; if the applicant fails to be in
 2 substantial compliance with an agreement negotiated under this paragraph, the agency
 3 shall send to the appropriate licensing entity a revocation of any release previously sent
 4 to the entity for that applicant;

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

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

20 (4) the applicant has obtained a judicial finding of substantial
 21 compliance.

22 * **Sec. 111.** AS 25.27.244(i) is amended to read:

23 (i) Except as otherwise provided in this section, the agency may not issue a
 24 release if the applicant is not in substantial compliance with the order for support or
 25 [IS NOT IN SUBSTANTIAL COMPLIANCE] with an agreement negotiated under
 26 (g)(1) of this section, **or is not in compliance with a subpoena or warrant described**
 27 **in (a) of this section.** The agency shall notify the applicant in writing that the
 28 applicant may request any or all of the following: (1) judicial relief from the agency's
 29 decision not to issue a release or the agency's decision to revoke a release under (g)(1)
 30 of this section; (2) a judicial determination of substantial compliance; (3) a
 31 modification of the support order. The notice must also contain the name and address

of the court in which the applicant may file the request for relief and inform the applicant that the applicant's name shall remain on the list if the applicant does not request judicial relief within 30 days after receiving the notice. The applicant shall comply with all statutes and rules of court implementing this section. This section does not limit an applicant'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. 112.** AS 25.27.244(j) is amended to read:

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

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

(2) whether the petitioner is the obligor covered by the support order;
[AND]

(3) whether the obligor is in substantial compliance with the support order or payment schedule; **and**

(4) whether the person requesting relief complied with all subpoenas and warrants relating to paternity or a child support proceeding.

* **Sec. 113.** AS 25.27.244(k) is amended to read:

(k) If the court finds that the **person requesting relief** [OBLIGOR] is in substantial compliance with the support order or payment schedule, **and is in compliance with all subpoenas and warrants described in (a) of this section,** the agency shall immediately send a release under (g) of this section to the appropriate licensing entity and the applicant.

1 * **Sec. 114.** AS 25.27.244(l) is amended to read:

2 (l) **If an applicant** [WHEN THE OBLIGOR] is in substantial compliance with
 3 a support order or payment schedule, **and is in compliance with subpoenas and**
 4 **warrants described in (a) of this section**, the agency shall mail to the applicant and
 5 the appropriate licensing entity a release stating that the applicant is in substantial
 6 compliance **or is in compliance with the subpoenas and warrants, as applicable**.
 7 The receipt of a release shall serve to notify the applicant and the licensing entity that,
 8 for the purposes of this section, the applicant is in substantial compliance with the
 9 support order or payment schedule, **or is in compliance with the subpoenas and**
 10 **warrants**, unless the agency, under (a) of this section, certifies subsequent to the
 11 issuance of a release that the applicant is once again not in substantial compliance with
 12 a support order or payment schedule, **or is not in compliance with a subpoena or**
 13 **warrant**.

14 * **Sec. 115.** AS 25.27.244(q)(2) is amended to read:

15 (2) "license"

16 (A) means, except as provided in (B) of this paragraph, a
 17 license, certificate, permit, registration, or other authorization that, at the time
 18 of issuance, will be valid for more than 150 days and that may be acquired
 19 from a state agency to perform an occupation, including the following:

- 20 (i) license relating to boxing or wrestling under
- 21 AS 05.10;
- 22 (ii) authorization to perform an occupation regulated
- 23 under AS 08;
- 24 (iii) teacher certificate under AS 14.20;
- 25 (iv) authorization under AS 18.08 to perform emergency
- 26 medical services;
- 27 (v) asbestos worker certification under AS 18.31;
- 28 (vi) boiler operator's license under AS 18.60.395;
- 29 (vii) certificate of fitness under AS 18.62;
- 30 (viii) hazardous painting certification under AS 18.63;
- 31 (ix) security guard license under AS 18.65.400 -

18.65.490;

(x) license relating to insurance under AS 21.27;

(xi) employment agency permit under AS 23.15.330 -
23.15.520;

(xii) registration as a broker-dealer, agent, or investment
adviser under AS 45.55.030;

(xiii) certification as a pesticide applicator under
AS 46.03.320;

(xiv) certification as a storage tank worker or contractor
under AS 46.03.375; [AND]

(xv) certification as a water and wastewater works
operator under AS 46.30; **and**

**(xvi) commercial crewmember fishing license under
AS 16.05.480 other than an entry permit or interim-use permit
under AS 16.43;**

(B) does not include

(i) [A COMMERCIAL FISHING LICENSE UNDER
AS 16.05.480, INCLUDING A CREWMEMBER FISHING LICENSE;

(ii)] a vessel license issued under AS 16.05.490 or
16.05.530;

(ii) [(iii)] a license issued under AS 47.35;

(iii) [(iv)] a business license issued under AS 43.70;

(iv) [(v)] an entry permit or interim-use permit issued
under AS 16.43; or

(v) [(vi)] a driver's license issued under AS 28.15;

* **Sec. 116.** AS 25.27.244(q)(5) is amended to read:

(5) "list" means the list of obligors **and other persons** compiled and
maintained under (a) of this section;

* **Sec. 117.** AS 25.27.244(q)(6) is amended to read:

(6) "substantial compliance" **regarding** [WITH] a support order or
payment schedule ["] means that, with respect to a support order or a negotiated

payment schedule under (g) 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. 118.** AS 25.27.244 is amended by adding new subsections to read:

(r) Notwithstanding any provision of AS 16, a commercial crewmember fishing license described in (q)(2)(A)(xvi) of this section issued to an individual whose name is on the list is void and invalid, and the individual is subject to criminal sanctions for conducting the activities for which such a license is required. The licensing entity for commercial crewmember fishing licenses shall print a notice on commercial crewmember fishing license forms stating the provisions of this subsection.

(s) After receiving information, including information from a licensing agent appointed under AS 16.05.380, that a commercial crewmember fishing license has been issued to an applicant, the licensing entity for the license shall promptly determine whether the applicant was, at the time the applicant obtained the license, on the most recent list provided by the agency under (b) of this section. If the applicant was on that list, the licensing entity shall immediately serve notice under (e) of this section that the license is void and invalid and that, notwithstanding the limitation of (d) of this section, the applicant can request the licensing entity to issue a temporary license under this section. A notice under this subsection is considered given when delivered personally to the applicant or deposited in the United States mail addressed to the applicant's last known mailing address on file with the licensing entity.

* **Sec. 119.** AS 25.27.246(a) is amended to read:

(a) The agency shall compile and maintain a list of obligors who have a driver's license and are not in substantial compliance with a support order or payment

1 schedule negotiated under (f)(1) of this section **and of other persons who, after**
 2 **receiving appropriate notice, have failed to comply with a subpoena or warrant**
 3 **relating to paternity or a child support proceeding.** The agency may not include
 4 an obligor on the list unless the agency has sent to the obligor, at the obligor's most
 5 recent address on file with the agency, written notice of the arrearages at least 60 days
 6 before placement on the list. The list must include the names, social security numbers,
 7 dates of birth, and last known addresses of the **persons** [OBLIGORS]. The list shall
 8 be updated by the agency on a monthly basis.

9 * **Sec. 120.** AS 25.27.246(b) is amended to read:

10 (b) The agency shall serve notice under (d) of this section to each person on
 11 the list that the person's driver's license will be suspended in 150 days, and will not
 12 be reissued or renewed the next time it is applied for if the person's name is on the
 13 list at the time of the subsequent application, unless the licensee receives a release
 14 from the agency. The notice shall be considered given when delivered personally to
 15 the **person** [OBLIGOR] or deposited in the United States mail addressed to the
 16 **person's** [OBLIGOR'S] last known mailing address on file with the agency.

17 * **Sec. 121.** AS 25.27.246(f) is amended to read:

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

25 (1) the licensee is found **by the agency to have complied with all**
 26 **subpoenas and warrants described in (a) of this section and is found** to be in
 27 substantial compliance with each support order applicable to the licensee or has
 28 negotiated an agreement with the agency for a payment schedule on arrearages and is
 29 in substantial compliance with the negotiated agreement; if the licensee fails to be in
 30 substantial compliance with an agreement negotiated under this paragraph, the agency
 31 shall send to the department a revocation of any release previously sent to the entity

1 for that licensee;

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

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

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

19 * **Sec. 122.** AS 25.27.246(h) is amended to read:

20 (h) Except as otherwise provided in this section, the agency may not issue a
21 release if the licensee [APPLICANT] is not in substantial compliance with the order
22 for support or [IS NOT IN SUBSTANTIAL COMPLIANCE] with an agreement
23 negotiated under (f)(1) of this section, **or is not in compliance with a subpoena or**
24 **warrant described in (a) of this section.** The agency shall notify the licensee in
25 writing that the licensee may request any or all of the following: (1) judicial relief
26 from the agency's decision not to issue a release or the agency's decision to revoke
27 a release under (f)(1) of this section; (2) a judicial determination of substantial
28 compliance; (3) a modification of the support order. The notice must also contain the
29 name and address of the court in which the licensee may file the request for relief and
30 inform the licensee that the licensee's name shall remain on the list if the licensee does
31 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. 123.** 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 stated grounds. Judicial relief under this subsection is not an appeal and shall be governed by court rules adopted to implement this section. Unless otherwise provided by court rule, the court shall hold an evidentiary hearing within 20 calendar days after the filing of service on the opposing party. The court's decision shall be limited to a determination of each of the following issues, **as applicable:**

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

(2) whether the petitioner is the obligor covered by the support order;
[AND]

(3) whether the obligor is in substantial compliance with the support order or payment schedule; **and**

(4) whether the person requesting relief complied with all subpoenas and warrants relating to paternity or a child support proceeding.

* **Sec. 124.** AS 25.27.246(j) is amended to read:

(j) If the court finds that the **person requesting relief** [OBLIGOR] is in substantial compliance with the support order or payment schedule, **or is in compliance with subpoenas and warrants described in (a) of this section,** the agency shall immediately send a release under (f) of this section to the department and the licensee.

* **Sec. 125.** AS 25.27.246(k) is amended to read:

(k) **If a licensee** [WHEN THE OBLIGOR] is in substantial compliance with a support order or payment schedule, **and is in compliance with all subpoenas and**

warrants described in (a) of this section, the agency shall mail to the **licensee** [APPLICANT] and the department a release stating that the licensee is in substantial compliance **or is in compliance with the subpoenas and warrants, as applicable.**

The receipt of a release shall serve to notify the licensee and the department that, for the purposes of this section, the **licensee** [APPLICANT] is in substantial compliance with the support order or payment schedule, **or is in compliance with the subpoenas and warrants**, unless the agency, under (a) of this 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. 126.** AS 25.27.246(n)(4) is amended to read:

(4) "list" means the list of obligors **and other persons** compiled and maintained under (a) of this section;

* **Sec. 127.** AS 25.27.246(n)(5) is amended to read:

(5) "substantial compliance" **regarding** [WITH] 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 no arrearage or has an arrearage in an amount that is not more than four times the monthly obligation under the support order or payment schedule.

* **Sec. 128.** AS 25.27.250(a) is amended to read:

(a) At the expiration of (1) [15 DAYS AFTER THE DATE OF SERVICE OF AN INCOME WITHHOLDING ORDER UNDER AS 25.27.062 OR NOTICE UNDER AS 25.27.150, OR (2)] 30 days after the date of service of a notice and finding of financial responsibility under AS 25.27.160; [,] or **(2)** [(3)] 30 days after service of a decision establishing paternity under **AS 25.27.165** [AS 25.27.165(c) OR (d)], the agency may issue to any person, political subdivision, or department of the state an order to withhold and deliver property **without prior notice to the obligor.**

* **Sec. 129.** AS 25.27.250(d) is amended to read:

(d) The order to withhold and deliver shall be served upon the person, political subdivision, or department of the state possessing the property **electronically or** in the manner provided for service of liens under AS 25.27.240. The order must state the

amount of the obligor's liability and must state in summary the terms of AS 25.27.260 and 25.27.270.

* **Sec. 130.** AS 25.27.250(f) is amended to read:

(f) If a person, political subdivision, or department of the state upon whom service of an order to withhold and deliver has been made possesses property due, owing, or belonging to the obligor, that person, subdivision, or department shall withhold the property immediately upon receipt of the order and shall deliver the property to the agency **(1) if the property is earnings of an employee who is subject to a child support order being enforced by the agency, within seven business days after the amount would, but for this section, have been paid or credited to the employee; or (2) in the case of all other property, within 14 business days** after [THE EXPIRATION OF THE 14-DAY PERIOD FROM] the date of service of the order [OR EXPIRATION OF THE PERIOD SPECIFIED IN AS 25.27.062(e), WHICHEVER IS EARLIER]. The agency shall hold property delivered under this subsection in trust for application against the liability of the obligor under AS 25.27.062, 25.27.120, or 25.27.160 or for return, without interest, depending on final determination of liability or nonliability under this chapter. The agency may accept a good and sufficient bond to secure payment of past, present, and future support conditioned upon final determination of liability in lieu of requiring delivery of property under this subsection.

* **Sec. 131.** AS 25.27.265(b) is repealed and reenacted to read:

(b) Each party to a paternity or child support proceeding shall file with the tribunal and inform the agency of the party's name, location, social security number, residential and mailing addresses, telephone number, and driver's license number, as well as the name, address, and telephone number of any employer of the party. If a change in this information occurs, the party shall immediately notify the tribunal and the agency and provide updated information.

* **Sec. 132.** AS 25.27.265 is amended by adding a new subsection to read:

(c) Notwithstanding (a) of this section, if a tribunal finds that the agency has made diligent efforts to give or serve a notice, paper, or other document required by this chapter, the tribunal may order that service in any subsequent child support

enforcement effort by the agency may be given upon the party by sending the document by first class mail to the party's most recent mailing address on file with the agency.

* **Sec. 133.** AS 25.27.273(a) is amended to read:

(a) The agency may provide to credit bureaus or lending institutions of any kind information about delinquent support owed by obligors. The information provided must consist solely of the payment history of the obligor [FOR A PERIOD NOT TO EXCEED 10 YEARS BEFORE THE DATE THE INFORMATION IS PROVIDED].

* **Sec. 134.** AS 25.27.275 is repealed and reenacted to read:

Sec. 25.27.275. Nondisclosure of information in exceptional circumstances.

Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the party or child or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this chapter. A person aggrieved by an order of nondisclosure issued under this section that is based on an ex parte finding is entitled on request to a formal hearing, within 30 days of when the order was issued, at which the person may contest the order.

* **Sec. 135.** AS 25.27 is amended by adding a new section to read:

Sec. 25.27.279. Voiding of fraudulent transfers made to avoid payment of

child support. In addition to the rights provided in AS 09.25.060, if a transfer of personal or real property is made by an obligor without immediate delivery and the actual continuing change of possession of the property transferred, the transfer of the property is presumed prima facie to be fraud against creditors for child support of the obligor who transferred the property and subsequent purchasers in good faith and for valuable consideration during the time the property remains in the possession of the obligor who made the transfer, except that retention of possession in good faith and current course of trade by a merchant seller for a commercially reasonable time after the sale or identification is not fraudulent. Nothing contained in this section supersedes the provisions of AS 45.01 - AS 45.09, AS 45.12, and AS 45.14 (Uniform

Commercial Code).

* **Sec. 136.** AS 25.27.900(3) is amended to read:

(3) "duty of support" includes a duty of support imposed or imposable by law, by a court order, decree, or judgment, or by a finding or decision rendered under this chapter whether interlocutory or final, whether incidental to a proceeding for divorce, legal separation, separate maintenance, or otherwise, and includes the duty to pay arrearages of support past due and unpaid together with penalties and interest on arrearages imposed under AS 25.27.020(a)(2)(B) [AS 25.27.020(a)(2)(C)];

* **Sec. 137.** AS 25.27.900(4) is repealed and reenacted to read:

(4) "earnings" includes income from any form of periodic payment due to an individual, regardless of source; the gain derived from the investment of capital, from labor, or from a combination of investment and labor; and the interest on any of this income; in this paragraph, "periodic payment" includes wages, salaries, commissions, bonuses, workers' compensation, disability benefits, and payments under a pension or retirement program;

* **Sec. 138.** AS 25.27.900(7) is repealed and reenacted to read:

(7) "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. 139.** AS 25.27.900 is amended by adding new paragraphs to read:

(8) "business day" means a day on which state government offices are open for regular business;

(9) "employer" means an individual or entity within the meaning given that term in 26 U.S.C. 3401(d); "employer" includes a governmental entity or a labor organization;

(10) "tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage.

* **Sec. 140.** AS 28.05.061 is amended by adding a new subsection to read:

(d) If a copy of a motor vehicle record prepared or maintained by the Department of Administration is requested by the child support enforcement agency created in AS 25.27.010, or the child support enforcement agency of another state, the department shall provide the requesting agency with a certified copy of the record. If information is prepared or maintained by the department in an electronic data base, the department may give the requesting agency a copy of the electronic record and a statement certifying its contents. The agency receiving information under this subsection may use the information only for child support purposes authorized under law.

* **Sec. 141.** AS 29.45.103 is amended by adding a new subsection to read:

(c) Upon request, a record described in (a) or (b) of this section shall promptly be made available to the child support enforcement agency created in AS 25.27.010 or the child support enforcement agency of another state. If the record is prepared or maintained in an electronic data base, it may be supplied by providing the requesting agency with a copy of the electronic records and a statement certifying its contents. The agency receiving information under this subsection may use the information only for child support purposes authorized under law.

* **Sec. 142.** AS 33.30 is amended by adding a new section to read:

Sec. 33.30.216. Copies of records for child support purposes. If a copy of a record prepared or maintained by or on behalf of the commissioner for a person in the custody of the commissioner is requested by the child support enforcement agency created in AS 25.27.010, or the child support enforcement agency of another state, the

official custodian of the record shall provide the requesting agency with a certified copy of the record. If the record is prepared or maintained in an electronic data base, the official custodian of the record may provide the requesting agency with a copy of the electronic record and a statement certifying its contents. The agency receiving information under this section may use the information only for child support purposes authorized under law.

* **Sec. 143.** AS 39.25.080 is amended by adding a new subsection to read:

(e) In addition to any access to state personnel records authorized under (b) of this section, state personnel records shall promptly be made available to the child support enforcement agency created in AS 25.27.010 or the child support enforcement agency of another state. If the record is prepared or maintained in an electronic data base, it may be supplied by providing the requesting agency with access to the data base or a copy of the information in the data base and a statement certifying its contents. The agency receiving information under this subsection may use the information only for child support purposes authorized under law.

* **Sec. 144.** AS 43.23.055 is amended by adding a new paragraph to read:

(9) provide any information, upon request, contained in permanent fund dividend records to the child support enforcement agency created in AS 25.27.010, or the child support enforcement agency of another state, for child support purposes authorized under law; if the information is contained in an electronic data base, the department shall provide the requesting agency with either

(A) access to the data base; or

(B) a copy of the information in the data base and a statement certifying its contents.

* **Sec. 145.** AS 47.05.020, as amended by sec. 33, ch. 107, SLA 1996, is amended by adding a new subsection to read:

(b) In addition to any access to public assistance records authorized under (a) of this section, the department shall provide a copy of a public assistance record prepared or maintained by or on behalf of the department to the child support enforcement agency created in AS 25.27.010, or the child support enforcement agency of another state, upon the request of the respective agency. If the record is in an

1 electronic data base, the department shall provide the requesting agency with either
 2 access to the data base, or a copy of the information in the data base and a statement
 3 certifying its contents. The agency receiving the information under this subsection
 4 may use the information only for child support purposes authorized under law.

5 * **Sec. 146.** AS 47.05.030, as amended by secs. 34 and 35, ch. 107, SLA 1996, is amended
 6 by adding a new subsection to read:

7 (c) It is not a violation of (a) of this section for the department or an employee
 8 of the department to disclose information to the child support enforcement agency
 9 created in AS 25.27.010, or the child support enforcement agency of another state, if
 10 the receiving agency requests the information only for purposes authorized under
 11 AS 47.05.020.

12 * **Sec. 147.** AS 47.27.040(b), as enacted by sec. 7, ch. 107, SLA 1996, is amended to read:

13 (b) An Alaska temporary assistance program participant shall cooperate with
 14 the child support enforcement agency of the Department of Revenue in establishing
 15 paternity or establishing, modifying, or enforcing a child support order requiring the
 16 payment of support by the noncustodial parent for a dependent child for whom Alaska
 17 temporary assistance program assistance is received. **The child support enforcement**
 18 **agency shall determine whether the participant is in good faith compliance with**
 19 **the requirements of this subsection and shall inform the Department of Health**
 20 **and Social Services of its determination. The Department of Health and Social**
 21 **Services shall establish whether** [UNLESS] the participant **has** [ESTABLISHES]
 22 good cause for refusing to cooperate.

23 * **Sec. 148.** (a) AS 18.50.165(c); AS 25.25.611(e); AS 25.27.100(b), and 25.27.250(h) are
 24 repealed.

25 (b) Section 45, ch. 107, SLA 1996, and sec. 62, ch. 107, SLA 1996, are repealed.

26 (c) The amendments made by other sections of this Act are repealed July 1, 1999.

27 Each statute amended by this Act is repealed and reenacted on July 1, 1999, to read as it
 28 existed on the day before the amendment to the law under this Act took effect.

29 Notwithstanding AS 01.10.100(c), a statute repealed under (a) of this section is revived and
 30 reenacted on July 1, 1999, to read as it existed on the day before the effective date of (a) of
 31 this section. A court rule that was amended by a statute repealed or reenacted by this Act is

1 further amended on July 1, 1999, to delete the change that had been made by other sections
2 of this Act.

3 * **Sec. 149.** The provisions of AS 25.20.050(e), as amended by sec. 38 of this Act, and
4 AS 25.20.050(i), added by sec. 41 of this Act, have the effect of amending Rule 35, Alaska
5 Rules of Civil Procedure, by requiring the court to order genetic testing in contested paternity
6 actions in certain circumstances and preventing the court from ordering such testing if good
7 cause is shown.

8 * **Sec. 150.** The provisions of AS 25.20.050(k), added by sec. 41 of this Act, have the
9 effect of amending Rule 90.3, Alaska Rules of Civil Procedure, by requiring the court in a
10 paternity action to issue a temporary child support order upon a showing by clear and
11 convincing evidence of paternity.

12 * **Sec. 151.** The provisions of AS 25.20.050(n), AS 25.24.160(d), AS 25.24.210(e)(12), and
13 AS 25.24.230(i), added by secs. 41, 43, 45, and 46, respectively, of this Act have the effect
14 of amending Rules 52, 58, 78, and 90.1, Alaska Rules of Civil Procedure, by requiring the
15 court to include social security numbers, if ascertainable, of parties and children in certain
16 petitions, pleadings, or judgments.

17 * **Sec. 152.** The provisions of AS 25.24.170(b), as amended by sec. 44 of this Act, have
18 the effect of amending Rule 90.3(h)(1), Alaska Rules of Civil Procedure, by changing the
19 standard for certain modifications of a support order.

20 * **Sec. 153.** The provisions of AS 25.27.265(c), added by sec. 132 of this Act, have the
21 effect of amending Rules 4 and 5, Alaska Rules of Civil Procedure, by allowing service at the
22 opposing party's last known address on file with the child support enforcement agency in
23 certain circumstances.

24 * **Sec. 154.** The provisions of AS 25.20.050(j), added by sec. 41 of this Act, have the
25 effect of amending Rule 901 Alaska Rules of Evidence, by limiting the discretion of the court
26 to exclude documentary evidence of specified costs in a paternity action.

27 * **Sec. 155.** The provisions of AS 08.08.137, as amended by sec. 9 of this Act, have the
28 effect of amending Rules 3 and 5, Alaska Bar Association Rules, by requiring applicants for
29 admission to the practice of law in the state to submit social security numbers for child
30 support purposes.

31 * **Sec. 156.** TRANSITION: REGULATIONS. Notwithstanding secs. 158 - 161 of this

1 Act, the child support enforcement agency and any state department or agency that is affected
2 by this Act and that has regulation adoption authority may proceed to adopt regulations
3 necessary to implement the changes made by this Act. The regulations take effect under
4 AS 44.62 (Administrative Procedure Act), but not before the effective date of the respective
5 section of this Act that the regulations are implementing.

6 * **Sec. 157.** Section 156 of this Act takes effect immediately under AS 01.10.070(c).

7 * **Sec. 158.** Except as provided in secs. 157 and 159 - 161 of this Act, this Act takes effect
8 July 1, 1997.

9 * **Sec. 159.** Section 147 of this Act takes effect July 1, 1997, or on the effective date of
10 AS 47.27.040, whichever is later.

11 * **Sec. 160.** Sections 107 - 109, 115, and 118 of this Act take effect January 1, 1998.

12 * **Sec. 161.** The amendment to AS 25.27.244(g) that adds a reference to the notice under
13 "(s) of this section," enacted by sec. 110 of this Act, takes effect January 1, 1998.