

SENATE BILL NO. 154

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY SENATOR PEARCE

Introduced: 4/1/97

Referred: HESS, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to paternity determination and child support; relating to
2 reporting of and access to financial or other information for child support
3 purposes; making changes to laws relating to occupational, recreational, or other
4 licenses, permits, certificates, or other authorizations issued by the state to
5 facilitate administration of child support laws; relating to the interest rate on
6 judgments or decrees for child support; relating to immunity from civil liability
7 for good faith compliance with reporting or other requirements for child support
8 purposes; relating to voiding fraudulent transfers and to penalties for
9 noncompliance with orders for child support purposes; amending Rules 4, 5, 35,
10 52, 58, 60(b), 78, 90.1, and 90.3, Alaska Rules of Civil Procedure; amending
11 Rule 901, Alaska Rules of Evidence; amending Rules 3 and 5, Alaska Bar
12 Association Rules; repealing the effective date of sec. 45, ch. 107, SLA 1996;

1 and providing for an effective date."

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

3 * Section 1. AS 06.05 is amended by adding a new section to read:

4 **Sec. 06.05.537. Copies of records for child support purposes.** If a copy of
5 a record concerning an individual who owes or is owed child support, including a
6 record concerning assets and liabilities of the individual, prepared or maintained by a
7 bank of this state is requested by the child support enforcement agency established in
8 AS 25.27.010 or the child support enforcement agency of another state, the bank shall
9 provide the requesting agency with a certified copy of the record. If information is
10 prepared or maintained by the bank in an electronic data base, the bank may provide
11 the requesting agency a copy of the electronic record and a statement certifying its
12 contents. The agency receiving information under this section may use the information
13 only for child support purposes authorized under law.

14 * Sec. 2. AS 06.20.020 is amended by adding a new subsection to read:

15 (b) In addition to the requirements in (a) of this section, if a natural person
16 makes application for a license, the applicant shall supply the applicant's social
17 security number to the department. Upon request, the department shall provide the
18 social security number to the child support enforcement agency created in
19 AS 25.27.010, or the child support enforcement agency of another state, for child
20 support purposes authorized under law.

21 * Sec. 3. AS 06.40.050(a) is amended to read:

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

26 * Sec. 4. AS 06.40.050 is amended by adding a new subsection to read:

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

1 * **Sec. 5.** AS 08.01.060 is amended by adding a new subsection to read:

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

7 * **Sec. 6.** AS 08.01 is amended by adding a new section to read:

8 **Sec. 08.01.089. Copies of records for child support purposes.** If a copy of
9 a public record concerning an individual who owes or is owed child support that is
10 prepared or maintained by the department is requested by the child support
11 enforcement agency created in AS 25.27.010 or a child support enforcement agency
12 of another state, the department shall provide the requesting agency with a certified
13 copy of the public record, including the individual's social security number. If these
14 records are prepared or maintained by the department in an electronic data base, the
15 records may be supplied by providing the requesting agency with a copy of the
16 electronic record and a statement certifying its contents. A requesting agency
17 receiving information under this section may use it only for child support purposes
18 authorized under law.

19 * **Sec. 7.** AS 08.01.100 is amended by adding a new subsection to read:

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

23 * **Sec. 8.** AS 08.08.137 is amended to read:

24 **Sec. 08.08.137. Fingerprints.** The Board of Governors shall require an
25 applicant for admission to be fingerprinted **and to provide the applicant's social**
26 **security number.** The fingerprints shall be used to determine whether the applicant
27 has a record of criminal convictions in this state or another jurisdiction. The Board
28 of Governors may use the information obtained from the fingerprinting only in its
29 official determination of the character and fitness of the applicant for admission to the
30 Alaska Bar Association. **The applicant's social security number shall be provided**
31 **to the child support enforcement agency established in AS 25.27.010, or the child**

1 support enforcement agency of another state, upon request by the respective
 2 agency; the requesting agency may use that information only for child support
 3 purposes authorized under law.

4 * **Sec. 9.** AS 09.25.100 is amended to read:

5 **Sec. 09.25.100. Disposition of tax information.** Information in the possession
 6 of the Department of Revenue that discloses the particulars of the business or affairs
 7 of a taxpayer or other person is not a matter of public record, except for purposes of
 8 child support administration as described in (b) of this section, investigation, and
 9 law enforcement. The information shall be kept confidential except when its
 10 production is required in response to a request for purposes of child support
 11 administration as described in (b) of this section, in an official investigation, in an
 12 administrative adjudication under AS 43.05.400 - 43.05.499, or in a court proceeding.
 13 These restrictions do not prohibit the publication of statistics presented in a manner
 14 that prevents the identification of particular reports and items, [PROHIBIT] the
 15 publication of tax lists showing the names of taxpayers who are delinquent and
 16 relevant information that may assist in the collection of delinquent taxes, or
 17 [PROHIBIT] the publication of records, proceedings, and decisions under
 18 AS 43.05.400 - 43.05.499.

19 * **Sec. 10.** AS 09.25.100 is amended by adding a new subsection to read:

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

27 * **Sec. 11.** AS 09.30.070(a) is amended to read:

28 (a) Except as provided in (c) of this section, the [THE] rate of interest on
 29 judgments and decrees for the payment of money is 10.5 percent a year, except that
 30 a judgment or decree founded on a contract in writing, providing for the payment of
 31 interest until paid at a specified rate not exceeding the legal rate of interest for that

1 type of contract, bears interest at the rate specified in the contract if the interest rate
2 is set out in the judgment or decree.

3 * **Sec. 12.** AS 09.30.070 is amended by adding a new subsection to read:

4 (c) The rate of interest on judgments or decrees for child support is governed
5 by AS 25.27.025.

6 * **Sec. 13.** AS 09.55.050 is amended to read:

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

20 * **Sec. 14.** AS 09.65 is amended by adding a new section to read:

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

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

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

31 (3) compliance with an income withholding notice or an order to

1 withhold and deliver that is regular on its face and is for child support purposes.

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

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

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

10 * **Sec. 16.** AS 16.05.450(a) is amended to read:

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

18 * **Sec. 17.** AS 16.05.450 is amended by adding a new subsection to read:

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

23 * **Sec. 18.** AS 16.05.480(b) is amended to read:

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

27 * **Sec. 19.** AS 16.05.480 is amended by adding a new subsection to read:

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

1 * **Sec. 20.** AS 16.05.815(a) is amended by adding a new paragraph to read:

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

5 * **Sec. 21.** AS 18.50.160(e) is amended to read:

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

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

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

13 (3) [AS] otherwise specified by statute.

14 * **Sec. 22.** AS 18.50.165(a) is amended to read:

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

18 (1) a statement that the man who signs the form is acknowledging that
19 the man is the natural father of the child named in the form and that the man assumes
20 the parental duty of support of that child;

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

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

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

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

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

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

31 **(ii) legal alternatives to signing the form; and**

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

3 (B) the mother and the man acknowledging paternity have
 4 been notified that, unless fraud, duress, or material mistake of fact is
 5 shown in accordance with AS 25.20.050, the acknowledgment may only be
 6 rescinded within the earlier of

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

8 or

9 (ii) the date of a legal proceeding to establish support
 10 of the child in which the person is a party; and

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

13 * **Sec. 23.** AS 18.50.165 is amended by adding new subsections to read:

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

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

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

25 * **Sec. 24.** AS 18.50.230 is amended by adding a new subsection to read:

26 (f) A death certificate issued under this section must include the decedent's
 27 social security number, if ascertainable. Upon request, the registrar shall provide a
 28 decedent's social security number to the child support enforcement agency created in
 29 AS 25.27.010, or the child support agency of another state, for child support purposes
 30 authorized under law.

31 * **Sec. 25.** AS 18.50.280(a) is amended to read:

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

9 * **Sec. 26.** AS 18.50.280 is amended by adding a new subsection to read:

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

14 * **Sec. 27.** AS 18.50.320 is amended to read:

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

17 (1) the bureau and the custodian of permanent local records shall, upon
 18 request, issue a certified copy of a certificate or record in their custody, or a part of
 19 it; each copy issued must show the date of registration or recording, and copies issued
 20 from records marked "delayed," "amended," or "court order" shall be similarly marked
 21 and must show the effective date;

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

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

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

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

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

15 * **Sec. 28.** AS 18.60.395(a) is amended to read:

16 (a) The Department of Labor shall adopt regulations for the licensing of boiler
 17 operators. The regulations must conform to the generally accepted nationwide
 18 standards and practices established for boiler operators. **In addition to any**
 19 **requirements adopted by regulation under this subsection, a person applying for**
 20 **a license shall provide to the department, on the application, the person's social**
 21 **security number.**

22 * **Sec. 29.** AS 18.60.395 is amended by adding a new subsection to read:

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

27 * **Sec. 30.** AS 18.65.410 is amended to read:

28 **Sec. 18.65.410. Applications.** Application for a license as a security guard
 29 must be made on forms provided by the commissioner. The application must require
 30 the furnishing of information reasonably required by the commissioner to carry out the
 31 provisions of AS 18.65.400 - 18.65.490, including classifiable fingerprints to enable

1 the search of criminal indices for evidence of a prior criminal record, **and must**
2 **require the furnishing of the applicant's social security number if the applicant**
3 **is a natural person.** The application must be accompanied by a nonrefundable
4 application fee of \$50 for a security guard and \$200 for a security guard agency.

5 * **Sec. 31.** AS 18.65.410 is amended by adding a new subsection to read:

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

10 * **Sec. 32.** AS 18.72.030 is amended to read:

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

17 (b) The license required under (a) of this section is valid until December 31
18 of the year during which it is issued [,] and is renewable upon

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

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

25 * **Sec. 33.** AS 21.06 is amended by adding a new section to read:

26 **Sec. 21.06.255. Information for child support purposes.** Notwithstanding
27 any other provision of this title, a natural person who applies for a license or requests
28 renewal of a license issued by the director under this title shall provide the director
29 with the person's social security number. Upon request, the director shall provide a
30 social security number provided under this section to the child support enforcement
31 agency created in AS 25.27.010, or the child support enforcement agency of another

1 state, for child support purposes authorized under law.

2 * **Sec. 34.** AS 23.20.110(e) is amended to read:

3 (e) The department shall provide information

4 (1) requested by a state or federal agency under an income and
5 eligibility verification system that meets the requirements of 42 U.S.C. 1320b-7 (Social
6 Security Act); **or**

7 (2) **as required by federal law for child support purposes.**

8 * **Sec. 35.** AS 23.20.110 is amended by adding a new subsection to read:

9 (o) Upon request and for child support purposes authorized under law, the
10 department shall provide to the child support enforcement agency created in
11 AS 25.27.010, or the child support enforcement agency of another state, the following:

12 (1) the name, address, social security number, ordinary occupation, and
13 employment status of each applicant for or recipient of benefits under this chapter;

14 (2) information about the applicant's or recipient's right to benefits
15 under this chapter;

16 (3) the name, address, and employer identification number of the
17 applicant's or recipient's current or former employer;

18 (4) information, if available, on the applicant or recipient concerning

19 (A) earnings or other income of the applicant or recipient;

20 (B) benefits from employment, including rights to or enrollment
21 in group health care coverage; and

22 (C) the type, status, location, and amount of assets of or debts
23 owed by or to the applicant or recipient.

24 * **Sec. 36.** AS 25.05.091 is amended by adding a new subsection to read:

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

31 * **Sec. 37.** AS 25.20.050(a) is amended to read:

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

15 * **Sec. 38.** AS 25.20.050(d) is amended to read:

16 (d) The results of **a genetic test that is of a type generally acknowledged as**
 17 **reliable by an accreditation body designated by the Secretary of Health and**
 18 **Human Services and performed by a laboratory approved by such an**
 19 **accreditation body** [A BLOOD TEST, TISSUE-TYPE TEST, PROTEIN
 20 COMPARISON, OR OTHER SCIENTIFICALLY ACCEPTED PROCEDURE] shall
 21 be admitted and weighed in conjunction with other evidence in determining the
 22 statistical probability that the putative parent is a legal parent of the child in question.
 23 However, a **genetic test described in this subsection** [SCIENTIFICALLY
 24 ACCEPTED PROCEDURE] that establishes a probability of parentage at 95 percent
 25 or higher creates a presumption of parentage that may be rebutted only by clear and
 26 convincing evidence.

27 * **Sec. 39.** AS 25.20.050(e) is repealed and reenacted to read:

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

31 (1) the child support enforcement agency created in AS 25.27.010 or

1 the child support enforcement agency of another state; or

2 (2) a party, including a sworn statement

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

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

9 * **Sec. 40.** AS 25.20.050(f), as amended by sec. 11, ch. 107, SLA 1996, is amended to
10 read:

11 (f) [IF THE CHILD SUPPORT ENFORCEMENT AGENCY IS A PARTY IN
12 AN ACTION IN WHICH PATERNITY IS CONTESTED, THE AGENCY SHALL
13 REQUEST THE COURT TO ORDER THE TESTS AND PROCEDURES
14 DESCRIBED IN (e) OF THIS SECTION.] The **child support enforcement** agency
15 may recover the costs of **testing ordered under (e) of this section from the alleged**
16 **father unless the testing establishes that the individual is not the father** [TESTS
17 AS A COST OF THE ACTION], except that costs may not be recovered from a
18 person who is a recipient of assistance under AS 47.25.310 - 47.25.420 (Aid to
19 Families with Dependent Children).

20 * **Sec. 41.** AS 25.20.050(h) is amended to read:

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

24 * **Sec. 42.** AS 25.20.050 is amended by adding new subsections to read:

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

28 (j) Invoices, bills, or other standard documents showing charges for medical
29 and related costs of pregnancy, childbirth, or genetic testing are admissible in an action
30 to establish paternity without testimony or other evidence from the medical or other
31 provider or third-party payor to provide the foundation for admissibility of the

1 documents. The documents shall constitute prima facie evidence of the amounts
2 incurred for such charges.

3 (k) Upon the motion of the child support enforcement agency or another party
4 in the action to establish paternity, the tribunal shall issue a temporary order for
5 support of the child whose paternity is being determined. The order shall be effective
6 until the tribunal issues a final order on paternity and a permanent order for support
7 is issued or the tribunal dismisses the action. The temporary order may only be issued
8 if the tribunal finds clear and convincing evidence of the paternity of the putative
9 father on the basis of the results of the genetic tests and other evidence admitted in the
10 proceeding.

11 (l) The tribunal shall consider a completed and signed form for acknowledging
12 paternity that meets the requirements of AS 18.50.165(a) as a legal finding of paternity
13 for a child born out of wedlock. For an acknowledgment signed on or after
14 July 1, 1997, the acknowledgment may only be withdrawn within the earlier of 60
15 days after the date that the person signed it or the initiation of a legal proceeding
16 relating to the child, including a legal proceeding to establish child support, in which
17 the parent is a party. After this time period has passed, the acknowledgment may only
18 be contested in superior court on the basis of fraud, duress, or material mistake. The
19 parent wishing to contest the acknowledgment carries the burden of proof by a
20 preponderance of the evidence. Unless good cause is shown, the court may not stay
21 child support or other legal responsibilities while the action to contest the
22 acknowledgment is pending.

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

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

- 30 (1) the father;
31 (2) the mother;

1 (3) the child.

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

5 * **Sec. 43.** AS 25.20.055 is amended by adding a new subsection to read:

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

11 * **Sec. 44.** AS 25.24.160 is amended by adding a new subsection to read:

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

14 (1) each party to the action;

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

16 * **Sec. 45.** AS 25.24.170(b) is amended to read:

17 (b) For the purposes of a motion to modify or terminate child support, the
18 adoption or enactment of guidelines or a significant amendment to guidelines for
19 determining support is a material change in circumstances [,] if the guidelines are
20 relevant to the motion. **As necessary to comply with 42 U.S.C. 666, a periodic**
21 **modification of child support may be made without a showing of a material**
22 **change in circumstances.**

23 * **Sec. 46.** AS 25.24.210(e) is amended by adding a new paragraph to read:

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

26 (A) both spouses to the marriage being dissolved;

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

29 * **Sec. 47.** AS 25.24.230 is amended by adding a new subsection to read:

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

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

3 * **Sec. 48.** AS 25.24 is amended by adding a new section to read:

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

9 * **Sec. 49.** AS 25.25.101(7) is amended to read:

10 (7) "initiating state" means a state **from** [IN] which a proceeding **is**
 11 **forwarded or in which a proceeding is filed for forwarding to a responding state**
 12 under this chapter or a law **or procedure** substantially similar to this chapter, **or**
 13 **under a law or procedure substantially similar to** [THE FORMER PROVISIONS
 14 OF THIS CHAPTER,] the Uniform Reciprocal Enforcement of Support Act [,] or the
 15 Revised Uniform Reciprocal Enforcement of Support Act [IS FILED FOR
 16 FORWARDING TO A RESPONDING STATE];

17 * **Sec. 50.** AS 25.25.101(16) is amended to read:

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

24 * **Sec. 51.** AS 25.25.101(19) is amended to read:

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

1 * **Sec. 52.** AS 25.25.207 is repealed and reenacted to read:

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

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

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

13 (2) if more than one of the tribunals would have continuing, exclusive
14 jurisdiction under this chapter, an order issued by a tribunal in the current home state
15 of the child shall be recognized, but, if an order has not been issued in the current
16 home state of the child, the order most recently issued is controlling and shall be
17 recognized;

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

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

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

31 (e) A tribunal of this state that determines by order the identity of the

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

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

11 * **Sec. 53.** AS 25.25.301(b) is amended to read:

12 (b) This chapter provides for the following proceedings:

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

15 (2) enforcement of a support order and income withholding order of
 16 another state without registration under AS 25.25.501 - 25.25.507 [AS 25.25.501 -
 17 25.25.502];

18 (3) registration of an order for child support or spousal support of
 19 another state for enforcement under AS 25.25.601 - 25.25.614 [AS 25.25.601 -
 20 25.25.612];

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

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

25 (6) determination of parentage under AS 25.25.701; and

26 (7) assertion of jurisdiction over nonresidents under AS 25.25.201 -
 27 25.25.202.

28 * **Sec. 54.** AS 25.25.304 is amended by adding a new subsection to read:

29 (b) If a responding state has not enacted a law or procedure substantially
 30 similar to this chapter, a tribunal of this state may issue a certificate or other
 31 documents and make findings required by the law of the responding state. If the

1 responding state is a foreign jurisdiction, the tribunal may specify the amount of
2 support sought and provide other documents necessary to satisfy the requirements of
3 the responding state.

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

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

9 * **Sec. 56.** AS 25.25.305(e) is amended to read:

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

13 * **Sec. 57.** AS 25.25.306 is amended to read:

14 **Sec. 25.25.306. Inappropriate tribunal.** If a complaint or comparable
15 pleading is received by an inappropriate tribunal of this state, it shall forward the
16 complaint or pleading, and accompanying documents, to an appropriate tribunal in this
17 state or another state and notify the petitioner [BY FIRST CLASS MAIL] where and
18 when the complaint or pleading was sent.

19 * **Sec. 58.** AS 25.25.307(b) is amended to read:

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

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

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

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

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

31 (5) send a copy of a written communication from the respondent or the

1 respondent's attorney to the petitioner [BY FIRST CLASS MAIL] within two days of
2 receipt, exclusive of Saturdays, Sundays, and legal holidays; and

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

5 * **Sec. 59.** AS 25.25.310 is amended to read:

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

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

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

15 (3) forward to the appropriate tribunal in this state all documents
16 concerning a proceeding under this chapter received from an initiating tribunal or the
17 state information agency of the initiating state; and

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

25 * **Sec. 60.** AS 25.25.312 is amended to read:

26 **Sec. 25.25.312. Nondisclosure of information in exceptional circumstances.**
27 Upon [SUBJECT TO THE PROVISIONS OF AS 25.27.275 AND UPON] a finding,
28 which may be made ex parte, that the health, safety, or liberty of a party or child
29 would be unreasonably put at risk by the disclosure of identifying information, or if
30 an existing order so provides, a tribunal shall order that the address of the child or
31 party or other identifying information not be disclosed in a pleading or other document

1 filed in a proceeding under this chapter.

2 * **Sec. 61.** AS 25.25.501 is repealed and reenacted to read:

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

7 * **Sec. 62.** AS 25.25.502 is repealed and reenacted to read:

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

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

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

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

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

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

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

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

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

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

31 (2) the maximum amount permitted to be withheld from the obligor's

1 income; and

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

4 * **Sec. 63.** AS 25.25 is amended by adding new sections to article 5 to read:

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

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

15 **Sec. 25.25.505. Penalties for noncompliance.** An employer who wilfully fails
16 to comply with an income withholding order issued by another state and received for
17 enforcement is subject to the same penalties that may be imposed for noncompliance
18 with an order issued by a tribunal of this state.

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

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

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

25 (2) each employer that has directly received an income withholding
26 order; and

27 (3) if

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

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

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

5 (b) Upon receipt of the documents, the child support enforcement agency,
 6 without initially seeking to register the order, shall consider and, if appropriate, use
 7 any administrative procedure authorized by the law of this state to enforce a support
 8 order or an income withholding order, or both. If the obligor does not contest
 9 administrative enforcement, the order need not be registered. If the obligor contests
 10 the validity or administrative enforcement of the order, the child support enforcement
 11 agency shall register the order under this chapter.

12 * **Sec. 64.** AS 25.25.602(a) is amended to read:

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

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

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

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

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

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

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

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

28 (D) the **names** [NAME] and **addresses** [ADDRESS] of all
 29 potential **third-party** [THIRD PARTY] resources, including a health insurer,
 30 that might be available to meet the requirements of a medical support order;
 31 and

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

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

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

10 * **Sec. 66.** AS 25.25.605(b) is amended to read:

11 (b) The notice must inform the nonregistering party

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

14 (2) that a hearing to contest the validity or enforcement of the
15 registered order must be requested within 20 days after [THE DATE OF MAILING
16 OR PERSONAL SERVICE OF THE] notice;

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

21 (4) of the amount of alleged arrearages.

22 * **Sec. 67.** AS 25.25.606(a) is amended to read:

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

29 * **Sec. 68.** AS 25.25.606(c) is amended to read:

30 (c) If a nonregistering party requests a hearing to contest the validity or
31 enforcement of the registered order, the registering tribunal shall schedule the matter

1 for hearing and give notice to the parties [BY FIRST CLASS MAIL] of the date, time,
2 and place of the hearing.

3 * **Sec. 69.** AS 25.25.609 is amended to read:

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

11 * **Sec. 70.** AS 25.25.611(a) is amended to read:

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

16 (1) the following requirements are met:

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

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

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

23 (2) an individual party or the child is subject to the personal jurisdiction
24 of the tribunal and all of the individual parties have filed a written consent in the
25 issuing tribunal providing that a tribunal of this state may modify the support order and
26 assume continuing, exclusive jurisdiction over the order; **however, if the issuing state**
27 **is a foreign jurisdiction that has not enacted a law substantially similar to this**
28 **chapter, the written consent of the individual party residing in this state is not**
29 **required for the tribunal to assume jurisdiction to modify the child support order.**

30 * **Sec. 71.** AS 25.25.611(c) is amended to read:

31 (c) A tribunal of this state may not modify any aspect of a child support order

1 that may not be modified under the law of the issuing state. **If two or more tribunals**
 2 **have issued child support orders for the same obligor and child, the order that**
 3 **is controlling and must be recognized under the provisions of AS 25.25.207**
 4 **establishes the nonmodifiable aspects of the support order.**

5 * **Sec. 72.** AS 25.25.612 is amended to read:

6 **Sec. 25.25.612. Recognition of order modified in another state.** A tribunal
 7 of this state shall recognize a modification of its earlier child support order by a
 8 tribunal of another state that assumed jurisdiction under **this chapter or** a law
 9 substantially similar to this chapter and, upon request, except as otherwise provided
 10 in this chapter, shall

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

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

14 (3) provide other appropriate relief only for violations of that order that
 15 occurred before the effective date of the modification; and

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

18 * **Sec. 73.** AS 25.25 is amended by adding new sections to article 6 to read:

19 **Sec. 25.25.613. Jurisdiction to modify support order of another state when**
 20 **individual parties reside in this state.** (a) If all of the individual parties reside in
 21 this state and the child does not reside in the issuing state, a tribunal of this state has
 22 jurisdiction to enforce and to modify the issuing state's child support order in a
 23 proceeding to register that order.

24 (b) A tribunal of this state exercising jurisdiction as provided in this section
 25 shall apply the provisions of AS 25.25.101 - 25.25.209 and 25.25.601 - 25.25.614 to
 26 the enforcement or modification proceeding. AS 25.25.301 - 25.25.507, 25.25.701,
 27 25.25.801, and 25.25.802 do not apply, and the tribunal shall apply the procedural and
 28 substantive law of this state.

29 **Sec. 25.25.614. Notice to issuing tribunal of modification.** Within 30 days
 30 after issuance of a modified child support order, the party obtaining the modification
 31 shall file a certified copy of the order with the issuing tribunal that had continuing,

1 exclusive jurisdiction over the earlier order and with each tribunal in which the party
 2 knows that an earlier order has been registered. Failure of the party obtaining the
 3 order to file a certified copy as required subjects that party to appropriate sanctions by
 4 a tribunal in which the issue of failure to file arises, but that failure has no effect on
 5 the validity or enforceability of the modified order of the new tribunal of continuing,
 6 exclusive jurisdiction.

7 * **Sec. 74.** AS 25.25.701(a) is amended to read:

8 (a) A tribunal of this state may serve as an initiating or responding tribunal in
 9 a proceeding brought under this chapter or a law **or procedure** substantially similar
 10 to this chapter, **a law or procedure substantially similar to** the former provisions of
 11 this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised
 12 Uniform Reciprocal Enforcement of Support Act to determine whether the petitioner
 13 is a parent of a particular child or to determine whether a respondent is a parent of that
 14 child.

15 * **Sec. 75.** AS 25.27.020(a)(2) is amended to read:

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

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

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

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

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

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

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

7 (C) [(D)] procedures for establishing and disestablishing
 8 paternity under AS 25.27.165 and 25.27.166 [AS 25.27.165 - 25.27.166],
 9 including procedures for hearings; **and**

10 **(D) procedures under which the agency shall enter into**
 11 **contracts or agreements with financial institutions doing business in the**
 12 **state to develop and operate an automated data match system as required**
 13 **by 42 U.S.C. 666(a)(17).**

14 * **Sec. 76.** AS 25.27.020(a)(6) is amended to read:

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

17 * **Sec. 77.** AS 25.27.020(a)(13) is amended to read:

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

20 * **Sec. 78.** AS 25.27.020(a) is amended by adding a new paragraph to read:

21 (14) act as the state disbursement unit or, at the agency's discretion,
 22 enter into contracts or agreements with contractors, directly responsible to the agency,
 23 to perform some or all of the functions of the state disbursement unit.

24 * **Sec. 79.** AS 25.27.020 is amended by adding new subsections to read:

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

30 (e) To the extent required by federal law and as necessary for locating
 31 individuals for child support purposes, the agency, the child support enforcement

1 agency of another state, or the federal government is entitled to access to information
 2 used by the Department of Public Safety or a successor agency to locate an individual
 3 for purposes relating to motor vehicle or law enforcement.

4 * **Sec. 80.** AS 25.27.025 is amended to read:

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

8 * **Sec. 81.** AS 25.27.040(a), as amended by sec. 13, ch. 107, SLA 1996, is amended to
 9 read:

10 (a) The agency may appear on behalf of minor children or their mother or
 11 legal custodian or the state and initiate efforts to have the paternity of children born
 12 out of wedlock determined by the court. When the agency is a party to a court action
 13 in which paternity is contested, it shall request and pay for genetic testing and
 14 procedures under AS 25.20.050(e) and may recover the costs of the testing as
 15 provided in AS 25.20.050(f). [THE AGENCY MAY RECOVER THE COSTS OF
 16 THE TESTS AS A COST OF THE COURT ACTION, EXCEPT THAT COSTS MAY
 17 NOT BE RECOVERED FROM A PERSON WHO IS A RECIPIENT OF
 18 ASSISTANCE UNDER AS 47.27 (ALASKA TEMPORARY ASSISTANCE
 19 PROGRAM).]

20 * **Sec. 82.** AS 25.27.045 is amended to read:

21 **Sec. 25.27.045. Determination of support obligation.** (a) The parent of a
 22 child has a duty to support the child regardless of whether an order, decree, or
 23 judgment for support has been entered by a tribunal.

24 (b) The agency may appear in an action seeking an award of support on behalf
 25 of a child owed a duty of support, or to enforce a spousal support order if a spousal
 26 support obligation has been established and if a support obligation, established with
 27 respect to a child of that spouse, is also being administered, and may also appear in
 28 an action seeking modification of a support order, decree or judgment already entered.
 29 Action under this section may be undertaken upon application of an obligee, or upon
 30 application of the agency at the agency's own discretion [IF THE OBLIGOR IS
 31 LIABLE TO THE STATE UNDER AS 25.27.120(a) OR (b)].

1 * **Sec. 83.** AS 25.27 is amended by adding a new section to read:

2 **Sec. 25.27.055. Relief from judgment, decree, or order for support based**
 3 **on false information.** If a judgment, a decree, or an order that provides for child
 4 support is entered or modified by a tribunal based upon information submitted by a
 5 party who knows that the information is false, at the discretion of the tribunal or on
 6 request of the party, the tribunal may vacate the judgment, decree, or order and enter
 7 a new judgment, decree, or order covering the same time period, correctly stating the
 8 child support obligation. Such an action is not a retroactive modification for purposes
 9 of Rule 90.3(h)(2), Alaska Rules of Civil Procedure.

10 * **Sec. 84.** AS 25.27.062(d) is amended to read:

11 (d) Income withholding under a support order that does not require immediate
 12 income withholding and that is not being enforced by the agency may be initiated
 13 **either** by filing a motion with the court and complying with applicable court rules **or,**
 14 **if there is a child support arrearage, by making a written request to the agency**
 15 **for immediate income withholding under AS 25.27.150. Application to the agency**
 16 **under this subsection may not, by itself, be construed as a request for other**
 17 **services of the agency. If immediate withholding under this subsection is sought**
 18 **through a motion to the court, the** [THE] court shall order the beginning of income
 19 withholding under this subsection if the court finds that any of the grounds in **(c)(1),**
 20 **(2), or (3)(B)** [(c)(1), (c)(2), OR (c)(3)(B)] of this section is satisfied. It is not a
 21 defense to a motion based on (c)(2) of this section that less than one full month's
 22 payment is past due by 30 days if at least one full month's payment was past due by
 23 30 days on the date the motion was filed. Notice to the obligor of income withholding
 24 ordered under this subsection must be given in a manner that complies with court
 25 rules. In this subsection, "past due by 30 days" means unpaid 30 days after the
 26 monthly due date specified in the support order.

27 * **Sec. 85.** AS 25.27.062(e) is amended to read:

28 (e) The agency or the person who obtains an income withholding order under
 29 this chapter shall immediately send a copy of the income withholding order, a copy
 30 of the relevant provisions of AS 25.27.260 and this section, and an explanation of the
 31 effect of the statutes to persons who may owe money to an obligor. These items may

1 be sent by first class mail or certified mail, return receipt requested, or they may be
 2 served personally by a process server, **except that the agency alternatively may send**
 3 **the items by electronic means**. An income withholding order made under this chapter
 4 is binding upon a person, employer, political subdivision, or department of the state
 5 immediately upon receipt of a copy of the income withholding order. An employer
 6 shall **immediately** begin withholding the specified amount from the employee's wages.
 7 **The amount withheld shall be sent to the agency within seven business days after**
 8 **the date the amount would otherwise have been paid or credited to the employee**
 9 [(1) 14 WORKING DAYS AFTER THE MAILING DATE ON THE ORDER OF
 10 WITHHOLDING OR 14 WORKING DAYS AFTER THE DATE ON WHICH THE
 11 ORDER WAS PERSONALLY SERVED, WHICHEVER IS APPLICABLE, OR (2)
 12 ON THE FIRST DAY OF THE NEXT PAY PERIOD, IF EARLIER. THE AMOUNT
 13 WITHHELD SHALL BE SENT TO THE AGENCY WITHIN 10 WORKING DAYS
 14 AFTER THE DATE THE EMPLOYEE IS PAID]. An employer may, for each
 15 payment made under an order, deduct \$5 from other wages or salary owed to the
 16 obligor.

17 * **Sec. 86.** AS 25.27.062(f) is amended to read:

18 (f) An employer may not discharge, discipline, or refuse to employ an obligor
 19 on the basis of an income withholding order issued under this chapter. If an employer
 20 discharges, disciplines, or refuses to employ an obligor because of an income
 21 withholding obligation, the court, after notice and hearing, may order reinstatement or
 22 restitution to the obligor, or both. A person who violates this subsection or a
 23 regulation adopted to implement it, is liable for a civil penalty of not more than
 24 **\$10,000** [\$1,000].

25 * **Sec. 87.** AS 25.27.062(j) is amended to read:

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

30 * **Sec. 88.** AS 25.27.075 is repealed and reenacted to read:

31 **Sec. 25.27.075. Employment information.** (a) An employer doing business

1 in the state shall report to the agency the hiring, rehiring, or returning to work of each
2 employee within the time limits set out in (b) of this section. The report must contain
3 the name, address, and social security number of each of those employees, the name
4 and address of the employer, and the identifying number assigned to the employer by
5 the Internal Revenue Service under 26 U.S.C. 6109.

6 (b) An employer required to report under (a) of this section may make the
7 report by either of the following methods:

8 (1) if the report is submitted magnetically or electronically, the report
9 shall be made in a format mutually agreed upon by the employer and the agency;
10 employers using this reporting method shall comply with (a) of this section by
11 transmitting two monthly reports not less than 12 days nor more than 16 days apart;
12 or

13 (2) if the report is not made magnetically or electronically, the report
14 shall be made on an Internal Revenue Service W-4 form or, at the option of the
15 employer, an equivalent form; the report may be transmitted by first class mail and
16 must be received by the agency within 20 days after the date of the hiring, rehiring,
17 or returning to work of the employee.

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

20 (1) submits, magnetically or electronically, timely reports of its
21 employees to the state directory in another state in which the employer has employees
22 if the directory serves the same purpose as the directory maintained under (a) of this
23 section and the employer makes the report in compliance with the laws of that state;
24 and

25 (2) provides written notification of its choice to the Secretary of Health
26 and Human Services.

27 (d) An employer of an obligor or a labor union of which an obligor is a
28 member shall promptly provide to the agency, or the child support enforcement agency
29 of another state, information requested regarding an employee's or contractor's
30 compensation, employment, wages or salary, and occupation. The information required
31 under this subsection is in addition to the information, if any, required under (a) of this

1 section.

2 (e) For each employee reported under this section, an employer may deduct
3 \$1 from wages or salary owed to that employee to cover the cost of reporting.

4 (f) In addition to another penalty under law, an employer or a labor union that
5 knowingly violates this section, or a regulation adopted under this section, is liable for
6 a civil penalty of not more than \$1,000.

7 (g) In this section,

8 (1) "employee" means an individual who is an employee within the
9 meaning of 26 U.S.C. 3401(c), but does not include an employee of a federal or state
10 agency performing intelligence or counterintelligence functions if the head of that
11 agency has determined that reporting under this section with respect to the employee
12 could endanger the safety of the employee or compromise an ongoing investigation or
13 intelligence mission;

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

17 (3) "labor organization" has the meaning given that term in 29 U.S.C.
18 152; "labor organization" includes an entity sometimes known as a hiring hall that is
19 used by the organization and an employer to carry out requirements described in 29
20 U.S.C. 158(f)(3) of an agreement between the organization and the employer.

21 * **Sec. 89.** AS 25.27.085 is amended to read:

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

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

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

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

1 * **Sec. 90.** AS 25.27.085 is amended by adding new subsections to read:

2 (b) An administrative subpoena issued under this section shall be delivered by
3 first class mail. Proof of service may be completed according to Rule 5, Alaska Rules
4 of Civil Procedure.

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

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

14 (e) In addition to being subject to possible criminal penalties, a person who
15 avoids, prevents, or obstructs compliance, in whole or part, with an administrative
16 subpoena issued under this section, or who unlawfully removes from a place, conceals,
17 withholds, destroys, falsifies, mutilates, or alters books, records, or documents
18 requested in the administrative subpoena, is subject to a civil fine by the superior
19 court, upon petition of the agency, of not more than \$5,000 for each act or occurrence.

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

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

24 * **Sec. 91.** AS 25.27 is amended by adding a new section to read:

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

29 (1) the subpoena is to

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

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

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

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

6 (c) The child support enforcement agency of this state shall enforce a subpoena
7 described in (a) of this section and shall provide the opportunity for conference and
8 issue any order under AS 25.27.085(c) and (d) on behalf of the issuing agency.
9 AS 25.27.085(f) applies to an order under this subsection.

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

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

14 * **Sec. 92.** AS 25.27.100(a) is amended to read:

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

19 * **Sec. 93.** AS 25.27.103 is amended to read:

20 **Sec. 25.27.103. Payments to agency.** An obligor **shall** [MAY] make child
21 support payments to the agency **if the agency is enforcing a duty of child support**
22 **under AS 25.25 or AS 25.27.** [AN OBLIGOR MAY PAY MONEY TO THE
23 AGENCY TO SATISFY THE OBLIGOR'S IMMEDIATE DUTY OF CHILD
24 SUPPORT AS WELL AS ANY ADDITIONAL AMOUNT OF MONEY INTENDED
25 BY THE OBLIGOR TO BE USED FOR SUPPORT OF THE CHILD.] The agency
26 shall disburse that portion of a payment that exceeds the amount of money necessary
27 to satisfy the obligor's immediate duty of support in accordance with **state and federal**
28 **requirements** [THE INSTRUCTIONS OF THE OBLIGOR]. The agency shall credit
29 money disbursed under this subsection toward satisfaction of the obligor's duty of
30 support.

31 * **Sec. 94.** AS 25.27.105 is amended to read:

1 **Sec. 25.27.105. Audit of collections.** Within 30 working days after receipt
 2 of a written request from an obligor, the obligor's legal representative, the obligee, or
 3 the obligee's legal representative, the agency shall provide an audit of all child support
 4 payments made by the obligor and received by the agency. The audit shall include the
 5 date and amount of each payment, the name of the obligee, and the total amount of
 6 arrearages of support past due and amount of unpaid penalties and interest imposed
 7 under **AS 25.27.020(a)(2)(B)** [AS 25.27.020(a)(2)(C)]. The agency is required to
 8 provide only one audit each year for each obligee and obligor under this section.

9 * **Sec. 95.** AS 25.27.120(c) is amended to read:

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

17 * **Sec. 96.** AS 25.27.150(a) is amended to read:

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

27 * **Sec. 97.** AS 25.27.150(c) is amended to read:

28 (c) The notice shall inform the obligor that [THE] income withholding **has**
 29 **been ordered and of the procedures to follow if the obligor wishes to contest**
 30 **withholding on the grounds that the withholding is improper due to a mistake of**
 31 **fact. The notice must also inform the obligor of the information that was**

1 **provided to the employer in the document that ordered the withholding** [ORDER
 2 WILL TAKE EFFECT 15 DAYS AFTER THE DATE ON WHICH THE NOTICE IS
 3 SERVED UNLESS THE OBLIGOR REQUESTS A HEARING WITHIN 15 DAYS
 4 AFTER THE NOTICE IS SERVED. IF THE OBLIGOR REQUESTS A HEARING,
 5 AN INCOME WITHHOLDING ORDER MAY NOT TAKE EFFECT UNTIL THE
 6 CONCLUSION OF THE HEARING].

7 * **Sec. 98.** AS 25.27.150(e) is amended to read:

8 (e) The **conference** [APPEALS] officer shall inform the obligor **of the**
 9 **informal conference decision** [,] either at the **informal conference** hearing or within
 10 15 days after the hearing [, WHETHER OR NOT THE WITHHOLDING WILL
 11 OCCUR AND OF THE DATE ON WHICH IT IS TO COMMENCE].

12 * **Sec. 99.** AS 25.27.150(f) is amended to read:

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

21 * **Sec. 100.** AS 25.27.160(b) is amended to read:

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

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

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

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

1 should be modified or rescinded, because

2 (A) no duty of support is owed; or

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

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

8 * **Sec. 101.** AS 25.27.165(a) is amended to read:

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

12 * **Sec. 102.** AS 25.27.165(b) is amended to read:

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

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

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

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

31 * **Sec. 103.** AS 25.27.165(d) is amended to read:

1 (d) Upon receipt of genetic test results, the agency shall serve on the putative
 2 father notice of the test results and of the date for the informal conference. Service
 3 of the notice shall be made by first class mail. If the genetic test results are negative
 4 under the standard set in AS 25.20.050(d), the agency shall issue a finding of
 5 nonpaternity within 20 days after the agency's receipt of the test results. If the genetic
 6 test results are positive under the standard set in AS 25.20.050(d), the agency shall
 7 issue an informal conference decision within 20 days after the agency's receipt of the
 8 test results. **Upon request and advance payment by a party, the agency shall order**
 9 **additional genetic tests. If the second genetic test results contradict the first**
 10 **genetic test results, the agency shall provide copies of the second genetic test**
 11 **results to the parties and conduct another informal conference. The agency shall**
 12 **issue the second informal conference decision within 20 days after the agency's**
 13 **receipt of the second genetic test results.**

14 * **Sec. 104.** AS 25.27.165(i), as amended by sec. 21, ch. 107, SLA 1996, is amended to
 15 read:

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

20 * **Sec. 105.** AS 25.27.165 is amended by adding new subsections to read:

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

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

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

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

1 * **Sec. 106.** AS 25.27.166(a) is amended to read:

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

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

7 (2) an acknowledgment of paternity under AS 25.20.050 or an
8 admission of paternity under AS 25.27.165.

9 * **Sec. 107.** AS 25.27.190(a) is amended to read:

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

16 * **Sec. 108.** AS 25.27.190(c) is amended to read:

17 (c) If a hearing is granted, the agency shall serve a notice of hearing together
18 with a copy of any [THE] petition and affidavits submitted on the obligee or the
19 obligee's custodian and the obligor personally or by registered, certified, or insured
20 mail, return receipt requested, for restricted delivery only to the person to whom the
21 notice is directed or to the person authorized under federal regulation to receive that
22 person's restricted delivery mail.

23 * **Sec. 109.** AS 25.27 is amended by adding a new section to read:

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

1 * **Sec. 110.** AS 25.27.200 is amended to read:

2 **Sec. 25.27.200. Use of standards in administrative determinations of**
 3 **support amounts.** In making its findings under AS 25.27.160 and in establishing and
 4 modifying amounts of periodic support payments under AS 25.27.180 and 25.27.190,
 5 the agency shall **apply the standards and guidelines set by the Alaska Supreme**
 6 **Court in court rules, as amended from time to time** [CONSIDER THE
 7 STANDARDS ADOPTED BY REGULATION UNDER AS 25.27.020 AND ANY
 8 STANDARDS FOR DETERMINATION OF SUPPORT PAYMENTS USED BY THE
 9 SUPERIOR COURT OF THE DISTRICT OF RESIDENCE OF THE OBLIGOR].

10 * **Sec. 111.** AS 25.27.230(a) is amended to read:

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

17 * **Sec. 112.** AS 25.27.230 is amended by adding new subsections to read:

18 (e) A lien arising under the child support laws of another state shall be given
 19 full faith and credit in this state and may be asserted in this state upon the real or
 20 personal property of the obligor, in the amount of the obligor's liability, by complying
 21 with the requirements of this section.

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

25 * **Sec. 113.** AS 25.27.240(a) is amended to read:

26 (a) The agency **of this state or another state, or a person seeking to enforce**
 27 **a child support obligation,** may, at any time after recording of a lien recorded under
 28 AS 25.27.230, serve a copy of the lien upon any person, political subdivision, or
 29 department of the state possessing earnings, or deposits or balances held in any bank
 30 account of any nature that are due, owing, or belonging to the obligor.

31 * **Sec. 114.** AS 25.27.244(a) is amended to read:

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

11 * **Sec. 115.** AS 25.27.244(c) is amended to read:

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

21 * **Sec. 116.** AS 25.27.244(d) is amended to read:

22 (d) **Other than for a recreational fishing or recreational hunting license,**
 23 **or a commercial crewmember fishing license, a** [A] licensing entity shall issue a
 24 temporary license valid for a period of 150 days to an applicant whose name is on the
 25 list if the applicant is otherwise eligible for a license. The temporary license may not
 26 be extended. Only one temporary license may be issued during a regular license term
 27 and its validity shall coincide with the first 150 days of that license term. A license
 28 for the full or remainder of the license term may be issued or renewed only upon
 29 compliance with this section. **An applicant for a recreational fishing or**
 30 **recreational hunting license is not entitled to receive a temporary license under**
 31 **this section.** If a license or application is denied under this section, money paid by

1 the applicant or licensee shall be refunded by the licensing entity after retention of the
2 temporary license fee, if any.

3 * **Sec. 117.** AS 25.27.244(e) is amended to read:

4 (e) Notices for use under (c), (s), and (t) of this section shall be developed by
5 each licensing entity under guidelines provided by the agency and are subject to
6 approval by the agency. The notice must include the address and telephone number
7 of the agency and shall emphasize the necessity of obtaining a release from the agency
8 as a condition for the issuance or renewal of a license. **Except for notices issued**
9 **under (s) and (t) of this section regarding recreational fishing or recreational**
10 **hunting licenses, the** [THE] notice must inform an applicant whose license is
11 governed by (d) of this section that the licensing entity shall issue a temporary license
12 for 150 calendar days under (d) of this section if the applicant is otherwise eligible and
13 that, upon expiration of that time period, the license will be denied unless the licensing
14 entity has received a release from the agency. The agency shall also develop a form
15 that the applicant may use to request a review by the agency. A copy of this form
16 shall be included with each notice sent under (c), (s), or (t) of this section.

17 * **Sec. 118.** AS 25.27.244(g) is amended to read:

18 (g) If the applicant wishes to challenge being included on the list, the applicant
19 shall submit to the agency a written request for review within 30 days after receiving
20 the notice under (c), (s), or (t) of this section by using the form developed under (e)
21 of this section. Within 30 days after receiving a written request for review, the agency
22 shall inform the applicant in writing of the agency's findings. The agency shall
23 immediately send a release to the appropriate licensing entity and the applicant if any
24 of the following conditions is met:

25 (1) the applicant is found to be in substantial compliance with each
26 support order applicable to the applicant or has negotiated an agreement with the
27 agency for a payment schedule on arrearages and is in substantial compliance with the
28 negotiated agreement; if the applicant fails to be in substantial compliance with an
29 agreement negotiated under this paragraph, the agency shall send to the appropriate
30 licensing entity a revocation of any release previously sent to the entity for that
31 applicant;

1 (2) **the applicant is found by the agency to have complied with a**
 2 **subpoena or warrant described in (a) of this section;**

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

11 (4) [(3)] the applicant has, within 30 days after receiving the agency's
 12 findings following a request for review under (3) [(2)] of this subsection, filed and
 13 served a request for judicial relief under this section, but a resolution of that relief will
 14 not be made within the 150-day period of the temporary license under (d) of this
 15 section; this paragraph applies only if the delay in completing the judicial relief
 16 process is not the result of the applicant's failure to act in a reasonable, timely, and
 17 diligent manner upon receiving the agency's notice of findings; or

18 (5) [(4)] the applicant has obtained a judicial finding of substantial
 19 compliance.

20 * **Sec. 119.** AS 25.27.244(i) is amended to read:

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

1 request judicial relief within 30 days after receiving the notice. The applicant shall
 2 comply with all statutes and rules of court implementing this section. This section
 3 does not limit an applicant's authority under other law to request an order to show
 4 cause or notice of motion to modify a support order or to fix a payment schedule on
 5 arrearages accruing under a support order or to obtain a court finding of substantial
 6 compliance with a support order **or a court finding of compliance with a subpoena**
 7 **or warrant described in (a) of this section.**

8 * **Sec. 120.** AS 25.27.244(j) is amended to read:

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

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

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

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

22 **(4) whether the person requesting relief complied with a subpoena**
 23 **or warrant relating to paternity or a child support proceeding.**

24 * **Sec. 121.** AS 25.27.244(k) is amended to read:

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

30 * **Sec. 122.** AS 25.27.244(l) is amended to read:

31 (l) **If an applicant** [WHEN THE OBLIGOR] is in substantial compliance with

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

11 * **Sec. 123.** AS 25.27.244(q)(2) is amended to read:

12 (2) "license"

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

18 (i) license relating to boxing or wrestling under
 19 AS 05.10;

20 (ii) authorization to perform an occupation regulated
 21 under AS 08;

22 (iii) teacher certificate under AS 14.20;

23 (iv) authorization under AS 18.08 to perform emergency
 24 medical services;

25 (v) asbestos worker certification under AS 18.31;

26 (vi) boiler operator's license under AS 18.60.395;

27 (vii) certificate of fitness under AS 18.62;

28 (viii) hazardous painting certification under AS 18.63;

29 (ix) security guard license under AS 18.65.400 -
 30 18.65.490;

31 (x) license relating to insurance under AS 21.27;

1 (xi) employment agency permit under AS 23.15.330 -
2 23.15.520;

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

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

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

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

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

14 (B) does not include

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

17 (ii)] a vessel license issued under AS 16.05.490 or
18 16.05.530;

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

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

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

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

24 * **Sec. 124.** AS 25.27.244(q)(5) is amended to read:

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

27 * **Sec. 125.** AS 25.27.244(q)(6) is amended to read:

28 (6) "substantial compliance" **regarding** [WITH] a support order or
29 payment schedule ["] means that, with respect to a support order or a negotiated
30 payment schedule under (g) of this section, whichever is applicable, the obligor either
31 has no arrearage or has an arrearage in an amount that is not more than four times the

1 monthly obligation under the support order or payment schedule.

2 * **Sec. 126.** AS 25.27.244(q) is amended by adding new paragraphs to read:

3 (7) "recreational fishing" has the meaning given the term "sport fishing"
4 in AS 16.05.940;

5 (8) "recreational fishing license" means a sport fishing license under
6 AS 16.05.340;

7 (9) "recreational hunting" does not include subsistence hunting as
8 defined in AS 16.05.940, or the taking, hunting for, or possession of game under
9 AS 16.05 - AS 16.40, and regulations adopted under those statutes, for personal
10 consumption;

11 (10) "recreational hunting license" means a hunting license under
12 AS 16.05.340 and includes a big game hunt drawing permit under AS 16.05.

13 * **Sec. 127.** AS 25.27.244 is amended by adding new subsections to read:

14 (r) Notwithstanding any provision of AS 16, a commercial crewmember fishing
15 license described in (q)(2)(A)(xvi) of this section issued to an individual whose name
16 is on the list is void and invalid, and the individual is subject to criminal sanctions for
17 conducting the activities for which such a license is required. Notwithstanding any
18 provision of AS 16, a recreational fishing or recreational hunting license issued to an
19 individual whose name is on the list is void and invalid for recreational fishing or
20 recreational hunting, and the individual is subject to criminal sanctions for conducting
21 the recreational fishing or recreational hunting activities for which a license is required.
22 Nothing in this subsection prohibits an individual from using a recreational fishing or
23 recreational hunting license to participate in nonrecreational fishing or hunting
24 activities, including subsistence fishing or hunting activities and personal use fishing
25 activities. The licensing entity for fishing and hunting licenses shall print a notice on
26 fishing and hunting license forms, including commercial crewmember fishing license
27 forms, clearly stating the provisions of this subsection.

28 (s) After receiving information, including information from a licensing agent
29 appointed under AS 16.05.380, that a recreational fishing license, a recreational
30 hunting license other than a big game hunt drawing permit, or a commercial
31 crewmember fishing license has been issued to an applicant, the licensing entity for

1 the license shall promptly determine whether the applicant was, at the time the
 2 applicant obtained the license, on the most recent list provided by the agency under
 3 (b) of this section. If the applicant was on that list, the licensing entity shall
 4 immediately serve notice under (e) of this section that (1) for a recreational fishing or
 5 recreational hunting license, the license issued is void and invalid except for use for
 6 nonrecreational fishing or hunting, including subsistence fishing or hunting and
 7 personal use fishing, as applicable; or (2) for a commercial crewmember fishing
 8 license, the license is void and invalid and that, notwithstanding the limitation of (d)
 9 of this section, the applicant can request the licensing entity to issue a temporary
 10 license under this section. A notice under this subsection is considered given when
 11 delivered personally to the applicant or deposited in the United States mail addressed
 12 to the applicant's last known mailing address on file with the licensing entity.

13 (t) Upon selection of successful applicants for a permit to take big game in a
 14 drawing hunt, the licensing entity shall promptly determine whether any of the
 15 successful applicants are on the most recent list provided by the agency under (b) of
 16 this section. If an applicant is on that list, the licensing entity shall immediately deny
 17 issuance of the permit to that applicant and give notice of the denial to the applicant
 18 under (e) of this section. The notice is considered given when delivered personally to
 19 the applicant or deposited in the United States mail addressed to the applicant's last
 20 known mailing address on file with the licensing entity.

21 * **Sec. 128.** AS 25.27.246(a) is amended to read:

22 (a) The agency shall compile and maintain a list of obligors who have a
 23 driver's license and are not in substantial compliance with a support order or payment
 24 schedule negotiated under (f)(1) of this section **and of other persons who, after**
 25 **receiving appropriate notice, have failed to comply with a subpoena or warrant**
 26 **relating to paternity or a child support proceeding.** The agency may not include
 27 an obligor on the list unless the agency has sent to the obligor, at the obligor's most
 28 recent address on file with the agency, written notice of the arrearages at least 60 days
 29 before placement on the list. The list must include the names, social security numbers,
 30 dates of birth, and last known addresses of the **persons** [OBLIGORS]. The list shall
 31 be updated by the agency on a monthly basis.

1 * **Sec. 129.** AS 25.27.246(b) is amended to read:

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

9 * **Sec. 130.** AS 25.27.246(f) is amended to read:

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

17 (1) the licensee is found to be in substantial compliance with each
18 support order applicable to the licensee or has negotiated an agreement with the agency
19 for a payment schedule on arrearages and is in substantial compliance with the
20 negotiated agreement; if the licensee fails to be in substantial compliance with an
21 agreement negotiated under this paragraph, the agency shall send to the department a
22 revocation of any release previously sent to the entity for that licensee;

23 (2) **the licensee is found by the agency to have complied with a**
24 **subpoena or warrant described in (a) of this section;**

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

1 license will be suspended in 150 days;

2 (4) [(3)] the licensee has, within 30 days after receiving the agency's
3 findings following a request for review under (3) [(2)] of this subsection, filed and
4 served a request for judicial relief under this section, but a resolution of that relief will
5 not be made within the 150-day period before license suspension under (c) of this
6 section; this paragraph applies only if the delay in completing the judicial relief
7 process is not the result of the licensee's failure to act in a reasonable, timely, and
8 diligent manner upon receiving the agency's notice of findings; or

9 (5) [(4)] the licensee has obtained a judicial finding of substantial
10 compliance.

11 * **Sec. 131.** AS 25.27.246(h) is amended to read:

12 (h) Except as otherwise provided in this section, the agency may not issue a
13 release if the **licensee** [APPLICANT] is not in substantial compliance with the order
14 for support or [IS NOT IN SUBSTANTIAL COMPLIANCE] with an agreement
15 negotiated under (f)(1) of this section, **or is not in compliance with a subpoena or**
16 **warrant described in (a) of this section.** The agency shall notify the licensee in
17 writing that the licensee may request any or all of the following: (1) judicial relief
18 from the agency's decision not to issue a release or the agency's decision to revoke
19 a release under (f)(1) **or (2)** of this section; (2) a judicial determination of substantial
20 compliance; (3) a modification of the support order. The notice must also contain the
21 name and address of the court in which the licensee may file the request for relief and
22 inform the licensee that the licensee's name shall remain on the list if the licensee does
23 not request judicial relief within 30 days after receiving the notice. The licensee shall
24 comply with all statutes and rules of court implementing this section. This section
25 does not limit a licensee's authority under other law to request an order to show cause
26 or notice of motion to modify a support order or to fix a payment schedule on
27 arrearages accruing under a support order or to obtain a court finding of substantial
28 compliance with a support order **or a court finding of compliance with a subpoena**
29 **or warrant described in (a) of this section.**

30 * **Sec. 132.** AS 25.27.246(i) is amended to read:

31 (i) A request for judicial relief from the agency's decision must state the

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

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

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

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

13 **(4) whether the person requesting relief complied with a subpoena**
 14 **or warrant relating to paternity or a child support proceeding.**

15 * **Sec. 133.** AS 25.27.246(j) is amended to read:

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

21 * **Sec. 134.** AS 25.27.246(k) is amended to read:

22 (k) **If a licensee** [WHEN THE OBLIGOR] is in substantial compliance with
 23 a support order or payment schedule, **or is in compliance with a subpoena or**
 24 **warrant described in (a) of this section**, the agency shall mail to the **licensee**
 25 [APPLICANT] and the department a release stating that the licensee is in substantial
 26 compliance **or is in compliance with the subpoena or warrant, as applicable**. The
 27 receipt of a release shall serve to notify the licensee and the department that, for the
 28 purposes of this section, the **licensee** [APPLICANT] is in substantial compliance with
 29 the support order or payment schedule, **or is in compliance with the subpoena or**
 30 **warrant**, unless the agency, under (a) of this section, certifies subsequent to the
 31 issuance of a release that the licensee is once again not in substantial compliance with

1 a support order or payment schedule, **or is not in compliance with a subpoena or**
2 **warrant.**

3 * **Sec. 135.** AS 25.27.246(n)(4) is amended to read:

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

6 * **Sec. 136.** AS 25.27.246(n)(5) is amended to read:

7 (5) "substantial compliance" **regarding** [WITH] a support order or
8 payment schedule ["] means that, with respect to a support order or a negotiated
9 payment schedule under (f) of this section, whichever is applicable, the obligor either
10 has no arrearage or has an arrearage in an amount that is not more than four times the
11 monthly obligation under the support order or payment schedule.

12 * **Sec. 137.** AS 25.27.250(a) is amended to read:

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

20 * **Sec. 138.** AS 25.27.250(d) is amended to read:

21 (d) The order to withhold and deliver shall be served upon the person, political
22 subdivision, or department of the state possessing the property **electronically or by**
23 **first class mail** [IN THE MANNER PROVIDED FOR SERVICE OF LIENS UNDER
24 AS 25.27.240]. The order must state the amount of the obligor's liability and must
25 state in summary the terms of AS 25.27.260 and 25.27.270.

26 * **Sec. 139.** AS 25.27.250(e) is amended to read:

27 (e) Any person, political subdivision, or department of the state served with
28 an order to withhold and deliver is required to make true answers to inquiries
29 contained in the order under oath and in writing within **seven business** [14] days after
30 service of the order, and is further required to answer all inquiries subsequently put.

31 * **Sec. 140.** AS 25.27.250(f) is amended to read:

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

18 * **Sec. 141.** AS 25.27.265(b) is repealed and reenacted to read:

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

25 * **Sec. 142.** AS 25.27.265 is amended by adding a new subsection to read:

26 (c) Notwithstanding (a) of this section, if a tribunal finds that the agency has
 27 made diligent efforts to give or serve a notice, paper, or other document required by
 28 this chapter, the tribunal may order that service may be given upon the party by
 29 sending the document by first class mail to the party's most recent mailing address on
 30 file with the agency.

31 * **Sec. 143.** AS 25.27.273(a) is amended to read:

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

6 * **Sec. 144.** AS 25.27.275 is repealed and reenacted to read:

7 **Sec. 25.27.275. Nondisclosure of information in exceptional circumstances.**

8 Upon a finding, which may be made ex parte, that the health, safety, or liberty of a
 9 party or child would be unreasonably put at risk by the disclosure of identifying
 10 information, or if an existing order so provides, a tribunal shall order that the address
 11 of the party or child or other identifying information not be disclosed in a pleading or
 12 other document filed in a proceeding under this chapter.

13 * **Sec. 145.** AS 25.27 is amended by adding a new section to read:

14 **Sec. 25.27.279. Voiding of fraudulent transfers made to avoid payment of**
 15 **child support.** In addition to the rights provided in AS 09.25.060, if a transfer of
 16 personal or real property is made by an obligor without immediate delivery and the
 17 actual continuing change of possession of the property transferred, the transfer of the
 18 property is presumed prima facie to be fraud against creditors for child support of the
 19 obligor who transferred the property and subsequent purchasers in good faith and for
 20 valuable consideration during the time the property remains in the possession of the
 21 obligor who made the transfer, except that retention of possession in good faith and
 22 current course of trade by a merchant seller for a commercially reasonable time after
 23 the sale or identification is not fraudulent. Nothing contained in this section
 24 supersedes the provisions of AS 45.01 - AS 45.09, AS 45.12, and AS 45.14 (Uniform
 25 Commercial Code).

26 * **Sec. 146.** AS 25.27.900(3) is amended to read:

27 (3) "duty of support" includes a duty of support imposed or imposable
 28 by law, by a court order, decree, or judgment, or by a finding or decision rendered
 29 under this chapter whether interlocutory or final, whether incidental to a proceeding
 30 for divorce, legal separation, separate maintenance, or otherwise, and includes the duty
 31 to pay arrearages of support past due and unpaid together with penalties and interest

1 on arrearages imposed under AS 25.27.020(a)(2)(B) [AS 25.27.020(a)(2)(C)];

2 * **Sec. 147.** AS 25.27.900(4) is repealed and reenacted to read:

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

9 * **Sec. 148.** AS 25.27.900(7) is repealed and reenacted to read:

10 (7) "support order" means any judgment, decree, or order that is issued
11 by a tribunal for the support and maintenance of a child or of a child and a parent with
12 whom the child is living; "support order" includes a judgment, decree, or order

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

15 (B) for

16 (i) monetary support, including arrearages;

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

19 (iii) reimbursement of related costs;

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

22 (v) penalty, interest, and other relief as required by a
23 tribunal.

24 * **Sec. 149.** AS 25.27.900 is amended by adding new paragraphs to read:

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

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

30 * **Sec. 150.** AS 28.05.061 is amended by adding a new subsection to read:

31 (d) If a copy of a motor vehicle record prepared or maintained by the

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

9 * **Sec. 151.** AS 29.45.103 is amended by adding a new subsection to read:

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

17 * **Sec. 152.** AS 33.30 is amended by adding a new section to read:

18 **Sec. 33.30.216. Copies of records for child support purposes.** If a copy of
19 a record prepared or maintained by or on behalf of the commissioner for a person in
20 the custody of the commissioner is requested by the child support enforcement agency
21 created in AS 25.27.010, or the child support enforcement agency of another state, the
22 official custodian of the record shall provide the requesting agency with a certified
23 copy of the record. If the record is prepared or maintained in an electronic data base,
24 the official custodian of the record may provide the requesting agency with a copy of
25 the electronic record and a statement certifying its contents. The agency receiving
26 information under this section may use the information only for child support purposes
27 authorized under law.

28 * **Sec. 153.** AS 43.23.055 is amended by adding a new paragraph to read:

29 (9) provide any information, upon request, contained in permanent fund
30 dividend records to the child support enforcement agency created in AS 25.27.010, or
31 the child support enforcement agency of another state, for child support purposes

1 authorized under law; if the information is contained in an electronic data base, the
2 department shall provide the requesting agency with either

3 (A) access to the data base; or

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

6 * **Sec. 154.** AS 47.05.020, as amended by sec. 33, ch. 107, SLA 1996, is amended by
7 adding a new subsection to read:

8 (b) In addition to any access to public assistance records authorized under (a)
9 of this section, the department shall provide a copy of a public assistance record
10 prepared or maintained by or on behalf of the department to the child support
11 enforcement agency created in AS 25.27.010, or the child support enforcement agency
12 of another state, upon the request of the respective agency. If the record is in an
13 electronic data base, the department shall provide the requesting agency with either
14 access to the data base, or a copy of the information in the data base and a statement
15 certifying its contents. The agency receiving the information under this subsection
16 may use the information only for child support purposes authorized under law.

17 * **Sec. 155.** AS 47.05.030, as amended by secs. 34 and 35, ch. 107, SLA 1996, is amended
18 by adding a new subsection to read:

19 (c) It is not a violation of (a) of this section for the department or an employee
20 of the department to disclose information to the child support enforcement agency
21 created in AS 25.27.010, or the child support enforcement agency of another state, if
22 the receiving agency uses the information only for purposes authorized under
23 AS 47.05.020.

24 * **Sec. 156.** AS 47.27.040(b), as enacted by sec. 7, ch. 107, SLA 1996, is amended to read:

25 (b) An Alaska temporary assistance program participant shall cooperate with
26 the child support enforcement agency of the Department of Revenue in establishing
27 paternity or establishing, modifying, or enforcing a child support order requiring the
28 payment of support by the noncustodial parent for a dependent child for whom Alaska
29 temporary assistance program assistance is received. **The child support enforcement**
30 **agency shall determine whether the participant is in good faith compliance with**
31 **the requirements of this subsection and shall inform the Department of Health**

1 and Social Services of its determination. The Department of Health and Social
2 Services shall establish whether [UNLESS] the participant has [ESTABLISHES]
3 good cause for refusing to cooperate.

4 * **Sec. 157.** (a) AS 18.50.165(c); AS 25.25.611(e); AS 25.27.100(b), and 25.27.250(h) are
5 repealed.

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

7 * **Sec. 158.** The provisions of AS 25.20.050(e), as amended by sec. 39 of this Act, and
8 AS 25.20.050(i), added by sec. 42 of this Act, have the effect of amending Rule 35, Alaska
9 Rules of Civil Procedure, by requiring the court to order genetic testing in contested paternity
10 actions in certain circumstances and preventing the court from ordering such testing if good
11 cause is shown.

12 * **Sec. 159.** The provisions of AS 25.20.020(k), added by sec. 42 of this Act, have the
13 effect of amending Rule 90.3, Alaska Rules of Civil Procedure, by requiring the court in a
14 paternity action to issue a temporary child support order upon a showing by clear and
15 convincing evidence of paternity.

16 * **Sec. 160.** The provisions of AS 25.20.050(n), AS 25.24.160(d), AS 25.24.210(e)(12), and
17 AS 25.24.230(i), added by secs. 42, 44, 46, and 47, respectively, of this Act have the effect
18 of amending Rules 52, 58, 78, and 90.1, Alaska Rules of Civil Procedure, by requiring the
19 court to include social security numbers, if ascertainable, of parties and children in certain
20 petitions, pleadings, or judgments.

21 * **Sec. 161.** The provisions of AS 25.24.170(b), as amended by sec. 45 of this Act, have
22 the effect of amending Rule 90.3(h)(1), Alaska Rules of Civil Procedure, by changing the
23 standard for certain modifications of a support order as necessary to comply with federal law.

24 * **Sec. 162.** The provisions of AS 25.27.055, added by sec. 83 of this Act, have the effect
25 of amending Rules 60(b) and 90.3(h)(2), Alaska Rules of Civil Procedure, by allowing relief
26 from a judgment, a decree, or an order when it is based on certain false information without
27 requiring that such relief be requested within a specific time.

28 * **Sec. 163.** The provisions of AS 25.27.265(c), added by sec. 142 of this Act, have the
29 effect of amending Rules 4 and 5, Alaska Rules of Civil Procedure, by allowing service at the
30 opposing party's last known address on file with the child support enforcement agency in
31 certain circumstances.

1 * **Sec. 164.** The provisions of AS 25.20.050(j), added by sec. 42 of this Act, have the
2 effect of amending Rule 901 Alaska Rules of Evidence, by limiting the discretion of the court
3 to exclude documentary evidence of specified costs in a paternity action.

4 * **Sec. 165.** The provisions of AS 08.08.137, as amended by sec. 8 of this Act, have the
5 effect of amending Rules 3 and 5, Alaska Bar Association Rules, by requiring applicants for
6 admission to the practice of law in the state to submit social security numbers for child
7 support purposes.

8 * **Sec. 166.** TRANSITION: REGULATIONS. Notwithstanding secs. 168 - 171 of this
9 Act, the child support enforcement agency and any state department or agency that is affected
10 by this Act and that has regulation adoption authority may proceed to adopt regulations
11 necessary to implement the changes made by this Act. The regulations take effect under
12 AS 44.62 (Administrative Procedure Act), but not before the effective date of the respective
13 section of this Act that the regulations are implementing.

14 * **Sec. 167.** Section 166 of this Act takes effect immediately under AS 01.10.070(c).

15 * **Sec. 168.** Except as provided in secs. 169 - 171 of this Act, this Act takes effect
16 July 1, 1997.

17 * **Sec. 169.** Section 156 of this Act takes effect July 1, 1997, or on the effective date of
18 AS 47.27.040, whichever is later.

19 * **Sec. 170.** Sections 115 - 117, 123, 126, and 127 of this Act take effect January 1, 1998.

20 * **Sec. 171.** The amendment to AS 25.27.244(g) that adds a reference to the notice under
21 "(s) or (t) of this section," enacted by sec. 118 of this Act, takes effect January 1, 1998.