

**HOUSE BILL NO. 307**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES GREEN, Dyson, Austerman

Introduced: 1/12/98

Referred: Health, Education and Social Services, Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to custody of and visitation rights concerning children; and  
2 relating to an obligor's liability to the state for public money paid to support the  
3 obligor's children."

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

5 \* Section 1. AS 11.41.320(a) is amended to read:

6 (a) A person commits the crime of custodial interference in the first degree if  
7 the person

8 (1) violates AS 11.41.330 and causes the victim to be removed from  
9 the state; or

10 (2) is a lawful custodian of a child who causes the child to be  
11 removed from the state for the purpose of preventing another person from  
12 exercising custodial or visitation rights with the child.

13 \* Sec. 2. AS 25.20.060(c) is amended to read:

14 (c) The court shall [MAY] award shared physical custody to both parents

1 unless, based on clear and convincing evidence, [IF] shared **physical** custody is  
 2 determined by the court to be detrimental to [IN] the best interests of the child. An  
 3 award of shared **physical** custody shall **ensure** [ASSURE] that the child has frequent  
 4 and continuing contact with each parent to the maximum extent possible.

5 \* **Sec. 3.** AS 25.20.110(c) is amended to read:

6 (c) In a proceeding involving the modification of an award for custody of a  
 7 child or visitation with a child, **the following constitute a change in circumstances**  
 8 **for purposes of (a) of this section:**

9 (1) a finding that a crime involving domestic violence has occurred  
 10 since the last custody or visitation determination;

11 (2) [IS] a finding **that a parent with primary physical custody of a**  
 12 **child has moved with the child to reside outside of the state; notwithstanding**  
 13 **AS 25.20.090 and AS 25.24.150(c), in a modification proceeding based on a** [OF]  
 14 change of circumstances under **this paragraph, the court may not consider the**  
 15 **desirability of maintaining continuity with the parent who moved away with the**  
 16 **child as a factor in determining the best interests of the child;**

17 (3) **a finding that a parent with primary or joint physical custody**  
 18 **of a child has moved with the child to reside at a location unknown to another**  
 19 **person who has visitation or custody rights with respect to the child; in a**  
 20 **modification proceeding based on a change of circumstances under this**  
 21 **paragraph, the court shall award primary physical custody to the person to whom**  
 22 **the new residence was not disclosed if that person petitions for primary custody**  
 23 **unless the parent who moved with the child to the unknown location shows that**  
 24 **the action was reasonably necessary for the safety of the child** [(a) OF THIS  
 25 SECTION].

26 \* **Sec. 4.** AS 25.27.120(a) is amended to read:

27 (a) **Subject to (c) of this section, an** [AN] obligor is liable to the state in the  
 28 amount of assistance granted under AS 47.07 and AS 47.27 to a child to whom the  
 29 obligor owes a duty of support except that, if a support order has been entered, the  
 30 liability of the obligor for assistance granted under AS 47.25.310 - 47.25.420 may not  
 31 exceed the amount of support provided for in the support order, and, if a medical order

1 of support has been entered, the liability of the obligor for assistance granted under  
2 AS 47.07 may not exceed the amount of support provided for in the medical order of  
3 support.

4 \* **Sec. 5.** AS 25.27.120(b) is amended to read:

5 (b) **Subject to (c) of this section, an** [AN] obligor is liable to the state in the  
6 amount of the cost incurred if the state is maintaining a child to whom the obligor  
7 owes a duty of support in a foster home or institution, except that, if a support order  
8 has been entered [,] or an agreement for payment of that cost executed between the  
9 obligor and the state, the liability of the obligor may not exceed the amount provided  
10 in the support order or agreement.

11 \* **Sec. 6.** AS 25.27.120(c) is amended to read:

12 (c) Within 30 days after the agency knows the identity [AND ADDRESS] of  
13 an obligor [WHO RESIDES IN THE STATE AND] who is liable to the state under  
14 this section, the agency shall **determine the location of the obligor and** send written  
15 notification by certified mail to the obligor and the obligee of the obligor's accruing  
16 liability and that the obligor shall make child support payments to the agency. The  
17 notice required under this subsection must be in clear, concise, and easily readable  
18 language. The notice may accompany other communications by the agency.

19 \* **Sec. 7.** AS 25.27.120(e) is amended to read:

20 (e) The agency's failure to comply with (c) of this section **bars** [DOES NOT  
21 BAR] an action by the state to recover amounts owed by the obligor, **including**  
22 **interest and penalties on those amounts, unless a support order or medical**  
23 **support order, as applicable, has been entered.**

24 \* **Sec. 8.** AS 25.27.120(d) is repealed.

25 \* **Sec. 9.** APPLICABILITY. AS 11.41.320(a), as amended by sec. 1 of this Act, and  
26 AS 25.20.110(c), as amended by sec. 3 of this Act, apply to movements of children that occur  
27 on or after the effective date of this Act.

28 \* **Sec. 10.** Notwithstanding sec. 148, ch. 87, SLA 1997, the amendment made to  
29 AS 25.27.120(c) by sec. 6 of this Act shall be retained when, under operation of sec. 148, ch.  
30 87, SLA 1997, AS 25.27.120(c) is repealed and reenacted on July 1, 1999.