

CS FOR HOUSE BILL NO. 176(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 4/21/04

Referred: Judiciary

Sponsor(s): REPRESENTATIVES COGHILL, Gruenberg

A BILL

FOR AN ACT ENTITLED

1 **"An Act providing that certain obligors can receive credit against their child support**
2 **obligation for certain types of noncash child support; and providing for an effective**
3 **date."**

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

5 * **Section 1.** AS 25.27.020(b) is amended to read:

6 (b) In determining the amount of money an obligor must pay to satisfy the
7 obligor's immediate duty of support, the agency shall consider all payments **of money**
8 made by the obligor directly to the obligee or to the obligee's custodian before the time
9 the obligor is ordered to make payments through the agency. After the obligor is
10 ordered to make payments through the agency, the agency may not consider direct
11 payments **of money** made to the obligee or the obligee's custodian unless the obligor
12 provides clear and convincing evidence of the payment. **Notwithstanding the**
13 **definition of "support order" in AS 25.27.900, the agency shall reduce the**
14 **amount of money an obligor must pay to satisfy the obligor's duty of support by**

1 the fair market value, as determined by agreement between the obligee's parent
 2 or custodian and the obligor, of a noncash contribution made by the obligor
 3 under the following circumstances:

4 (1) the obligee's custodian has agreed to allow the agency to give
 5 the obligor credit for noncash support and has not withdrawn that agreement;

6 (2) the noncash contribution is for basic food, housing, or heat; the
 7 agency, by regulation, may also give credit for other types of noncash
 8 contributions that help to satisfy the basic material needs of the obligee;

9 (3) the noncash contribution is made directly to the obligee's
 10 custodian or to a creditor of the obligee's custodian;

11 (4) the obligor presents clear and convincing evidence of the
 12 noncash contribution; and

13 (5) the obligee's custodian is not receiving assistance for the benefit
 14 of the obligee under AS 47.27 or under 42 U.S.C. 612.

15 * **Sec. 2.** AS 25.27.060 is amended by adding a new subsection to read:

16 (e) Notwithstanding the requirements in (a) - (d) of this section and the
 17 definition of "support order" in AS 25.27.900, in a court or administrative proceeding
 18 where the support of a minor child is at issue, the court or agency, as applicable, shall
 19 reduce the amount of money an obligor must pay to satisfy the obligor's duty of
 20 support for a child by the fair market value, as determined by the court or by
 21 agreement between the obligee's parent or custodian and the obligor, of a noncash
 22 contribution made by the obligor under the circumstances described under
 23 AS 25.27.020(b)(1) - (5).

24 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
 25 read:

26 APPLICABILITY. AS 25.27.020(b), as amended by sec. 1 of this Act, and
 27 25.27.060(e), added by sec. 2 of this Act, apply to noncash contributions made on or after the
 28 effective date of this Act.

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