

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

March 17, 2015

8:04 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
Representative Jonathan Kreiss-Tomkins

MEMBERS ABSENT

All members present

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."

- MOVED CSHB 106(STA) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 106

SHORT TITLE: UNIFORM INTER.CHILD SUPPORT;PARENTAGE

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

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|----------|-----|---------------------------------|
| 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 |
| 03/03/15 | (H) | Heard & Held |
| 03/03/15 | (H) | MINUTE(STA) |
| 03/05/15 | (H) | STA AT 8:00 AM CAPITOL 106 |

03/05/15 (H) -- MEETING CANCELED --
03/10/15 (H) STA AT 8:00 AM CAPITOL 106
03/10/15 (H) Heard & Held
03/10/15 (H) MINUTE(STA)
03/17/15 (H) STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

CAROL BEECHER, Director
Child Support Services Division
Department of Revenue
Anchorage, Alaska

POSITION STATEMENT: Offered a brief summary of CSHB 106, Version 29-GH1897\W, Glover, 3/2/15.

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

POSITION STATEMENT: Offered a sectional analysis of CSHB 106, Version 29-GH1897\W, Glover, 3/2/15.

ACTION NARRATIVE

[8:04:12 AM](#)

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at 8:04 a.m. Representatives Keller, Kreiss-Tomkins, Stutes, Talerico, and Lynn were present at the call to order. Representatives Gruenberg and Vazquez arrived as the meeting was in progress.

HB 106-UNIFORM INTER.CHILD SUPPORT;PARENTAGE

[8:04:31 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."

[Before the committee as a working document was the proposed committee substitute (CS) for HB 106, Version 29-GH1897\W, Glover, 3/2/15.]

[8:04:55 AM](#)

CHAIR LYNN asked for a sectional analysis.

[8:05:19 AM](#)

CAROL BEECHER, Director, Child Support Services Division, Department of Revenue, stated that HB 106 would amend the Uniform Interstate Family Support Act (UIFSA). She said Ms. Steinberg, from the Department of Law, would be offering a sectional analysis. She said the major change to the bill in Version W was a section added at the end that addressed international cases. She opined that HB 106 was a good bill, because it would provide the framework for allowing families to have the opportunity to select support from non-custodial parents who lived in a country that was a signer to "The Convention."

[8:06:44 AM](#)

STACY STEINBERG, Chief Assistant Attorney General/Statewide Section Supervisor, Collections and Support Section, Civil Division (Anchorage), Department of Law (DOL), noted that Legislative Legal and Research Services had produced "clean-up" languages regarding drafting and style changes specific to Alaska. Further, she said the federal Office of Child Support found some discrepancies between the original version of HB 106 and the Uniform Law version.

[8:07:32 AM](#)

MS. STEINBERG presented the sectional analysis for Version W [dated 3/4/15, provided by the bill drafter from Legislative Legal and Research Services, and included in the committee packet]. She began with Sections 1-19, which read as follows [original punctuation provided]:

Secs. 1 - 16. Amend definitions and add new definitions applicable to AS 25.25 relating to the Uniform Family Support Act.

Sec. 17. Designates the child support services agency created in AS 25.27.010 as the support enforcement

agency of the state.

Sec. 18. Amends AS 25.25.103 to clarify that cumulative remedies do not affect the recognition of a support order on the basis of comity.

Sec. 19. Adds a new subsection to AS 25.25.103 to establish that the bill does not establish the exclusive method for establishing support orders in the state and that it does not grant the state the ability to issue an order related to custody or parenting time under this chapter.

[8:08:23 AM](#)

MS. STEINBERG added, "Child custody is completely separate from this section." She returned to the sectional analysis, continuing on from Section 20, which read as follows [original punctuation provided]:

Sec. 20. Requires a tribunal of the state to apply specified sections of the bill and law to proceedings involving foreign support orders, foreign tribunals, or obligees, obligors, or children residing in a foreign country.

Sec. 21. Makes clarifying amendments to AS 25.25.201 pertaining to jurisdiction over nonresidents.

Sec. 22. Explains that the laws of the state may not be used to acquire personal jurisdiction for a tribunal of the state to modify a child support order of another state, or a foreign support order, unless certain requirements are met.

[8:09:14 AM](#)

The committee took a brief at-ease at 8:09 a.m.

[8:09:30 AM](#)

MS. STEINBERG continued with the sectional analysis, picking up at Section 23, which read as follows [original punctuation provided]:

Sec. 23. Repeals and reenacts AS 25.25.202 to provide that the state has continuing, exclusive jurisdiction

to modify or enforce its order if certain requirements are met.

Sec. 24. Makes clarifying revisions to AS 25.25.203 pertaining to initiating and responding tribunals.

Sec. 25. Makes clarifying revisions to AS 25.25.204 pertaining to simultaneous proceedings.

Sec. 26. Clarifies that jurisdiction is based on residency at the time of filing and that the state can have continuing jurisdiction with the consent of all parties even when the parties no longer reside there.

Sec. 27. Clarifies when the state may not exercise continuing, exclusive jurisdiction to modify a child support order issued by a tribunal of the state.

Sec. 28. Requires a tribunal of the state to recognize continuing, exclusive jurisdiction of the tribunal of another state that has issued a child support order under a law substantially similar to this chapter.

Sec. 29. Allows a tribunal of the state to serve as the initiating tribunal to request the tribunal of another state to modify a support order issued in that state.

Secs. 30 and 31. Clarify when a tribunal of this state can act as an initiating or responding tribunal to enforce a support order.

Secs. 32 - 37. Amend procedures for determining which order is the controlling order if two or more support orders have been issued for the same obligor and child. Adds requirements for controlling support orders.

Sec. 38. Adds "foreign country" to AS 25.25.208 pertaining to orders for two or more obligees.

Sec. 39. Clarifies language regarding credit for payments.

Sec. 40. Adds new sections regarding proceedings involving nonresidents who are subject to personal

jurisdiction, and regarding jurisdiction for modifying spousal support orders.

Sec. 41. Makes clarifying revisions to AS 25.25.301(c).

Sec. 42. Amends AS 25.25.303 to remove "including the rules on choice of law"

Sec. 43. Amends AS 25.25.304 relating to the duties of a tribunal of this state to specify the amount of support sought from a foreign country and to convert the amount into foreign currency.

Sec. 44. Allows a tribunal of this state to determine the controlling child support order.

Sec. 45. Provides the process for a tribunal of this state to convert a foreign support order into the equivalent amount in dollars.

Sec. 46. Makes clarifying revisions to AS 25.25.306.

Secs. 47 - 48. Makes clarifying revisions and adds sections to the duties of child support agencies regarding foreign support orders and income withholding orders.

Sec. 49. Adds a new section setting out the duties of the Department of Revenue under the Act.

Sec. 50. Makes clarifying revisions to AS 25.25.310.

Sec. 51. Makes clarifying revisions to AS 25.25.311.

Sec. 52. Changes requirements regarding when a court may seal information to protect the health, safety, or liberty of a party or a child.

Sec. 53. Makes clarifying revisions to AS 25.25.313.

Sec. 54. Makes clarifying revisions to AS 25.25.314.

Secs. 55 - 59. Make clarifying revisions to AS 25.25.316.

Sec. 60. Adds a new section providing that a

certified copy of a voluntary acknowledgement of paternity is admissible to establish paternity.

Sec. 61. Allows tribunals to communicate through electronic mail under the Act.

Sec. 62. Amends AS 25.25.318 to apply to tribunals outside this state.

Sec. 63. Makes clarifying revisions to AS 25.25.319.

Sec. 64. Adds sections relating to the duties of the support enforcement agency of this state or a tribunal of this state when the child support services agency of this state receives payments under a support order and neither the obligor, the obligee, nor the child resides in this state.

Sec. 65. Allows a responding tribunal of this state to issue a support order if the tribunal has personal jurisdiction over an individual residing outside of the state.

Sec. 66. Clarifies when a tribunal may issue a temporary child support order.

Sec. 67. Authorizes a tribunal of this state to serve as a responding tribunal in a proceeding to determine parentage.

[8:15:14 AM](#)

Sec. 68. Makes clarifying revisions to AS 25.25.501.

Sec. 69. Makes clarifying revisions to AS 25.25.502.

Sec. 70. Makes clarifying revisions to AS 25.25.503.

Sec. 71. Makes clarifying revisions to AS 25.25.504.

Sec. 72. Makes clarifying revisions to AS 25.25.505.

Sec. 73. Clarifies how an obligor can challenge the enforcement of an income withholding order issued in another state and received by an employer of this state.

Secs. 74 - 77. Add "foreign support order" as an order that can be registered in this state.

Sec. 78. Provides procedures for registering an order when more than one order is in effect.

Sec. 79. Adds "foreign support order" to AS 25.25.603, dealing with effect of registration for enforcement.

Sec. 80. Provides that the law of the issuing state or country governs certain proceedings relating to support orders.

Sec. 81. Provides that a responding tribunal in this state shall apply the procedures and remedies available in this state to collect and enforce a support order from another state or foreign country but will prospectively apply the law of the state or foreign country that issued the controlling order.

Sec. 82. Adds "foreign support order" to AS 25.25.605, regarding notice of registration of order.

Sec. 83. Adds new subsections relating to procedures required when a registering party asserts that two or more orders are in effect.

Secs. 84 - 85. Make conforming amendments to AS 25.25.606.

Sec. 86. Adds "the alleged controlling order is not the controlling order" to the list of defenses available to a party contesting the validity or enforcement of a registered support order.

Secs. 87 - 89. Make conforming amendments.

Sec. 90. Prohibits a tribunal of this state from modifying the duration of the obligation of support under a support order that could not be modified under the law of the issuing state.

Sec. 91. Makes clarifying amendments to AS 25.25.611(d).

Sec. 92. Adds new subsections providing that the law

of the state that issued the controlling support order governs the duration of the obligation of support.

Sec. 93. Requires that when an order issued by a tribunal of this state is modified by another state, this state shall only enforce the original order for the purposes of arrears and interest prior to modification.

Sec. 94. Amends AS 25.25.613(b) to include references to new sections added by this bill.

Sec. 95. Adds new sections relating to jurisdiction and procedures to modify child support orders of foreign countries.

Sec. 96. Adds a new article, Article 7A, dealing with proceedings under the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. New sections include definitions, applicability, initiation of support proceedings, registration of convention support orders, contesting orders, recognition and enforcement of orders, foreign support agreements, modification of convention support orders, and other sections.

Secs. 97 - 100. Make clarifying revisions to AS 25.25.801, AS 25.25.802, and AS 25.25.901.

Sec. 101. Repeals AS 25.25.101(7), AS 25.25.205(f), AS 25.25.206(c), AS 25.25.301(b), AS 25.25.401(c), and AS 25.25.701.

Sec. 102. Provides that this Act applies to proceedings begun on or after the effective date of this section.

Sec. 103. Requires the Department of Revenue to adopt transition regulations.

Sec. 104. Directs the revisor to make conforming amendments to various article headings and section catch lines.

Sec. 105. Provides that sec. 103 takes effect immediately.

Sec. 106. Provides that the Act, except as provided in sec. 105, takes effect July 1, 2015.

[8:20:50 AM](#)

REPRESENTATIVE GRUENBERG requested a description of all the statutes that would be repealed under Section 101 of Version W.

[8:21:36 AM](#)

MS. STEINBERG said AS 25.25.101(7) dealt with "initiating tribunal," and she explained that under Version W there was a new definition in Section 3. She noted that AS 25.25.205(f) dealt with continuing exclusive jurisdiction for spousal support, and she said AS 25.25.206(c) also addressed spousal support.

[8:22:42 AM](#)

REPRESENTATIVE GRUENBERG asked what changes were being proposed to spousal support.

MS. STEINBERG answered that "Section 281" would be added as Section 40 in the proposed legislation. She said AS 25.25.401 would still cover spousal support, but it would appear in (a) rather than (c). In response to a follow-up question, she said the rules about spousal support would remain basically the same.

[8:24:26 AM](#)

REPRESENTATIVE GRUENBERG asked whether The Convention and the federal laws that would implement it under the Uniform Act would also cover the enforcement of spousal support.

MS. STEINBERG answered that she believed the enforcement of spousal support from foreign countries would be covered.

REPRESENTATIVE GRUENBERG asked if the enforcement of spousal support would be made easier or more difficult, or whether it would be the same, under the proposed law.

MS. STEINBERG answered it would be the same as it was under existing law. She suggested that it might actually be easier coming from a foreign country covered under The Convention, because that country would provide better documentation.

REPRESENTATIVE GRUENBERG said he would like to know before HB 106 was heard by the House Judiciary Standing Committee whether there was any change in the ease or difficulty of enforcing spousal support. He emphasized the importance of having spousal support along with child support.

CHAIR LYNN remarked that they went together in many cases.

[8:26:12 AM](#)

MS STEINBERG noted that AS 25.25.301(b) would be deleted, because it was not necessary.

[8:26:58 AM](#)

REPRESENTATIVE KELLER asked if HB 106 would change the standards of child support enforcement at all or if it would just incorporate the foreign entity. He mentioned reading language that a tribunal with no jurisdiction could initiate an action, and he asked if that would be new. He said he would like to know if the standards between states would be changed. He further requested a general statement about changes and a list of those changes.

[8:28:35 AM](#)

MS. STEINBERG responded that the proposed legislation would not make huge changes from current methods of child support. She listed two major changes that would be made under HB 106 as: the 2008 amendments to the Uniform Law, which would address foreign countries that had signed on to The Convention; and the 2001 changes that Alaska did not adopt. The latter, she said, made clarifying changes to existing law. For example, when there were multiple orders, there was a question of which tribunal would do the controlling order of determination. She indicated that the states contributed ideas for that which they thought would be helpful in changing the law.

[8:30:47 AM](#)

REPRESENTATIVE GRUENBERG referred to Bock v. Bock, a custody case in which the question arose as to which state's judge would have jurisdiction, which he said caused much confusion. He said the legislation at hand broached the issue of control, and he asked if there had been similar confusions in any other states.

MS. STEINBERG replied that she was not aware of any cases; however, she said the proposed law included provisions pertaining to cases with simultaneous proceedings. She emphasized that custody jurisdiction could be different from child support jurisdiction. She stated that UIFSA had been in place in Alaska since 1996 and within all states since 1998, and it had been helpful in ensuring that every state was "on the same page."

REPRESENTATIVE GRUENBERG said that during the aforementioned case, it was not a question of having the laws on the books, but rather of how the courts interpreted those laws. He questioned whether there had been similar cases, and he explained he hoped no other state had to go through what he and others involved had endured. He offered further details related to the case to further illustrate an example of what he said he would like to avoid in the future.

[8:36:23 AM](#)

CHAIR LYNN thanked the testifiers.

[8:36:39 AM](#)

REPRESENTATIVE VAZQUEZ directed attention to the definition of "support order" on page 4 of HB 106, [Version W], which included "a child, a spouse, or a former spouse". She observed that in many other sections of the proposed bill, there was no reference made again regarding support of spouses or former spouses until page 13. She said she would like to see an analysis of which sections pertained [only] to child support. She asked if it was the intent of HB 106 to exclude spousal support from certain sections.

[8:38:56 AM](#)

MS. STEINBERG responded that in general, the proposed legislation was designed to cover both child support and spousal support orders; however, there had to be provisions included specific to each. She added that a support order could include both child and spouse.

REPRESENTATIVE VAZQUEZ reiterated that many sections did not mention spousal support, while others specifically did. She stated, "A judge looking at this would say the more specific statutory provision will override anything else." She said she could not understand the inconsistency, and she opined that the

discussion of the proposed legislation could not proceed without the analysis she had previously requested.

[8:40:31 AM](#)

MS. STEINBERG referred to language from AS 25.25.401(a), (b), and (c), which she indicated originally addressed child support orders and spousal support orders separately. She explained that under HB 106, the language would be changed such that AS 25.25.401(a) dropped the word "child" in order that "support order" would include both child and spousal support orders. [The proposed amendment of AS 25.25.401(a) was on page 21, in Section 65 of Version W.] She stated as follows:

They do have different provisions on when you can modify a spousal support order as opposed to a child support order and when ... the court ... can establish a spousal support order, so we have specific sections on that; but everything else dealing with enforcement would apply to whether it's a spousal or child support order. And so, it's only designating these specific sections when there's something perhaps different or we want to specifically address a spousal support order.

[8:42:59 AM](#)

REPRESENTATIVE VAZQUEZ directed attention to page 8, beginning on line 8, which spoke to the modification of a child support order, but never referred to a spousal support order. She reiterated her observance that there were numerous places within HB 106 that referred only to child support orders.

[8:44:16 AM](#)

REPRESENTATIVE KELLER suggested that the testifiers could bring the information requested by Representative Vazquez to the House Judiciary Standing Committee.

[8:45:12 AM](#)

The committee took an at-ease from 8:45 a.m. to 8:47 a.m.

[8:46:48 AM](#)

REPRESENTATIVE GRUENBERG recognized that the bill was complex, and, in the interest of time, suggested that Representative

Vazquez could be included in the discussion of HB 106 when it was before the House Judiciary Standing Committee.

REPRESENTATIVE VAZQUEZ responded that would be fine. She reemphasized her desire to receive the aforementioned analysis.

[8:48:34 AM](#)

REPRESENTATIVE GRUENBERG directed attention to language on page 4, lines 22-23, [of Version W], to highlight the point that Representative Vazquez had made. He noted that in the definition of "support order" included there, was "**reimbursement for financial assistance provided to an individual obligee in place of child support**". He said he was not sure if the concept should also include spousal support, because he said he knew that in a number Alaska Supreme Court cases, one aspect of spousal support had been financial assistance, such as reimbursement for college tuition or training. He expressed his desire that the proposed legislation would include as much support for spouses as possible.

REPRESENTATIVE GRUENBERG brought up the issue of extending rights to couples who legally could not get married. He indicated that he would want to pursue the issue further within the House Judiciary Standing Committee, in order to ensure constitutionality.

[8:50:56 AM](#)

REPRESENTATIVE VAZQUEZ expressed appreciation for the correspondence from Senator Lisa Murkowski, which had been provided to the committee. She remarked that it had cleared up at least a couple unanswered questions she had had.

[8:51:15 AM](#)

CHAIR LYNN, after ascertaining that there was no one else who wished to testify, closed public testimony on HB 106.

[8:51:22 AM](#)

REPRESENTATIVE KELLER moved to report CSHB 106, Version 29-GH1897\W, Glover, 3/2/15, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 106(STA) was reported out of the House State Affairs Standing Committee.

8:52:39 AM

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 8:53 a.m.