

**CS FOR SENATE BILL NO. 252(HES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 3/23/98

Referred: Resources

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to paternity establishment and support orders; relating to the**  
2 **crime of criminal nonsupport; and providing for an effective date."**

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

4 \* **Section 1.** PURPOSE. The primary purpose of this Act is to amend the Alaska Statutes  
5 to comply with the mandates of the federal Personal Responsibility and Work Opportunity  
6 Reconciliation Act of 1996 and other federal law to ensure continued federal financial  
7 participation for Alaska's child support enforcement, public assistance, and unemployment  
8 programs.

9 \* **Sec. 2.** AS 09.50.020 is amended by adding a new subsection to read:

10 (b) In addition to the penalty specified in (a) of this section, the court may  
11 suspend or revoke, for a period not to exceed one year, a hunting license, sport fishing  
12 license, or both, issued under AS 16.05, or the person's ability to obtain the licenses,  
13 if

14 (1) the person is a natural person;

- 1 (2) the contempt is one under AS 09.50.010(4) - (10); and  
2 (3) the court, sitting without a jury, finds by a preponderance of  
3 evidence that the contempt related to failure to pay money in connection with a child  
4 support action or proceeding.

5 \* **Sec. 3.** AS 11.51.120(c) is amended to read:

6 (c) Criminal nonsupport is a class A misdemeanor **and is also punishable by**  
7 **loss of hunting and sport fishing licenses as provided in AS 12.55.139.**

8 \* **Sec. 4.** AS 12.55 is amended by adding a new section to read:

9 **Sec. 12.55.139. Penalties for criminal nonsupport.** In addition to other  
10 penalties imposed for the offense of criminal nonsupport under AS 11.51.120, the court  
11 may suspend or revoke, for a period not to exceed one year, a hunting license, sport  
12 fishing license, or both, issued under AS 16.05, if the defendant is a natural person.

13 \* **Sec. 5.** AS 16.05.330 is amended by adding a new subsection to read:

14 (e) A natural person applying for a license or tag for hunting or sport fishing  
15 shall provide the person's social security number on the license application. Upon  
16 request, the department shall provide the social security number to the child support  
17 enforcement agency created in AS 25.27.010, or the child support agency of another  
18 state, for child support purposes authorized by law.

19 \* **Sec. 6.** AS 16.05.346 is amended by adding a new subsection to read:

20 (d) A person applying for a permit under this section shall provide the person's  
21 social security number on the permit application. Upon request, the department shall  
22 provide the social security number to the child support enforcement agency created in  
23 AS 25.27.010, or the child support agency of another state, for child support purposes  
24 authorized by law.

25 \* **Sec. 7.** AS 16.05.360 is amended to read:

26 **Sec. 16.05.360. Commissioner charged with license issuance.** The  
27 commissioner or an authorized deputy shall issue each license and tag to a qualified  
28 person under written application containing such reasonable information as required  
29 by the commissioner. The commissioner shall designate the license and tag form or  
30 type. The form or type must be sufficient to identify and locate the applicant, [AND]  
31 establish the applicant's status as to residency and citizenship, **and supply the**

1 **person's social security number if required by this chapter.** Each application shall  
 2 be subscribed and sworn to by the applicant before an officer authorized to administer  
 3 oaths in the state.

4 \* **Sec. 8.** AS 16.05.360 is amended by adding a new subsection to read:

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

9 \* **Sec. 9.** AS 25.25.602(a) is amended to read:

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

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

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

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

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

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

21 (B) the name and address of the obligor's employer and any  
 22 other source of income of the obligor; **and**

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

25 [(D) THE NAMES AND ADDRESSES OF ALL POTENTIAL  
 26 THIRD-PARTY RESOURCES, INCLUDING A HEALTH INSURER, THAT  
 27 MIGHT BE AVAILABLE TO MEET THE REQUIREMENTS OF A  
 28 MEDICAL SUPPORT ORDER; AND]

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

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

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

5 (1) the following requirements are met:

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

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

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

12 (2) [AN INDIVIDUAL PARTY OR] the child, **or a party who is an**  
 13 **individual**, is subject to the personal jurisdiction of the tribunal and all of the  
 14 [INDIVIDUAL] parties **who are individuals** have filed a written consent in the issuing  
 15 tribunal providing that a tribunal of this state may modify the support order and  
 16 assume continuing, exclusive jurisdiction over the order; however, if the issuing state  
 17 is a foreign jurisdiction that has not enacted a law or procedure substantially similar  
 18 to this chapter, the written consent of **an** [THE] individual [PARTY] residing in this  
 19 state is not required for the tribunal to assume jurisdiction to modify the child support  
 20 order.

21 \* **Sec. 11.** AS 25.27.022(b) is amended to read:

22 (b) **Except for requests for assistance made under (c) of this section or**  
 23 **AS 25.25.501, requests** [REQUESTS] from child support enforcement agencies in  
 24 other states shall be made by application containing the information that this state's  
 25 agency requires and including written authorization from the requesting state agency  
 26 and the obligee for this state's agency to initiate necessary action.

27 \* **Sec. 12.** AS 25.27.022 is amended by adding new subsections to read:

28 (c) Requests from a child support agency of another state for assistance in  
 29 enforcing support orders through high-volume automated administrative enforcement  
 30 may be made by electronic or other means and must include the information required  
 31 by 42 U.S.C. 666(a)(14).

1 (d) An employer receiving an income withholding order from a child support  
 2 agency of another state shall comply with the choice of law provisions of  
 3 AS 25.25.502(d), 25.25.503, and 42 U.S.C. 666(b)(6)(A)(i)(V).

4 \* **Sec. 13.** AS 25.27.062(e) is amended to read:

5 (e) The agency or the person who obtains an income withholding order under  
 6 this chapter shall immediately send a copy of the income withholding order, a copy  
 7 of the relevant provisions of AS 25.27.260 and this section, and an explanation of the  
 8 effect of the statutes to persons who may owe money to an obligor. These items may  
 9 be sent by first class mail or certified mail, return receipt requested, or they may be  
 10 served personally by a process server, except that the agency alternatively may send  
 11 the items by electronic means. An income withholding order made under this chapter  
 12 is binding upon a person, employer, political subdivision, or department of the state  
 13 immediately upon receipt of a copy of the income withholding order. **A person**  
 14 **receiving an income withholding order** [AN EMPLOYER] shall immediately begin  
 15 withholding the specified amount from the **obligor's earnings** [EMPLOYEE'S  
 16 WAGES]. The amount withheld shall be sent to the agency within seven business  
 17 days after the date the amount would otherwise have been paid or credited to the  
 18 **obligor** [EMPLOYEE]. An employer may, for each payment made under an order,  
 19 deduct \$5 from other wages or salary owed to the obligor.

20 \* **Sec. 14.** AS 25.27.063(b) is amended to read:

21 (b) If an obligor who is required to provide health care coverage under a  
 22 medical support order is eligible for family health coverage through an employer  
 23 [DOING BUSINESS IN THE STATE], the court or agency issuing the medical  
 24 support order shall send a copy of the medical support order to the employer. **If the**  
 25 **agency has notice that the obligor has changed or will be changing employment**  
 26 **and is or will be eligible for family health coverage through the new employer, the**  
 27 **agency shall send a copy of the medical support order to the new employer.**

28 \* **Sec. 15.** AS 25.27.075 is repealed and reenacted to read:

29 **Sec. 25.27.075. Employment information.** (a) An employer doing business  
 30 in the state shall report to the agency the hiring, rehiring, or return to work of each  
 31 employee. The report shall be made within the time limits set out in (b) of this

1 section. The report must contain the name, address, and social security number of the  
2 newly hired employee, the name and address of the employer, and the identifying  
3 number assigned to the employer by the United States Department of the Treasury,  
4 Internal Revenue Service.

5 (b) An employer required to report under (a) of this section shall use the  
6 following procedures to make the report:

7 (1) if the report is submitted magnetically or electronically, the report  
8 shall be made in a format mutually agreed upon by the employer and the agency; an  
9 employer reporting under this paragraph shall make two transmissions a month, not  
10 less than 12 days nor more than 16 days apart; or

11 (2) if the report is not submitted magnetically or electronically, the  
12 report shall be made on a United States Department of the Treasury, Internal Revenue  
13 Service, W-4 form or, at the option of the employer, on an equivalent form; an  
14 employer reporting under this paragraph shall make the report to the agency not later  
15 than 20 days after the date of the hiring, rehiring, or return to work of the employee;  
16 the report shall be transmitted by the employer by first class mail.

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

20 (1) submits timely magnetic or electronic reports of hires, rehires, or  
21 returns to work to the state directory of new hires of another state in which the  
22 employer has employees; and

23 (2) has provided written notification of its election under this subsection  
24 to the United States Secretary of Health and Human Services.

25 (d) In addition to reporting under (a) of this section, a labor organization of  
26 which an obligor is a member or another employer of the obligor shall promptly  
27 provide to the agency, or the child support enforcement agency of another state,  
28 information requested regarding the obligor's compensation, employment, wages or  
29 salary, and occupation.

30 (e) An employer may charge \$1 to each employee who is reported to the  
31 agency under this section to cover the cost of the reporting.

1 (f) In addition to other sanctions available under the law, a labor organization  
 2 or another employer that violates this section is liable for a civil penalty for each  
 3 failure to meet the requirements of this section of not more than

4 (1) \$25 for each employee who is newly hired, rehired, or newly  
 5 returned to work; and

6 (2) \$500 if the failure is the result of a conspiracy between the  
 7 employee and either a labor organization or another employer not to supply the  
 8 required report or to supply a false or incomplete report concerning an employee.

9 (g) In this section,

10 (1) "employee" has the meaning given in 26 U.S.C. 3401(c);  
 11 "employee" does not include an employee of a federal or state agency performing  
 12 intelligence or counterintelligence functions if the head of that agency has determined  
 13 that reporting under this section on the employee could endanger the safety of the  
 14 employee or compromise an ongoing investigation or intelligence mission;

15 (2) "employer" has the meaning given in 26 U.S.C. 3401(d);  
 16 "employer" includes a governmental entity and a labor organization;

17 (3) "labor organization" has the meaning given in 29 U.S.C. 152; "labor  
 18 organization" includes an entity that is used by the labor organization and another  
 19 employer to carry out hiring or other requirements described in 29 U.S.C. 158(f)(3) in  
 20 accordance with an agreement between the labor organization and the other employer.

21 \* **Sec. 16.** AS 25.27.085 is amended by adding a new subsection to read:

22 (g) If a person fails to comply with a subpoena issued under this section, the  
 23 agency may apply to the court for an order to compel obedience by proceedings for  
 24 contempt as in the case of disobedience of the requirements of a subpoena issued by  
 25 a court.

26 \* **Sec. 17.** AS 25.27.165(c) is amended to read:

27 (c) A person served with a notice of paternity and financial responsibility **and**  
 28 **accompanying orders under (b) of this section** shall file a response, admitting or  
 29 denying paternity and providing the required financial information, within 20 days after  
 30 the date of service of the notice of paternity and financial responsibility. If the  
 31 putative father admits paternity, the agency shall issue, within 20 days after the

1 admission of paternity, a decision establishing paternity. If the putative father denies  
 2 paternity, the putative father shall submit to genetic testing, as provided in (b) of this  
 3 section, within 30 days after the date of service of the notice of paternity and financial  
 4 responsibility. **If the putative father fails to file a response or fails to comply with**  
 5 **an accompanying order within the time and in the manner required in this**  
 6 **subsection, the agency may issue a decision by default establishing paternity and**  
 7 **financial responsibility, except that, if the proceeding was instituted at the request**  
 8 **of the putative father, the agency shall dismiss the proceeding without prejudice.**

9 \* **Sec. 18.** AS 25.27 is amended by adding a new section to read:

10 **Sec. 25.27.167. Contempt of order for genetic testing.** (a) If a person who  
 11 is located in this state fails to comply with an order for genetic testing issued by the  
 12 agency in this state, or the tribunal of another state, the agency in this state may certify  
 13 the facts to the superior court of this state.

14 (b) Upon certification under (a) of this section, the court shall issue an order  
 15 directing the person to appear and show cause why the person should not be punished  
 16 for contempt. The order and a copy of the certified statement shall be served on the  
 17 person in the manner required for service of court orders to show cause.

18 (c) After service under (b) of this section, the court has jurisdiction of the  
 19 matter brought under this section.

20 (d) The law of this state applicable to contempt of a court order applies to a  
 21 proceeding for contempt of order for genetic testing brought under this section.

22 \* **Sec. 19.** AS 25.27.230(a) is repealed and reenacted to read:

23 (a) The agency shall assert a lien upon the real or personal property of the  
 24 obligor in the amount of the obligor's liability if an arrearage occurs under a support  
 25 order being enforced by the agency.

26 \* **Sec. 20.** AS 25.27.230 is amended by adding new subsections to read:

27 (e) A lien arising in another state under the child support laws of that state  
 28 shall be given full faith and credit in this state. The lien may be asserted in this state  
 29 upon the real or personal property of the obligor in the amount of the obligor's liability  
 30 by complying with the requirements of this section.

31 (f) A lien recorded under this section is a judgment lien and may be enforced

1 by execution under AS 09.35 in the full amount of the obligor's liability at the time  
2 of execution.

3 \* **Sec. 21.** AS 25.27.240(a) is amended to read:

4 (a) The agency of this state or another state, or a party or other entity  
5 seeking to enforce a child support obligation, may, at any time after recording of a  
6 lien recorded under AS 25.27.230, serve a copy of the lien upon any person, political  
7 subdivision, or department of the state possessing earnings, or deposits or balances  
8 held in any bank account of any nature that are due, owing, or belonging to the  
9 obligor.

10 \* **Sec. 22.** AS 25.27.250(a) is repealed and reenacted to read:

11 (a) Without prior notice to the obligor, the agency may issue to any person,  
12 including an entity, political subdivision, or state agency, an order to withhold and  
13 deliver property under this section; the order may be issued

14 (1) immediately upon issuance of an income withholding order that  
15 provides for immediate income withholding under AS 25.27.062(a);

16 (2) immediately after an arrearage occurs under a support order  
17 described in AS 25.27.150(a);

18 (3) at the expiration of 30 days after the date of service of a notice and  
19 finding of financial responsibility under AS 25.27.160; or

20 (4) at the expiration of 30 days after service of a decision establishing  
21 paternity and financial responsibility under AS 25.27.165.

22 \* **Sec. 23.** AS 25.27.900(9) is amended to read:

23 (9) "support order" means any judgment, decree, or order that is issued  
24 by a tribunal for the support and maintenance of a child or of [A CHILD AND] a  
25 parent with whom the child is living; "support order" includes a judgment, decree, or  
26 order

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

29 (B) for

30 (i) monetary support, including arrearages;

31 (ii) payment of health care costs or maintenance of

1 health insurance;

2 (iii) reimbursement of related costs;

3 (iv) payment of attorney fees and legal costs and other

4 fees; and

5 (v) penalty, interest, and other relief as required by a

6 tribunal; [.]

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

8 (11) "arrearage" means a debt for support that is past due and equal to

9 at least one monthly obligation under the support order;

10 (12) "high-volume automated administrative enforcement" means the

11 use of automatic data processing to search various state data bases, including license

12 records, employment service data, and state new-hire registries, to determine whether

13 information is available regarding a parent who owes a child support obligation.

14 \* **Sec. 25.** AS 28.15.061(b) is amended to read:

15 (b) An application under (a) of this section must

16 (1) contain the applicant's full name, **social security number**, date and

17 place of birth, sex, and mailing and residence addresses;

18 (2) state whether the applicant has been previously licensed as a driver

19 and, if so, when and by what jurisdiction;

20 (3) state whether any previous driver's license issued to the applicant

21 has ever been suspended or revoked or whether an application for a driver's license has

22 ever been refused and, if so, the date of and reason for the suspension, revocation, or

23 refusal; and

24 (4) contain other information that the department may reasonably

25 require to determine the applicant's identity, competency, and eligibility.

26 \* **Sec. 26.** AS 28.15.061 is amended by adding a new subsection to read:

27 (g) Upon request, the department shall provide a social security number

28 provided under this section to the child support enforcement agency created in

29 AS 25.27.010, or the child support agency of another state, for child support purposes

30 authorized by law.

31 \* **Sec. 27.** Section 148(c), ch. 87, SLA 1997, is repealed.

1     \* **Sec. 28.** APPLICABILITY. The report required under AS 25.27.075(a), enacted by  
2 sec. 15 of this Act, applies to the hiring, rehiring, or return to work of an employee that  
3 occurs on or after the effective date of this Act.

4     \* **Sec. 29.** This Act takes effect immediately under AS 01.10.070(c).