

1 IN THE SENATE

BY SENATORS ROBISON,

2 SENATE BILL NO. 10

*Seppouch*  
*Robison*

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act to improve and extend by  
7 reciprocal legislation the enforcement  
8 of duties of support and to make uniform  
9 the law with respect thereto."

10 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

11 Section 1. The purposes of this Act are to improve and  
12 extend by reciprocal legislation the enforcement of duties of  
13 support and to make uniform the law with respect thereto.

14 Section 2. As used in this Act, unless the context shall  
15 require otherwise, the following terms shall have the meanings  
16 ascribed to them by this section:

17 (1) "State" includes the Territory of Alaska and any  
18 state, territory or possession of the United States and the  
19 District of Columbia in which this or a substantially similar  
20 reciprocal law has been enacted.

21 (2) "Initiating state" means any state in which a  
22 proceeding pursuant to this or a substantially similar recipro-  
23 cal law is commenced.

24 (3) "Responding state" means any state in which any  
25 proceeding pursuant to the proceeding in the initiating state  
26 is or may be commenced.

27 (4) "Court" shall mean and include any court having  
28 jurisdiction to determine the liability of persons for the  
29 support of dependents in this state and any state having a

1 substantially similar reciprocal law.

2 (5) "Law" includes both common and statute law.

3 (6) "Duty of support" includes any duty of support  
4 imposed or imposable by law, or by any court order, decree or  
5 judgment, whether interlocutory or final, whether incidental to  
6 a proceeding for divorce, legal separation, separate maintenance  
7 or otherwise.

8 (7) "Obligor" means any person owing a duty of  
9 support.

10 (8) "Obligee" means any person to whom a duty of  
11 support is owed.

12 Section 3. The remedies herein provided are in addition to  
13 and not in substitution for any other remedies.

14 Section 4. Duties of support arising under the law of  
15 this state, when applicable under Section 7, bind the obligor,  
16 present in this state, regardless of the presence or residence  
17 of the obligee.

18 Section 5. The Governor of this state (1) may demand from  
19 the Governor of any other state the surrender of any person  
20 found in such other state who is charged in this state with the  
21 crime of failing to provide for the support of any person in  
22 this state and (2) may surrender on demand by the Governor of  
23 any other state any person found in this state who is charged in  
24 such other state with the crime of failing to provide for the  
25 support of a person in such other state. The provisions for  
26 extradition of criminals not inconsistent herewith shall apply  
27 to any such demand although the person whose surrender is  
28 demanded was not in the demanding state at the time of the  
29 commission of the crime and although he had not fled therefrom.

1 Neither the demand, the oath nor any proceedings for extradition  
2 pursuant to this section need state or show that the person  
3 whose surrender is demanded has fled from justice, or at the  
4 time of the commission of the crime was in the demanding or  
5 other state.

6 Section 6. Any obligor contemplated by Section 5, who  
7 submits to the jurisdiction of the court of such other state and  
8 complies with the court's order of support, shall be relieved of  
9 extradition for desertion or non-support entered in the courts  
10 of this state during the period of such compliance.

11 Section 7. Duties of support applicable under this law  
12 are those imposed or imposable under the laws of any state where  
13 the obligor was present during the period for which support is  
14 sought. The obligor is presumed to have been present in the  
15 responding state during the period for which support is sought  
16 until otherwise shown.

17 Section 8. Whenever the state or a political subdivision  
18 thereof has furnished support to an obligee, it has the same  
19 right to invoke the provisions hereof as the obligee to whom  
20 the support was furnished for the purpose of securing reimburse-  
21 ment of expenditures so made and of obtaining continuing  
22 support.

23 Section 9. All duties of support are enforceable by action  
24 irrespective of relationship between the obligor and obligee.  
25 Jurisdiction of all proceedings hereunder shall be vested in the  
26 United States District Court for the District of Alaska.

27 Section 10. The complaint shall be verified and shall  
28 state the name and, so far as known to the plaintiff, the  
29 addresses and circumstances of the defendant, his dependents for

1 whom support is sought and all other pertinent information.  
2 The plaintiff may include in or attach to the complaint any  
3 information which may help in locating or identifying the  
4 defendant including, but without limitation by enumeration, a  
5 photograph of the defendant, a description of any distinguishing  
6 marks of his person, other names and aliases by which he has  
7 been or is known, the name of his employer, his fingerprints,  
8 or Social Security number.

9 Section 11. <sup>United States District Attorney</sup> The ~~Attorney General~~, upon the request of the  
10 Department of Public Welfare or of the court, shall represent  
11 the plaintiff in any proceeding under this Act.

12 Section 12. A complaint on behalf of a minor obligee may  
13 be brought by a person having legal custody of the minor without  
14 appointment as guardian ad litem.

15 Section 13. If the court of this state acting as an  
16 initiating state finds that the complaint sets forth facts from  
17 which it may be determined that the defendant owes a duty of  
18 support and that a court of the responding state may obtain  
19 jurisdiction of the defendant or his property, it shall so  
20 certify and shall cause three copies of (1) the complaint,  
21 (2) its certificate and (3) this Act to be transmitted to the  
22 court in the responding state. If the name and address of such  
23 court is unknown and the responding state has an information  
24 agency comparable to that established in the initiating state,  
25 it shall cause such copies to be transmitted to the state  
26 information agency or other proper official of the responding  
27 state, with a request that it forward them to the proper court,  
28 and that the court of the responding state acknowledge their  
29 receipt to the court of the initiating state.

1           Section 14. A court of this state acting either as an  
2 initiating or responding state may in its discretion direct  
3 that any part of or all fees and costs incurred in this state,  
4 including without limitation by enumeration, fees for filing,  
5 service of process, seizure of property, and stenographic  
6 service of both plaintiff and defendant, or either, shall be  
7 paid by this state from its general fund upon vouchers to be  
8 certified by the Treasurer of Alaska.

9           Section 15. When the court of this state acting either  
10 as an initiating or responding state has reason to believe that  
11 the defendant may flee the jurisdiction, it may (a) as an  
12 initiating state request in its certificate that the court of  
13 the responding state obtain the body of the defendant by  
14 appropriate process if that be permissible under the law of the  
15 responding state; or (b) as a responding state, obtain the body  
16 of the defendant by appropriate process.

17           Section 16. The Alaska Department of Public Welfare is  
18 hereby designated as the State Information Agency under this  
19 Act, and it shall be its duty;

20           (1) To compile a list of the courts and their addresses  
21 in this state having jurisdiction under this Act and trans-  
22 mit the same to the State Information Agency of every other  
23 state which has adopted this or a substantially similar Act.

24           (2) To maintain a register of such lists received  
25 from other states and to transmit copies thereof as soon as  
26 possible after receipt to every court in this state having  
27 jurisdiction under this Act.

28           Section 17. When the court of this state acting as a  
29 responding state receives from the court of an initiating state

1 the aforesaid copies, it shall (1) docket the cause, (2) notify  
2 <sup>United States District Attorney</sup> the Attorney General, (3) set a time and place for a hearing,  
3 and (4) take such action as is necessary in accordance with the  
4 laws of this state to obtain jurisdiction.

5 Section 18. If a court of this state acting as a respond-  
6 ing state is unable to obtain jurisdiction of the defendant or  
7 his property due to inaccuracies or inadequacies in the  
8 complaint or otherwise, the court shall communicate this fact  
9 to the court in the initiating state, shall on its own initiative  
10 use all means at its disposal to trace the defendant or his  
11 property, and shall hold the case pending the receipt of more  
12 accurate information or an amended complaint from the court in  
13 the initiating state.

14 Section 19. If the court of the responding state finds a  
15 duty of support, it may order the defendant to furnish support  
16 or reimbursement therefor and subject the property of the  
17 defendant to such order.

18 Section 20. The court of this state when acting as a  
19 responding state shall cause to be transmitted to the court of  
20 the initiating state a copy of all orders of support or orders  
21 for reimbursement therefor.

22 Section 21. In addition to the foregoing powers, the court  
23 of this state when acting as the responding state has the power  
24 to subject the defendant to such terms and conditions as the  
25 court may deem proper to assure compliance with its orders and  
26 in particular

27 (a) To require the defendant to furnish recognizance  
28 in the form of a cash deposit or bond of such character and in  
29 such amount as the court may deem proper to assure payment of

1 any amount required to be paid by the defendant.

2 (b) To require the defendant to make payments at  
3 specified intervals to the clerk of the court or the obligee  
4 and to report personally to such clerk at such times as may be  
5 deemed necessary.

6 (c) To punish the defendant who shall violate any  
7 order of the court to the same extent as is provided by law for  
8 contempt of the court in any other suit or proceeding cognizable  
9 by the court.

10 Section 22. The court of this state when acting as a  
11 responding state shall have the following duties which may be  
12 carried out through the clerk of the court.

13 (a) Upon the receipt of a payment made by the  
14 defendant pursuant to any order of the court or otherwise, to  
15 transmit the same forthwith to the court of the initiating  
16 state, and

17 (b) Upon request to furnish to the court of the  
18 initiating state a certified statement of all payments made by  
19 the defendant.

20 Section 23. The court of this state when acting as an  
21 initiating state shall have the duty which may be carried out  
22 through the clerk of the court to receive and disburse forthwith  
23 all payments made by the defendant or transmitted by the court  
24 of the responding state.

25 Section 24. Laws attaching a privilege against the  
26 disclosure of communications between husband and wife are  
27 inapplicable to proceedings under this Act. Husband and wife  
28 are competent witnesses and may be compelled to testify to any  
29 relevant matter, including marriage and parentage.

1           Section 25. Any order of support issued by a court of  
2 this state when acting as a responding state shall not supersede  
3 any previous order of support issued in a divorce or separate  
4 maintenance action, but the amounts for a particular period paid  
5 pursuant to either order shall be credited against amounts  
6 accruing or accrued for the same period under both.

7           Section 26. If any provision hereof or the application  
8 thereof to any person or circumstance is held invalid, such  
9 invalidity shall not affect other provisions or applications of  
10 the Act which can be given effect without the invalid provision  
11 or application, and to this end the provisions of this Act are  
12 declared to be severable.

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