

HOUSE BILL NO. 231

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE HARRIS

Introduced: 4/2/03

Referred: Health, Education and Social Services, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to termination of the parental rights of a person who owes substantial**
2 **child support arrearages."**

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

4 *** Section 1.** AS 25.20 is amended by adding a new section to read:

5 **Sec. 25.20.150. Termination of parental rights for substantial child**
6 **support arrearages.** (a) The custodial parent of a child who resides in this state may
7 file an action to terminate the parental rights of a noncustodial parent of the child if the
8 noncustodial parent is not in substantial compliance with a child support order
9 covering the child. The court shall terminate the parental rights of the noncustodial
10 parent if, at the time of the court's hearing on the matter, the court finds that

11 (1) the noncustodial parent is not in substantial compliance with a
12 child support order relating to the child that was established by a court or by the child
13 support enforcement agency of this state or of another jurisdiction; and

14 (2) termination of those parental rights is in the best interests of the

1 child.

2 (b) An order terminating parental rights under this section terminates the
3 noncustodial parent's prospective duty to pay child support for the child and the
4 noncustodial parent's visitation rights, if any, but does not terminate the noncustodial
5 parent's duty to pay child support arrearages that accrued before the court's order.

6 (c) In this section,

7 (1) "custodial parent" means a parent who has full legal and physical
8 custody of a child, although another person may have visitation rights with the child;

9 (2) "noncustodial parent" means a parent who has neither legal nor
10 physical custody of a child, but who may have visitation rights with the child;

11 (3) "substantial compliance" regarding a child support order means
12 that, with respect to periodic payments required under the support order, the obligor
13 has

14 (A) no arrearage;

15 (B) an arrearage in an amount that is not more than 12 times
16 the monthly obligation under the support order; or

17 (C) been determined by the court to be making the best efforts
18 possible under the obligor's circumstances to have no arrearages under the
19 child support order.