

**CS FOR SENATE BILL NO. 154(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 5/8/97

Referred: Rules

Sponsor(s): SENATOR PEARCE

**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 immunity from civil  
6 liability for good faith compliance with reporting or other requirements for child  
7 support purposes; relating to voiding fraudulent transfers and to penalties for  
8 noncompliance with orders for child support purposes; amending Rules 4, 5, 35,  
9 52, 58, 78, 90.1, and 90.3, Alaska Rules of Civil Procedure; amending Rule 901,  
10 Alaska Rules of Evidence; amending Rules 3 and 5, Alaska Bar Association  
11 Rules; repealing the effective date of sec. 45, ch. 107, SLA 1996; and providing  
12 for an effective date."

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

**2 \* Section 1. FINDINGS; INTENT.** (a) It is the legislature's firm conviction that

**3** (1) children, whenever possible, should not be forced to bear the negative  
**4** consequences of a breakdown in their parents' relationship;

**5** (2) one of the negative consequences of separations and divorces can be a  
**6** substantial drop in the standard of living for the children in the family if the income of their  
**7** noncustodial parent becomes unavailable to them; in these situations, the taxpayers of the state  
**8** are often forced to support the children through the state's welfare system;

**9** (3) child support enforcement is one of the most effective ways to ensure that  
**10** children continue to be supported financially by both of their parents rather than by the state's  
**11** welfare system;

**12** (4) child support enforcement efforts could be enhanced by having more  
**13** effective procedures for the establishment of paternity, more uniformity in the handling of  
**14** interstate child support cases, increased ability to identify and locate noncustodial parents who  
**15** are not supporting their children, and increased ability to track the income and assets of those  
**16** parents;

**17** (5) identification and location of noncustodial parents and their financial  
**18** resources could be improved significantly by requiring that social security numbers be  
**19** routinely included on a wide variety of financial, occupational, and vital statistics records;

**20** (6) it is in the public interest that the state continue to receive federal funds  
**21** to administer the state's child support enforcement program and to offset a major portion of  
**22** the costs of the state's welfare programs;

**23** (7) the Congress has recognized that better child support enforcement can  
**24** decrease the government's welfare costs so the Congress included numerous new child support  
**25** enforcement requirements in the recent federal welfare reform act, known as the Personal  
**26** Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193);

**27** (8) the changes required under P.L. 104-193 include changes in procedures  
**28** relating to paternity establishment, greater uniformity in the treatment of interstate child  
**29** support cases, new requirements for the inclusion of social security numbers on a wide variety  
**30** of records, and other state law changes that must be made in order for the state to receive  
**31** federal funds for its child support enforcement program and for its welfare programs.

1 (b) It is, therefore, the legislature's intent in enacting this Act to

2 (1) strengthen the state's child support enforcement efforts so that children,  
3 whenever possible, continue to be supported financially by both of their parents after their  
4 parents separate or divorce rather than by the state through its welfare system; and

5 (2) comply with federal requirements relating to paternity establishment,  
6 interstate child support cases, social security numbers, and other matters so that federal funds  
7 continue to be available to the state for the state's child support enforcement and welfare  
8 programs; the legislature expects each state agency that gathers social security numbers as  
9 required under this Act to comply with federal laws governing the agency's use and disclosure  
10 of those numbers so as to avoid misuse of the numbers and violations of privacy laws while  
11 ensuring that public documents remain available for public inspection.

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

13 **Sec. 06.05.537. Copies of records for child support purposes.** If a copy of  
14 a record concerning an individual who owes or is owed child support, including a  
15 record concerning assets and liabilities of the individual, prepared or maintained by a  
16 bank of this state is requested by the child support enforcement agency established in  
17 AS 25.27.010 or the child support enforcement agency of another state, the bank shall  
18 provide the requesting agency with a certified copy of the record. If information is  
19 prepared or maintained by the bank in an electronic data base, the bank may provide  
20 the requesting agency a copy of the electronic record and a statement certifying its  
21 contents. The agency receiving information under this section may use the information  
22 only for child support purposes authorized under law.

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

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

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

31 (a) Application for a license under this chapter shall be in writing and in the

1 form prescribed by the department. **If the applicant is a natural person, the**  
2 **application form must require submission of the applicant's social security**  
3 **number.**

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

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

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

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

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

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

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

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

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

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

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

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

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

28           (b) If a copy of a record of tax information is requested under (a) of this  
 29 section for the purposes of child support administration, the copy may be released only  
 30 to the child support enforcement agency created in AS 25.27.010 or a child support  
 31 enforcement agency of another state. The Department of Revenue shall provide the

1 requesting agency with a copy of the record. The requesting agency receiving  
 2 information under this subsection may use it only for child support purposes authorized  
 3 under law.

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

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

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

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

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

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

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

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

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

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

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

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

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

17          (d) Upon request, the commissioner shall provide a social security number  
18          provided under (a) of this section 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. 17.** AS 16.05.480(b) is amended to read:

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

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

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

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

31                 (8) any of its records and reports to the child support enforcement

1 agency created in AS 25.27.010, or the child support enforcement agency of another  
2 state, for child support purposes authorized under law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6                                   **or**

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

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

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

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

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

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

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

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

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

31                   (a) For each dissolution, divorce, and annulment of marriage granted by a

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

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

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

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

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

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

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

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

31 (4) federal, state, local, and other public or private agencies, upon

1 request, may be furnished copies or data for statistical purposes on the terms or  
2 conditions prescribed by the bureau;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 (e) The department shall provide information

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (a) A child born out of wedlock is legitimated and considered the heir of the

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

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

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

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

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

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

1 (2) a party, including a sworn statement

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

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

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

10 (f) [IF THE CHILD SUPPORT ENFORCEMENT AGENCY IS A PARTY IN  
11 AN ACTION IN WHICH PATERNITY IS CONTESTED, THE AGENCY SHALL  
12 REQUEST THE COURT TO ORDER THE TESTS AND PROCEDURES  
13 DESCRIBED IN (e) OF THIS SECTION.] The **child support enforcement** agency  
14 may recover the costs of **testing ordered under (e) of this section from the alleged**  
15 **father unless the testing establishes that the individual is not the father** [TESTS  
16 AS A COST OF THE ACTION], except that costs may not be recovered from a  
17 person who is a recipient of assistance under AS 47.27 (Alaska temporary assistance  
18 program).

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

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

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

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

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

1 incurred for such charges.

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

10 (l) The tribunal shall consider a completed and signed form for acknowledging  
11 paternity that meets the requirements of AS 18.50.165(a) as a legal finding of paternity  
12 for a child born out of wedlock. For an acknowledgment signed on or after  
13 July 1, 1997, the acknowledgment may only be withdrawn by the earlier of the  
14 following dates: (1) 60 days after the date that the person signed it, or (2) the date on  
15 which judicial or administrative procedures are initiated to establish child support for,  
16 or to determine paternity of, the child who is the subject of the acknowledgement.  
17 After this time period has passed, the acknowledgment may only be contested in  
18 superior court on the basis of fraud, duress, or material mistake. The parent wishing  
19 to contest the acknowledgment carries the burden of proof by a preponderance of the  
20 evidence. Unless good cause is shown, the court may not stay child support or other  
21 legal responsibilities while the action to contest the acknowledgment is pending.

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

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

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

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

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

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

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

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

13 (1) each party to the action;

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

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

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

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

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

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

26 (B) each child whose rights are being addressed in the petition

27 for dissolution.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30           (e) A tribunal of this state that determines by order the identity of the  
31 controlling child support order under (b)(1) or (2) of this section, or that issues a new

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

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

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

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

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

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

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

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

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

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

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

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

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

1 support sought and provide other documents necessary to satisfy the requirements of  
2 the responding state.

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

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

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

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

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

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

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

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

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

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

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

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

30 (5) send a copy of a written communication from the respondent or the  
31 respondent's attorney to the petitioner [BY FIRST CLASS MAIL] within two days of

1 receipt, exclusive of Saturdays, Sundays, and legal holidays; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (3) if

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

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

31 **Sec. 25.25.507. Administrative enforcement of orders.** (a) A party seeking

1 to enforce a support order or an income withholding order, or both, issued by a  
 2 tribunal of another state may send the documents required for registering the order to  
 3 the child support enforcement agency of this state.

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

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

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

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

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

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

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

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

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

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

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

31 (5) the name and address of the obligee and, if applicable, the agency

1 or person to whom support payments are to be remitted.

2 \* **Sec. 64.** AS 25.25.605(a) is amended to read:

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

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

10 (b) The notice must inform the nonregistering party

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

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

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

20 (4) of the amount of alleged arrearages.

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

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

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

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

1 and place of the hearing.

2 \* **Sec. 68.** AS 25.25.609 is amended to read:

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

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

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

15 (1) the following requirements are met:

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

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

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

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

30 \* **Sec. 70.** 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. 71.** 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 **or**  
9 **procedure** substantially similar to this chapter and, upon request, except as otherwise  
10 provided 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. 72.** 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. 73.** 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. 74.** 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, including brokerage**  
 12 **houses, insurance companies, and other companies providing individual**  
 13 **investment, transaction, or deposit accounts, doing business in the state to**  
 14 **develop and operate an automated data match system as required by 42**  
 15 **U.S.C. 666(a)(17); the agency may pay a reasonable fee to a financial**  
 16 **institution for conducting a data match under a contract or agreement**  
 17 **under this subparagraph; the fee may not exceed the actual costs incurred**  
 18 **by the financial institution for conducting the data match.**

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

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

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

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

25 \* **Sec. 77.** AS 25.27.020(a) is amended by adding a new paragraph to read:

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

29 \* **Sec. 78.** AS 25.27.020 is amended by adding new subsections to read:

30 (d) The agency may issue an administrative order or request a court order that  
 31 requires an individual in arrears under an order of support for a child who is receiving

1 assistance under AS 47.07, or under AS 47.25.310 - 47.25.420 or a successor program,  
 2 to make payments according to an approved payment plan or, if the individual is not  
 3 incapacitated, to participate in appropriate work activities.

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

9 \* **Sec. 79.** AS 25.27.025 is amended to read:

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

13 \* **Sec. 80.** AS 25.27.040(a), as amended by sec. 13, ch. 107, SLA 1996, is amended to  
 14 read:

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

25 \* **Sec. 81.** AS 25.27.062(d) is amended to read:

26 (d) Income withholding under a support order that does not require immediate  
 27 income withholding and that is not being enforced by the agency may be initiated  
 28 either by filing a motion with the court and complying with applicable court rules or,  
 29 if there is a child support arrearage, by making a written request to the agency  
 30 for immediate income withholding under AS 25.27.150. Application to the agency  
 31 under this subsection may not, by itself, be construed as a request for other

1 **services of the agency. If immediate withholding under this subsection is sought**  
 2 **through a motion to the court, the** [. THE] court shall order the beginning of income  
 3 withholding under this subsection if the court finds that any of the grounds in **(c)(1),**  
 4 **(2), or (3)(B)** [(c)(1), (c)(2), OR (c)(3)(B)] of this section is satisfied. It is not a  
 5 defense to a motion based on (c)(2) of this section that less than one full month's  
 6 payment is past due by 30 days if at least one full month's payment was past due by  
 7 30 days on the date the motion was filed. Notice to the obligor of income withholding  
 8 ordered under this subsection must be given in a manner that complies with court  
 9 rules. In this subsection, "past due by 30 days" means unpaid 30 days after the  
 10 monthly due date specified in the support order.

11 \* **Sec. 82.** AS 25.27.062(e) is amended to read:

12 (e) The agency or the person who obtains an income withholding order under  
 13 this chapter shall immediately send a copy of the income withholding order, a copy  
 14 of the relevant provisions of AS 25.27.260 and this section, and an explanation of the  
 15 effect of the statutes to persons who may owe money to an obligor. These items may  
 16 be sent by first class mail or certified mail, return receipt requested, or they may be  
 17 served personally by a process server, **except that the agency alternatively may send**  
 18 **the items by electronic means.** An income withholding order made under this chapter  
 19 is binding upon a person, employer, political subdivision, or department of the state  
 20 immediately upon receipt of a copy of the income withholding order. An employer  
 21 shall **immediately** begin withholding the specified amount from the employee's wages,  
 22 **The amount withheld shall be sent to the agency within seven business days after**  
 23 **the date the amount would otherwise have been paid or credited to the employee**  
 24 [(1) 14 WORKING DAYS AFTER THE MAILING DATE ON THE ORDER OF  
 25 WITHHOLDING OR 14 WORKING DAYS AFTER THE DATE ON WHICH THE  
 26 ORDER WAS PERSONALLY SERVED, WHICHEVER IS APPLICABLE, OR (2)  
 27 ON THE FIRST DAY OF THE NEXT PAY PERIOD, IF EARLIER. THE AMOUNT  
 28 WITHHELD SHALL BE SENT TO THE AGENCY WITHIN 10 WORKING DAYS  
 29 AFTER THE DATE THE EMPLOYEE IS PAID]. An employer may, for each  
 30 payment made under an order, deduct \$5 from other wages or salary owed to the  
 31 obligor.

1 \* **Sec. 83.** AS 25.27.062(j) is amended to read:

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

6 \* **Sec. 84.** AS 25.27.075 is repealed and reenacted to read:

7 **Sec. 25.27.075. Employment information.** (a) An employer doing business  
8 in the state shall report to the agency the hiring, rehiring, or returning to work of each  
9 employee within the time limits set out in (b) of this section. The report must contain  
10 the name, address, social security number, and date of hire for each of those  
11 employees, the name and address of the employer, and the identifying number assigned  
12 to the employer by the Internal Revenue Service under 26 U.S.C. 6109.

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

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

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

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

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

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

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

9 (e) For each employee reported under this section, an employer may deduct  
10 \$1 from wages or salary owed to that employee to cover the cost of reporting.

11 (f) In addition to another penalty under law, an employer or a labor union that  
12 knowingly violates this section, or a regulation adopted under this section, is liable for  
13 a civil penalty of less than

14 (1) \$25 if the violation is not described in (2) of this subsection; or

15 (2) \$500 if the violation is the result of a conspiracy between the  
16 employee and an employer or labor union to not supply the required report or to  
17 supply a false or incomplete report.

18 (g) In this section,

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

25 (2) "employer" has the meaning given in AS 25.27.900;

26 (3) "labor organization" has the meaning given that term in 29 U.S.C.  
27 152; "labor organization" includes an entity sometimes known as a hiring hall that is  
28 used by the organization and an employer to carry out requirements described in 29  
29 U.S.C. 158(f)(3) of an agreement between the organization and the employer.

30 \* **Sec. 85.** AS 25.27.085 is amended to read:

31 **Sec. 25.27.085. Subpoenas.** The agency [, WITH THE CONCURRENCE OF

1 THE COMMISSIONER OF REVENUE,] may subpoena persons, books, records, and  
2 documents to

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

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

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

10 \* **Sec. 86.** AS 25.27.085 is amended by adding new subsections to read:

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

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

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

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

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

28 \* **Sec. 87.** AS 25.27 is amended by adding a new section to read:

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

1 it were issued by this state's child support enforcement agency if

2 (1) the subpoena is for obtaining

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

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

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

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

10 (c) The child support enforcement agency of this state shall enforce a subpoena  
11 described in (a) of this section and shall provide the opportunity for conference and  
12 issue any order under AS 25.27.085(c) and (d) on behalf of the issuing agency.

13 AS 25.27.085(e) applies to an order under this subsection.

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

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

18 \* **Sec. 88.** AS 25.27.100(a) is amended to read:

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

23 \* **Sec. 89.** AS 25.27.103 is amended to read:

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

1        **requirements** [THE INSTRUCTIONS OF THE OBLIGOR]. The agency shall credit  
2        money disbursed under this subsection toward satisfaction of the obligor's duty of  
3        support.

4        \* **Sec. 90.** AS 25.27.105 is amended to read:

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

13       \* **Sec. 91.** AS 25.27.120(c) is amended to read:

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

21       \* **Sec. 92.** AS 25.27.150(a) is amended to read:

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

31       \* **Sec. 93.** AS 25.27.150(c) is amended to read:

1 (c) The notice shall inform the obligor that [THE] income withholding **has**  
 2 **been ordered and of the procedures to follow if the obligor wishes to contest**  
 3 **withholding on the grounds that the withholding is improper due to a mistake of**  
 4 **fact. The notice must also inform the obligor of the information that was**  
 5 **provided to the employer in the document that ordered the withholding** [ORDER  
 6 WILL TAKE EFFECT 15 DAYS AFTER THE DATE ON WHICH THE NOTICE IS  
 7 SERVED UNLESS THE OBLIGOR REQUESTS A HEARING WITHIN 15 DAYS  
 8 AFTER THE NOTICE IS SERVED. IF THE OBLIGOR REQUESTS A HEARING,  
 9 AN INCOME WITHHOLDING ORDER MAY NOT TAKE EFFECT UNTIL THE  
 10 CONCLUSION OF THE HEARING].

11 \* **Sec. 94.** AS 25.27.150(e) is amended to read:

12 (e) The **conference** [APPEALS] officer shall inform the obligor **of the**  
 13 **informal conference decision** [,] either at the **informal conference** hearing or within  
 14 15 days after the hearing [, WHETHER OR NOT THE WITHHOLDING WILL  
 15 OCCUR AND OF THE DATE ON WHICH IT IS TO COMMENCE].

16 \* **Sec. 95.** AS 25.27.150(f) is amended to read:

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

25 \* **Sec. 96.** AS 25.27.160(b) is amended to read:

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

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

1 THE DUTY OF SUPPORT UNDER THE LAW];

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

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

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

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

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

12 \* **Sec. 97.** AS 25.27.165(a) is amended to read:

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

16 \* **Sec. 98.** AS 25.27.165(b) is amended to read:

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

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

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

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

4 \* **Sec. 99.** AS 25.27.165(d) is amended to read:

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

18 \* **Sec. 100.** AS 25.27.165(i), as amended by sec. 21, ch. 107, SLA 1996, is amended to  
19 read:

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

24 \* **Sec. 101.** AS 25.27.165 is amended by adding new subsections to read:

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

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

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

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

5 \* **Sec. 102.** AS 25.27.166(a) is amended to read:

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

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

11 (2) an acknowledgment of paternity under AS 25.20.050 or an  
12 admission of paternity under AS 25.27.165.

13 \* **Sec. 103.** AS 25.27.190(a) is amended to read:

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

20 \* **Sec. 104.** AS 25.27.190(c) is amended to read:

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

27 \* **Sec. 105.** AS 25.27 is amended by adding a new section to read:

28 **Sec. 25.27.193. Periodic review or adjustment of support orders.** As  
29 necessary to comply with 42 U.S.C. 666, the agency, by regulation, shall provide  
30 procedures and standards for the modification, through periodic review or adjustment,  
31 of a support order. Regulations adopted under this section must include procedures

1 for periodic notice of the right to request review, procedures for hearings, and  
2 standards for adjustments regarding future periodic support payments. A modification  
3 under this section may be made without a showing of a material change in  
4 circumstances.

5 \* **Sec. 106.** AS 25.27.230(a) is amended to read:

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

12 \* **Sec. 107.** AS 25.27.230 is amended by adding new subsections to read:

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

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

20 \* **Sec. 108.** AS 25.27.240(a) is amended to read:

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

26 \* **Sec. 109.** AS 25.27.244(a) is amended to read:

27 (a) The agency shall compile and maintain a list of obligors who are not in  
28 substantial compliance with a support order or payment schedule negotiated under  
29 (g)(1) of this section **and of other persons who, after receiving appropriate notice,**  
30 **have failed to comply with a subpoena or warrant relating to paternity or a child**  
31 **support proceeding.** The agency may not include an obligor on the list unless the

1 agency has sent to the obligor, at the obligor's most recent address on file with the  
2 agency, written notice of the arrearages at least 60 days before placement on the list.  
3 The list must include the names, social security numbers, dates of birth, and last  
4 known addresses of the **persons** [OBLIGORS]. The list shall be updated by the  
5 agency on a monthly basis.

6 \* **Sec. 110.** AS 25.27.244(c) is amended to read:

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

16 \* **Sec. 111.** AS 25.27.244(d) is amended to read:

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

28 \* **Sec. 112.** AS 25.27.244(e) is amended to read:

29 (e) Notices for use under (c), **(s), and (t)** of this section shall be developed by  
30 each licensing entity under guidelines provided by the agency and are subject to  
31 approval by the agency. The notice must include the address and telephone number

1 of the agency and shall emphasize the necessity of obtaining a release from the agency  
 2 as a condition for the issuance or renewal of a license. **Except for notices issued**  
 3 **under (s) and (t) of this section regarding recreational licenses, the** [THE] notice  
 4 must inform an applicant whose license is governed by (d) of this section that the  
 5 licensing entity shall issue a temporary license for 150 calendar days under (d) of this  
 6 section if the applicant is otherwise eligible and that, upon expiration of that time  
 7 period, the license will be denied unless the licensing entity has received a release  
 8 from the agency. The agency shall also develop a form that the applicant may use to  
 9 request a review by the agency. A copy of this form shall be included with each  
 10 notice sent under (c), **(s), or (t)** of this section.

11 \* **Sec. 113.** AS 25.27.244(g) is amended to read:

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

19 (1) the applicant is found to **have complied with all subpoenas and**  
 20 **warrants described in (a) of this section, if applicable, and is found to** be in  
 21 substantial compliance with each support order applicable to the applicant or has  
 22 negotiated an agreement with the agency for a payment schedule on arrearages and is  
 23 in substantial compliance with the negotiated agreement; if the applicant fails to be in  
 24 substantial compliance with an agreement negotiated under this paragraph, the agency  
 25 shall send to the appropriate licensing entity a revocation of any release previously sent  
 26 to the entity for that applicant;

27 (2) the applicant has submitted a timely request for review to the  
 28 agency, but the agency will be unable to complete the review and send notice of  
 29 findings to the applicant in sufficient time for the applicant to file a timely request for  
 30 judicial relief within the 150-day period during which the applicant's temporary license  
 31 is valid under (d) of this section; this paragraph applies only if the delay in completing

1 the review process is not the result of the applicant's failure to act in a reasonable,  
 2 timely, and diligent manner upon receiving notice from the licensing entity that the  
 3 applicant's name is on the list;

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

11 (4) the applicant has obtained a judicial finding of substantial  
 12 compliance.

13 \* **Sec. 114.** AS 25.27.244(i) is amended to read:

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

1 \* **Sec. 115.** AS 25.27.244(j) is amended to read:

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

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

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

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

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

17 \* **Sec. 116.** AS 25.27.244(k) is amended to read:

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

23 \* **Sec. 117.** AS 25.27.244(l) is amended to read:

24 (l) **If an applicant** [WHEN THE OBLIGOR] is in substantial compliance with  
25 a support order or payment schedule, **and is in compliance with subpoenas and**  
26 **warrants described in (a) of this section,** the agency shall mail to the applicant and  
27 the appropriate licensing entity a release stating that the applicant is in substantial  
28 compliance **or is in compliance with the subpoenas and warrants, as applicable.**  
29 The receipt of a release shall serve to notify the applicant and the licensing entity that,  
30 for the purposes of this section, the applicant is in substantial compliance with the  
31 support order or payment schedule, **or is in compliance with the subpoenas and**

1        **warrants**, unless the agency, under (a) of this section, certifies subsequent to the  
 2        issuance of a release that the applicant is once again not in substantial compliance with  
 3        a support order or payment schedule, **or is not in compliance with a subpoena or**  
 4        **warrant.**

5        \* **Sec. 118.** AS 25.27.244(q)(2) is amended to read:

6                                (2) "license"

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

12                                        (i) license relating to boxing or wrestling under  
 13       AS 05.10;

14                                        (ii) authorization to perform an occupation regulated  
 15       under AS 08;

16                                        (iii) teacher certificate under AS 14.20;

17                                        (iv) authorization under AS 18.08 to perform emergency  
 18       medical services;

19                                        (v) asbestos worker certification under AS 18.31;

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

21                                        (vii) certificate of fitness under AS 18.62;

22                                        (viii) hazardous painting certification under AS 18.63;

23                                        (ix) security guard license under AS 18.65.400 -  
 24       18.65.490;

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

26                                        (xi) employment agency permit under AS 23.15.330 -  
 27       23.15.520;

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

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

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

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

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

8 (B) does not include

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

11 (ii) a vessel license issued under AS 16.05.490 or  
12 16.05.530;

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

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

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

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

18 \* **Sec. 119.** AS 25.27.244(q)(5) is amended to read:

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

21 \* **Sec. 120.** AS 25.27.244(q)(6) is amended to read:

22 (6) "substantial compliance" **regarding** [WITH] a support order or  
23 payment schedule ["] means that, with respect to a support order or a negotiated  
24 payment schedule under (g) of this section, whichever is applicable, the obligor either  
25 has no arrearage or has an arrearage in an amount that is not more than four times the  
26 monthly obligation under the support order or payment schedule.

27 \* **Sec. 121.** AS 25.27.244(q) is amended by adding new paragraphs to read:

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

30 (8) "recreational fishing license" means a sport fishing license under  
31 AS 16.05.340;

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

5 (10) "recreational hunting license" means a hunting license under  
 6 AS 16.05.340 and includes a big game hunt drawing permit under AS 16.05;

7 (11) "recreational license" means a recreational fishing license or a  
 8 recreational hunting license.

9 \* **Sec. 122.** AS 25.27.244 is amended by adding new subsections to read:

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

24 (s) After receiving information, including information from a licensing agent  
 25 appointed under AS 16.05.380, that a commercial crewmember fishing license or a  
 26 recreational license, other than a big game hunt drawing permit, has been issued to an  
 27 applicant, the licensing entity for the license shall promptly determine whether the  
 28 applicant was, at the time the applicant obtained the license, on the most recent list  
 29 provided by the agency under (b) of this section. If the applicant was on that list, the  
 30 licensing entity shall immediately serve notice under (e) of this section that (1) for a  
 31 recreational license, the license issued is void and invalid except for use for

1 nonrecreational fishing or hunting, including subsistence fishing or hunting and  
 2 personal use fishing, as applicable; or (2) for a commercial crewmember fishing  
 3 license, the license is void and invalid and that, notwithstanding the limitation of (d)  
 4 of this section, the applicant can request the licensing entity to issue a temporary  
 5 license under this section. A notice under this subsection is considered given when  
 6 delivered personally to the applicant or deposited in the United States mail addressed  
 7 to the applicant's last known mailing address on file with the licensing entity.

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

16 \* **Sec. 123.** AS 25.27.246(a) is amended to read:

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

27 \* **Sec. 124.** AS 25.27.246(b) is amended to read:

28 (b) The agency shall serve notice under (d) of this section to each person on  
 29 the list that the person's driver's license will be suspended in 150 days, and will not  
 30 be reissued or renewed the next time it is applied for if the person's name is on the  
 31 list at the time of the subsequent application, unless the licensee receives a release

1 from the agency. The notice shall be considered given when delivered personally to  
 2 the **person** [OBLIGOR] or deposited in the United States mail addressed to the  
 3 **person's** [OBLIGOR'S] last known mailing address on file with the agency.

4 \* **Sec. 125.** AS 25.27.246(f) is amended to read:

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

12 (1) the licensee is found **by the agency to have complied with all**  
 13 **subpoenas and warrants described in (a) of this section and is found** to be in  
 14 substantial compliance with each support order applicable to the licensee or has  
 15 negotiated an agreement with the agency for a payment schedule on arrearages and is  
 16 in substantial compliance with the negotiated agreement; if the licensee fails to be in  
 17 substantial compliance with an agreement negotiated under this paragraph, the agency  
 18 shall send to the department a revocation of any release previously sent to the entity  
 19 for that licensee;

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

28 (3) the licensee has, within 30 days after receiving the agency's  
 29 findings following a request for review under (2) of this subsection, filed and served  
 30 a request for judicial relief under this section, but a resolution of that relief will not  
 31 be made within the 150-day period before license suspension under (c) of this section;

1 this paragraph applies only if the delay in completing the judicial relief process is not  
 2 the result of the licensee's failure to act in a reasonable, timely, and diligent manner  
 3 upon receiving the agency's notice of findings; or

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

6 \* **Sec. 126.** AS 25.27.246(h) is amended to read:

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

25 \* **Sec. 127.** AS 25.27.246(i) is amended to read:

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

1 determination of each of the following issues, **as applicable**:

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

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

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

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

10 \* **Sec. 128.** AS 25.27.246(j) is amended to read:

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

16 \* **Sec. 129.** AS 25.27.246(k) is amended to read:

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

29 \* **Sec. 130.** AS 25.27.246(n)(4) is amended to read:

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

1 \* **Sec. 131.** AS 25.27.246(n)(5) is amended to read:

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

7 \* **Sec. 132.** AS 25.27.250(a) is amended to read:

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

15 \* **Sec. 133.** AS 25.27.250(d) is amended to read:

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

21 \* **Sec. 134.** AS 25.27.250(f) is amended to read:

22 (f) If a person, political subdivision, or department of the state upon whom  
 23 service of an order to withhold and deliver has been made possesses property due,  
 24 owing, or belonging to the obligor, that person, subdivision, or department shall  
 25 withhold the property immediately upon receipt of the order and shall deliver the  
 26 property to the agency **(1) if the property is earnings of an employee who is subject**  
 27 **to a child support order being enforced by the agency, within seven business days**  
 28 **after the amount would, but for this section, have been paid or credited to the**  
 29 **employee; or (2) in the case of all other property, within 14 business days** after  
 30 [THE EXPIRATION OF THE 14-DAY PERIOD FROM] the date of service of the  
 31 order [OR EXPIRATION OF THE PERIOD SPECIFIED IN AS 25.27.062(e),

1           WHICHEVER IS EARLIER]. The agency shall hold property delivered under this  
2 subsection in trust for application against the liability of the obligor under  
3 AS 25.27.062, 25.27.120, or 25.27.160 or for return, without interest, depending on  
4 final determination of liability or nonliability under this chapter. The agency may  
5 accept a good and sufficient bond to secure payment of past, present, and future  
6 support conditioned upon final determination of liability in lieu of requiring delivery  
7 of property under this subsection.

8   \* **Sec. 135.** AS 25.27.265(b) is repealed and reenacted to read:

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

15   \* **Sec. 136.** AS 25.27.265 is amended by adding a new subsection to read:

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

21   \* **Sec. 137.** AS 25.27.273(a) is amended to read:

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

27   \* **Sec. 138.** AS 25.27.275 is repealed and reenacted to read:

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

29           Upon a finding, which may be made ex parte, that the health, safety, or liberty of a  
30 party or child would be unreasonably put at risk by the disclosure of identifying  
31 information, or if an existing order so provides, a tribunal shall order that the address

1 of the party or child or other identifying information not be disclosed in a pleading or  
2 other document filed in a proceeding under this chapter.

3 \* **Sec. 139.** AS 25.27 is amended by adding a new section to read:

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

16 \* **Sec. 140.** AS 25.27.900(3) is amended to read:

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

23 \* **Sec. 141.** AS 25.27.900(4) is repealed and reenacted to read:

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

30 \* **Sec. 142.** AS 25.27.900(7) is repealed and reenacted to read:

31 (7) "support order" means any judgment, decree, or order that is issued

1 by a tribunal for the support and maintenance of a child or of a child and a parent with  
 2 whom the child is living; "support order" includes a judgment, decree, or order

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

5 (B) for

6 (i) monetary support, including arrearages;

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

9 (iii) reimbursement of related costs;

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

12 (v) penalty, interest, and other relief as required by a  
 13 tribunal.

14 \* **Sec. 143.** AS 25.27.900 is amended by adding new paragraphs to read:

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

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

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

23 \* **Sec. 144.** AS 28.05.061 is amended by adding a new subsection to read:

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

1 law.

2 \* **Sec. 145.** AS 29.45.103 is amended by adding a new subsection to read:

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

10 \* **Sec. 146.** AS 33.30 is amended by adding a new section to read:

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

21 \* **Sec. 147.** AS 39.25.080 is amended by adding a new subsection to read:

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

30 \* **Sec. 148.** AS 43.23.055 is amended by adding a new paragraph to read:

31 (9) provide any information, upon request, contained in permanent fund

1 dividend records to the child support enforcement agency created in AS 25.27.010, or  
 2 the child support enforcement agency of another state, for child support purposes  
 3 authorized under law; if the information is contained in an electronic data base, the  
 4 department shall provide the requesting agency with either

5 (A) access to the data base; or

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

8 \* **Sec. 149.** AS 47.05.020, as amended by sec. 33, ch. 107, SLA 1996, is amended by  
 9 adding a new subsection to read:

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

19 \* **Sec. 150.** AS 47.05.030, as amended by secs. 34 and 35, ch. 107, SLA 1996, is amended  
 20 by adding a new subsection to read:

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

26 \* **Sec. 151.** AS 47.27.040(b), as enacted by sec. 7, ch. 107, SLA 1996, is amended to read:

27 (b) An Alaska temporary assistance program participant shall cooperate with  
 28 the child support enforcement agency of the Department of Revenue in establishing  
 29 paternity or establishing, modifying, or enforcing a child support order requiring the  
 30 payment of support by the noncustodial parent for a dependent child for whom Alaska  
 31 temporary assistance program assistance is received. **The child support enforcement**

1 agency shall determine whether the participant is in good faith compliance with  
2 the requirements of this subsection and shall inform the Department of Health  
3 and Social Services of its determination. The Department of Health and Social  
4 Services shall establish whether [UNLESS] the participant has [ESTABLISHES]  
5 good cause for refusing to cooperate.

6 \* **Sec. 152.** (a) AS 18.50.165(c); AS 25.25.611(e); AS 25.27.100(b), and 25.27.250(h) are  
7 repealed.

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

9 \* **Sec. 153.** The provisions of AS 25.20.050(e), as amended by sec. 38 of this Act, and  
10 AS 25.20.050(i), added by sec. 41 of this Act, have the effect of amending Rule 35, Alaska  
11 Rules of Civil Procedure, by requiring the court to order genetic testing in contested paternity  
12 actions in certain circumstances and preventing the court from ordering such testing if good  
13 cause is shown.

14 \* **Sec. 154.** The provisions of AS 25.20.020(k), added by sec. 41 of this Act, have the  
15 effect of amending Rule 90.3, Alaska Rules of Civil Procedure, by requiring the court in a  
16 paternity action to issue a temporary child support order upon a showing by clear and  
17 convincing evidence of paternity.

18 \* **Sec. 155.** The provisions of AS 25.20.050(n), AS 25.24.160(d), AS 25.24.210(e)(12), and  
19 AS 25.24.230(i), added by secs. 41, 43, 45, and 46, respectively, of this Act have the effect  
20 of amending Rules 52, 58, 78, and 90.1, Alaska Rules of Civil Procedure, by requiring the  
21 court to include social security numbers, if ascertainable, of parties and children in certain  
22 petitions, pleadings, or judgments.

23 \* **Sec. 156.** The provisions of AS 25.24.170(b), as amended by sec. 44 of this Act, have  
24 the effect of amending Rule 90.3(h)(1), Alaska Rules of Civil Procedure, by changing the  
25 standard for certain modifications of a support order as necessary to comply with federal law.

26 \* **Sec. 157.** The provisions of AS 25.27.265(c), added by sec. 136 of this Act, have the  
27 effect of amending Rules 4 and 5, Alaska Rules of Civil Procedure, by allowing service at the  
28 opposing party's last known address on file with the child support enforcement agency in  
29 certain circumstances.

30 \* **Sec. 158.** The provisions of AS 25.20.050(j), added by sec. 41 of this Act, have the  
31 effect of amending Rule 901 Alaska Rules of Evidence, by limiting the discretion of the court

1 to exclude documentary evidence of specified costs in a paternity action.

2 \* **Sec. 159.** The provisions of AS 08.08.137, as amended by sec. 9 of this Act, have the  
3 effect of amending Rules 3 and 5, Alaska Bar Association Rules, by requiring applicants for  
4 admission to the practice of law in the state to submit social security numbers for child  
5 support purposes.

6 \* **Sec. 160.** TRANSITION: REGULATIONS. Notwithstanding secs. 162 - 165 of this  
7 Act, the child support enforcement agency and any state department or agency that is affected  
8 by this Act and that has regulation adoption authority may proceed to adopt regulations  
9 necessary to implement the changes made by this Act. The regulations take effect under  
10 AS 44.62 (Administrative Procedure Act), but not before the effective date of the respective  
11 section of this Act that the regulations are implementing.

12 \* **Sec. 161.** Section 160 of this Act takes effect immediately under AS 01.10.070(c).

13 \* **Sec. 162.** Except as provided in secs. 161 and 163 - 165 of this Act, this Act takes effect  
14 July 1, 1997.

15 \* **Sec. 163.** Section 151 of this Act takes effect July 1, 1997, or on the effective date of  
16 AS 47.27.040, whichever is later.

17 \* **Sec. 164.** Sections 110 - 112, 118, 121, and 122 of this Act take effect January 1, 1998.

18 \* **Sec. 165.** The amendment to AS 25.27.244(g) that adds a reference to the notice under  
19 "(s) or (t) of this section," enacted by sec. 113 of this Act, takes effect January 1, 1998.