

SENATE BILL NO. 51

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/11/15

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Uniform Interstate Family Support Act, including jurisdiction**
2 **by tribunals of the state, registration and proceedings related to support orders from**
3 **other state tribunals, foreign support orders, foreign tribunals, and certain persons**
4 **residing in foreign countries; relating to determination of parentage of a child; and**
5 **providing for an effective date."**

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

7 * **Section 1.** AS 25.25.101 is amended to read:

8 **Sec. 25.25.101. Definitions.** In this chapter,

9 (1) "child" means an individual, whether over or under the age of
10 majority, who is or is alleged to be owed a duty of support by the individual's parent or
11 who is or is alleged to be the beneficiary of a support order directed to the parent;

12 (2) "child support order" means a support order for a child, including a
13 child who has attained the age of majority under the law of the issuing state **or foreign**

1 country:

2 (3) "convention" means the Convention on the International
 3 Recovery of Child Support and Other Forms of Family Maintenance, concluded at
 4 The Hague on November 23, 2007;

5 (4) "duty of support" means an obligation imposed or imposable by
 6 law to provide support for a child, spouse, or former spouse, including an unsatisfied
 7 obligation to provide support;

8 (5) "foreign country" means a country, including a political
 9 subdivision thereof, other than the United States, that authorizes the issuance of
 10 support orders and

11 (A) that has been declared under the law of the United States
 12 to be a foreign reciprocating country;

13 (B) that has established a reciprocal arrangement for child
 14 support with this state as provided in AS 25.25.308;

15 (C) that has enacted a law or established procedures for the
 16 issuance and enforcement of support orders that are substantially similar to
 17 the procedures under this chapter; or

18 (D) in which the convention is in force with respect to the
 19 United States;

20 (6) "foreign support order" means a support order of a foreign
 21 tribunal;

22 (7) "foreign tribunal" means a court, administrative agency, or
 23 quasi-judicial entity of a foreign country that is authorized to establish, enforce, or
 24 modify support orders or to determine parentage of a child; the term "foreign
 25 tribunal" includes a competent authority under the convention;

26 (8) [(4)] "home state" means the state or the foreign country in which
 27 a child lived with a parent or a person acting as a parent for at least six consecutive
 28 months immediately preceding the time of filing of a complaint or comparable
 29 pleading for support and, if a child is less than six months old, the state or the foreign
 30 country in which the child lived from birth with a parent or person acting as a parent;
 31 a period of temporary absence of a parent or person acting as a parent is counted as
 32 part of the six-month or other period;

(9) [5)] "income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this state;

(10) [(6)] "income withholding order" means an order or other legal process directed to an obligor, an obligor's employer, an obligor's future employer, or another person, political subdivision, or department of the state, under AS 25.27 to withhold support from the income of the obligor under AS 25.27;

(11) [7] "INITIATING STATE" MEANS A STATE FROM 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 UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT OR THE REVISED UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT;

(8)] "initiating tribunal" means the [AUTHORIZED] tribunal of a [IN AN INITIATING] state or foreign country from which a complaint or comparable pleading is forwarded or in which a complaint or comparable pleading is filed for forwarding to another state or foreign country;

(12) "issuing foreign country" means the foreign country in which a tribunal issues a support order or a judgment determining parentage of a child;

(13) [; (9)] "issuing state" means the state in which a tribunal issues a support order or [RENDERS] a judgment determining parentage **of a child**;

(14) [(10)] "issuing tribunal" means the tribunal **of a state or a foreign country** that issues a support order or [RENDERS] a judgment determining parentage **of a child**:

(15) [(11)] "law" includes decisional and statutory law and rules and regulations having the force of law;

(16) [(12)] "obligee" means

(A) an individual to whom a duty of support is or is alleged to be owed or in whose favor a support order [HAS BEEN ISSUED] or a judgment determining parentage **of a child** has been issued [RENDERED];

(B) a **foreign country**, state, or political subdivision of a state

1 to which the rights under a duty of support or support order have been assigned
 2 or that has independent claims based on financial assistance provided to an
 3 individual obligee **in place of child support**; [OR]

4 (C) an individual seeking a judgment determining parentage of
 5 the individual's child; **or**

6 **(D) a person that is a creditor in a proceeding under**
 7 **AS 25.25.701 - 25.25.713;**

8 **(17)** [(13)] "obligor" means an individual or the estate of a decedent
 9 **that** [WHO]

10 (A) owes or is alleged to owe a duty of support;
 11 (B) is alleged but has not been adjudicated to be a parent of a
 12 child; [OR]

13 (C) is liable under a support order; **or**
 14 **(D) is a debtor in a proceeding under AS 25.25.701 -**
 15 **25.25.713;**

16 **(18) "outside this state" means a location in another state or a**
 17 **country other than the United States, whether or not the country is a foreign**
 18 **country;**

19 **(19) "person" means an individual, corporation, business trust,**
 20 **estate, trust, partnership, limited liability company, association, joint venture, public**
 21 **corporation, government or governmental subdivision, agency, or instrumentality, or**
 22 **any other legal or commercial entity;**

23 **(20) "record" means information that is inscribed on a tangible**
 24 **medium or that is stored in an electronic or other medium and is retrievable in**
 25 **perceivable form;**

26 **(21) [(14)] "register" means to file in a tribunal of this state a support**
 27 **order or judgment determining parentage of a child issued in another state or a**

28 **foreign country [WITH A REGISTERING TRIBUNAL];**

29 **(22) [(15)] "registering tribunal" means the tribunal in which a support**
 30 **order or judgment determining parentage of a child is registered;**

31 **(23) [(16)] "responding state" means a state in which a complaint or**
 32 **comparable pleading for support or to determine parentage of a child**

[PROCEEDING] is filed or to which a complaint or comparable pleading [PROCEEDING] is forwarded for filing from another [AN INITIATING] state or foreign country [UNDER THIS CHAPTER OR A LAW OR PROCEDURE SUBSTANTIALLY SIMILAR TO THIS CHAPTER, OR UNDER A LAW OR PROCEDURE SUBSTANTIALLY SIMILAR TO THE UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT OR THE REVISED UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT];

(24) [(17)] "responding tribunal" means the authorized tribunal in a responding state or foreign country;

(25) [(18)] "spousal support order" means a support order for a spouse or former spouse of the obligor;

(26) [(19)] "state" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States; the term "state" includes an Indian nation or tribe [AND 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];

(27) [(20)] "support enforcement agency" means a public official, governmental entity, or private agency authorized to [SEEK]

(A) seek enforcement of support orders or laws relating to the duty of support;

(B) seek establishment or modification of child support orders;

(C) request determination of parentage of a child; [OR]

(D) attempt to locate [THE LOCATION OF] obligors or their assets; or

(E) request determination of the controlling child support order;

(28) [(21)] "support order" means a judgment, decree, [OR] order,

1 **decision, or directive**, whether temporary, final, or subject to modification, **issued in**
 2 **a state or a foreign country** for the benefit of a child, a spouse, or a former spouse,
 3 that provides for monetary support, health care, arrearages, **retroactive support**, or
 4 reimbursement **for financial assistance provided to an individual obligee in place**
 5 **of child support; the term "support order"** [, AND] may include related costs and
 6 fees, interest, income withholding, **automatic adjustment, reasonable** attorney fees,
 7 and other relief;

8 **(29) [(22)]** "tribunal" means a court, administrative agency, or quasi-
 9 judicial entity authorized to establish, enforce, or modify support orders or to
 10 determine parentage **of a child**.

11 * **Sec. 2.** AS 25.25.102 is amended by adding a new subsection to read:

12 (b) The child support services agency under AS 25.27.010 is the support
 13 enforcement agency of this state.

14 * **Sec. 3.** AS 25.25.103 is amended to read:

15 **Sec. 25.25.103. Remedies cumulative.** Remedies provided by this chapter are
 16 cumulative and do not affect the availability of remedies under other **law or the**
 17 **recognition of a support order on the basis of comity**.

18 * **Sec. 4.** AS 25.25.103 is amended by adding a new subsection to read:

19 (b) This chapter does not
 20 (1) provide the exclusive method of establishing or enforcing a support
 21 order under the law of this state; or
 22 (2) grant a tribunal of this state jurisdiction to render judgment or issue an
 23 order relating to child custody or visitation in a proceeding under this chapter.

24 * **Sec. 5.** AS 25.25 is amended by adding a new section to read:

25 **Sec. 25.25.104. Application of this chapter to resident of foreign country and**
 26 **foreign support proceeding.** (a) A tribunal of this state shall apply AS 25.25.101 -
 27 25.25.616 and, as applicable, AS 25.25.701 - 25.25.713, to a support proceeding involving
 28 (1) a foreign support order;
 29 (2) a foreign tribunal; or
 30 (3) an obligee, obligor, or child residing in a foreign country.

31 (b) A tribunal of this state that is requested to recognize and enforce a support
 32 order on the basis of comity may apply the procedural and substantive provisions of

1 AS 25.25.101 - 25.25.616.

2 (c) AS 25.25.701 - 25.25.713 apply only to a support proceeding under the
 3 convention. In a proceeding, if a provision of AS 25.25.701 - 25.25.713 is inconsistent
 4 with AS 25.25.101 - 25.25.616, AS 25.25.701 - 25.25.713 controls.

5 * **Sec. 6.** AS 25.25.201 is amended to read:

6 **Sec. 25.25.201. Bases for jurisdiction over nonresident.** In a proceeding to
 7 establish or [,] enforce [, OR MODIFY] a support order or to determine parentage of a
 8 child, a tribunal of this state may exercise personal jurisdiction over a nonresident
 9 individual or the individual's guardian or conservator if

10 (1) the individual is personally served with a citation, summons, or
 11 notice within this state;

12 (2) the individual submits to the jurisdiction of this state by consent in
 13 a record, by entering a general appearance, or by filing a responsive document having
 14 the effect of waiving any contest to personal jurisdiction;

15 (3) the individual resided with the child in this state;

16 (4) the individual resided in this state and provided prenatal expenses
 17 or support for the child;

18 (5) the child resides in this state as a result of the acts or directives of
 19 the individual;

20 (6) the individual engaged in sexual intercourse in this state and the
 21 child may have been conceived by that act of intercourse;

22 (7) the individual acknowledged parentage of a child in a writing
 23 deposited with the Bureau of Vital Statistics under AS 25.20.050; or

24 (8) there is another basis consistent with the constitutions of this state
 25 and the United States for the exercise of personal jurisdiction.

26 * **Sec. 7.** AS 25.25.201 is amended by adding a new subsection to read:

27 (b) The bases of personal jurisdiction set out in (a) of this section or in any other
 28 law of this state may not be used to acquire personal jurisdiction for a tribunal of this state
 29 to modify a child support order of another state unless the requirements of AS 25.25.611
 30 are met, or in the case of a foreign support order, unless the requirements of AS 25.25.615
 31 are met.

32 * **Sec. 8.** AS 25.25.202 is repealed and reenacted to read:

Sec. 25.25.202. Duration of personal jurisdiction. Personal jurisdiction acquired by a tribunal of this state in a proceeding under this chapter or other law of this state relating to a support order continues as long as a tribunal of this state has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided by AS 25.25.205, 25.25.206, and 25.25.281.

* **Sec. 9.** AS 25.25.203 is amended to read:

Sec. 25.25.203. Initiating and responding tribunal of this state. Under this chapter, a tribunal of this state may serve as an initiating tribunal to forward proceedings to **a tribunal of** another state and as a responding tribunal for proceedings initiated in another state **or a foreign country.**

* **Sec. 10.** AS 25.25.204 is amended to read:

Sec. 25.25.204. Simultaneous proceedings [IN ANOTHER STATE]. (a) A tribunal of this state may exercise jurisdiction to establish a support order if the complaint or comparable pleading is filed after a complaint or comparable pleading is filed in another state **or a foreign country** only if

(1) the complaint or comparable pleading in this state is filed before the expiration of the time allowed in the other state **or the foreign country** for filing a responsive pleading challenging the exercise of jurisdiction by the other state **or the foreign country**;

(2) the contesting party timely challenges the exercise of jurisdiction in the other state **or the foreign country**; and

(3) if relevant, this state is the home state of the child.

(b) A tribunal of this state may not exercise jurisdiction to establish a support order if the complaint or comparable pleading is filed before a complaint or comparable pleading is filed in another state **or a foreign country** if

(1) the complaint or comparable pleading in the other state or the foreign country is filed before the expiration of the time allowed in this state for filing a responsive pleading challenging the exercise of jurisdiction by this state;

(2) the contesting party timely challenges the exercise of jurisdiction in this state; and

(3) if relevant, the other state **or the foreign country** is the home state of the child.

1 * **Sec. 11.** AS 25.25.205(a) is amended to read:

2 (a) A tribunal of this state that has issued a child [ISSUING A] support order
 3 consistent with the law of this state has and shall exercise continuing, exclusive
 4 jurisdiction to modify its [OVER A] child support order if the order is the
 5 controlling order; and

6 (1) at the time of the filing of a request for modification, [AS
 7 LONG AS] this state is [REMAINS] the residence of the obligor, the individual
 8 obligee, or the child for whose benefit the support order is issued; or

9 (2) even if this state is not the residence of the obligor, the individual
 10 obligee, or the child for whose benefit the support order is issued, the parties consent
 11 in a record or in open court that the tribunal of this state may continue to exercise
 12 jurisdiction to modify its order [UNTIL EACH INDIVIDUAL PARTY HAS FILED
 13 WRITTEN CONSENT WITH THE TRIBUNAL OF THIS STATE FOR A
 14 TRIBUNAL OF ANOTHER STATE TO MODIFY THE ORDER AND ASSUME
 15 CONTINUING, EXCLUSIVE JURISDICTION].

16 * **Sec. 12.** AS 25.25.205(b) is amended to read:

17 (b) A tribunal of this state that has issued [ISSUING] a child support order
 18 consistent with the law of this state may not exercise [ITS] continuing, exclusive
 19 jurisdiction to modify the order if

20 (1) all of the parties who are individuals file consent in a record with
 21 the tribunal of this state that a tribunal of another state that has jurisdiction over at
 22 least one of the parties who is an individual or that is located in the state of residence
 23 of the child may modify the order and assume continuing, exclusive jurisdiction; or

24 (2) its order is not the controlling order [THE ORDER HAS BEEN
 25 MODIFIED BY A TRIBUNAL OF ANOTHER STATE UNDER A LAW
 26 SUBSTANTIALLY SIMILAR TO THIS CHAPTER].

27 * **Sec. 13.** AS 25.25.205(c) is repealed and reenacted to read:

28 (c) If a tribunal of another state that has issued a child support order under this
 29 chapter or a law substantially similar to this chapter that modifies a child support order of
 30 a tribunal of this state, tribunals of this state shall recognize the continuing, exclusive
 31 jurisdiction of the tribunal of the other state.

32 * **Sec. 14.** AS 25.25.205(d) is repealed and reenacted to read:

(d) A tribunal of this state that lacks continuing, exclusive jurisdiction to modify a child support order may serve as an initiating tribunal to request a tribunal of another state to modify a support order issued in that state.

* **Sec. 15.** AS 25.25.206(a) is amended to read:

(a) A tribunal of this state **that has issued a child support order consistent with the laws of this state** may serve as an initiating tribunal to request a tribunal of another state to enforce

(1) the order if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction under this chapter;
or

(2) a money judgment for arrears of support and interest on the order accrued before a determination that an order of a tribunal of another state is the controlling order [OR MODIFY A SUPPORT ORDER ISSUED IN THAT STATE].

* **Sec. 16.** AS 25.25.206(b) is amended to read:

(b) A tribunal of this state having continuing [, EXCLUSIVE] jurisdiction over a support order may act as a responding tribunal to enforce [OR MODIFY] the order. [IF A PARTY SUBJECT TO THE CONTINUING, EXCLUSIVE JURISDICTION OF THE TRIBUNAL NO LONGER RESIDES IN THE ISSUING STATE, IN SUBSEQUENT PROCEEDINGS THE TRIBUNAL MAY APPLY AS 25.25.316 TO RECEIVE EVIDENCE FROM ANOTHER STATE AND AS 25.25.318 TO OBTAIN DISCOVERY THROUGH A TRIBUNAL OF ANOTHER STATE.]

* **Sec. 17.** AS 25.25.207(b) is amended to read:

(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, or a foreign country with regard to the same obligor and same child, a tribunal of this state having personal jurisdiction over both the obligor and individual obligee shall apply the following rules and by order shall determine [IN DETERMINING] which order controls and must be recognized [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,

(A) an order issued by a tribunal in the current home state of the child controls; or

(B) [SHALL BE RECOGNIZED, BUT,] if an order has not been issued in the current home state of the child, the order most recently issued **controls** [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 controls [IS CONTROLLING AND SHALL BE RECOGNIZED].

* **Sec. 18.** AS 25.25.207(c) is amended to read:

(c) If two or more child support orders have been issued for the same obligor and same child, upon request of a party who is an individual or that is a support enforcement agency, [AND IF THE OBLIGOR OR THE INDIVIDUAL OBLIGEE RESIDES IN THIS STATE, A PARTY MAY REQUEST] a tribunal of this state having personal jurisdiction over both the obligor and the obligee who is an individual shall [TO] determine which order controls [AND SHALL BE RECOGNIZED] under (b) of this section. The request may be filed with a registration for enforcement or a registration for modification under AS 25.25.601 - 25.25.616 or may be filed as a separate proceeding [SHALL BE ACCCOMPANIED 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].

* **Sec. 19.** AS 25.25.207(d) is amended to read:

(d) The tribunal that issued the controlling order [THAT SHALL BE RECOGNIZED AS CONTROLLING] under (a), (b), or (c) of this section [IS THE TRIBUNAL THAT] has continuing [, EXCLUSIVE] jurisdiction **to the extent**

1 provided in AS 25.25.205 or 25.25.206 [IN ACCORDANCE WITH AS 25.25.205].

2 * **Sec. 20.** AS 25.25.207(e) is amended to read:

3 (e) A tribunal of this state that determines by order, which is [THE
4 IDENTITY OF] the controlling child support order under (b)(1) or (2) or (c) of this
5 section, or that issues a new controlling child support order under (b)(3) of this
6 section, shall include in that order

7 (1) the basis upon which the tribunal made its determination;
8 (2) the amount of prospective support, if any; and
9 (3) the total amount of consolidated arrears and accrued interest, if
10 any, under all of the orders after all payments made are credited as provided by
11 AS 25.25.209.

12 * **Sec. 21.** AS 25.25.207(f) is amended to read:

13 (f) Within 30 days after issuance of the order determining which is [THE
14 IDENTITY OF] the controlling order, the party obtaining that order shall file a
15 certified copy of that order in [WITH] each tribunal that had issued or registered an
16 earlier order of child support. Failure of the party or the support enforcement
17 agency obtaining the order to file a certified copy as required under this subsection
18 subjects that party to appropriate sanctions by a tribunal in which the issue of failure to
19 file arises, but that failure has no effect on the validity or enforceability of the
20 controlling order.

21 * **Sec. 22.** AS 25.25.207 is amended by adding new subsections to read:

22 (g) A request to determine which is the controlling order must be accompanied by
23 a copy of every child support order in effect and the applicable record of payments. The
24 requesting party shall give notice of the request to each party whose rights may be
25 affected by the determination.

26 (h) An order that has been determined to be the controlling order, or a judgment
27 for consolidated arrears of support and interest, if any, made under this section must be
28 recognized in proceedings under this chapter.

29 * **Sec. 23.** AS 25.25.208 is amended to read:

30 **Sec. 25.25.208. Child [MULTIPLE CHILD] support orders for two or**
31 **more obligees.** In responding to [MULTIPLE] registrations or complaints for
32 enforcement of two or more child support orders in effect at the same time with regard

1 to the same obligor and different individual obligees, when at least one of the orders
 2 was issued by a tribunal of another state or a foreign country, a tribunal of this state
 3 shall enforce those orders in the same manner as if the [MULTIPLE] orders had been
 4 issued by a tribunal of this state.

5 * **Sec. 24.** AS 25.25.209 is amended to read:

6 **Sec. 25.25.209. Credit for payments.** A tribunal of this state shall credit
 7 amounts [AMOUNTS] collected [AND CREDITED] for a particular period under
 8 any child support order against the amounts owed for the same period under any
 9 other child support order for support of the same child [A SUPPORT ORDER]
 10 issued by a tribunal of this state, another state, or a foreign country [SHALL BE
 11 CREDITED AGAINST THE AMOUNTS ACCRUING OR ACCRUED FOR THE
 12 SAME PERIOD UNDER A SUPPORT ORDER ISSUED BY THE TRIBUNAL OF
 13 THIS STATE].

14 * **Sec. 25.** AS 25.25 is amended by adding new sections to read:

15 **Sec. 25.25.280. Application of this chapter to nonresident subject to**
 16 **personal jurisdiction.** A tribunal of this state exercising personal jurisdiction over a
 17 nonresident in a proceeding under this chapter, under other law of this state relating to
 18 a support order, or recognizing a foreign support order may receive evidence from
 19 outside this state under AS 25.25.316, communicate with a tribunal outside this state
 20 under AS 25.25.317, and obtain discovery through a tribunal outside this state under
 21 AS 25.25.318. In all other respects, AS 25.25.301 - 25.25.616 do not apply and the
 22 tribunal shall apply the procedural and substantive law of this state.

23 **Sec. 25.25.281. Continuing, exclusive jurisdiction to modify spousal**
 24 **support order.** (a) A tribunal of this state issuing a spousal support order consistent
 25 with the law of this state has continuing, exclusive jurisdiction to modify the spousal
 26 support order throughout the existence of the support obligation.

27 (b) A tribunal of this state may not modify a spousal support order issued by a
 28 tribunal of another state or a foreign country having continuing, exclusive jurisdiction
 29 over that order under the law of that state or foreign country.

30 (c) A tribunal of this state that has continuing, exclusive jurisdiction over a
 31 spousal support order may serve as

(1) an initiating tribunal to request a tribunal of another state to enforce the spousal support order issued in this state; or

(2) a responding tribunal to enforce or modify its own spousal support order.

* **Sec. 26.** AS 25.25.301(c) is amended to read:

(c) An individual or a support enforcement agency may initiate [COMMENCE] a proceeding authorized under this chapter by filing a complaint or a comparable pleading in an initiating tribunal for forwarding to a responding tribunal or by filing a complaint or a comparable pleading directly in a tribunal of another state or a foreign country that has or can obtain personal jurisdiction over the respondent.

* **Sec. 27.** AS 25.25.303 is amended to read:

Sec. 25.25.303. Application of law of this state. Except as otherwise provided in [BY] this chapter, a responding tribunal of this state shall

(1) apply the procedural and substantive law [, INCLUDING THE RULES ON CHOICE OF LAW,] generally applicable to similar proceedings originating in this state and may exercise all powers and provide all remedies available in those proceedings; and

(2) determine the duty of support and the amount payable under the law and support guidelines of this state.

* **Sec. 28.** AS 25.25.304 is amended to read:

Sec. 25.25.304. Duties of initiating tribunal. (a) Upon the filing of a complaint or comparable pleading authorized by this chapter, an initiating tribunal of this state shall forward [THREE COPIES OF] the complaint or comparable pleading and its accompanying documents

(1) to the responding tribunal or appropriate support enforcement agency in the responding state; or

(2) if the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

(b) If requested by the responding tribunal, [A RESPONDING STATE HAS NOT ENACTED A LAW OR PROCEDURE SUBSTANTIALLY SIMILAR

1 TO THIS CHAPTER,] a tribunal of this state shall [MAY] issue a certificate or other
 2 documents and make findings required by the law of the responding state. If the
 3 responding tribunal [STATE] is in a foreign country, upon request
 4 [JURISDICTION], the tribunal of this state shall [MAY] specify the amount of
 5 support sought, convert the amount into the equivalent amount in the foreign
 6 currency under applicable official or market exchange rate as publicly reported,
 7 and provide any other documents necessary to satisfy the requirements of the
 8 responding foreign tribunal [STATE].

9 * **Sec. 29.** AS 25.25.305(b) is amended to read:

10 (b) A responding tribunal of this state, to the extent not prohibited
 11 [OTHERWISE SPECIFICALLY AUTHORIZED] by law, may do one or more of the
 12 following:

13 (1) establish [ISSUE] or enforce a support order, modify a child
 14 support order, determine the controlling child support order, or [RENDER A
 15 JUDGMENT] to determine parentage of the child;

16 (2) order an obligor to comply with a support order, specifying the
 17 amount and the manner of compliance;

18 (3) order income withholding;

19 (4) determine the amount of any arrearages, and specify a method of
 20 payment;

21 (5) enforce orders by civil or criminal contempt, or both;

22 (6) set aside property for satisfaction of the support order;

23 (7) place liens and order execution on the obligor's property;

24 (8) order an obligor to keep the tribunal informed of the obligor's
 25 current residential address, electronic mailing address, telephone number, employer,
 26 address of employment, and telephone number at the place of employment;

27 (9) issue a bench warrant for an obligor who has failed after proper
 28 notice to appear at a hearing ordered by the tribunal and enter the bench warrant in any
 29 local and state computer systems for criminal warrants;

30 (10) order the obligor to seek appropriate employment by specified
 31 methods;

- (11) award reasonable attorney fees and other fees and costs; and
- (12) grant any other available remedy.

* **Sec. 30.** AS 25.25.305 is amended by adding a new subsection to read:

(f) If requested to enforce a support order, arrears, or judgment or modify a support order stated in a foreign currency, a responding tribunal of this state shall convert the amount stated in the foreign currency to the equivalent amount in dollars under the applicable official or market exchange rate as publicly reported.

* **Sec. 31.** 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, the tribunal [IT] shall forward the complaint or pleading, and accompanying documents, to an appropriate tribunal in this state or another state and notify the petitioner where and when the complaint or pleading was sent.

* **Sec. 32.** AS 25.25.307(b) is amended to read:

(b) In providing services under this chapter to the petitioner, the child support services agency **of this state** shall [, AS APPROPRIATE,]

(1) take all steps necessary to enable an appropriate tribunal **of** [IN] this state, [OR] another state, **or a foreign country** 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 within **five** [TWO] days of receipt, exclusive of Saturdays, Sundays, and legal holidays;

(5) send a copy of a [WRITTEN] communication in a record from the respondent or the respondent's attorney to the petitioner within five [TWO] days of receipt, exclusive of Saturdays, Sundays, and legal holidays; and

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

1 * **Sec. 33.** AS 25.25.307 is amended by adding new subsections to read:

2 (d) A support enforcement agency of this state that requests registration of a child
3 support order in this state for enforcement or for modification shall make reasonable
4 efforts

5 (1) to ensure that the order to be registered is the controlling order; or

6 (2) if two or more child support orders exist and the identity of the
7 controlling order has not been determined, to ensure that a request for the determination is
8 made in a tribunal having jurisdiction to do so.

9 (e) A support enforcement agency of this state that requests registration and
10 enforcement of a support order, arrears, or judgment stated in a foreign currency shall
11 convert the amounts stated in the foreign currency into the equivalent amounts in dollars
12 under the applicable official or market exchange rate as publicly reported.

13 (f) A support enforcement agency of this state shall issue or request a tribunal of
14 this state to issue a child support order and an income withholding order that redirect
15 payment of current support, arrears, and interest if requested to do so by a support
16 enforcement agency of another state under AS 25.25.319.

17 * **Sec. 34.** AS 25.25 is amended by adding a new section to read:

18 **Sec. 25.25.308. Duty of the Department of Revenue.** (a) If the Department of
19 Revenue determines that the support enforcement agency is neglecting or refusing to
20 provide services to an individual, the Department of Revenue may order the agency to
21 perform its duties under this chapter or may provide those services directly to the
22 individual.

23 (b) The Department of Revenue may determine that a foreign country has
24 established a reciprocal arrangement for child support with this state and take appropriate
25 action for notification of the determination.

26 * **Sec. 35.** AS 25.25.310 is amended to read:

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

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

(2) maintain a register of **names and addresses 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. 36.** AS 25.25.311(a) is amended to read:

(a) In a proceeding under this chapter, a [A] petitioner seeking to establish [OR MODIFY] a support order [OR] to determine parentage of a child or to register and modify a support order of a tribunal of another state or a foreign country [IN A PROCEEDING UNDER THIS CHAPTER] shall file a [VERIFY THE] complaint or comparable pleading. Unless otherwise ordered under AS 25.25.312, or otherwise prohibited by law, the complaint or comparable pleading or accompanying documents must provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee or the parent and the alleged parent, and the name, sex, residential address, social security number, and date of birth of each child for whose benefit [WHOM SUPPORT] is sought or whose parentage is to be determined. Unless filed at the time of registration, the [THE] complaint or comparable pleading must be accompanied by a [CERTIFIED] copy of any support order known to have been issued by another tribunal [IN EFFECT]. The complaint or comparable pleading may include other information that may assist in locating or identifying the respondent.

* **Sec. 37.** AS 25.25.312 is repealed and reenacted to read:

Sec. 25.25.312. Nondisclosure of information in exceptional circumstances.

If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by disclosure of specific identifying information,

1 that information must be sealed and may not be disclosed to the other party or the public.
 2 After a hearing in which a tribunal takes into consideration the health, safety, or liberty of
 3 the party or child, the tribunal may order disclosure of information that the tribunal
 4 determines to be in the interest of justice.

5 * **Sec. 38.** AS 25.25.313(b) is amended to read:

6 (b) If an obligee prevails, a responding tribunal of this state may assess
 7 against an obligor filing fees, including fees that were waived under (a) of this section,
 8 reasonable attorney fees, other costs, necessary travel expenses, and other reasonable
 9 expenses incurred by the obligee and the obligee's witnesses. The tribunal may not
 10 assess fees, costs, or expenses against the obligee or the support enforcement agency
 11 of either the initiating or the responding state or foreign country except as required
 12 by other law or court rule. Attorney fees may be taxed as costs, and may be ordered
 13 paid directly to the attorney, who may enforce the order in the attorney's own name.
 14 Payment of support owed to the obligee has priority over fees, costs, and expenses
 15 assessed under this subsection.

16 * **Sec. 39.** AS 25.25.314(a) is amended to read:

17 (a) Participation by a petitioner in a proceeding under this chapter before a
 18 responding tribunal, whether in person, by private attorney, or through services
 19 provided by the support enforcement agency, does not confer personal jurisdiction
 20 over the petitioner in another proceeding.

21 * **Sec. 40.** AS 25.25.316(a) is amended to read:

22 (a) The physical presence of a nonresident party who is an individual [THE
 23 PETITIONER] in a [RESPONDING] tribunal of this state is not required for the
 24 establishment, enforcement, or modification of a support order or the rendition of a
 25 judgment determining parentage of a child.

26 * **Sec. 41.** AS 25.25.316(b) is amended to read:

27 (b) An [A VERIFIED COMPLAINT OR COMPARABLE PLEADING,] affidavit, a document substantially complying with federally mandated forms, or
 28 [AND] a document incorporated by reference in any of them, which would not be
 29 excluded under the hearsay rule if given in person, is admissible in evidence if given
 30 under penalty of perjury [OATH] by a party or witness residing outside this [IN
 31 ANOTHER] state.

1 * **Sec. 42.** AS 25.25.316(d) is amended to read:

2 (d) Copies of bills for testing for parentage of a child, and for prenatal and
3 postnatal health care of the mother and child, furnished to the adverse party at least 10
4 days before trial or other proceeding, are admissible in evidence to prove the amount
5 of the charges billed and that the charges were reasonable, necessary, and customary.

6 * **Sec. 43.** AS 25.25.316(e) is amended to read:

7 (e) Documentary evidence transmitted from outside this [ANOTHER] state to
8 a tribunal of this state by telephone, facsimile [TELECOPIER], or other electronic
9 means that do not provide an original record [WRITING] may not be excluded from
10 evidence on an objection based on the means of transmission.

11 * **Sec. 44.** AS 25.25.316(f) is amended to read:

12 (f) In a proceeding under this chapter, a tribunal of this state shall [MAY]
13 permit a party or witness residing outside this [IN ANOTHER] state to be deposed or
14 to testify by telephone, audiovisual means, or other electronic means at a designated
15 tribunal or other location [IN THAT STATE]. A tribunal of this state shall cooperate
16 with other tribunals [OF OTHER STATES] in designating an appropriate location for
17 the deposition or testimony.

18 * **Sec. 45.** AS 25.25.316 is amended by adding a new subsection to read:

19 (j) A voluntary acknowledgment of paternity, certified as a true copy, is
20 admissible to establish parentage of the child.

21 * **Sec. 46.** AS 25.25.317 is amended to read:

22 **Sec. 25.25.317. Communications between tribunals.** A tribunal of this state
23 may communicate with a tribunal outside this [OF ANOTHER] state in a record
24 [WRITING], or by telephone, electronic mail, or other means, to obtain information
25 concerning the laws [OF THAT STATE], the legal effect of a judgment, decree, or
26 order of that tribunal, and the status of a proceeding [IN THE OTHER STATE]. A
27 tribunal of this state may furnish similar information by similar means to a tribunal
28 outside this [OF ANOTHER] state.

29 * **Sec. 47.** AS 25.25.318 is amended to read:

30 **Sec. 25.25.318. Assistance with discovery.** A tribunal of this state may
31 (1) request a tribunal outside this [OF ANOTHER] state to assist in
32 obtaining discovery; and

(2) upon request, compel a person over **which** [WHOM] it has jurisdiction to respond to a discovery order issued by a tribunal **outside this** [OF ANOTHER] state.

* **Sec. 48.** AS 25.25.319 is amended to read:

Sec. 25.25.319. Receipt and disbursement of payments. The child support services agency of this state shall disburse promptly any amounts received under a support order, as directed by the order. The agency shall furnish to a requesting party or tribunal of another state **or a foreign country** a certified statement by the custodian of the record of the amounts and dates of all payments received.

* **Sec. 49.** AS 25.25.319 is amended by adding new subsections to read:

(b) If neither the obligor, nor the obligee who is an individual, nor the child resides in this state, upon request from the support enforcement agency of this state or another state, the support enforcement agency of this state or a tribunal of this state shall

(1) direct that the support payment be made to the support enforcement agency in the state in which the obligee is receiving services; and

(2) issue and send to the obligor's employer a conforming income withholding order or an administrative notice of change of payee, reflecting the redirected payments.

(c) The support enforcement agency of this state receiving redirected payments from another state under a law similar to (b) of this section shall furnish to a requesting party or tribunal of the other state a certified statement by the custodian of the record of the amount and dates of all payments received.

* **Sec. 50.** AS 25.25.401(a) is amended to read:

(a) If a child support order entitled to recognition under this chapter has not been issued, a responding tribunal of this state **with personal jurisdiction over the parties** may issue a child support order if

(1) the individual seeking the order resides outside this [IN ANOTHER] state; or

(2) the support enforcement agency seeking the order is located **outside this** [IN ANOTHER] state.

* **Sec. 51.** AS 25.25.401(b) is repealed and reenacted to read:

(b) The tribunal may issue a temporary child support order if the tribunal

determines that an order is appropriate and the individual ordered to pay is

- (1) a presumed father of the child;
- (2) petitioning to have his paternity adjudicated;
- (3) identified as the father of the child through genetic testing;
- (4) an alleged father who has declined to submit to genetic testing;
- (5) shown by clear and convincing evidence to be the father of the child;
- (6) an acknowledged father in accordance with AS 25.20.050;
- (7) the mother of the child; or
- (8) an individual who has been ordered to pay child support in a previous proceeding and the order has not been reversed or vacated.

* **Sec. 52.** AS 25.25 is amended by adding a new section to read:

Sec. 25.25.402. Proceeding to determine parentage. A tribunal of this state authorized to determine parentage of a child may serve as a responding tribunal in a proceeding to determine parentage of a child brought under this chapter or a law or procedure substantially similar to this chapter.

* **Sec. 53.** AS 25.25.501 is amended 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 by or on behalf of the obligee, or by the support enforcement agency 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. 54.** AS 25.25.502(c) is amended to read:

(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.

* **Sec. 55.** AS 25.25.503 is amended to read:

Sec. 25.25.503. Employer's compliance [COMPLIANCE] with two or more [MULTIPLE] income withholding orders. If an obligor's employer receives two or more [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 two or more [MULTIPLE] child support orders.

* **Sec. 56.** AS 25.25.504 is amended to read:

Sec. 25.25.504. Immunity from civil liability. An employer that [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. 57.** AS 25.25.505 is amended to read:

Sec. 25.25.505. Penalties for noncompliance. An employer that [WHO] wilfully fails to comply with an income withholding order issued in [BY] another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this state.

* **Sec. 58.** AS 25.25.506 is amended to read:

Sec. 25.25.506. Contest by obligor. (a) An obligor may contest the validity or enforcement of an income withholding order issued in another state and received directly by an employer in this state by registering the order in a tribunal of this state and filing a contest to that order as provided in AS 25.25.601 - 25.25.616 or otherwise contesting the order in the same manner as if the order were issued by a tribunal of this state. The provisions of AS 25.25.604 apply to the contest.

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

- (1) a support enforcement agency providing services to the obligee;
- (2) each employer that has directly received an income withholding order **relating to the obligor**; and
- (3) if
 - (A) a person [OR AN AGENCY] is designated to receive payments in the income withholding order, to that person or agency; or
 - (B) no person [OR AGENCY] is designated to receive payments in the income withholding order, to the obligee.

* **Sec. 59.** AS 25.25.507(a) is amended to read:

(a) A party **or support enforcement agency** seeking to enforce a support order or an income withholding order, or both, issued **in** [BY A TRIBUNAL OF] another state **or a foreign support order** may send the documents required for registering the order to the child support services agency of this state.

* **Sec. 60.** AS 25.25.601 is amended to read:

Sec. 25.25.601. Registration of order for enforcement. A support order or [AN] income withholding order issued in [BY A TRIBUNAL OF] another state or a foreign support order may be registered in this state for enforcement.

* **Sec. 61.** AS 25.25.602(a) is amended to read:

(a) Except as provided in AS 25.25.706, a [A] support order or income withholding order of another state or a foreign support order may be registered in this state by sending the following records [DOCUMENTS AND INFORMATION] to a tribunal of this state:

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

(2) two copies, including one certified copy, of **the order** [ALL ORDERS] to be registered, including any modification of **the** [AN] order;

(3) a sworn statement by the person requesting [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; and

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

(5) **except as otherwise provided in AS 25.25.312**, the name and address of the obligee and, if applicable, the [AGENCY OR] person to whom support payments are to be remitted.

* **Sec. 62.** AS 25.25.602(b) is amended to read:

(b) On receipt of a request for registration, the registering tribunal shall file the order as **an order of a tribunal of another state or a foreign support order** [A FOREIGN JUDGMENT], together with one copy of the documents and information, regardless of their form.

* **Sec. 63.** AS 25.25.602 is amended by adding new subsections to read:

(d) If two or more orders are in effect, the person requesting registration shall

(1) furnish to the tribunal a copy of every support order asserted to be in effect in addition to the documents specified in this section;

- (2) specify the order alleged to be the controlling order, if any; and
- (3) specify the amount of consolidated arrears, if any.

(e) A request for a determination of which is the controlling order may be filed separately or with a request for registration and enforcement or for registration and modification. The person requesting registration shall give notice of the request to each party whose rights may be affected by the determination.

* **Sec. 64.** AS 25.25.603 is amended to read:

Sec. 25.25.603. Effect of registration for enforcement. (a) A support order or income withholding order issued in another state or a foreign support order is registered when the order is filed in the registering tribunal of this state.

(b) A registered **support** order issued in another state **or a foreign country** is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this state.

(c) Except as otherwise provided in **this chapter** [AS 25.25.601 - 25.25.612], a tribunal of this state shall recognize and enforce, but may not modify, a registered **support** order if the issuing tribunal had jurisdiction.

1 * **Sec. 65.** AS 25.25.604 is amended to read:

2 **Sec. 25.25.604. Choice of law.** (a) Except as otherwise provided in (d) of
 3 this section, the [THE] law of the issuing state or foreign country governs
 4 (1) the nature, extent, amount, and duration of current payments under
 5 a registered support order;
 6 (2) [AND OTHER OBLIGATIONS OF SUPPORT AND] the
 7 computation and payment of arrearages and accrual of interest on the arrearages
 8 under the support order; and
 9 (3) the existence and satisfaction of other obligations under the
 10 support order.

11 (b) In a proceeding for arrears under a registered support order
 12 [ARREARAGES], the statute of limitation [UNDER THE LAWS] of this state or of
 13 the issuing state or foreign country, whichever is longer, applies.

14 * **Sec. 66.** AS 25.25.604 is amended by adding new subsections to read:

15 (c) A responding tribunal of this state shall apply the procedures and remedies
 16 of this state to enforce current support and collect arrears and interest due on a support
 17 order of another state or a foreign country registered in this state.

18 (d) After a tribunal of this state or another state determines which is the
 19 controlling order and issues an order consolidating arrears, if any, a tribunal of this
 20 state shall prospectively apply the law of the state or foreign country issuing the
 21 controlling order, including its law on interest on arrears, on current and future
 22 support, and on consolidated arrears.

23 * **Sec. 67.** AS 25.25.605 is amended to read:

24 **Sec. 25.25.605. Notice of registration of order.** (a) When a support order or
 25 income withholding order issued in another state or a foreign support order is
 26 registered, the registering tribunal of this state shall notify the nonregistering party.
 27 The notice must be accompanied by a copy of the registered order and the documents
 28 and relevant information accompanying the order.

29 (b) A [THE] notice must inform the nonregistering party
 30 (1) that a registered order is enforceable as of the date of registration in
 31 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 notice **unless the registered order is under AS 25.25.707**;

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

(4) of the amount of alleged arrearages.

(c) Upon registration of an income withholding order for enforcement, **the support enforcement agency or** the registering tribunal shall notify the obligor's employer under AS 25.27.

*** Sec. 68.** AS 25.25.605 is amended by adding a new subsection to read:

(d) If the registering party asserts that two or more orders are in effect, a notice must also

(1) identify the two or more orders and the order alleged by the registering party to be the controlling order and the consolidated arrears, if any;

(2) notify the nonregistering party of the right to a determination of which is the controlling order;

(3) state that the procedures provided in (b) of this section apply to the determination of which is the controlling order; and

(4) state that failure to contest the validity or enforcement of the order alleged to be the controlling order in a timely manner may result in confirmation that the order is the controlling order.

* **Sec. 69.** AS 25.25.606(a) is amended to read:

(a) A nonregistering party seeking to contest the validity or enforcement of a registered order in this state shall request a hearing within **the time required by AS 25.25.605** [20 DAYS AFTER THE NOTICE OF THE REGISTRATION]. The nonregistering party may seek to vacate the registration, to assert a defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of alleged arrearages under AS 25.25.607.

* **Sec. 70.** AS 25.25.606(b) is amended to read:

(b) If the nonregistering party fails to contest the validity or enforcement of the registered **support** order in a timely manner, the order is confirmed by operation of law.

* **Sec. 71.** AS 25.25.607 is amended to read:

Sec. 25.25.607. Contest of registration or enforcement. (a) A party contesting the validity or enforcement of a registered support order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

(1) the issuing tribunal lacked personal jurisdiction over the contesting party;

(2) the order was obtained by fraud;

(3) the order has been vacated, suspended, or modified by a later order;

(4) the issuing tribunal has stayed the order pending appeal;

(5) there is a defense under the law of this state to the remedy sought;

(6) full or partial payment has been made; [OR]

(7) the statute of limitation under AS 25.25.604 precludes enforcement of the alleged arrearages; **or**

(8) the alleged controlling order is not the controlling order.

(b) If a party presents evidence establishing a full or partial defense under (a) of this section, the tribunal may stay enforcement of a [THE] registered support order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered support order may be enforced by all remedies available under the law of this state.

(c) If the contesting party does not establish a defense under (a) of this section to the validity or enforcement of **a registered support** [THE] order, the registering tribunal shall issue an order confirming the order.

* **Sec. 72.** AS 25.25.608 is amended to read:

Sec. 25.25.608. Confirmed order. Confirmation of a registered support order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to a matter that could have been asserted at the time of registration.

1 * **Sec. 73.** AS 25.25.610 is amended to read:

2 **Sec. 25.25.610. Effect of registration for modification.** A tribunal of this
 3 state may enforce a child support order of another state registered for purposes of
 4 modification in the same manner as if the order had been issued by a tribunal of this
 5 state, but the registered support order may be modified only if the requirements of
 6 AS 25.25.611 **or 25.25.613** have been met.

7 * **Sec. 74.** AS 25.25.611(a) is amended to read:

8 (a) If AS 25.25.613 does not apply, upon complaint or comparable
 9 pleading a tribunal of this state may modify [AFTER] a child support order issued
 10 in another state that is [HAS BEEN] registered in this state, [UNLESS THE
 11 PROVISIONS OF AS 25.25.613 APPLY, THE RESPONDING TRIBUNAL OF
 12 THIS STATE MAY MODIFY THAT ORDER ONLY] if, after notice and an
 13 opportunity for hearing, the tribunal [IT] finds that

14 (1) the following requirements are met:

15 (A) neither the child, nor the [INDIVIDUAL] obligee who is
 16 an individual, nor [AND] the obligor resides [DO NOT RESIDE] in the
 17 issuing state;

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

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

22 (2) this state is the residence of the child, or a party who is an
 23 individual, is subject to the personal jurisdiction of the tribunal and all of the parties
 24 who are individuals have filed consents in a record [A WRITTEN CONSENT] in the
 25 issuing tribunal providing that a tribunal of this state may modify the support order
 26 and assume continuing, exclusive jurisdiction [OVER THE ORDER; HOWEVER, IF
 27 THE ISSUING STATE IS A FOREIGN JURISDICTION THAT HAS NOT
 28 ENACTED A LAW OR PROCEDURE SUBSTANTIALLY SIMILAR TO THIS
 29 CHAPTER, THE WRITTEN CONSENT OF AN INDIVIDUAL RESIDING IN THIS
 30 STATE IS NOT REQUIRED FOR THE TRIBUNAL TO ASSUME JURISDICTION
 31 TO MODIFY THE CHILD SUPPORT ORDER].

* **Sec. 75.** AS 25.25.611(c) is amended to read:

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

* **Sec. 76.** AS 25.25.611(d) is amended to read:

(d) On issuance of an order **by a tribunal of this state** modifying a child support order issued in another state, **the** [A] tribunal of this state becomes the tribunal of continuing, exclusive jurisdiction.

* **Sec. 77.** AS 25.25.611 is amended by adding new subsections to read:

(f) In a proceeding to modify a child support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of support. The obligor's fulfillment of the duty of support established by that order precludes imposition of a further obligation of support by a tribunal of this state.

(g) Notwithstanding (a) - (d) and (f) of this section and AS 25.25.201(b), a tribunal of this state retains jurisdiction to modify an order issued by a tribunal of this state if

(1) one party resides in another state; and

(2) the other party resides outside the United States.

* **Sec. 78.** AS 25.25.612 is amended to read:

Sec. 25.25.612. Recognition of order modified in another state. If a child support order issued by a [A] tribunal of this state is modified [SHALL RECOGNIZE A MODIFICATION OF ITS EARLIER CHILD SUPPORT ORDER] by a tribunal of another state that assumed jurisdiction under the Uniform Interstate Family and Support Act, a tribunal of this state [THIS CHAPTER OR A LAW OR PROCEDURE SUBSTANTIALLY SIMILAR TO THIS CHAPTER AND, UPON REQUEST, EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, SHALL]

(1) **may** enforce **its** [THE] order that was modified only as to **arrears**

1 **and interest** [AMOUNTS] accruing before the modification;

2 (2) **may** [ENFORCE ONLY NONMODIFIABLE ASPECTS OF
3 THAT ORDER;

4 (3)] provide [OTHER] appropriate relief [ONLY] for violations of **its**
5 [THAT] order that occurred before the effective date of the modification; and

6 **(3) shall** [(4)] recognize the modifying order of the other state, upon
7 registration, for the purpose of enforcement.

8 * **Sec. 79.** AS 25.25 is amended by adding new sections to read:

9 **Sec. 25.25.615. Jurisdiction to modify child support order of foreign
10 country.** (a) Except as otherwise provided in AS 25.25.711, if a foreign country lacks
11 or refuses to exercise jurisdiction to modify its child support order under its laws, a
12 tribunal of this state may assume jurisdiction to modify the child support order and
13 bind all individuals subject to the personal jurisdiction of the tribunal whether the
14 consent to modification of a child support order otherwise required of the individual
15 under AS 25.25.611 has been given or whether the individual seeking modification is
16 a resident of this state or of the foreign country.

17 (b) An order issued by a tribunal of this state modifying a foreign child-
18 support order under this section is the controlling order.

19 **Sec. 25.25.616. Procedure to register child support order of foreign
20 country for modification.** A party or support enforcement agency seeking to modify,
21 or to modify and enforce, a foreign child-support order not under the convention may
22 register that order in this state under AS 25.25.601 - 25.25.608 if the order has not
23 been registered. A complaint or comparable pleading for modification may be filed at
24 the same time as a request for registration, or at another time. The complaint or
25 comparable pleading must specify the grounds for modification.

26 * **Sec. 80.** AS 25.25.701 is repealed and reenacted to read:

27 **Sec. 25.25.701. Definitions.** In AS 25.25.701 - 25.25.713,

28 (1) "application" means a request under the convention by an obligee
29 or obligor, or on behalf of a child, made through a central authority for assistance from
30 another central authority;

31 (2) "central authority" means the entity designated by the United States

1 or a foreign country described in AS 25.25.101(5)(D) to perform the functions
 2 specified in the convention;

3 (3) "convention support order" means a support order of a tribunal of a
 4 foreign country described in AS 25.25.101(5)(D);

5 (4) "direct request" means a complaint or comparable pleading filed by
 6 an individual in a tribunal of this state in a proceeding involving an obligee, obligor, or
 7 child residing outside the United States;

8 (5) "foreign central authority" means the entity designated by a foreign
 9 country described in AS 25.25.101(5)(D) to perform the functions specified in the
 10 convention;

11 (6) "foreign support agreement"

12 (A) means an agreement for support in a record that is
 13 enforceable as a support order in the country of origin and has been

14 (i) formally drawn up or registered as an authentic
 15 instrument by a foreign tribunal; or

16 (ii) authenticated by, or concluded, registered, or filed
 17 with a foreign tribunal and may be reviewed and modified by a foreign
 18 tribunal;

19 (B) includes a maintenance arrangement or authentic
 20 instrument under the convention;

21 (7) "United States central authority" means the Secretary of the United
 22 States Department of Health and Human Services.

23 * **Sec. 81.** AS 25.25 is amended by adding new sections to read:

24 **Sec. 25.25.702. Applicability.** AS 25.25.701 - 25.25.713 apply only to a
 25 support proceeding under the convention. In a proceeding, if a provision of
 26 AS 25.25.701 - 25.25.713 is inconsistent with AS 25.25.101 - 25.25.616,
 27 AS 25.25.701 - 25.25.713 controls.

28 **Sec. 25.25.703. Relationship of child support services agency to United
 29 States central authority.** The child support services agency of this state is recognized
 30 as the agency designated by the United States central authority to perform specific
 31 functions under the convention.

Sec. 25.25.704. Initiation by child support services agency of support proceeding under convention. (a) In a support proceeding under AS 25.25.701 - 25.25.713, the child support services agency of this state shall

(1) transmit and receive applications; and

(2) initiate or facilitate the institution of a proceeding regarding an application in a tribunal of this state.

(b) The following support proceedings are available to an obligee under the convention:

(1) recognition or recognition and enforcement of a foreign support order;

(2) enforcement of a support order issued or recognized in this state;

(3) establishment of a support order if there is no existing order, including, if necessary, determination of parentage of a child;

(4) establishment of a support order if recognition of a foreign support order is refused under AS 25.25.708(b)(2), (4), or (9);

(5) modification of a support order of a tribunal of this state; and

(6) modification of a support order of a tribunal of another state or a foreign country.

(c) The following support proceedings are available under the convention to an obligor against which there is an existing support order:

(1) recognition of an order suspending or limiting enforcement of an existing support order of a tribunal of this state;

(2) modification of a support order of a tribunal of this state; and

(3) modification of a support order of a tribunal of another state or a foreign country.

(d) A tribunal of this state may not require security, bond, or deposit, however described, to guarantee the payment of costs and expenses in proceedings under the convention.

Sec. 25.25.705. Direct request. (a) An individual may file a direct request seeking establishment or modification of a support order or determination of parentage of a child. In the proceeding, the law of this state applies.

(b) An individual may file a direct request seeking recognition and enforcement of a support order or support agreement. In the proceeding, AS 25.25.706 - 25.25.713 apply.

(c) In a direct request for recognition and enforcement of a convention support order or foreign support agreement,

(1) a security, bond, or deposit is not required to guarantee the payment of costs and expenses; and

(2) an obligee or obligor that in the issuing country has benefited from free legal assistance is entitled to benefit, at least to the same extent, from any free legal assistance provided for by the law of this state under the same circumstances.

(d) An individual filing a direct request is not entitled to assistance from the child support services agency.

(e) AS 25.25.701 - 25.25.713 do not prevent the application of laws of this state that provide simplified, more expeditious rules regarding a direct request for recognition and enforcement of a foreign support order or foreign support agreement.

Sec. 25.25.706. Registration of convention support order. (a) Except as otherwise provided in AS 25.25.701 - 25.25.713, a party who is an individual or a support enforcement agency seeking recognition of a convention support order shall register the order in this state as provided in AS 25.25.601 - 25.25.616.

(b) Notwithstanding AS 25.25.311 and 25.25.602(a), a request for registration of a convention support order must be accompanied by

(1) a complete text of the support order or an abstract or extract of the support order drawn up by the issuing foreign tribunal, which may be in the form recommended by The Hague Conference on Private International Law;

(2) a record stating that the support order is enforceable in the issuing country;

(3) if the respondent did not appear and was not represented in the proceedings in the issuing country, a record attesting, as appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard or that the respondent had proper notice of the support order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal;

(4) a record showing the amount of arrears, if any, and the date the amount was calculated;

(5) a record showing a requirement for automatic adjustment of the amount of support, if any, and the information necessary to make the appropriate calculations; and

(6) if necessary, a record showing the extent to which the applicant received free legal assistance in the issuing country.

(c) A request for registration of a convention support order may seek recognition and partial enforcement of the order.

(d) A tribunal of this state may vacate the registration of a convention support order without the filing of a contest under AS 25.25.707 only if, acting on its own motion, the tribunal finds that recognition and enforcement of the order would be manifestly incompatible with public policy.

(e) The tribunal shall promptly notify the parties of the registration or the order vacating the registration of a convention support order.

Sec. 25.25.707. Contest of registered convention support order. (a) Except as otherwise provided in AS 25.25.701 - 25.25.713, AS 25.25.605 - 25.25.608 apply to a contest of a registered convention support order.

(b) A party contesting a registered convention support order shall file a contest not later than 30 days after notice of the registration, but if the contesting party does not reside in the United States, the contest must be filed not later than 60 days after notice of the registration.

(c) If the nonregistering party fails to contest the registered convention support order by the time specified in (b) of this section, the order is enforceable.

(d) A contest of a registered convention support order may be based only on grounds set out in AS 25.25.708. The contesting party bears the burden of proof.

(e) In a contest of a registered convention support order, a tribunal of this state
(1) is bound by the findings of fact on which the foreign tribunal based
its jurisdiction; and

(2) may not review the merits of the order.

(f) A tribunal of this state deciding a contest of a registered convention

1 support order shall promptly notify the parties of its decision.

2 (g) A challenge or appeal, if any, does not stay the enforcement of a
3 convention support order unless there are exceptional circumstances.

4 **Sec. 25.25.708. Recognition and enforcement of registered convention**
5 **support order.** (a) Except as otherwise provided in (b) of this section, a tribunal of
6 this state shall recognize and enforce a registered convention support order.

7 (b) The following grounds are the only grounds on which a tribunal of this
8 state may refuse recognition and enforcement of a registered convention support order:

9 (1) recognition and enforcement of the order is manifestly
10 incompatible with public policy, including the failure of the issuing tribunal to observe
11 minimum standards of due process, which include notice and an opportunity to be
12 heard;

13 (2) the issuing tribunal lacked personal jurisdiction consistent with
14 AS 25.25.201;

15 (3) the order is not enforceable in the issuing country;

16 (4) the order was obtained by fraud in connection with a matter of
17 procedure;

18 (5) a record transmitted in accordance with AS 25.25.706 lacks
19 authenticity or integrity;

20 (6) a proceeding between the same parties and having the same
21 purpose is pending before a tribunal of this state and that proceeding was the first to be
22 filed;

23 (7) the order is incompatible with a more recent support order
24 involving the same parties and having the same purpose if the more recent support
25 order is entitled to recognition and enforcement under this chapter in this state;

26 (8) payment, to the extent alleged arrears have been paid in whole or in
27 part;

28 (9) in a case in which the respondent neither appeared nor was
29 represented in the proceeding in the issuing foreign country,

30 (A) if the law of that country provides for prior notice of
31 proceedings, the respondent did not have proper notice of the proceedings and

1 an opportunity to be heard; or

2 (B) if the law of that country does not provide for prior notice
3 of the proceedings, the respondent did not have proper notice of the order and
4 an opportunity to be heard in a challenge or appeal on fact or law before a
5 tribunal; or

6 (10) the order was made in violation of AS 25.25.711.

7 (c) If a tribunal of this state does not recognize a convention support order
8 under (b)(2), (4), or (9) of this section,

9 (1) the tribunal may not dismiss the proceeding without allowing a
10 reasonable time for a party to request the establishment of a new convention support
11 order; and

12 (2) the child support services agency shall take all appropriate
13 measures to request a child support order for the obligee if the application for
14 recognition and enforcement was received under AS 25.25.704.

15 **Sec. 25.25.709. Partial enforcement.** If a tribunal of this state does not
16 recognize and enforce a convention support order in its entirety, it shall enforce any
17 severable part of the order. An application or direct request may seek recognition and
18 partial enforcement of a convention support order.

19 **Sec. 25.25.710. Foreign support agreement.** (a) Except as otherwise provided
20 in (c) and (d) of this section, a tribunal of this state shall recognize and enforce a
21 foreign support agreement registered in this state.

22 (b) An application or direct request for recognition and enforcement of a
23 foreign support agreement must be accompanied by

24 (1) a complete text of the foreign support agreement; and

25 (2) a record stating that the foreign support agreement is enforceable as
26 an order of support in the issuing country.

27 (c) A tribunal of this state may vacate the registration of a foreign support
28 agreement only if, acting on its own motion, the tribunal finds that recognition and
29 enforcement would be manifestly incompatible with public policy.

30 (d) In a contest of a foreign support agreement, a tribunal of this state may
31 refuse recognition and enforcement of the agreement if it finds

(1) recognition and enforcement of the agreement is manifestly incompatible with public policy;

(2) the agreement was obtained by fraud or falsification;

(3) the agreement is incompatible with a support order involving the same parties and having the same purpose in this state, another state, or a foreign country if the support order is entitled to recognition and enforcement under this chapter in this state; or

(4) the record submitted under (b) of this section lacks authenticity or integrity.

(e) A proceeding for recognition and enforcement of a foreign support agreement must be suspended during the pendency of a challenge to or appeal of the agreement before a tribunal of another state or a foreign country.

Sec. 25.25.711. Modification of convention child support order. (a) A tribunal of this state may not modify a convention child support order if the obligee remains a resident of the foreign country where the support order was issued unless

(1) the obligee submits to the jurisdiction of a tribunal of this state, either expressly or by defending on the merits of the case, without objecting to the jurisdiction at the first available opportunity; or

(2) the foreign tribunal lacks or refuses to exercise jurisdiction to modify its support order or issue a new support order.

(b) If a tribunal of this state does not modify a convention child support order because the order is not recognized in this state, AS 25.25.708(c) applies.

Sec. 25.25.712. Personal information; limit on use. Personal information gathered or transmitted under AS 25.25.701 - 25.25.713 may be used only for the purposes for which it was gathered or transmitted.

Sec. 25.25.713. Record original language; English translation. A record filed with a tribunal of this state under AS 25.25.701 - 25.25.713 must be in the original language and, if not in English, must be accompanied by an English translation.

* **Sec. 82.** AS 25.25.801(a) is amended to read:

(a) The governor or a designee of the governor may

(1) demand that the governor of another state surrender an individual found in the other state who is charged criminally in this state with having failed to provide for the support of an obligee; or

(2) on the demand of [BY] the governor of another state, surrender an individual found in this state who is charged criminally in the other state with having failed to provide for the support of an obligee.

* **Sec. 83.** AS 25.25.802(a) is amended to read:

(a) Before making a demand that the governor of another state surrender an individual charged criminally in this state with having failed to provide for the support of an obligee, the governor of this state or the designee of the governor may require a prosecutor of this state to demonstrate that the obligee had initiated proceedings for support under this chapter at least 60 days previously or that the proceeding would be of no avail.

* **Sec. 84.** AS 25.25.802(b) is amended to read:

(b) If, under this chapter or a law substantially similar to this chapter, or the former provisions of this chapter, [THE UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT, OR THE REVISED UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT,] the governor of another state makes a demand that the governor of this state surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor or a designee of the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor or designee may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

* **Sec. 85.** AS 25.25.901 is amended to read:

Sec. 25.25.901. Uniformity of application and construction. In applying and construing this [THIS] chapter consideration must be given to the need to promote uniformity of [SHALL BE APPLIED AND CONSTRUED TO EFFECTUATE ITS GENERAL PURPOSE TO MAKE UNIFORM] the law with

1 respect to its [THE] subject matter [OF THIS CHAPTER] among states that enact
 2 [ENACTING] it.

3 * **Sec. 86.** AS 25.25.205(f), 25.25.206(c), 25.25.301(b), and 25.25.401(c) are repealed.

4 * **Sec. 87.** The uncodified law of the State of Alaska is amended by adding a new section to
 5 read:

6 APPLICABILITY. This Act applies to proceedings begun on or after the effective
 7 date of this Act to establish a support order or determine parentage of a child or to register,
 8 recognize, enforce, or modify a prior support order, determination, or agreement, whenever
 9 issued or entered.

10 * **Sec. 88.** The uncodified law of the State of Alaska is amended by adding a new section to
 11 read:

12 TRANSITION: REGULATIONS. The Department of Revenue may adopt regulations
 13 necessary to implement the changes made by this Act. The regulations take effect under
 14 AS 44.62 (Administrative Procedure Act), but not before July 1, 2015.

15 * **Sec. 89.** The uncodified law of the State of Alaska is amended by adding a new section to
 16 read:

17 REVISOR'S INSTRUCTION. The revisor of statutes is requested to change the
 18 (1) heading of art. 5 of AS 25.25 from "Direct Enforcement of Order of
 19 Another State Without Registration" to "Enforcement of Support Order Without
 20 Registration";

21 (2) heading of art. 6 of AS 25.25 "Enforcement and Modification of Support
 22 Order After Registration" to "Registration, Enforcement, and Modification of Support Order";

23 (3) heading of art. 7 of AS 25.25 from "Determination of Parentage" to
 24 "Support Proceeding Under Convention";

25 (4) catch line for AS 25.25.102 from "Tribunals of this state" to "State tribunal
 26 and support enforcement";

27 (5) catch line for AS 25.25.205 from "Continuing, exclusive jurisdiction" to
 28 "Continuing, exclusive jurisdiction to modify child support order";

29 (6) catch line for AS 25.25.206 from "Enforcement and modification of
 30 support order by tribunal having continuing jurisdiction" to "Continuing jurisdiction to
 31 enforce child support order";

(7) catch line for AS 25.25.207 from "Recognition of controlling child support order" to "Determination of controlling child support order";

3 (8) catch line for AS 25.25.302 from "Action by minor parent" to "Proceeding
4 by minor parent";

5 (9) catch line for AS 25.25.606 from "Procedure to contest validity or
6 enforcement of registered order" to "Procedure to contest validity or enforcement of
7 registered support order";

8 (10) catch line for AS 25.25.902 from "Severability clause" to "Severability."

⁹ * Sec. 90. Section 88 of this Act takes effect immediately under AS 01.10.070(c).

¹⁰ * **Sec. 91.** Except as provided in sec. 90 of this Act, this Act takes effect July 1, 2015.