

**ALASKA STATE LEGISLATURE  
HOUSE STATE AFFAIRS STANDING COMMITTEE**

March 3, 2015

8:09 a.m.

**MEMBERS PRESENT**

Representative Bob Lynn, Chair  
Representative Wes Keller, Vice Chair  
Representative David Talerico  
Representative Liz Vazquez  
Representative Louise Stutes  
Representative Max Gruenberg

**MEMBERS ABSENT**

Representative Jonathan Kreiss-Tomkins

**COMMITTEE CALENDAR**

HOUSE BILL NO. 106

"An Act relating to the Uniform Interstate Family Support Act, including jurisdiction by tribunals of the state, registration and proceedings related to support orders from other state tribunals, foreign support orders, foreign tribunals, and certain persons residing in foreign countries; relating to determination of parentage of a child; and providing for an effective date."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 106

SHORT TITLE: UNIFORM INTER.CHILD SUPPORT;PARENTAGE

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/11/15	(H)	READ THE FIRST TIME - REFERRALS
02/11/15	(H)	STA, JUD
02/19/15	(H)	STA AT 8:00 AM CAPITOL 106
02/19/15	(H)	Heard & Held
02/19/15	(H)	MINUTE(STA)
03/03/15	(H)	STA AT 8:00 AM CAPITOL 106

**WITNESS REGISTER**

CAROL BEECHER, Director

Anchorage Central Office  
Child Support Services Division (CSSD)  
Department of Revenue (DOR)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified and responded to questions during the hearing on HB 106.

STACY STEINBERG, Chief Assistant Attorney General  
Collections and Support Section  
Civil Division (Anchorage)  
Department of Law  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 106.

#### **ACTION NARRATIVE**

[8:09:55 AM](#)

**CHAIR BOB LYNN** called the House State Affairs Standing Committee meeting to order at 8:09 a.m. Representatives Gruenberg, Keller, Stutes, Talerico, Vazquez, and Lynn were present at the call to order.

#### **HB 106-UNIFORM INTER.CHILD SUPPORT;PARENTAGE**

[8:10:14 AM](#)

CHAIR LYNN announced that the only order of business was HOUSE BILL NO. 106, "An Act relating to the Uniform Interstate Family Support Act, including jurisdiction by tribunals of the state, registration and proceedings related to support orders from other state tribunals, foreign support orders, foreign tribunals, and certain persons residing in foreign countries; relating to determination of parentage of a child; and providing for an effective date."

[8:11:09 AM](#)

REPRESENTATIVE KELLER moved to adopt the proposed committee substitute (CS), Version 29-GH1897\W, Glover, 3/2/15, as a work draft. There being no objection, Version W was before the committee.

[8:12:28 AM](#)

CAROL BEECHER, Director, Anchorage Central Office, Child Support Services Division (CSSD), Department of Revenue (DOR), noted that at the [2/19/15] hearing on HB 106, the committee had asked questions and requested a letter and written documentation in response. She indicated that she had provided those answers with the documentation, and she offered to answer any further questions regarding the federal documents after her presentation of HB 106.

[8:13:46 AM](#)

MS. BEECHER offered the background behind HB 106, as follows:

Alaska's Child Support Program began in 1976. It is authorized under Title 4(d) of the Social Security Act. The program is federally matched: 66 percent federal; 34 percent state. In [fiscal year 2015] (FY 15), the federal match was \$19 million. In 2014, the Child Support Services Division collected approximately \$112 million, of which 90 percent goes directly to families, so approximately \$100 million to families. The other 10 percent goes to reimburse the federal and state government for foster care and other forms of public assistance.

Alaska passed the original version of [the Uniform Interstate Family Support Act] (UIFSA) into law in 1996. UIFSA was written by the [National Conference of Commissioners on Uniform State Laws] ("Uniform Law Commissioners") to provide a clear framework and a mechanism for enforcing orders between states. This was necessary to ensure that one order was controlling, and it cleared up problems with the multiple, jurisdictional issues and orders where sometimes families would have multiple orders depending on what state they lived in. The Act has been instrumental in providing a uniform method for enforcing child support orders. The theme of UIFSA is essentially one order at one time in one place.

UIFSA was amended in 2001 and again in 2008. Alaska's uniform law commissioner at that time, Debra Behr, attended the 2008 convention and took part in the amendment process. The main change of the 2008 amendments is the addition of a new section, which deals with the child support enforcement between the countries ... [that] have signed the convention.

Other changes largely consist of cleanup language and added definitions and clarification. The amended version, which is known as UIFSA 2008, will greatly improve child support services when one parent lives outside of the United States.

When Alaska passed the law in 1996, all other U.S. jurisdictions passed the law by 1998. In 2007, the United States signed The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. This treaty is known as "The Convention." In 2008, the Uniform Law Commission amended UIFSA to incorporate changes mandated by The Convention. This version is known, again, as UIFSA 2008. In 2010, the [U.S.] Senate provided a resolution of advice and consent to ratification. In September 2014, Public law 113-183, Preventing Sex Trafficking and Strengthening Families Act, was signed into law. This law requires that all [Title] 4(d) child support programs pass UIFSA 2008 by the next legislative session, which for Alaska is by July 1, 2015.

[8:16:50 AM](#)

MS. BEECHER continued as follows:

Federal funding of the [Title] 4(d) child support program is a condition of passage, which means \$19 million to CSSD. Further, the language of UIFSA 2008 is not allowed to be amended, in order to ensure the uniformity in language and forms. And we are continuing to work closely with the federal Office of Child Support Enforcement to ensure the bill wording is in compliance; hence the amended version you have before you today.

Once passed, the new section of the bill, Article 7, will not go into effect until all U.S. jurisdictions have passed UIFSA 2008 and the final steps of the ratification process are completed. To date, 12 states have enacted UIFSA 2008, and 23 states have legislation pending. The other states are in the drafting stage.

[8:17:41 AM](#)

MS. BEECHER stated that regardless of the federal funding laws, there are several reasons that the State of Alaska should pass this law. She continued as follows:

It is a very good bill. UIFSA 2008 will allow U.S. children to receive support when the other party resides in a treaty country. Currently, the United States' programs do process child support orders from foreign countries, but it's a one-way street: We have no mechanism in place to ensure that the foreign countries enforce our orders. Many will not process a foreign order in the absence of a treaty obligation. 2008 changes were limited to those necessary to accommodate The Convention, and passage will ensure a uniform method of enforcing child support orders between countries.

[8:18:38 AM](#)

CHAIR LYNN asked what change, if any, the legislature could make to the proposed bill without endangering the overall treaty with other countries.

[8:19:38 AM](#)

STACY STEINBERG, Chief Assistant Attorney General, Collections and Support Section, Civil Division (Anchorage), Department of Law, said the substance of the Uniform Act must stay the same, because it is critical that before the U.S. can take the final steps toward ratification, the President can say all the states have the implementing language in place. She said UIFSA 2008 is the vehicle to ensure that every state has the correct language and substantive law to be able to "enforce these orders in accordance with the convention terms."

CHAIR LYNN asked what the consequence would be for a non-American party that fails to live up to the treaty.

MS. STEINBERG answered that there are provisions under The Convention that must be honored; however, she said she would have to do some research to ascertain what the consequences would be for failing to comply.

CHAIR LYNN emphasized he is a strong proponent of child support, but said he is concerned about the sovereignty of the U.S. and Alaska. He asked if he was wrong to be concerned.

MS. STEINBERG responded that the Office of the Attorney General does not have those same concerns. She said currently there are provisions in Article 6 for enforcing foreign orders, and "this makes it slightly different for convention orders."

CHAIR LYNN asked, "So, this new version would not change what already is, significantly, is that correct?"

MS. STEINBERG answered in the affirmative.

[8:22:09 AM](#)

REPRESENTATIVE KELLER recollected having read language in HB 106 that would change how interstate orders are applied. He asked Ms. Steinberg to confirm she was saying "it has no effect on that whatsoever."

MS. STEINBERG replied that in general, she did not see those changes; however, she would need to compare a non-Convention country under Article 6 with a Convention country under Article 7. She said one slight difference is a provision in Article 7 that gives a person living in a foreign country up to 60 days to respond to an order registered in Alaska, whereas she opined that under Article 6, that time is somewhere between 20 and 30 days.

REPRESENTATIVE KELLER remarked upon the length of Version W, which he said the committee had just received, and he expressed his hope that HB 106 would be held over in committee to allow time for further information.

[8:24:00 AM](#)

MS. BEECHER, in response to a question from Representative Keller, reviewed that 10 percent of the revenue collected in CSSD goes to foster care and to Temporary Aide for Needy Families (TANF) as reimbursement to DHSS.

[8:24:58 AM](#)

MS. STEINBERG said this area can get complicated. She explained that if the child goes into foster care, then the child support actually belongs to the State of Alaska because the child was in the state's custody. Similarly, within Child Custody Services, a custodial parent that begins to receive assistance assigns his/her right to child support to the state because the state

would be paying that parent. She said that is another form of the reimbursement within which the 10 percent falls.

[8:25:50 AM](#)

REPRESENTATIVE KELLER stated his assumption that the same standards are applied in foreign orders and the reason for the proposed legislation is to so that Alaska's orders are enforced in the foreign country. He offered his understanding that it would mean Alaska would have access to the foreign bank account under court order that otherwise the state could not access. He said he was still troubled by Alaska's enforcement of foreign orders even though the proposed legislation does not directly address that issue.

[8:27:16 AM](#)

MS. BEECHER responded that when Alaska has an order in another state, it asks that state to enforce the order. Similarly, in a child support case involving another country, Alaska would not dip into the foreign bank; the foreign country's child services entity would take care of the enforcement processes as the central authority and then send the money to CSSD to process through its "dispersement unit."

REPRESENTATIVE KELLER asked what happens when the order originates from the foreign country.

[8:28:29 AM](#)

MS. STEINBERG answered that in terms of foreign orders, under current law a "state" can be a state in the U.S. or a foreign country whose standards are similar to Alaska's standards. She offered details about the process. She said the process would be much easier under Article 7, if the foreign country was a "Convention country," because then Alaska would be assured that the country already had those processes as it must have them in order to sign on and ratify the Convention. Currently, she said, Alaska has the provision in statute to be able to enforce a foreign order, but it has to consider whether the country has similar standards. She said orders are registered with the Alaska Superior Court and parents have the ability to look at the order and object if they feel they were not given due process.

[8:30:45 AM](#)

REPRESENTATIVE KELLER offered his understanding that Ms. Steinberg was saying that it is up to CSSD to determine whether there are similar standards, but beyond that there are no further checks or balances other than giving the parents the chance to respond after the order is registered with the Alaska Superior Court.

MS. STEINBERG stated that CSSD, the court, and the parents are involved in the process.

[8:32:00 AM](#)

CHAIR LYNN asked how many foreign countries were involved.

MS. BEECHER answered that currently 33 countries had signed on, and 23 of those are in the European Union. She named Burkina Faso and Bosnia as two of the countries that had signed on to The Convention. In response to follow-up questions from Chair Lynn, she said no Asian or South American countries had signed on yet. She added that they were part of the discussion in the treaty, but did not yet have the internal structure required by The Convention. She said there were no Middle Eastern Countries signed on.

[8:33:13 AM](#)

REPRESENTATIVE GRUENBERG referred to a letter, dated February 25, from Kate Glover of Legislative Legal and Research Services, which states that under the federal Act, the states must adopt verbatim UIFSA 2008. He asked on what page Section 301 could be found in the report.

CHAIR LYNN handed the gavel to Vice Chair Keller

MS. STEINBERG answered that Section 301 was on page 7 of the Senate report, which she indicated was the top of page 44 in the exhibit included in the committee packet.

[8:35:48 AM](#)

VICE CHAIR KELLER explained that Representative Gruenberg had introduced a letter that had been given out in the past and was not yet distributed.

MS. STEINBERG clarified that the document to which Representative Gruenberg referred was called, "The Supporting At-Risk Kids Act," which she said was from the U.S. Committee on

Finance report number 113-137 from the 113th Congress and pertained to Senate Bill 1870. She said, "This is an exhibit that was attached to a letter that Ms. Beecher and myself had prepared for the committee, in response to some of the questions that we received at the last committee hearing."

[8:37:35 AM](#)

The committee took a brief at-ease at 8:37 a.m.

[8:39:54 AM](#)

VICE CHAIR KELLER offered clarification regarding the document to which Representative Gruenberg had referred and he suggested there had been some confusion about the numbering of pages between the report and the exhibit.

REPRESENTATIVE VAZQUEZ noted that there was a second letter from Ms. Glover in the committee packet.

VICE CHAIR KELLER offered his understanding that Representative Gruenberg was discussing the letter dated February 25. He noted that Ms. Glover was available to answer questions.

[8:41:31 AM](#)

REPRESENTATIVE GRUENBERG directed attention to the middle paragraph on page 44, and read as follows: "States would be required to adopt the 2008 amendments verbatim to ensure uniformity of procedures, requirements, and reporting form." He offered his understanding that the report was written by Senate staff and signed off on by Senators. He noted that the quote was from the report, and he asked Ms. Steinberg to show the committee where that language is written in statute.

MS. STEINBERG offered her understanding that the language Representative Gruenberg had just read originated in Senate Bill 1870 in which. She indicated that under 42 U.S.C. 666(f), states were mandated to pass 1996 UIFSA. She reviewed the chronology of UIFSA, which Ms. Beecher had previously covered.

[8:43:40 AM](#)

REPRESENTATIVE KELLER asked for confirmation that this was in reference to the Senate Bill, and that in the House Bill that passed there was no such report.

MS. STEINBERG answered that's correct. Regarding the Preventing Sex Trafficking and Strengthening Families Act, she said the bill that passed Congress was different from "this bill that the report was on," but had the same language. She explained that there were approximately six different bills that contained this language, and ultimately one was passed. She said she could not find any committee reports for that one, but related that the House had passed it in June, and the Senate had unanimously passed it in August.

REPRESENTATIVE KELLER asked if the language regarding "verbatim" would have applied in the House bill.

MS. STEINBERG answered yes, because the language was not changed.

[8:44:52 AM](#)

REPRESENTATIVE GRUENBERG sought further clarification regarding the word verbatim, which he opined was not in current federal law. He said he wanted to know what the operative language in law currently was. In response to Ms. Steinberg, he said he understood that Congress changed the adopt-by date to September 30, 2008, but said he wanted to know where, in the previous Act, the language regarding "verbatim" was, or if that prior law simply mandated the adoption of UIFSA. He said a Uniform Act can be adopted with changes; it does not have to be verbatim.

MS. STEINBERG responded that 42 U.S.C. 666(f) requires states to adopt the 2008 version of UIFSA, not a variation of 2008, in order to receive continued federal funding. She said that is what makes this law different from other Acts.

REPRESENTATIVE GRUENBERG said it sounded as if HB 106 proposed adoption of an updated version of UIFSA 2008, and that the federal law required Alaska to adopt the 2008 version.

[8:51:05 AM](#)

MS. STEINBERG stated that was not correct; the states must adopt UIFSA 2008, which is the current federal version. She explained that Version W to HB 106 was necessary to address oversights in drafting language, so that the proposed legislation matched the changes required in UIFSA 2008. She ventured that her earlier reference to minor changes may have caused confusion. She said not every state calls its agency for child support by the same name, and explained that one minor change would be for each

state to change the name of its agency for accuracy. She emphasized that the federal Office of Child Support Enforcement had been closely involved in ensuring that the language Alaska created to update UIFSA would meet the federal requirements. She said she thought the changes made in Version W were stylistic, not substantive.

[8:53:20 AM](#)

REPRESENTATIVE GRUENBERG asked if, at the time UIFSA was adopted in 2008, it was known that the states would have to adopt it also in order to continue getting federal funds.

MS. STEINBERG answered that the Uniform Law Commissioners met in 2008 specifically to amend the Uniform Law to provide for The Hague Convention provisions. She said the President, at that point, had already signed The Convention, but there needed to be the implementing language adopted by the states, through UIFSA, in order for The Convention to be ratified.

REPRESENTATIVE GRUENBERG reiterated his question.

MS. STEINBERG said that was her understanding. She said she had provided, in one of the exhibits, the commissioners' commentary to UIFSA, which explained the addition of Article 7. She said they did discuss the treaty and the necessary steps states would have to take.

REPRESENTATIVE GRUENBERG said the focus of the committee was the implementation of a treaty implemented by a federal law. He expressed concern that the federal government adopted a Uniform Act six years ago, but the Alaska State Legislature was not informed until last year, which meant that the state would have only one, 90-day session to move a bill through four committees. He emphasized the importance of having the time to "do it right."

[8:57:39 AM](#)

REPRESENTATIVE VAZQUEZ remarked upon all the paperwork was given to the committee after 5 p.m. the evening before the meeting.

[8:58:45 AM](#)

VICE CHAIR KELLER noted that some of those documents were provided in the last hearing; however, he said he identified

with Representative Vazquez' remarks. He assured the committee that his intent was to hold HB 106.

[8:59:26 AM](#)

REPRESENTATIVE VAZQUEZ noted that at the committee's last hearing on HB 106, there had been interest expressed in hearing from someone at the federal level. She asked if anyone was available.

MS. BEECHER answered no.

REPRESENTATIVE VAZQUEZ asked if anyone from the Alaska delegation to U.S. Congress was available.

MS. STEINBERG answered no, but said, "The Senate has already provided its advice and consent on the treaty."

REPRESENTATIVE VAZQUEZ opined that the committee needed to hear from the Alaska delegates in regard to HB 106.

MS. STEINBERG said she was not sure they would be available.

VICE CHAIR KELLER said he thought Representative Vazquez' request was reasonable, and he suggested that Chair Lynn could be asked to make that invitation.

[9:01:08 AM](#)

REPRESENTATIVE VAZQUEZ, regarding a previous comment by Representative Gruenberg, said she would also like to see the federal law that requires verbatim adoption.

MS. STEINBERG said the law was provided in the packet of exhibits. She offered her understanding that Exhibit 6 showed the Congressional Act that changed federal statute to require states to adopt UIFSA 2008, and Exhibit 7 was 42 U.S.C. 666(f).

[9:02:05 AM](#)

VICE CHAIR KELLER noted that Exhibit 6 contained Public Law 113-183.

[9:02:39 AM](#)

REPRESENTATIVE GRUENBERG asked Ms. Steinberg to cite the exact location of the language that would require the adoption of UIFSA.

MS. STEINBERG directed attention to [the sixth page of the Exhibit 6 handout]. In response to Representatives Gruenberg and Vazquez, she identified the page as reading "treaty country" at the top and "STATE LAW REQUIREMENT CONCERNING THE UNIFORM INTERSTATE FAMILY SUPPORT ACT (UIFSA)" [two-thirds of the way] down the page. She highlighted paragraph (1), subparagraph (C), which read: "(C) by striking 'and as in effect on August 22, 1996,;' and". She said the actual law was then found in Exhibit 7: 42 U.S.C. 666. She said the pages were numbered, and on page 11, about a quarter of the way down, was subsection (f), which basically states that in order to satisfy 654(20)(A) - the statutes pertaining to CSSD - the states must adopt UIFSA. She said Public Law 113-137 "struck the language in here to make it say, 'as of 2008.'" She noted that further down the page, under "AMENDMENT OF SUBSECTION (F)", was the reference to Public Law 113-137.

[9:06:58 AM](#)

REPRESENTATIVE GRUENBERG indicated that the heart of the matter was 42 U.S.C. 666, which required adoption of UIFSA on or after January 1, 1998, and Alaska had UIFSA, thus was in compliance. Then, he said, because UIFSA was amended, the federal law also had to be amended, and the 2008 version was referenced, which included Article 7 - The Hague Convention. He said normally a Uniform Act can be adopted with a number of variations to it, as long as those variations do not destroy its uniformity. He said a key point is that it is the commissioners that decide whether the Act remained uniform. He questioned if - since this Act involved the federal government, a state department, and a treaty - the commissioners would still be in charge of deciding the issue of uniformity.

MS. STEINBERG said there was a Uniform Law Commissioner on line, who could respond. She emphasized that [CSSD and DOL] work closely with the federal Office of Child Support Enforcement to ensure Alaska's law meets the requirements necessary to maintain federal funding.

[9:10:50 AM](#)

VICE CHAIR KELLER suggested that it would probably be more valuable to hear from a commissioner when there was also someone from the federal contingency to take part in the discussion.

[9:11:28 AM](#)

REPRESENTATIVE GRUENBERG said the 2008 amendments would not apply until every state had adopted UIFSA, but the question was in what form? He questioned why, if it was the federal government's intent that it would apply immediately, would the federal government leave it up to any of the 50 states to essentially veto UIFSA. He said, "If it was going to be a federal mandate, then they would say it applies now."

VICE CHAIR KELLER stated that Representative Gruenberg's question would be appropriate to ask someone from the federal Office of Child Support Enforcement.

[9:12:57 AM](#)

MS. STEINBERG suggested also asking the question of the aforementioned commissioner.

VICE CHAIR KELLER clarified his point was that it would be better to wait to ask the question until such time as those people may be gathered to testify.

REPRESENTATIVE GRUENBERG likened this issue to an onion with many layers. He said there could be two federal agencies, each trying to exert a different interpretation.

VICE CHAIR KELLER, in response to Representative Gruenberg, reiterated his intention to wait on further questions.

VICE CHAIR KELLER announced that HB 106 was held over.

[9:15:35 AM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 9:15 a.m.