

Original sponsor: Eliason

Offered: 5/5/82
Referred: Rules

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 741 (Finance) am H

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to child support enforcement; and
7 providing for an effective date."

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

9 * Section 1. AS 09.65.132(b) is amended to read:

10 (b) An income assignment order shall direct the obligor, the
11 obligor's [HIS] employer, future employer, and any person, political
12 subdivision, or department of the state to assign money due or to be due
13 the obligor to the obligee or, where the order is issued to the child
14 support enforcement agency or collections are being made through the
15 child support enforcement agency, to that agency. (AS 47.23) in an
16 amount sufficient to meet the support payments imposed by the court or
17 by the child support enforcement agency under AS 47.23.140.

18 * Sec. 2. AS 25.25.010(6) is amended to read:

19 (6) "duty of support" includes a duty of support imposed or
20 imposable by law, or by a court order, decree or judgment, whether
21 interlocutory or final, whether incidental to a proceeding for divorce,
22 legal separation, separate maintenance or otherwise, and includes the
23 duty to pay arrearages of support past due and unpaid together with
24 penalties and interest on arrearages imposed under AS 47.23.020(2)(C);

25 * Sec. 3. AS 47.23.020(2)(C) is amended to read:

26 (C) subject to AS 47.23.025 and to federal law, a uniform
27 schedule of penalties and a rate of interest on arrearages of sup-
28 port that shall [FEES WHICH MAY] be charged the obligor upon notice
29 if [THE] child support payments are 10 or more days overdue or if

1 payment is made by a check backed by insufficient funds₁ [.]

2 * Sec. 4. AS 47.23.020 is amended by adding new paragraphs to read:

3 (6) disburse child support payments collected by the agency
4 to the obligee together with interest charged under (2)(C) of this
5 section;

6 (7) deposit penalties charged under (2)(C) of this section in
7 the general fund.

8 * Sec. 5. AS 47.23.020 is amended by adding a new subsection to read:

9 (b) In determining the amount of money an obligor must pay to
10 satisfy the obligor's immediate duty of support, the agency shall
11 consider all payments made by the obligor directly to the obligee or to
12 the obligee's custodian.

13 * Sec. 6. AS 47.23 is amended by adding a new section to read:

14 Sec. 47.23.025. RATES OF PENALTY AND INTEREST. A penalty imposed
15 under AS 47.23.020(2)(C) may not be at a rate that exceeds the rate of
16 interest imposed on delinquent taxes under AS 43.05.225. The rate of
17 interest imposed under AS 47.23.020(2)(C) shall equal the rate imposed
18 under AS 43.05.225 or a lesser rate that is the maximum rate of interest
19 permitted to be imposed under federal law.

20 * Sec. 7. AS 47.23.100 is amended by adding a new subsection to read:

21 (b) An obligor may make child support payments to the agency. An
22 obligor may pay money to the agency to satisfy the obligor's immediate
23 duty of child support as well as any additional amount of money intended
24 by the obligor to be used for support of the child. The agency shall
25 disburse that portion of a payment that exceeds the amount of money
26 necessary to satisfy the obligor's immediate duty of support in accor-
27 dance with the instructions of the obligor. The agency shall credit
28 money disbursed under this subsection toward satisfaction of the
29 obligor's duty of support.

1 * Sec. 8. AS 47.23 is amended by adding a new section to read:

2 Sec. 47.23.105. AUDIT OF COLLECTIONS. Within 10 working days
3 after receipt of a written request from an obligor or the obligor's
4 legal representative, the agency shall provide an audit of all child
5 support payments made by the obligor and received by the agency. The
6 audit shall include the date and amount of each payment, the name of the
7 obligee, and the total amount of arrearages of support past due and
8 amount of unpaid penalties and interest imposed under AS 47.23.020(c).
9 The agency is required to provide an audit for an obligor under this
10 section only once each year.

11 * Sec. 9. AS 47.23.110(3) is amended to read:

12 (3) "duty of support" includes a duty of child support
13 imposed or imposable by law, by a court order, decree or judgment, or by
14 a finding or decision rendered under this chapter whether interlocutory
15 or final, whether incidental to a proceeding for divorce, legal
16 separation, separate maintenance, or otherwise, and includes the duty to
17 pay arrearages of support past due and unpaid together with penalties
18 and interest on arrearages imposed under AS 47.23.020(2)(C);

19 * Sec. 10. This Act takes effect January 1, 1983.
20
21
22
23
24
25
26
27
28
29