

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

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 4/30/98

Referred: Judiciary, Finance

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 social  
2 security numbers gathered under federal requirements relating to child support  
3 enforcement; relating to the crime of criminal nonsupport; requiring a court to  
4 order parties involved in child custody or visitation matters to attend an  
5 educational presentation about mediation; relating to divorces, dissolutions, and  
6 actions to declare a marriage void; and providing for an effective date."

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

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

13 \* **Sec. 2.** AS 09.50.020 is amended by adding new subsections to read:

1 (b) In addition to the penalty specified in (a) of this section, the court may  
 2 suspend, restrict, or revoke, for a period not to exceed six months, a driver's license  
 3 as defined in AS 28.40.100, a license as defined in AS 25.27.244(s), or a recreational  
 4 license, or any combination of these licenses, or the person's ability to obtain the  
 5 licenses, if

6 (1) the person is a natural person;

7 (2) the contempt is one under AS 09.50.010(4) - (10); and

8 (3) the court, sitting without a jury, finds by a preponderance of  
 9 evidence that the contempt related to failure to pay money in connection with a child  
 10 support action or proceeding or failure to comply with a subpoena or warrant relating  
 11 to a paternity or child support proceeding.

12 (c) In this section, "recreational license" means a recreational fishing license  
 13 or recreational hunting license. In this subsection,

14 (1) "recreational fishing license" means a sport fishing license under  
 15 AS 16.05.340 unless that license is required for participation in personal use fishing,  
 16 as defined in AS 16.05.940, or subsistence fishing, as defined in AS 16.05.940 and  
 17 modified by decisions of the Alaska Supreme Court;

18 (2) "recreational hunting license" means a hunting license under  
 19 AS 16.05.340 unless that license is required for participation in subsistence hunting,  
 20 as defined in AS 16.05.940 and modified by decisions of the Alaska Supreme Court.

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

22 (c) Criminal nonsupport is a class A misdemeanor **and is also punishable by**  
 23 **loss or restriction of a recreational license as provided in AS 12.55.139.**

24 \* **Sec. 4.** AS 11.56 is amended by adding a new section to article 6 to read:

25 **Sec. 11.56.870. Misconduct regarding social security numbers.** (a) A  
 26 public servant commits the crime of misconduct regarding social security numbers if  
 27 the public servant knowingly sells a list compiled by a state agency that identifies one  
 28 or more persons by their social security numbers and the social security numbers were  
 29 obtained by the state under the requirements of P.L. 104-193 (Personal Responsibility  
 30 and Work Opportunity Act).

31 (b) Misconduct regarding social security numbers is a class A misdemeanor.

1 \* **Sec. 5.** AS 12.55 is amended by adding a new section to read:

2           **Sec. 12.55.139. Penalties for criminal nonsupport.** In addition to other  
3 penalties imposed for the offense of criminal nonsupport under AS 11.51.120, the court  
4 may suspend, restrict, or revoke, for a period not to exceed six months, a recreational  
5 license as defined in AS 09.50.020(c), if the defendant is a natural person.

6 \* **Sec. 6.** AS 16.05 is amended by adding a new section to read:

7           **Sec. 16.05.052. Notification to agents concerning social security numbers.**

8 The commissioner shall, upon appointment of a person as an agent to receive  
9 applications, issue licenses, and collect license fees with respect to hunting licenses,  
10 sport fishing licenses, and crewmember fishing licenses, notify the person in writing  
11 about the penalties that are applicable under federal law for improper disclosure of the  
12 social security numbers collected with respect to the agent's licensing duties.

13 \* **Sec. 7.** 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. 8.** 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. 9.** 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. 10.** 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. 11.** AS 22.35 is amended by adding a new section to read:

10 **Sec. 22.35.020. Copies of records for child support purposes.** If a copy of  
 11 a court record is requested by the child support enforcement agency created in  
 12 AS 25.27.010 or a child support agency of another state, the official custodian of the  
 13 record shall provide the requesting agency with a copy of the record, including any  
 14 social security numbers that the record might contain. If the requested record is  
 15 maintained by the court system in an electronic data base, the record may be supplied  
 16 by providing the requesting agency with a copy of the electronic record and a  
 17 statement certifying its contents. A requesting agency receiving otherwise confidential  
 18 information under this section may use it only for child support purposes authorized  
 19 by law.

20 \* **Sec. 12.** AS 25.20.050(n) is amended to read:

21 (n) **Each** [ON AND AFTER JULY 1, 1997, A] paternity order or [AN]  
 22 acknowledgment made under this section must include **in the records relating to the**  
 23 **matter** the social security numbers, if ascertainable, of the following persons:

24 (1) the father;

25 (2) the mother;

26 (3) the child.

27 \* **Sec. 13.** AS 25.20 is amended by adding a new section to read:

28 **Sec. 25.20.075. Mandatory attendance at education course relating to**  
 29 **mediation.** (a) After a petition for child custody is filed under AS 25.20.060, a  
 30 petition to modify an award of custody or visitation is filed under AS 25.20.110, or  
 31 an action for damages for failure to permit visitation is filed under AS 25.20.140, the

1 court shall order the parties to attend an educational presentation approved by the court  
2 that explains the concept of mediation.

3 (b) When implementing (a) of this section, the court may not require that the  
4 parties attend the educational presentation at the same time.

5 (c) An educational presentation approved by the court under this section must  
6 be a video cassette, audio cassette, or vocal presentation that includes an explanation  
7 that

8 (1) mediation is a conflict resolution process, usually engaged in  
9 voluntarily, in which a trained impartial third party assists the parties to negotiate a  
10 consensual and informed settlement;

11 (2) mediation is based on principles of problem solving that focus on  
12 the needs and interests of the participants, fairness, safety, confidentiality, self-  
13 determination, and the best interests of all parties and other persons who the parties  
14 agree are affected; and

15 (3) the role of a mediator is not to make decisions for the parties or to  
16 report to a court about the mediation process but includes reducing the obstacles to  
17 communication, maximizing the exploration of alternatives, and addressing the needs  
18 of the persons who the parties agree are affected.

19 \* **Sec. 14.** AS 25.24.160(d) is amended to read:

20 (d) **For each** [IN A] judgment issued under this section, the court shall include  
21 **in the records relating to the matter** the social security numbers, if ascertainable, of  
22 the following persons:

23 (1) each party to the action;

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

25 \* **Sec. 15.** AS 25.24.210(e) is amended to read:

26 (e) If the petition is filed by both spouses under AS 25.24.200(a), the petition  
27 must state in detail the terms of the agreement between the spouses concerning the  
28 custody of children, child support, visitation, spousal maintenance and tax  
29 consequences, if any, and fair and just division of property, including retirement  
30 benefits. Agreements on spousal maintenance and property division must fairly allocate  
31 the economic effect of dissolution and take into consideration the factors listed in

1 AS 25.24.160(a)(2) and (4). In addition, the petition must state

- 2 (1) the respective occupations of the petitioners;
- 3 (2) the income, assets, and liabilities of the respective petitioners at the  
4 time of filing the petition;
- 5 (3) the date and place of the marriage;
- 6 (4) the name, date of birth, and current marital, educational, and  
7 custodial status of each child born of the marriage or adopted by the petitioners who  
8 is under the age of 19;
- 9 (5) whether the wife is pregnant;
- 10 (6) whether either petitioner requires medical care or treatment;
- 11 (7) whether any of the following has been issued or filed during the  
12 marriage by or regarding either spouse as defendant, participant, or respondent:
- 13 (A) a criminal charge of a crime involving domestic violence;
- 14 (B) a protective order under AS 18.66.100 - 18.66.180;
- 15 (C) injunctive relief under former AS 25.35.010 or 25.35.020;
- 16 or
- 17 (D) a protective order issued in another jurisdiction and filed  
18 with the court in this state under AS 18.66.140;
- 19 (8) whether either petitioner has received the advice of legal counsel  
20 regarding a divorce or dissolution;
- 21 (9) other facts and circumstances that the petitioners believe should be  
22 considered;
- 23 (10) that the petition constitutes the entire agreement between the  
24 petitioners; and
- 25 (11) any other relief sought by the petitioners [;
- 26 (12) THE SOCIAL SECURITY NUMBERS, IF ASCERTAINABLE,  
27 OF THE FOLLOWING PERSONS:
- 28 (A) BOTH SPOUSES TO THE MARRIAGE BEING  
29 DISSOLVED;
- 30 (B) EACH CHILD WHOSE RIGHTS ARE BEING  
31 ADDRESSED IN THE PETITION FOR DISSOLUTION].

1 \* **Sec. 16.** AS 25.24.210 is amended by adding a new subsection to read:

2 (f) A petition filed under this section must include or be accompanied by a  
3 record of the social security numbers, if ascertainable, of the following persons:

4 (1) both spouses to the marriage being dissolved;

5 (2) each child whose rights are being addressed in the petition for  
6 dissolution.

7 \* **Sec. 17.** AS 25.24.230(i) is amended to read:

8 (i) **For each** [IN A] judgment issued under this section, the court shall include  
9 **in the records relating to the matter** the social security numbers, if ascertainable, of  
10 the following persons:

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

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

13 \* **Sec. 18.** AS 25.25.602(a) is amended to read:

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

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

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

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

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

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

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

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

29 [(D) THE NAMES AND ADDRESSES OF ALL POTENTIAL  
30 THIRD-PARTY RESOURCES, INCLUDING A HEALTH INSURER, THAT  
31 MIGHT BE AVAILABLE TO MEET THE REQUIREMENTS OF A

1 MEDICAL SUPPORT ORDER; AND]

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

4 \* **Sec. 19.** AS 25.25.611(a) is amended to read:

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

9 (1) the following requirements are met:

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

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

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

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

25 \* **Sec. 20.** AS 25.27.022(b) is amended to read:

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

31 \* **Sec. 21.** AS 25.27.022 is amended by adding new subsections to read:

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

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

8 \* **Sec. 22.** AS 25.27.062(e) is amended to read:

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

24 \* **Sec. 23.** AS 25.27.063(b) is amended to read:

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

1 \* **Sec. 24.** AS 25.27.075 is repealed and reenacted to read:

2 **Sec. 25.27.075. Employment information.** (a) Except as provided in (g) of  
3 this section, an employer doing business in the state shall report to the agency the  
4 hiring, rehiring, or return to work of each employee. The report shall be made within  
5 the time limits set out in (b) of this section. The report must contain the name,  
6 address, and social security number of the newly hired employee, the name and  
7 address of the employer, and the identifying number assigned to the employer by the  
8 United States Department of the Treasury, Internal Revenue Service.

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

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

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

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

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

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

29 (d) In addition to reporting under (a) of this section, an employer of an obligor  
30 shall promptly provide to the agency, or the child support enforcement agency of  
31 another state, information requested regarding the obligor's compensation, employment,

1 wages or salary, and occupation.

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

4 (f) In addition to other sanctions available under the law, an employer that  
5 violates this section is liable for a civil penalty for each failure to meet the  
6 requirements of this section of not more than

7 (1) \$10 for each employee who is newly hired, rehired, or newly  
8 returned to work; and

9 (2) \$100 if the failure is the result of a conspiracy between the  
10 employee and the employer not to supply the required report or to supply a false or  
11 incomplete report concerning an employee.

12 (g) This section does not apply to an employer if the otherwise reportable  
13 event occurs during a month when the employer has fewer than five employees.

14 (h) In this section,

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

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

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

26 \* **Sec. 25.** AS 25.27.085 is amended by adding a new subsection to read:

27 (g) If a person fails to comply with a subpoena issued under this section, the  
28 agency may apply to the court for an order to compel obedience by proceedings for  
29 contempt as if the subpoena had been issued by a court.

30 \* **Sec. 26.** AS 25.27.165(b) is amended to read:

31 (b) In order to initiate a paternity proceeding administratively, the agency shall

1 serve a mother and putative father, as appropriate, with a notice of paternity and  
 2 financial responsibility. The notice shall be served personally as set out in Rule 4(d),  
 3 Alaska Rules of Civil Procedure, or by registered, certified, or insured mail, return  
 4 receipt requested, for restricted delivery only to the person to whom the notice is  
 5 directed or to the person authorized under federal law to receive that person's restricted  
 6 delivery mail. The notice must be accompanied by

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

10 (2) an administrative order requiring the putative father to provide  
 11 financial information, as defined by the agency in regulation, within **30** [20] days after  
 12 service of the notice; all financial information provided to the agency under an order  
 13 under this paragraph shall be held confidential by the agency, according to any  
 14 applicable regulations; and

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

18 \* **Sec. 27.** AS 25.27.165(c) is amended to read:

19 (c) A person served with a notice of paternity and financial responsibility **and**  
 20 **accompanying orders under (b) of this section** shall file a response, admitting or  
 21 denying paternity and providing the required financial information, within **30** [20] days  
 22 after the date of service of the notice of paternity and financial responsibility. If the  
 23 putative father admits paternity, the agency shall issue, within 20 days after the  
 24 admission of paternity, a decision establishing paternity. If the putative father denies  
 25 paternity, the putative father shall submit to genetic testing, as provided in (b) of this  
 26 section, within **45** [30] days after the date of service of the notice of paternity and  
 27 financial responsibility. **If the putative father fails to file a response or fails to**  
 28 **comply with an accompanying order within the time and in the manner required**  
 29 **in this subsection, the agency may issue a decision by default establishing**  
 30 **paternity and financial responsibility, except that, if the proceeding was instituted**  
 31 **at the request of the putative father, the agency shall dismiss the proceeding**

1 **without prejudice.**

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

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

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

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

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

15 \* **Sec. 29.** AS 25.27.230(a) is repealed and reenacted to read:

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

19 \* **Sec. 30.** AS 25.27.230 is amended by adding new subsections to read:

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

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

27 \* **Sec. 31.** AS 25.27.240(a) is amended to read:

28 (a) The agency of this state or another state, **or a party or other entity**  
29 **seeking to enforce a child support obligation,** may, at any time after recording of a  
30 lien recorded under AS 25.27.230, serve a copy of the lien upon any person, political  
31 subdivision, or department of the state possessing earnings, or deposits or balances

1 held in any bank account of any nature that are due, owing, or belonging to the  
2 obligor.

3 \* **Sec. 32.** AS 25.27.244(a) is amended to read:

4 (a) The agency shall compile and maintain a list of obligors who are not in  
5 substantial compliance with a support order or payment schedule negotiated under  
6 (g)(1) of this section [AND OF OTHER PERSONS WHO, AFTER RECEIVING  
7 APPROPRIATE NOTICE, HAVE FAILED TO COMPLY WITH A SUBPOENA OR  
8 WARRANT RELATING TO PATERNITY OR A CHILD SUPPORT PROCEEDING].

9 The agency may not include an obligor on the list unless the agency has sent to the  
10 obligor, at the obligor's most recent address on file with the agency, written notice of  
11 the arrearages at least 60 days before placement on the list. The list must include the  
12 names, social security numbers, dates of birth, and last known addresses of the  
13 persons. The list shall be updated by the agency on a monthly basis.

14 \* **Sec. 33.** AS 25.27.244(g) is amended to read:

15 (g) If the applicant wishes to challenge being included on the list, the applicant  
16 shall submit to the agency a written request for review within 30 days after receiving  
17 the notice under (c) or (r) of this section by using the form developed under (e) of this  
18 section. Within 30 days after receiving a written request for review, the agency shall  
19 inform the applicant in writing of the agency's findings. The agency shall immediately  
20 send a release to the appropriate licensing entity and the applicant if any of the  
21 following conditions is met:

22 (1) the applicant is found to [HAVE COMPLIED WITH ALL  
23 SUBPOENAS AND WARRANTS DESCRIBED IN (a) OF THIS SECTION, IF  
24 APPLICABLE, AND IS FOUND TO] be in substantial compliance with each support  
25 order applicable to the applicant or has negotiated an agreement with the agency for  
26 a payment schedule on arrearages and is in substantial compliance with the negotiated  
27 agreement; if the applicant fails to be in substantial compliance with an agreement  
28 negotiated under this paragraph, the agency shall send to the appropriate licensing  
29 entity a revocation of any release previously sent to the entity for that applicant;

30 (2) the applicant has submitted a timely request for review to the  
31 agency, but the agency will be unable to complete the review and send notice of

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

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

14 (4) the applicant has obtained a judicial finding of substantial  
15 compliance.

16 \* **Sec. 34.** AS 25.27.244(i) is amended to read:

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

1 support order or to obtain a court finding of substantial compliance with a support  
 2 order or a court finding of compliance with subpoenas and warrants described in (a)  
 3 of this section.

4 \* **Sec. 35.** AS 25.27.244(j) is amended to read:

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

12 (1) whether there is a support order or a payment schedule on  
 13 arrearages;

14 (2) whether the petitioner is the obligor covered by the support order;

15 **and**

16 (3) whether the obligor is in substantial compliance with the support  
 17 order or payment schedule [; AND

18 (4) WHETHER THE PERSON REQUESTING RELIEF COMPLIED  
 19 WITH ALL SUBPOENAS AND WARRANTS RELATING TO PATERNITY OR A  
 20 CHILD SUPPORT PROCEEDING].

21 \* **Sec. 36.** AS 25.27.244(k) is amended to read:

22 (k) If the court finds that the person requesting relief is in substantial  
 23 compliance with the support order or payment schedule, [AND IS IN COMPLIANCE  
 24 WITH ALL SUBPOENAS AND WARRANTS DESCRIBED IN (a) OF THIS  
 25 SECTION,] the agency shall immediately send a release under (g) of this section to  
 26 the appropriate licensing entity and the applicant.

27 \* **Sec. 37.** AS 25.27.244(l) is amended to read:

28 (l) If an applicant is in substantial compliance with a support order or payment  
 29 schedule, [AND IS IN COMPLIANCE WITH SUBPOENAS AND WARRANTS  
 30 DESCRIBED IN (a) OF THIS SECTION,] the agency shall mail to the applicant and  
 31 the appropriate licensing entity a release stating that the applicant is in substantial

1 compliance [OR IS IN COMPLIANCE WITH THE SUBPOENAS AND  
2 WARRANTS, AS APPLICABLE]. The receipt of a release shall serve to notify the  
3 applicant and the licensing entity that, for the purposes of this section, the applicant  
4 is in substantial compliance with the support order or payment schedule [, OR IS IN  
5 COMPLIANCE WITH THE SUBPOENAS AND WARRANTS,] unless the agency,  
6 under (a) of this section, certifies subsequent to the issuance of a release that the  
7 applicant is once again not in substantial compliance with a support order or payment  
8 schedule [, OR IS NOT IN COMPLIANCE WITH A SUBPOENA OR WARRANT].

9 \* **Sec. 38.** AS 25.27.246(a) is amended to read:

10 (a) The agency shall compile and maintain a list of obligors who have a  
11 driver's license and are not in substantial compliance with a support order or payment  
12 schedule negotiated under (f)(1) of this section [AND OF OTHER PERSONS WHO,  
13 AFTER RECEIVING APPROPRIATE NOTICE, HAVE FAILED TO COMPLY  
14 WITH A SUBPOENA OR WARRANT RELATING TO PATERNITY OR A CHILD  
15 SUPPORT PROCEEDING]. The agency may not include an obligor on the list unless  
16 the agency has sent to the obligor, at the obligor's most recent address on file with the  
17 agency, written notice of the arrearages at least 60 days before placement on the list.  
18 The list must include the names, social security numbers, dates of birth, and last  
19 known addresses of the persons. The list shall be updated by the agency on a monthly  
20 basis.

21 \* **Sec. 39.** AS 25.27.246(f) is amended to read:

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

29 (1) the licensee is found [BY THE AGENCY TO HAVE COMPLIED  
30 WITH ALL SUBPOENAS AND WARRANTS DESCRIBED IN (a) OF THIS  
31 SECTION AND IS FOUND] to be in substantial compliance with each support order

1 applicable to the licensee or has negotiated an agreement with the agency for a  
 2 payment schedule on arrearages and is in substantial compliance with the negotiated  
 3 agreement; if the licensee fails to be in substantial compliance with an agreement  
 4 negotiated under this paragraph, the agency shall send to the department a revocation  
 5 of any release previously sent to the entity for that licensee;

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

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

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

23 \* **Sec. 40.** AS 25.27.246(h) is amended to read:

24 (h) Except as otherwise provided in this section, the agency may not issue a  
 25 release if the licensee is not in substantial compliance with the order for support or  
 26 with an agreement negotiated under (f)(1) of this section [, OR IS NOT IN  
 27 COMPLIANCE WITH A SUBPOENA OR WARRANT DESCRIBED IN (a) OF THIS  
 28 SECTION]. The agency shall notify the licensee in writing that the licensee may  
 29 request any or all of the following: (1) judicial relief from the agency's decision not  
 30 to issue a release or the agency's decision to revoke a release under (f)(1) of this  
 31 section; (2) a judicial determination of substantial compliance; (3) a modification of

1 the support order. The notice must also contain the name and address of the court in  
 2 which the licensee may file the request for relief and inform the licensee that the  
 3 licensee's name shall remain on the list if the licensee does not request judicial relief  
 4 within 30 days after receiving the notice. The licensee shall comply with all statutes  
 5 and rules of court implementing this section. This section does not limit a licensee's  
 6 authority under other law to request an order to show cause or notice of motion to  
 7 modify a support order or to fix a payment schedule on arrearages accruing under a  
 8 support order or to obtain a court finding of substantial compliance with a support  
 9 order or a court finding of compliance with subpoenas and warrants described in (a)  
 10 of this section.

11 \* **Sec. 41.** AS 25.27.246(i) is amended to read:

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

19 (1) whether there is a support order or a payment schedule on  
 20 arrearages;

21 (2) whether the petitioner is the obligor covered by the support order;

22 **and**

23 (3) whether the obligor is in substantial compliance with the support  
 24 order or payment schedule [; AND

25 (4) WHETHER THE PERSON REQUESTING RELIEF COMPLIED  
 26 WITH ALL SUBPOENAS AND WARRANTS RELATING TO PATERNITY OR A  
 27 CHILD SUPPORT PROCEEDING].

28 \* **Sec. 42.** AS 25.27.246(j) is amended to read:

29 (j) If the court finds that the person requesting relief is in substantial  
 30 compliance with the support order or payment schedule, [OR IS IN COMPLIANCE  
 31 WITH SUBPOENAS AND WARRANTS DESCRIBED IN (a) OF THIS SECTION,]

1 the agency shall immediately send a release under (f) of this section to the department  
2 and the licensee.

3 \* **Sec. 43.** AS 25.27.246(k) is amended to read:

4 (k) If a licensee is in substantial compliance with a support order or payment  
5 schedule, [AND IS IN COMPLIANCE WITH ALL SUBPOENAS AND WARRANTS  
6 DESCRIBED IN (a) OF THIS SECTION,] the agency shall mail to the licensee and  
7 the department a release stating that the licensee is in substantial compliance [OR IS  
8 IN COMPLIANCE WITH THE SUBPOENAS AND WARRANTS,  
9 AS APPLICABLE]. The receipt of a release shall serve to notify the licensee and the  
10 department that, for the purposes of this section, the licensee is in substantial  
11 compliance with the support order or payment schedule [, OR IS IN COMPLIANCE  
12 WITH THE SUBPOENAS AND WARRANTS,] unless the agency, under (a) of this  
13 section, certifies subsequent to the issuance of a release that the licensee is once again  
14 not in substantial compliance with a support order or payment schedule [, OR IS NOT  
15 IN COMPLIANCE WITH A SUBPOENA OR WARRANT].

16 \* **Sec. 44.** AS 25.27.246(n)(5) is amended to read:

17 (5) "substantial compliance" regarding a support order or payment  
18 schedule means that, with respect to a support order or a negotiated payment schedule  
19 under (f) of this section, whichever is applicable, the obligor [EITHER] has

20 (A) no arrearage;

21 (B) [OR HAS] an arrearage in an amount that is not more than  
22 four times the monthly obligation under the support order or payment schedule;

23 or

24 (C) been determined by a court to be making the best  
25 efforts possible under the obligor's circumstances to have no arrearages  
26 under any support order or negotiated payment schedule relating to child  
27 support.

28 \* **Sec. 45.** AS 25.27.250(a) is repealed and reenacted to read:

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

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

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

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

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

9 \* **Sec. 46.** AS 25.27.900(9) is amended to read:

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

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

16 (B) for

17 (i) monetary support, including arrearages;

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

20 (iii) reimbursement of related costs;

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

23 (v) penalty, interest, and other relief as required by a  
24 tribunal; [.]

25 \* **Sec. 47.** AS 25.27.900 is amended by adding new paragraphs to read:

26 (11) "arrearage" means a debt for support that is past due and equal to  
27 at least one monthly obligation under the support order;

28 (12) "high-volume automated administrative enforcement" means the  
29 use of automatic data processing to search various state data bases, including license  
30 records, employment service data, and state new-hire registries, to determine whether  
31 information is available regarding a parent who owes a child support obligation.

1     \* **Sec. 48.** AS 28.15.061(b) is amended to read:

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

3                     (1) contain the applicant's full name, **social security number**, date and  
4             place of birth, sex, and mailing and residence addresses;

5                     (2) state whether the applicant has been previously licensed as a driver  
6             and, if so, when and by what jurisdiction;

7                     (3) state whether any previous driver's license issued to the applicant  
8             has ever been suspended or revoked or whether an application for a driver's license has  
9             ever been refused and, if so, the date of and reason for the suspension, revocation, or  
10            refusal; and

11                    (4) contain other information that the department may reasonably  
12            require to determine the applicant's identity, competency, and eligibility.

13     \* **Sec. 49.** AS 28.15.061 is amended by adding a new subsection to read:

14             (g) Upon request, the department shall provide a social security number  
15             provided under this section to the child support enforcement agency created in  
16             AS 25.27.010, or the child support agency of another state, for child support purposes  
17             authorized by law.

18     \* **Sec. 50.** Section 148(c), ch. 87, SLA 1997, is repealed.

19     \* **Sec. 51.** APPLICABILITY. The report required under AS 25.27.075(a), enacted by  
20     sec. 24 of this Act, applies to the hiring, rehiring, or return to work of an employee that  
21     occurs on or after the effective date of this Act.

22     \* **Sec. 52.** NONSEVERABILITY OF ACT. Notwithstanding AS 25.27.280, if a provision  
23     enacted by this Act, or the application of a provision enacted by this Act to any person or  
24     circumstance, is held to be unconstitutional, that provision and the remainder of the provisions  
25     enacted by this Act shall be considered to be invalid, and, to this end, the provisions of this  
26     Act are declared to be nonseverable.

27     \* **Sec. 53.** This Act takes effect immediately under AS 01.10.070(c).