

Introduced: 5/22/78
Referred: Health, Education &
Social Services

BY THE HEALTH, EDUCATION &
SOCIAL SERVICES COMMITTEE

1 IN THE HOUSE

2 HOUSE CONCURRENT RESOLUTION NO. 134

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 Relating to invasions of citizens' right
6 to privacy by the child support enforce-
7 ment agency, Department of Revenue.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 WHEREAS Art. 1, sec. 22, of the Alaska State Constitution expressly
10 protects citizens' rights to privacy, and directs the legislature to imple-
11 ment the section in law; and

12 WHEREAS secs. 402(a)(26)(B) and 454(4)(A) of the Social Security Act
13 require the state to undertake paternity determinations for recipients of Aid
14 to Families with Dependent Children (AFDC), and require applicants or recipi-
15 ents of AFDC to cooperate with the state in determining paternity as a condi-
16 tion of receiving AFDC payments; and

17 WHEREAS the federal requirement that AFDC recipients cooperate with
18 paternity determinations conflicts with the right to privacy guaranteed by
19 the state constitution due to the nature of paternity proceedings which
20 require the disclosure of personal information relating to the private
21 affairs of citizens of the state; and

22 WHEREAS the legislature, mindful of its constitutional duties, enacted
23 AS 47.23.040 which provides that paternity proceedings shall be initiated by
24 the child support enforcement agency, Department of Revenue, only on volun-
25 tary application by the mother or other legal custodian; and

26 WHEREAS the decision whether or not to cooperate in a paternity proceed-
27 ing cannot be truly voluntary if the person's primary means of support is
28 contingent on cooperation;

29 BE IT RESOLVED that the Alaska State Legislature respectfully requests

1 the Governor to direct the Department of Revenue to advise persons referred
2 to the child support enforcement agency of their right to privacy as guaran-
3 teed by the state constitution and implemented by AS 47.23.040, and that
4 refusal to cooperate with paternity proceedings will not jeopardize their
5 eligibility for AFDC; and be it

6 FURTHER RESOLVED that the legislature respectfully requests the Governor
7 to direct the Department of Revenue to obtain from the mother or legal cus-
8 todian a written waiver of her or his right to privacy before paternity
9 proceedings are initiated.

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