

1 IN THE SENATE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2

SENATE BILL NO. 117

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to child support enforcement."

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

8 \* Section 1. AS 47.23.020(a)(7) is amended to read:

9 (7) establish and enforce administratively in accordance  
10 with this chapter, or through the superior courts of the state, child  
11 support orders from other jurisdictions pertaining to obligors within  
12 the state;

13 \* Sec. 2. AS 47.23.020(b) is amended to read:

14 (b) In determining the amount of money an obligor must pay to  
15 satisfy the obligor's immediate duty of support, the agency shall  
16 consider all payments made by the obligor directly to the obligee or  
17 to the obligee's custodian before the time the obligor is ordered to  
18 make payments through the agency.

19 \* Sec. 3. AS 47.23.100 is amended to read:

20 Sec. 47.23.100. ALL PERSONS MAY USE AGENCY. The agency shall  
21 provide aid to any person due child support under the laws of this  
22 state upon application. The agency may, by regulation, [NOT] impose a  
23 fee for services provided under AS 47.23.010 -- 47.23.280 [UNLESS  
24 REQUIRED BY FEDERAL LAW].

25 \* Sec. 4. AS 47.23.105 is amended to read:

26 Sec. 47.23.105. AUDIT OF COLLECTIONS. Within 30 [10] working  
27 days after receipt of a written request from an obligor or the  
28 obligor's legal representative, the agency shall provide an audit of  
29 all child support payments made by the obligor and received by the

1 agency. The audit shall include the date and amount of each payment,  
2 the name of the obligee, and the total amount of arrearages of support  
3 past due and amount of unpaid penalties and interest imposed under  
4 AS 47.23.020(a)(2)(C). The agency is required to provide an audit for  
5 an obligor under this section only once each year.

6 \* Sec. 5. AS 47.23.226 is amended to read:

7 Sec. 47.23.226. COLLECTION OF SUPPORT. To collect the payment  
8 due, the custodian of a child, or the agency on behalf of that person,  
9 shall file with the court (1) [A MOTION REQUESTING ESTABLISHMENT OF A  
10 JUDGMENT; (2)] an affidavit that states that one or more payments of  
11 support are 30 or more days past due and that specifies the amounts  
12 past due and the dates they became past due; and (2) [(3)] notice of  
13 the obligor's right to respond. Service on the obligor must be in the  
14 manner provided in AS 47.23.265. The child's custodian, or the agency  
15 on behalf of the custodian, shall file with the court proof of service  
16 of the [PETITION,] affidavit[,] and notice. The obligor shall respond  
17 no later than 15 days after service by filing an affidavit with the  
18 court. If the obligor's affidavit states that the obligor has paid  
19 any of the amounts claimed to be delinquent, describes in detail the  
20 method of payment or offers any other defense to the custodian's or  
21 agency's affidavit [PETITION], then the obligor is entitled to a  
22 hearing. After the hearing, if any, the court shall enter a judgment  
23 for the amount of money owed. If the obligor does not file an affida-  
24 vit under this section, the court shall enter a default judgment  
25 against the obligor.

26 \* Sec. 6. AS 47.23.250(e) is amended to read:

27 (e) Any person, political subdivision, or department of the  
28 state served with an order to withhold and deliver is required to make  
29 true answers to inquiries contained in the order under oath and in

1 writing within 14 [30] days after [OF] service of the order, and is  
2 further required to answer all inquiries subsequently put.

3 \* Sec. 7. AS 47.23.250(i) is amended to read:

4 (i) An order to withhold and deliver under this section has  
5 priority over all other attachments, executions, garnishments, or  
6 other legal process brought under state law against the same money  
7 unless otherwise ordered by the court. Exemptions under AS 09.38 do  
8 not apply to proceedings to enforce the payment of child support under  
9 AS 47.23.230 -- 47.23.270; however, net disposable earnings are exempt  
10 from execution as provided in 15 U.S.C. 1673(b). In this subsection,  
11 "net disposable earnings" has the meaning given in 15 U.S.C. 1672.

12 \* Sec. 8. AS 47.23.180(c) is repealed.