

COMMITTEE REPORT

SENATE

3/18/76

Mr. President:

Date 4/5/76

The Committee on Finance ~~relating to child support enforcement~~ has had SS SB 059

under consideration. A Majority of the members of the Committee

- recommends it DO PASS
- recommends it DO NOT PASS
- recommends it DO PASS WITH ATTACHED AMENDMENT(S)
- recommends it BE REPLACED WITH CS FOR \_\_\_\_\_ AND THAT  
CS FOR \_\_\_\_\_ DO PASS
- "and" recommends it BE REFERRED TO THE \_\_\_\_\_  
COMMITTEE
- reports it back WITHOUT RECOMMENDATION
- "other"

Members signing the Majority report:

<u>Will Kay</u>	_____	<u>Tom Chaney</u>
<u>Tom Barlow</u>	<u>W. Lee</u>	_____
<u>Tom Chaney</u>	<u>W. Lee</u>	_____

Members NOT concurring in the Majority report:

- \_\_\_\_\_ recommends:
- \_\_\_\_\_ recommends:
- \_\_\_\_\_ recommends:
- \_\_\_\_\_ recommends:
- \_\_\_\_\_ recommends:

Will Kay Chairman

AMENDMENT

OFFERED IN THE SENATE:

BY: \_\_\_\_\_

To: \_\_\_\_\_ SENATE BILL No. SSSB 659

HOUSE BILL No. \_\_\_\_\_

PAGE: 2, 4

LINE: 8, 7, 9

On page 2, line 8, add "Sec. 47.23.035 Establishment of Fund. There is established in the State general fund a continuing, revolving, reserve account to receive collections and make the authorized disbursements of the agency."

On page 4, line 7, delete "actual".

On page 4, line 9, delete "general fund of the state", and add "established in AS 47.23.035."

The Legislature of the State of Alaska  
FISCAL NOTE

First Session - Ninth Legislature

I. REQUEST

Bill No. SS Senate Bill 659

Title: An Act Relating to Child Support Enforcement

Requested by: \_\_\_\_\_ Date: \_\_\_\_\_

Return Date Requested: \_\_\_\_\_

Agency: Health & Social Services Program: Child Support Enforcement

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Child Support Enforcement

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 75	FY 76	FY 77	FY 78	FY 79	FY 80
100 PERSONAL SERVICES		116.0	485.9	621.3	683.5	751.8
200 TRAVEL		5.0	13.5	14.8	16.3	17.9
300 CONTRACTUAL		15.0	443.7	488.0	536.8	590.5
400 COMMODITIES		1.5	17.3	19.0	20.0	23.0
500 EQUIPMENT		6.5	37.2	40.9	45.0	49.5
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
800 Miscellaneous		6.0				
TOTAL	0.0	150.0	997.6	1,184.0	1,302.5	1,432.7

B. FUNDING: (Thousands of dollars)

GENERAL FUND	0.0	37.5	498.8	592.0	651.3	716.3
FEDERAL FUNDS	0.0	112.5	374.1	444.0	488.4	537.3
OTHER - RGF	0.0		124.7	148.0	162.8	179.1

C. POSITIONS:

PERMANENT/TEMPORARY	0/0	7/0	29/0	29/0	29/0	29/0
MAN MONTHS (P./T.)	0/0	84/0	348/0	348/0	348/0	348/0

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

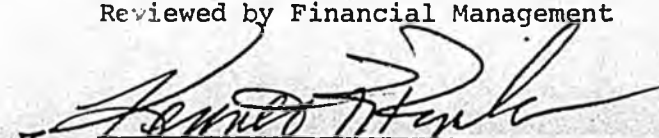
As attached.

IV. ATTACHMENTS

V. DATE: 3/19/76

PREPARED BY:   
CSEA

Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)  
Reviewed by Financial Management

  
For Eugene A. Smith, H&S Finance Officer

A M E N D M E N T

OFFERED IN THE SENATE:

BY: \_\_\_\_\_

To: \_\_\_\_\_ SENATE BILL No. SSSB 659  
HOUSE BILL No. \_\_\_\_\_

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Capitol #15



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

Senator Ray.

Hope you're keeping  
up on this.

☺ L e

# NEWS RELEASE

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

FRANCIS S.L. WILLIAMSON, COMMISSIONER

25  
# 41

Release: IMMEDIATELY

Date: 3/29/76

## ALASKA ESTABLISHING CHILD SUPPORT AGENCY

Alaska's new child support program aimed at identifying and locating absent parents and obtaining financial support for their children hopes to begin state-wide operations this summer. Congress established the program, to be administered by individual states under Title IV-D of the Social Security Act.

According to the U.S. Department of Health, Education and Welfare, lack of child support has become a serious problem in this country because more than 1.4 million absent parents are adding a burden of \$1.4 billion dollars annually in welfare payments alone.

The Alaska program will provide for a Child Support Agency to determine the paternity of children born out of wedlock, to obtain child support for applicants, and to establish a Parent Locator Service to find absent parents who may be liable for support. All families whose children need the financial assistance of an absent parent qualify for assistance from the Agency, including those families already receiving welfare under Aid to Families with Dependent Children (AFDC).

State Senate President Chancy Croft has introduced Senate Bill 659 to formally designate the Child Support Agency within the Department of Health and Social Services. Until approval of that legislation, current efforts are limited to the filing of complaints and planning for the proposed organization, projected to be statewide in scope.

**For Information Contact:**

Bradford Matsen, Information Officer  
Department of Health and Social Services  
Pouch H, Juneau, Alaska 99801

907 - 465-3030 (office)  
907 - 364-2303 (home)

- MORE -



# NEWS RELEASE

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

FRANCIS S.L. WILLIAMSON, COMMISSIONER

Release:

Date:

CHILD SUPPORT add 1

Planning underway now involves establishing of procedures for intake and location of absent parents, negotiation for payment if possible, and court action if necessary. The plan generally provides for collection by the agency. Payment is then made to the recipient family by the agency. Agency contact at the present time can be made by phoning Eugene G. Lawn, Child Support Agency, Juneau; (907) 465-3095.

Non-welfare applicants may be charged a small application fee, and the state will deduct the cost of collection from the child support payment. AFDC recipients who cooperate with the agency in locating an absent parent and securing payment, may be payed an incentive bonus of \$20.00 per month. The Child Support Agency will seek court orders or other legal remedies that could result in the withholding of the absent parent's property or wages, should that parent refuse to pay for child support.

- 30 -

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The Legislature of the State of Alaska  
FISCAL NOTE

First Session - Ninth Legislature

I. REQUEST

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 Requested by: \_\_\_\_\_ Date: \_\_\_\_\_  
 Return Date Requested: \_\_\_\_\_  
 Agency: Health & Social Services Program: child Support Enforcement

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OBJECT	FY 75	FY 76	FY 77	FY 78	FY 79	FY 80
100 PERSONAL SERVICES		116.0	526.9	656.0	721.6	793.7
200 TRAVEL		5.0	15.3	16.8	18.5	20.4
300 CONTRACTUAL		15.0	448.5	493.4	542.7	596.4
400 COMMODITIES		1.5	17.6	19.4	21.3	23.4
500 EQUIPMENT		6.5	39.1	43.0	47.3	52.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
Miscellaneous	0.0	150.0	1,054.0	1,235.9	1,359.4	1,495.0
TOTAL			(See Note Below)			

B. FUNDING: (Thousands of dollars)

GENERAL FUND	0.0	37.5	527.0	618.0	680.0	747.0
FEDERAL FUNDS	0.0	112.5	395.0	463.9	509.4	562.1
OTHER -RGF			132.0	154.0	170.0	186.0

C. POSITIONS:

PERMANENT/TEMPORARY	0 / 0	7 / 0	<sup>29</sup> 30 / 0	30 / 0	30 / 0	30 / 0
MAN MONTHS (P./T.)	0 / 0	84 / 0	360 / 0	360 / 0	360 / 0	360 / 0
			348			

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

As Attached.

NOTE: The FY 77 costs reflected above were reduced by approximately \$55,000 by the Governor's Budget Review Committee through disallowance of 1 position, overtime and miscellaneous.

IV. ATTACHMENTS

V. DATE: 3/17/76 PREPARED BY: [Signature]

Original: Legislative Finance  
 Budget and Management  
 cc: Prime Sponsor (First Legislator Named)

Introduced: 3/12/76  
Referred: Health, Education  
and Social Services and Finance

1 IN THE SENATE

BY CROFT

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 659

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH 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 47 is amended by adding a new chapter to read:

10 CHAPTER 23. CHILD SUPPORT ENFORCEMENT AGENCY.

11 Sec. 47.23.010. CREATION OF CHILD SUPPORT ENFORCEMENT AGENCY.

12 There is created in the Department of Health and Social Services the  
13 child support enforcement agency.

14 Sec. 47.23.020. DUTIES OF THE AGENCY. The agency shall

15 (1) administer and enforce child support orders of the  
16 superior courts of the state;

17 (2) administer and enforce the Uniform Reciprocal Enforcement  
18 of Support Act (AS 25.25);

19 (3) administer and enforce the requirements of Part B of  
20 Public Law 93-647 as now or hereafter amended.

21 Sec. 47.23.030. RIGHT OF STATE TO BRING ACTION. If during the  
22 continuance of an award for aid to families with dependent children the  
23 department finds that a person liable for the support of a child re-  
24 ceiving assistance is or may be able to provide the necessary care and  
25 support of the child, the person liable for the care and support of the  
26 child fails or refuses to support and care for the child, and the  
27 division of social services has determined that it is in the best inter-  
28 est of the child to do so, the state has a cause of action for the  
29 assistance against the person liable for it. The action shall be

1 brought by the agency in the name of the state against the person  
2 liable for the support of the child. The amount to be recovered will be  
3 the amount of money paid to the child or the amount due the child from  
4 the defendant under a court order, together with costs and disbursements  
5 of the action; however, in no case will the amount to be recovered  
6 exceed what the obligor is able to pay. The amount recovered shall be  
7 disbursed as provided by regulation of the department.

8 Sec. 47.23.040. DETERMINATION OF PATERNITY. The agency may  
9 initiate efforts to have the paternity of children born out of wedlock  
10 determined by the court on proper application by the mother. The agency  
11 shall appear on behalf of the child and the matter shall be brought by  
12 the agency in the name of the state on behalf of the minor child. The  
13 court may enter any appropriate filiation order. If the children are  
14 receiving aid to families with dependent children, the action will be  
15 brought only if the division of social services has determined that it  
16 is in the best interest of the children to do so.

17 Sec. 47.23.050. LEGAL ASSISTANCE. The Department of Law shall  
18 contract with the Department of Health and Social Services to provide  
19 needed legal services.

20 Sec. 47.23.060. ORDER OF SUPPORT. In a court proceeding where the  
21 support of a minor child is at issue, the court may order either or both  
22 parents to pay the amount necessary for the support, maintenance, nur-  
23 ture and education of the child. Upon a showing of good cause, the  
24 court may order the parents required to pay support to give reasonable  
25 security for payments. An order for prospective child support may be  
26 modified or revoked as the court considers necessary.

27 Sec. 47.23.070. ORDER TO ASSIGN WAGES FOR SUPPORT. (a) In a  
28 proceeding in which the court has ordered either or both parents to pay  
29 for the support of a minor child, the court may on its own motion or

1 motion of a party or the agency, after notice and an opportunity for  
2 hearing, order either parent or both parents to assign to the agency or  
3 custodian of the child that portion of salary or wages of either parent  
4 due them currently and in the future sufficient to pay the amount  
5 ordered by the court for the support, maintenance, nurture and education  
6 of the minor child.

7 (b) The order of assignment is binding upon an employer upon  
8 service of a copy of the order upon the employer and until further order  
9 of the court. The employer may deduct \$1 for each payment made under  
10 the order.

11 (c) The assignment made under court order has priority as against  
12 an attachment, execution or other assignment unless otherwise ordered by  
13 the court.

14 (d) No employer may terminate an employee's employment because his  
15 wages are subject to an order under this section.

16 Sec. 47.23.080. ENFORCEMENT OF SUPPORT ORDERS. In a court order  
17 requiring payment of child support, absent a showing of good cause to  
18 order otherwise, the payments shall be made to the agency. The agency  
19 shall take all necessary action to enforce those child support orders,  
20 including:

21 (1) petitioning the court for orders to aid in the enforce-  
22 ment of child support; and

23 (2) appearing on behalf of the children and enforcing any  
24 child support order entered or seeking an appropriate modification of  
25 the order.

26 Sec. 47.23.090. REDUCING ARREARS TO JUDGMENT. (a) If the agency  
27 or other obligee seeks execution, they shall reduce the outstanding  
28 arrears to judgment by motion after notice in accordance with the Rules  
29 of Civil Procedure.

1 (b) The agency may enforce support orders through execution on  
2 behalf of children.

3 Sec. 47.23.100. ALL PERSONS MAY USE AGENCY. The agency shall  
4 provide aid to any person due child support under the laws of this  
5 state. If the obligee is indigent or otherwise unable to pay for these  
6 services, the agency shall act without charge to the obligee. If the  
7 agency determines that the obligee is financially able to pay, actual  
8 costs shall be assessed according to regulations adopted by the depart-  
9 ment and be paid into the general fund of the state.

10 Sec. 47.23.110. DEFINITIONS. In this chapter

11 (1) "agency" means the Child Support Enforcement Agency;

12 (2) "department" means the Department of Health and Social  
13 Services.

14 \* Sec. 2. AS 25.25.080 is repealed and re-enacted to read:

15 Sec. 25.25.080. JURISDICTION AND ENFORCEMENT. (a) Jurisdiction  
16 for all proceedings under this chapter is in the superior court.

17 (b) All duties of support, including the duty to pay arrearages,  
18 are enforceable by a proceeding under this chapter, including a proceed-  
19 ing for civil contempt. The defense that the parties are immune to suit  
20 because of their relationship as husband and wife or parent and child is  
21 not available to the obligor.

22 \* Sec. 3. AS 25.25.100 is amended to read:

23 Sec. 25.25.100. OFFICIALS TO REPRESENT PLAINTIFF. The child  
24 support enforcement agency [ATTORNEY GENERAL, UPON THE REQUEST OF THE  
25 DEPARTMENT OF HEALTH AND WELFARE OR OF THE COURT,] shall represent the  
26 plaintiff in a proceeding under this chapter.

27 \* Sec. 4. AS 25.25 is amended by adding new sections to read:

28 Sec. 25.25.171. HEARING AND CONTINUANCES. If the obligee is not  
29 present at a hearing on the merits of the complaint and the obligor

1 denies owing the duty of support alleged in the petition or offers evi-  
2 dence constituting a defense, the court, upon request of either party,  
3 shall continue the hearing to permit evidence relative to the duty to be  
4 adduced by either party by deposition or by appearing in person before  
5 the court. The court may designate the judge of the initiating court as  
6 a person before whom a deposition may be taken.

7 Sec. 25.25.173. RULES OF EVIDENCE. In a hearing for the enforce-  
8 ment of this chapter, the court is governed by the rules of evidence  
9 applicable in a civil suit in superior court. If the action is based  
10 upon a support order issued by another court, a certified copy of the  
11 order shall be received as evidence of the duty of support, subject only  
12 to any defenses available to an obligor with respect to paternity or to  
13 a defendant in an action or a proceeding to enforce a foreign money  
14 judgment. Any such order may be modified by the courts of this state.  
15 The determination or enforcement of a duty of support owed to an obligee  
16 is unaffected by interference by the custodian with rights of custody or  
17 visitation granted by a court.

18 Sec. 25.25.175. IMMUNITY FROM CRIMINAL PROSECUTION. If at a  
19 hearing the obligor is called for examination as an adverse party and he  
20 declines to answer upon the ground that his testimony may tend to  
21 incriminate him, the court may require him to answer, in which event he  
22 is immune from criminal prosecution with respect to matters revealed by  
23 his testimony, except for perjury committed in his testimony.

24 Sec. 25.25.177. PATERNITY. If the obligor asserts as a defense  
25 that he is not the father of the child for whom support is sought and  
26 the court finds that the defense is not frivolous, then if both of the  
27 parties are present at the hearing, or the court finds that the presence  
28 of either or both of the parties is not necessary, the court may adjudi-  
29 cate the paternity issue. Otherwise, the court may continue the action

1       until the paternity issue has been adjudicated.

2       \* Sec. 5. AS 09.55.210(5) is repealed.

3       \* Sec. 6. This Act takes effect July 1, 1976.

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11 order shall be received as evidence of the duty of support, subject only  
12 to any defenses available to an obligor with respect to paternity or to  
13 a defendant in an action or a proceeding to enforce a foreign money  
14 judgment. Any such order may be modified by the courts of this state.  
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16 is unaffected by interference by the custodian with rights of custody or  
17 visitation granted by a court.

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20 declines to answer upon the ground that his testimony may tend to  
21 incriminate him, the court may require him to answer, in which event he  
22 is immune from criminal prosecution with respect to matters revealed by  
23 his testimony, except for perjury committed in his testimony.

24 Sec. 25.25.177. PATERNITY. If the obligor asserts as a defense  
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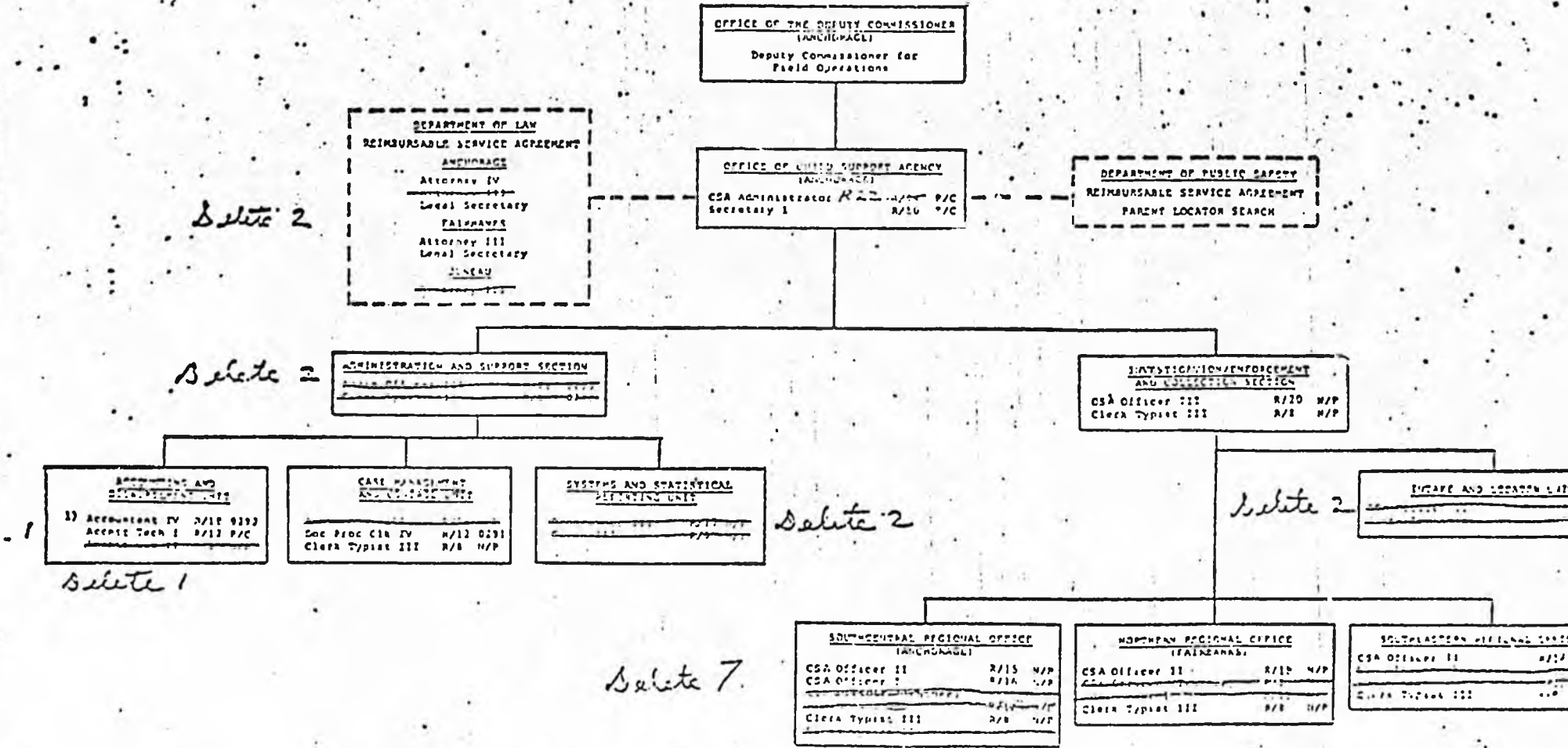
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CITIZEN 111  
 DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
 Child Support Enforcement Agency  
 Title IV-D  
 Staffing Chart



Explanation: total:  
 1) Based on complexity of function, reclassify Accountant II position as Accountant IV.

Position	New	Existing
Office of Administrator	0	2
Admin/Support Section	5	5
Investigation/Enforcement Collection Section	12	2
Total	17	2
Total Complement	22	29

Summary:

	AGENCY	DEPT. OF LAW
Original	29	6
ADJUST	(14)	(2)
	15	4

"An Act relating to child support enforcement; and providing for an effective date."

# COMMITTEE REPORT

HOUSE

4/5/76

Mr. Speaker:

Date 4/5/76

The Committee on FINANCE has had SSSB 659 am

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR SSSB 659 AND THAT

CS FOR SSSB 659 DO PASS

"and" recommends it BE REFERRED TO THE \_\_\_\_\_

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Members NOT concurring in the Majority report:

<u>J. Buchanan</u>	recommends: <u>No Rec</u>
<u>W. J. ...</u>	recommends: <u>Do Pass</u>
<u>H. ...</u>	recommends: <u>No recommendation</u>
<u>P. ...</u>	recommends: <u>No Rec</u>
<u>...</u>	recommends: <u>No Rec</u>

H. ... Chairman

Original sponsor: Croft

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 659 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH 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:

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13 child support enforcement agency.

14 Sec. 47.23.020. DUTIES OF THE AGENCY. The agency shall, to the  
15 extent consistent with its powers granted in this chapter,

16 (1) administer and enforce child support orders of the  
17 superior courts of the state;

18 (2) administer and enforce the Uniform Reciprocal Enforcement  
19 of Support Act (AS 25.25);

20 (3) administer and enforce the requirements of Part B of  
21 Public Law 93-647 as now or hereafter amended.

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23 continuance of an award for aid to families with dependent children the  
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26 support of the child, the person liable for the care and support of the  
27 child fails or refuses to support and care for the child, and the  
28 division of social services has determined that it is in the best inter-  
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5 defendant under a court order, together with costs and disbursements of  
6 the action; however, in no case will the amount to be recovered exceed  
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16 (c) The assignment made under court order has priority as against  
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25 including:

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1 the order.

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11 services, the agency shall act without charge to the obligee. If the  
12 agency determines that the obligee is financially able to pay, costs  
13 shall be assessed according to regulations adopted by the department and  
14 be paid into the fund established in AS 47.23.035.

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17 (2) "department" means the Department of Health and Social  
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7 dence constituting a defense, the court, upon request of either party,  
8 shall continue the hearing to permit evidence relative to the duty to be  
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11 a person before whom a deposition may be taken.

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16 order shall be received as evidence of the duty of support, subject only  
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20 The determination or enforcement of a duty of support owed to an obligee  
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that he is not the father of the child for whom support is sought and the court finds that the defense is not frivolous, then if both of the parties are present at the hearing, or the court finds that the presence of either or both of the parties is not necessary, the court may adjudicate the paternity issue. Otherwise, the court may continue the action until the paternity issue has been adjudicated.

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- \* Sec. 6. This Act takes effect July 1, 1976.



Introduced: 3/12/76  
Referred: Health, Education  
and Social Services and Finance

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BY CROFT

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20 because of their relationship as husband and wife or parent and child is  
21 not available to the obligor.

22 \* Sec. 3. AS 25.25.100 is amended to read:

23 Sec. 25.25.100. OFFICIALS TO REPRESENT PLAINTIFF. The child  
24 support enforcement agency [ATTORNEY GENERAL, UPON THE REQUEST OF THE  
25 DEPARTMENT OF HEALTH AND WELFARE OR OF THE COURT,] shall represent the  
26 plaintiff in a proceeding under this chapter.

27 \* Sec. 4. AS 25.25 is amended by adding new sections to read:

28 Sec. 25.25.171. HEARING AND CONTINUANCES. If the obligee is not  
29 present at a hearing on the merits of the complaint and the obligor

1 denies owing the duty of support alleged in the petition or offers evi-  
2 dence constituting a defense, the court, upon request of either party,  
3 shall continue the hearing to permit evidence relative to the duty to be  
4 adduced by either party by deposition or by appearing in person before  
5 the court. The court may designate the judge of the initiating court as  
6 a person before whom a deposition may be taken.

7 Sec. 25.25.173. RULES OF EVIDENCE. In a hearing for the enforce-  
8 ment of this chapter, the court is governed by the rules of evidence  
9 applicable in a civil suit in superior court. If the action is based  
10 upon a support order issued by another court, a certified copy of the  
11 order shall be received as evidence of the duty of support, subject only  
12 to any defenses available to an obligor with respect to paternity or to  
13 a defendant in an action or a proceeding to enforce a foreign money  
14 judgment. Any such order may be modified by the courts of this state.  
15 The determination or enforcement of a duty of support owed to an obligee  
16 is unaffected by interference by the custodian with rights of custody or  
17 visitation granted by a court.

18 Sec. 25.25.175. IMMUNITY FROM CRIMINAL PROSECUTION. If at a  
19 hearing the obligor is called for examination as an adverse party and he  
20 declines to answer upon the ground that his testimony may tend to  
21 incriminate him, the court may require him to answer, in which event he  
22 is immune from criminal prosecution with respect to matters revealed by  
23 his testimony, except for perjury committed in his testimony.

24 Sec. 25.25.177. PATERNITY. If the obligor asserts as a defense  
25 that he is not the father of the child for whom support is sought and  
26 the court finds that the defense is not frivolous, then if both of the  
27 parties are present at the hearing, or the court finds that the presence  
28 of either or both of the parties is not necessary, the court may adjudi-  
29 cate the paternity issue. Otherwise, the court may continue the action

until the paternity issue has been adjudicated.

\* Sec. 5. AS 09.55.210(5) is repealed.

\* Sec. 6. This Act takes effect July 1, 1976.

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Introduced: 2/16/76  
Referred: Health, Education  
and Social Services and  
Finance

1 IN THE SENATE

BY CROFT

2 SENATE BILL NO. 659

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND 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 is amended by adding a new chapter to read:

9 CHAPTER 23. CHILD SUPPORT ENFORCEMENT AGENCY.

10 Sec. 47.23.010. CREATION OF CHILD SUPPORT ENFORCEMENT AGENCY.

11 There is created in the Department of Health and Social Services the  
12 child support enforcement agency.

13 Sec. 47.23.020. DUTIES OF THE AGENCY. The agency shall

14 (1) administer and enforce child support orders of the  
15 superior courts of the state;

16 (2) administer and enforce the Uniform Reciprocal Enforcement  
17 of Support Act (AS 25.25).

18 Sec. 47.23.030. RIGHT OF STATE TO BRING ACTION. If during  
19 the continuance of an award for aid to families with dependent children  
20 the department finds that a person liable for the support of a recipient  
21 of assistance is or may be able to provide the necessary care and support  
22 of the recipient and the person liable for the care and support of the  
23 recipient fails or refuses to support and care for the recipient, the  
24 state has a cause of action for the assistance against the person liable  
25 for it. The action shall be brought by the agency in the name of the  
26 state against the person liable for the recovery of the amount of money  
27 paid to the recipient or the amount due the recipient from the defendant  
28 under a court order, together with costs and disbursements of the ac-  
29 tion. The amount recovered shall be disbursed as provided by regulation

1 of the department.

2 Sec. 47.23.040. DETERMINATION OF PATERNITY. The agency may  
3 initiate efforts to have the paternity of children born out of wedlock  
4 determined by the court on proper application by the mother. The agency  
5 shall appear on behalf of the child and the matter shall be brought by  
6 the agency in the name of the state on behalf of the minor child. The  
7 court may enter any appropriate filiation order.

8 Sec. 47.23.050. LEGAL ASSISTANCE. The Department of Law shall  
9 contract with the Department of Health and Social Services to provide  
10 needed legal services.

11 Sec. 47.23.060. ORDER OF SUPPORT. In a court proceeding where the  
12 support of a minor child is at issue, the court may order either or both  
13 parents to pay the amount necessary for the support, maintenance, nur-  
14 ture and education of the child. Upon a showing of good cause, the  
15 court may order the parents required to pay support to give reasonable  
16 security for payments. An order for prospective child support may be  
17 modified or revoked as the court considers necessary.

18 Sec. 47.23.070. ORDER TO ASSIGN WAGES FOR SUPPORT. (a) In a  
19 proceeding in which the court has ordered either or both parents to pay  
20 for the support of a minor child, the court may on its own motion or  
21 motion of a party or the agency, order either parent or both parents to  
22 assign to the agency or custodian of the child that portion of salary or  
23 wages of either parent due them currently and in the future sufficient  
24 to pay the amount ordered by the court for the support, maintenance,  
25 nurture and education of the minor child.

26 (b) The order of assignment is binding upon an employer upon  
27 service of a copy of the order upon the employer and until further order  
28 of the court. The employer may deduct \$1 for each payment made under  
29 the order.

1 (c) The assignment made under court order has priority as against  
2 an attachment, execution or other assignment unless otherwise ordered by  
3 the court.

4 (d) No employer may terminate an employee's employment because  
5 his wages are subject to an order under this section.

6 Sec. 47.23.080. ENFORCEMENT OF SUPPORT ORDERS. In a court  
7 order requiring payment of child support, the payments shall be made to  
8 the agency. The agency shall take all necessary action to enforce those  
9 child support orders, including:

10 (1) petitioning the court for orders to aid in the enforce-  
11 ment of child support; and

12 (2) appearing on behalf of the children and enforcing any  
13 child support order entered or seeking an appropriate modification of the  
14 order.

15 Sec. 47.23.090. REDUCING ARREARS TO JUDGMENT. (a) Each child  
16 support payment is due and owing at the time scheduled for its payment  
17 in any court order. If payment has not been made within 10 days of  
18 the date payment is due, then execution may issue for that and all out-  
19 standing unpaid sums. Execution shall issue on order of the court. The  
20 order may be obtained by ex parte motion and this motion shall be sup-  
21 ported by affidavit of the child support obligee or the attorney for  
22 the obligee that payment has not been made. The affidavit shall contain

23 (1) the pertinent provisions of the order or judgment;

24 (2) the total of sums falling due;

25 (3) the total amounts paid;

26 (4) the total principal owing;

27 (5) a statement that the moving party is the person to whom  
28 the order directed payment;

29 (6) if interest is claimed, the declaration should also allege

1 the date of maturity of each installment on which interest is claimed  
2 and the total amount of interest due.

3 (b) If application is made by an assignee, the affidavit must  
4 allege the filing of the assignment in the superior court and the date  
5 of service of the assignment or notice of the assignment on the judgment  
6 debtor.

7 (c) If the obligor has legal defenses to the money claimed, he  
8 may raise those defenses in a motion to quash the execution. If the  
9 obligor has legal defenses such as payment, accord and satisfaction or  
10 custody of the children, execution shall be quashed. If for any other  
11 reason the court determines that execution would work a manifest in-  
12 justice on the obligor, execution may be quashed.

13 (d) The agency may enforce support orders through execution on  
14 behalf of children.

15 Sec. 47.23.100. ALL PERSONS MAY USE AGENCY. The agency shall  
16 provide aid to any person due child support under the laws of this state.  
17 If the obligee is indigent or otherwise unable to pay for these services,  
18 the agency shall act without charge to the obligee. If the agency de-  
19 termines that the obligee is financially able to pay, actual costs shall  
20 be assessed according to regulations adopted by the department and be  
21 paid into the general fund of the state.

22 Sec. 47.23.110. DEFINITIONS. In this chapter

23 (1) "agency" means the Child Support Enforcement Agency;

24 (2) "department" means the Department of Health and Social  
25 Services.

26 \* Sec. 2. AS 25.25.080 is repealed and re-enacted to read:

27 Sec. 25.25.080. JURISDICTION AND ENFORCEMENT. (a) Jurisdiction  
28 for all proceedings under this chapter is in the superior court.

29 (b) All duties of support, including the duty to pay arrearages,

1 are enforceable by a proceeding under this chapter, including a proceed-  
2 ing for civil contempt. The defense that the parties are immune to suit  
3 because of their relationship as husband and wife or parent and child is  
4 not available to the obligor.

5 \* Sec. 3. AS 25.25 is amended by adding new sections to read:

6 Sec. 25.25.171. HEARING AND CONTINUANCES. If the obligee is not  
7 present at a hearing on the merits of the complaint and the obligor  
8 denies owing the duty of support alleged in the petition or offers evi-  
9 dence constituting a defense, the court, upon request of either party,  
10 shall continue the hearing to permit evidence relative to the duty to  
11 be adduced by either party by deposition or by appearing in person be-  
12 fore the court. The court may designate the judge of the initiating  
13 court as a person before whom a deposition may be taken.

14 Sec. 25.25.173. RULES OF EVIDENCE. In a hearing for the enforce-  
15 ment of this chapter, the court is governed by the rules of evidence  
16 applicable in a civil suit in superior court. If the action is based  
17 upon a support order issued by another court, a certified copy of the  
18 order shall be received as evidence of the duty of support, subject  
19 only to any defenses available to an obligor with respect to paternity  
20 or to a defendant in an action or a proceeding to enforce a foreign  
21 money judgment. Any such order may be modified by the courts of this  
22 state. The determination or enforcement of a duty of support owed to  
23 one obligee is unaffected by interference by another obligee with rights  
24 of custody or visitation granted by a court.

25 Sec. 25.25.175. IMMUNITY FROM CRIMINAL PROSECUTION. If at a '  
26 hearing the obligor is called for examination as an adverse party and  
27 he declines to answer upon the ground that his testimony may tend to  
28 incriminate him, the court may require him to answer, in which event he  
29 is immune from criminal prosecution with respect to matters revealed by

1 his testimony, except for perjury committed in his testimony.

2 Sec. 25.25.177. PATERNITY. If the obligor asserts as a defense  
3 that he is not the father of the child for whom support is sought and  
4 the court finds that the defense is not frivolous, then if both of the  
5 parties are present at the hearing, or the court finds that the presence  
6 of either or both of the parties is not necessary, the court may adjudi-  
7 cate the paternity issue. Otherwise, the court may continue the action  
8 until the paternity issue has been adjudicated.  
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THE LEGISLATURE OF THE STATE OF ALASKA

FISCAL NOTE

Second Session - Ninth Legislature

I. REQUEST

Bill No. Sponsor Substitute Senate Bill 659

Title: An Act Relating to Child Support Enforcement

Requested by: \_\_\_\_\_ Date: \_\_\_\_\_

Return Date Requested: \_\_\_\_\_

Agency: Health & Social Services Program: Child Support Enforcement

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Child Support Enforcement

A. EXPENDITURES: (Thousands of dollars)

330

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES		265.0				
200 TRAVEL		6.0				
300 CONTRACTUAL		198.0				
400 COMMODITIES		9.0				
500 EQUIPMENT		22.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		500.0				

B. FUNDING: (Thousands of dollars)

GENERAL FUND		350.0				
FEDERAL FUNDS		150.0				
OTHER		0.0				

C. POSITIONS:

PERMANENT/TEMPORARY	/	15 / 0	/	/	/	/
MAN MONTHS (P./T.)	/	180 / 0	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

With a budget of \$500,000 for a Child Support Enforcement Agency, it is estimated that the following activities could be carried out:

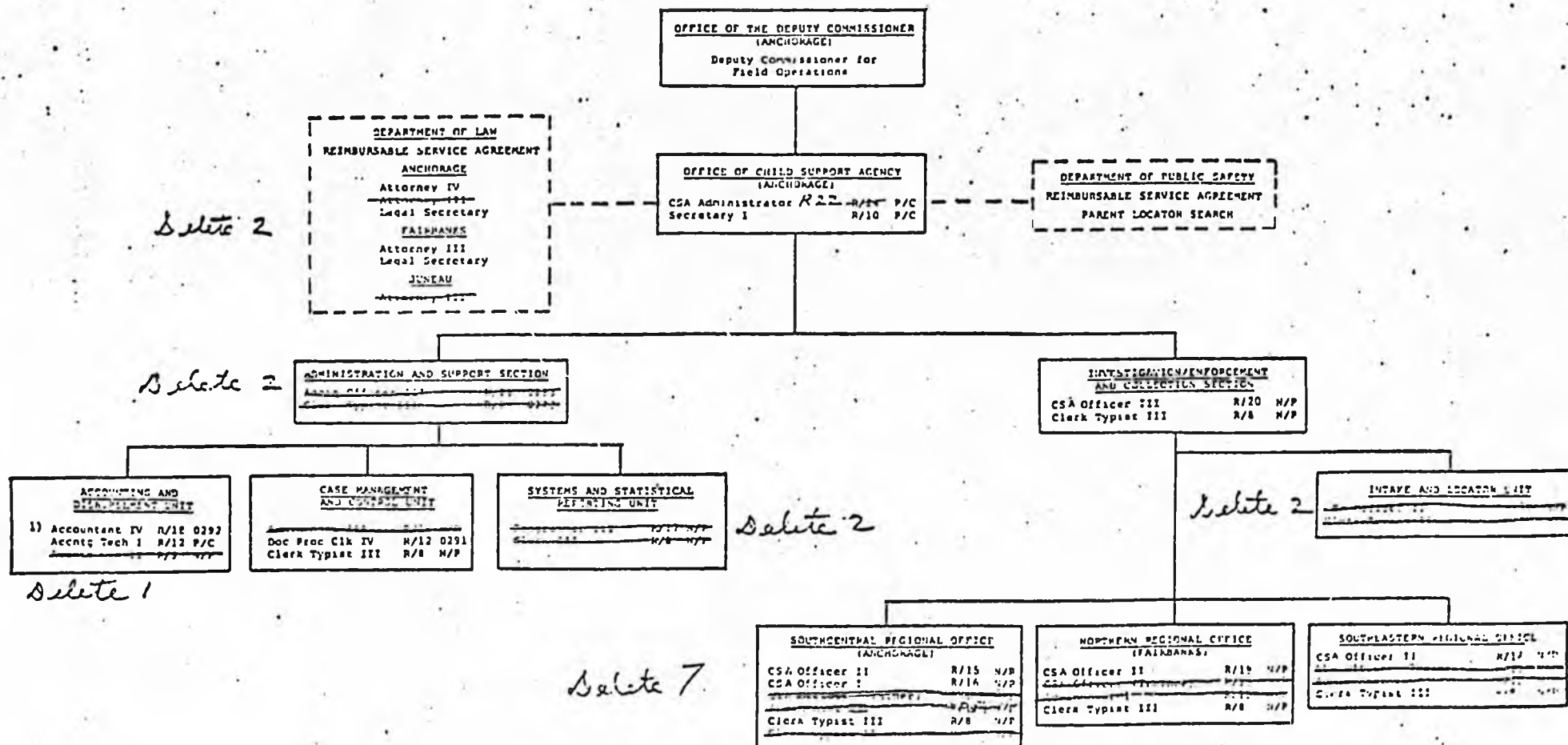
- I Staffing: 15 personnel provided within the Agency and 4 within the Department of Law (see staffing chart attached).
- II Locations Served: Offices could be developed in Juneau, Fairbanks and Anchorage. Service to the outlying regions would be provided from these offices.
- III Cases Serviced: Collections would be received from 7,725 cases out of a total 9,125 cases actively under investigation, prosecution, or management.

V. DATE: 5/25/76 PREPARED BY: Milt Barker

Legislative Finance

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

L M A 1 1 1 1  
**DEPARTMENT OF HEALTH AND SOCIAL SERVICES**  
**Child Support Enforcement Agency**  
**Title IV-D**  
**Staffing Chart**



**Explanatory Note:**  
 1) Based on complexity of function, reclassify Accountant II position as Accountant IV.

Recap	New	Existing
Office of Administrator	0	2
Admin/Support Section	5	5
Investigation/Enforcement	18	2
Collection Section		
<b>Total</b>	<b>23</b>	<b>2</b>
<b>Total Complement</b>	<b>22</b>	<b>29</b>

**Summary:** AGENCY DEPT. OF LAW  
 Original 29 6  
 ADJUST (14) (2)  
 15 4

THE LEGISLATURE OF THE STATE OF ALASKA  
FISCAL NOTE  
 Second Session - Ninth Legislature

I. REQUEST

Bill No. Sponsor Substitute SB 659  
 Title: Child Support Enforcement  
 Requested by: \_\_\_\_\_ Date: \_\_\_\_\_  
 Return Date Requested: \_\_\_\_\_  
 Agency: Law Program: General Government

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Legal Services; Operations

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

B. FUNDING: (Thousands of dollars)

GENERAL FUND		(110.6)				
FEDERAL FUNDS						
OTHER		110.6				

C. POSITIONS:

PERMANENT/TEMPORARY	/	/	/	/	/	/
MAN MONTHS (P./T.)	/	/	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The funding for 2 attorneys and 2 clerical positions already existing in Legal Services is switched to Interagency Receipts from Dept. of Health & Social Services, Child Support Administration.

IV. ATTACHMENTS

V. DATE: 5/21/76 PREPARED BY: Milt Barker  
 Legislative Finance

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA  
FISCAL NOTE  
 Second Session - Ninth Legislature

I. REQUEST

Bill No. Sponsor Substitute for SB 659  
 Title: Child Support Enforcement  
 Requested by: \_\_\_\_\_ Date: \_\_\_\_\_  
 Return Date Requested: \_\_\_\_\_  
 Agency: Court System Program: Justice

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Trial Courts  
 A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES		(178.1)				
200 TRAVEL						
300 CONTRACTUAL		(5.0)				
400 COMMODITIES		(2.0)				
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		(185.1)				

B. FUNDING: (Thousands of dollars)

GENERAL FUND		(185.1)				
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	(7)	/	/	/	/
MAN MONTHS (P./T.)	/	(84)	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

This deletes 2 Anchorage Court Trustees (81.2) and five clerical positions (96.9) plus support (7.0) from the Trial Courts budget. These positions were formerly involved in collecting and enforcing child support, functions which will now be performed by Dept. of Health & Social Services.

IV. ATTACHMENTS

V. DATE: 5/25/76 PREPARED BY: Milt Barker  
 Legislative Finance

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

DRAFT 12/5/75 bt

CHILD SUPPORT ENFORCEMENT PROGRAM  
Position Summary of the Department of Public Safety

On -----, this Department was allocated the amount of \$2,500 to develop a program and budget for the enforcement of Child Support within the State of Alaska and to return the final product by November 28, 1975. Lacking expertise in the AFDC program, the current status of enforcement, and the various federal regulations, we contracted with Southeast Data Service to review the existing situation and provide to us a plan of implementation for such a program.

Their recommendations, a summary of which is attached, constitute the position of this Department. While we acknowledge the administrative difficulties of a program crossing so many departmental organization lines, we believe that it provides for maximum utilization of existing State resources and can work if all agencies approach the problem on a positive vein with the intent to make it work.

Public Safety has a staff of approximately 200 troopers statewide that can be used as required to assist with the location of absent parents and 23 positions in Judicial Services which is responsible for serving notice of court orders. In addition, the LEAA funded AJIS system can make a valuable contribution to the success of this program.

The Department of Law has an existing organizational structure which can effectively handle the prosecution of recalcitrant parents.

Likewise, the Court System is organized to hear the cases presented and render decisions. Some of these decisions include court ordered support payments. At the present time, the Court System has at least 5 full-time people actively collecting and disbursing these funds.

Failure to pay Court ordered support is prosecuted as contempt of the Court. In the jurisdiction of Alaska, any defendant so prosecuted is entitled to a jury trial since there is a possible jail sentence involved. Alaska is the only state, so far, which has so held. As a result, only 2 or 3 cases of nonpayments of court ordered support have ever been prosecuted.

The Department of Revenue currently has a staff of 30 people responsible for the collection of delinquent taxes.

FIGURE 8

EXISTING RESOURCES USED FOR CHILD SUPPORT ENFORCEMENT

-Estimated-

	H&SS	PUBLIC SAFETY	LAW	COURTS	REVENUE	TOTALS
<u>FUNCTIONS</u>						
Administration	3	-	-	-	-	3
Coordination	-	-	-	4	-	4
Investigation	55	-	-	-	-	55
Location	-	Nil	-	-	-	-
Negotiation	-	-	-	-	-	-
Prosecution	-	-	2	3	-	5
Adjudication	-	-	-	N/A	-	-
Service	-	-	-	-	-	-
Collection	-	-	-	2	-	2
Pay Benefits	10	-	-	-	-	10
Disburse Receipts	-	-	-	3	-	3
Distribute Collection	-	-	-	-	-	-
Quality Control	-	-	-	-	-	-
Federal Reporting	-	-	-	-	-	-
TOTALS	68	0	2	12	0	82

**FISCAL NOTE**

First Session - Ninth Legislature

**I. REQUEST**

Bill No. SS Senate Bill 659

Title: An Act Relating to Child Support Enforcement

Requested by: \_\_\_\_\_ Date: \_\_\_\_\_

Return Date Requested: \_\_\_\_\_

Agency: Health & Social Services Program: Child Support Enforcement

**II. FISCAL DETAIL**

Budget Request Unit(s) Affected: Child Support Enforcement

**A. EXPENDITURES: (Thousands of dollars)**

OBJECT	FY 75	FY 76	FY 77	FY 78	FY 79	FY 80
100 PERSONAL SERVICES		116.0	485.9	621.3	683.5	751.8
200 TRAVEL		5.0	13.5	14.8	16.3	17.9
300 CONTRACTUAL		15.0	443.7	488.0	536.8	590.5
400 COMMODITIES		1.5	17.3	19.0	20.9	23.0
500 EQUIPMENT		6.5	37.2	40.9	45.0	49.5
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	0.0	150.0	997.6	1,184.0	1,302.5	1,432.7

**B. FUNDING: (Thousands of dollars)**

GENERAL FUND	0.0	37.5	498.8	592.0	651.3	716.3
FEDERAL FUNDS	0.0	112.5	374.1	444.0	488.4	537.3
OTHER - RGF	0.0		124.7	148.0	162.8	179.1

**C. POSITIONS:**

PERMANENT/TEMPORARY	0/0	7/0	29/0	29/0	29/0	29/0
MAN MONTHS (P./T.)	0/0	84/0	348/0	348/0	348/0	348/0

**III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)**

As attached.

**IV. ATTACHMENTS**

V. DATE: 3/19/76

PREPARED BY: [Signature]  
CSEA

Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

<u>Personnel Costs</u>	Range	Salary +	21% Benefits	FY77 =Cost	FY78	FY79	FY80
<b>Permanent Positions</b>							
<b>Current Permanent Positions Approved</b>				173,180	190,498	209,547	230,502
<b>FY77 Proposed Positions</b>							
CSA Officer III	20S	25,541	5,363	30,904	33,994	37,393	41,113
CSA Officer II	18S	22,057	4,632	26,689	29,357	32,293	35,523
CSA Officer II	18S	24,615	5,169	29,784	32,762	36,038	39,642
CSA Officer II	18S	22,057	4,632	26,689	29,357	32,293	35,523
CSA Officer II	18G	22,555	4,736	27,291	30,020	33,022	36,324
CSA Officer I	16G	19,462	4,087	23,549	25,903	28,494	31,343
Administrative Assistant II	14G	16,793	3,526	20,319	22,350	24,585	27,044
Administrative Assistant I	12G	14,696	3,086	17,782	19,560	21,516	23,667
Administrative Assistant I	12G	16,794	3,526	20,320	22,352	24,587	27,045
Programmer III	17G	20,954	4,400	25,354	27,889	30,678	33,746
CSA Officer Trainee	13G	15,665	3,289	18,954	20,849	22,934	25,227
CSA Officer Trainee	13G	18,068	3,794	21,862	24,084	26,453	29,098
CSA Officer Trainee	13G	15,665	3,289	18,954	20,849	22,934	25,227
Clerk Typist III	8G	11,788	2,475	14,263	15,689	17,258	18,984
Clerk Typist III	8G	11,788	2,475	14,263	15,689	17,258	18,984
Clerk Typist III	8G	11,788	2,475	14,263	15,689	17,258	18,984
Clerk Typist III	8G	12,546	2,634	15,180	16,698	18,367	20,204
Clerk Typist III	8G	11,788	2,475	14,263	15,689	17,258	18,984
Clerk Typist III	8G	11,788	2,475	14,263	15,689	17,258	18,984
Clerk Typist II	7G	11,084	2,327	13,411	14,752	16,277	17,850
Clerk II	7G	11,084	2,327	13,411	14,752	16,277	17,850
Accounting Clerk II	9C	10,260	2,148	12,408	13,648	15,013	16,515
<b>Total Personnel Services</b>		<b>358,836</b>	<b>75,340</b>	<b>434,176</b>	<b>477,621</b>	<b>525,444</b>	<b>577,861</b>
<b>(000's Ommitted)</b>							
<b>Personnel Services Cost</b>				485.9*	621.3*	683.5*	751.8*
<b>Travel</b>				13.5	14.8	16.3	17.9
<b>Contractual</b>				443.7	486.0	536.8	590.5
<b>Commodities</b>				17.3	19.0	20.9	23.0
<b>Equipment</b>				37.2	40.9	45.0	49.5
<b>TOTAL</b>				<b>997.6</b>	<b>1,184.0</b>	<b>1,302.5</b>	<b>1,432.7</b>

\* - Includes 20% vacancy in FY77, 7% thereafter.

# STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

803 659  
JAY S. HAMMOND, GOVERNOR

POUCH H 01 - JUNEAU 9911

May 20, 1976

The Honorable Hugh Malone, Chairman  
Finance Committee  
House of Representatives  
Juneau, Alaska

Dear Mr. Malone:

RE: Proposed Child Support  
Enforcement Agency  
HCS SSSB 659 and Amendments

Your letter of May 18, 1976, reflecting the request made to our Department in the meeting with the House Finance Committee on Saturday, May 15, 1976, has been received.

Additional fiscal data have been prepared and are submitted herewith. These will indicate the impact on the State of Alaska related to possible loss of federal funds if Alaska's State Plan does not meet the federal "Standards for an Effective Program" as provided by federal law and regulations (see Attachment I).

The long-standing and general policy of our Department with regard to proposed new social programs with federal-state implications is to submit such proposed legislation to Region X of HEW for compliance review and comment. This was done several months ago with regard to Senate Bill 659. Region X concurred with the Department that the version of SB 659 then presented was acceptable and complied with federal requirements.

The several amendments passed by the House Finance Committee on Saturday, May 15, 1976, were also submitted for review of these amendments by general counsels at Region X and Washington D.C. as to possible conflicts with the applicable sections of the Social Security Act and federal regulations. Their review has now been completed. You will note that it is the position of HEW that the new amendments are in conflict with the respective applicable portions of the Social Security Act and related federal regulations (see Attachment II).

May 20, 1976

The Department of Law of the State of Alaska was requested to review the positions on the amendment conflicts as stated in the HEW letter of May 18, 1976. We have been informed today that our Alaska Department of Law is also of the opinion that the new amendments present those conflicts cited by the HEW letter.

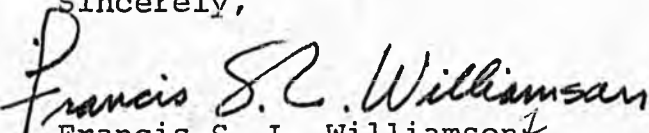
It is our understanding that HCS SSSB 659am is still in the House Finance Committee. For the above reasons, it is the recommendation of our Department that the House Finance Committee review these new developments and clarifications and consider rescinding the actions approving the amendments in order for Alaska to maintain compliance with the federal enactments. The additional accompanying data will indicate the possible financial impact on the state treasury if Alaska does not have an "Effective Program" as set forth in federal standards (see Attachment III).

Our Department understands fully and respects greatly the concerns of some of the members of the Committee regarding the complexity of the federal involvement in this and other programs. On balance, we are of the opinion that Alaska stands to gain more by creating a program in compliance with the required federal standards than if it fails to do so.

We stand ready to meet again with your Committee and/or the Free Conference Committee on the Budget to explore these more recent developments on HCS SSSB 659am and the level of funding required to operate a program adequate and acceptable for the State of Alaska.

Please let me know if we can furnish any further information which will assist your Committee in its deliberations on this important legislation, or if you wish us to meet with your or the Free Conference Committee.

Sincerely,

  
Francis S. L. Williamson  
Commissioner

Enclosures:

- Attachment I: "Standards for an 'Effective' Program"
- Attachment II: Letter from HEW, Region X, May 18, 1976
- Attachment III: Revised Fiscal Data: May 20, 1976

## PART 303

## STANDARDS FOR AN EFFECTIVE PROGRAM

		<u>Codified Federal Regulations</u>
I	Maintenance of Case Records	303.2
II	Location of Absent Parents	303.3
III	Establishment of Support Obligations	303.4
IV	Establishment of Paternity	303.5
V	Enforcement of Support Obligations	303.6
VI	Cooperation with Other States	303.7
VII	Adequate Organization and Staff	303.20



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
 REGION X  
 ARCADE PLAZA BUILDING  
 1321 SECOND AVENUE  
 SEATTLE, WASHINGTON 98101

May 18, 1976

OFFICE OF  
 CHILD SUPPORT ENFORCEMENT

Dr. Francis S. L. Williamson  
 Commissioner  
 Department of Health & Social Services  
 Pouch H 01  
 Juneau, Alaska 99811

Dear Dr. Williamson:

This letter is in response to questions raised by Deputy Commissioner Frederick McGinnis concerning the child support program in Alaska.

We understand that a change in Section 47.23.030 of Alaska Senate Bill 659 resulted in a requirement for concurrence by the person with custody of a child before the state can bring action against the person liable for the child's support. This addition to the bill is contrary to the intent of Section 454(4)(B) of the Social Security Act. That section calls for action by the state to secure support from the person legally liable for such support unless the state agency determined that it is against the best interests of the child to do so. The absence of concurrence by the person with custody does not relieve the state agency of its responsibility to collect support for children receiving benefits under Title IV-A.

Similarly the additions to Section 47.23.040 calling for consent of the mother to paternity determinations is in conflict with Section 402(a)(26)(B) which requires applicants or recipients of AFDC to cooperate in establishing paternity and 454(4)(A) which requires the state to undertake establishment of paternity unless the state agency determines that it is against the best interests of the child to do so.

We also understand that changes in the staffing and budget are under consideration. As discussed with Dr. McGinnis, any alternative plans should recognize the requirements that the child support program be in operation statewide (Section 454(1)) and that the agency either administer directly or supervise all of the activities described in 45 Code of Federal Regulations 303.20.

The requirements of Section 402(a)(27) for a child support program operating in conformance with an approved state plan were the subject of Dr. McGinnis' remaining question. As you know, a state not meeting

Dr. Francis S. L. Williamson

2

those requirements is subject to a 5% reduction of all federal matching funds for AFDC (Section 403(h)). In addition, if a state fails to meet the requirements of Section 402(a)(25) and (26) such failure becomes a Title IV-A compliance issue and ultimately could be subject to action by the Secretary of the Department of Health, Education, and Welfare to withhold the state's Title IV-A program funding.

We hope that the above information is responsive to Dr. McGinnis' questions. If any additional assistance is needed, please do not hesitate to let us know.

Sincerely yours,

*Baird Hudson*

*for*

Jeanne Jewett  
Acting Regional Director  
Office of Child Support Enforcement

cc:  
Dr. Frederick McGinnis  
Deputy Regional Commissioner

## ATTACHMENT III

CHILD SUPPORT AGENCY  
COMPARATIVE BUDGET ANALYSIS

	* Governor's FY 77 Request	** Requested Data HFC (50% Reduction)
Personal Services	\$485,900 (29 Positions)	\$265,000 (15 Positions)
Travel	13,500	6,000
Contractual	443,700 (6 Dept. of Law Positions)	198,000 (4 Dept. of Law Positions)
Commodities	17,300	9,000
Equipment	37,200	22,000
TOTAL	<u>\$997,600</u>	<u>\$500,000</u>
Funding Source:		
General Funds:		
Department of Law	\$110,000	\$110,000
Court System	88,000	88,000
FY 1976 Appropriation <i>LEVEL</i>	37,500	37,500
New Funds	388,000	264,500
Federal Funds	374,100	-0-
TOTAL BUDGET	<u>\$997,600</u>	<u>\$500,000</u>
5% Penalty	-0-	175,000 (6 months: FY 1977)
TOTAL COST	<u>\$997,600</u>	<u>\$675,000</u>

\* The Governor's FY 1977 budget request represents the positions and funding needed to operate a state-wide Child Support Agency program which meets minimum Federal requirements set forth in PL 93-647 and 45 Part 301 CFRs (See attachment A and B). Failure to comply will result in loss of 5% of Federal AFDC funds (\$350,000 annual loss based on \$6,500,000 Federal funds in AFDC budget). Failure of the State to have an effective program in operation by January 1, 1977 will result in a serious compliance issue with HEW and could result in loss of 6,500,000 (ALL Federal AFDC funds). (See attachments).

\*\* Represents an all State General Funded Program which assumes responsibility for child support functions now performed by the Alaska Court System (estimated caseload 5,000) and the Department of Law (estimated 2,500 URESA case backlog). This program would not meet minimum Federal requirements and would result in the annual forfeiture of \$350,000 in 5% penalty. (175,000 for FY 1977 based on a January 1, 1977 effective date prescribed in PL 93-647). This plan could also lead to a \$6,500,000 AFDC loss, based on non-compliance.

NOTE: The Department cannot recommend the budget related to the 50% reduction from the Governor's level for two basic reasons:

1. The proposed agency cannot serve the identified needs at that level of funding and staffing.
2. It is not in Alaska's interest to forego Federal Financial Participation in the program with known funding penalties and additional possible compliance penalties as set forth above.

REVISED POSSIBLE BUDGET

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

(This level of funding should qualify Alaska for federal financial participation  
May 20, 1976)

In the event the Legislature cannot approve the Governor's requested level of funding deemed by the Department and several other knowledgeable agencies and groups (see attachments A and B) as a minimal level for an effective program for Alaska, the following adjustments could be made with the least harmful effect on the proposed operations:

I. Delete up to 6 positions in order of necessity:

- Attorney III
- Legal Secretary
- Administrative Officer III
- Clerk Typist III
- Clerk Typist III
- Child Support Agency Officer III

II. Reduce level of funding as follows consistent with reduction of personnel:

<u>Object Groups</u>	<u>Governor's FY 77 Request</u>	<u>Possible Revision</u>	<u>Possible Alternate Budget</u>
Personal Services	\$485.9	\$(96.1)	\$389.8
Travel	13.5	( 1.5)	12.0
Contractual	443.7	(74.6)	369.1
Commodities	17.3	( 1.4)	15.9
Equipment	37.2	( 3.9)	33.3
<b>TOTAL</b>	<b>\$997.6</b>	<b>\$(177.5)</b>	<b>\$820.1</b>
Funding Source:			
General Funds:			
Department of Law	\$110.0	-0-	\$110.0
Court System	88.0	-0-	88.0
FY 1976 Appropriation	37.5	-0-	37.5
New Funds	388.0	(110.5)	277.5
Federal Funds	374.1	( 67.0)	307.1
<b>TOTAL BUDGET</b>	<b>\$997.6</b>	<b>\$(177.5)</b>	<b>\$820.1</b>

THE LEGISLATURE OF THE STATE OF ALASKA  
FISCAL NOTE

Second Session - Ninth Legislature

I. REQUEST

Bill No. Sponsor Substitute Senate Bill 659  
 Title: An Act Relating to Child Support Enforcement.  
 Requested by: \_\_\_\_\_ Date: \_\_\_\_\_  
 Return Date Requested: \_\_\_\_\_  
 Agency: Health and Social Services Program: Child Support Enforcement

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Child Support Enforcement

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES		265.0				
200 TRAVEL		6.0				
300 CONTRACTUAL		198.0				
400 COMMODITIES		9.0				
500 EQUIPMENT		22.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		500.0				

B. FUNDING: (Thousands of dollars)

GENERAL FUND		500.0				
FEDERAL FUNDS		0.0				
OTHER		0.0				

C. POSITIONS:

PERMANENT/TEMPORARY	/	15/0	/	/	/	/
MAN MONTHS (P./T.)	/	180/0	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

IV. ATTACHMENTS

V. DATE: 5/20/76 PREPARED BY: [Signature]  
 CSEA

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

If a budget is limited to \$500,000 for a Child Support Enforcement Agency, it is estimated that the following activities could be carried out:

- I     Staffing:           15 personnel provided within the Agency and 4 within the Department of Law (See staffing chart attached).
  
- II    Locations Served:   Offices could be developed in Juneau, Fairbanks and Anchorage. Service to the outlying regions would be most severely limited (See staffing chart attached).
  
- III   Cases Serviced:       With reduction of 16 people (14 Child Support Agency; 2 Department of Law) the estimated cases processed would be limited to approximately 5,000. This is estimated to be approximately 50% or less of the activities deemed necessary for an "effective" Agency. AFDC caseloads could not be serviced.

The above level of activities would not meet federal requirements to avoid the 5% AFDC penalties and could create a compliance issue involving \$6,500,000 in federal AFDC funds (See correspondence submitted herewith from Health, Education and Welfare).

CHART II  
 DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
 Child Support Enforcement Agency  
 Title IV-D  
 Staffing Chart

OFFICE OF THE DEPUTY COMMISSIONER  
 (ANCHORAGE)  
 Deputy Commissioner for  
 Field Operations

DEPARTMENT OF LAW  
 REIMBURSABLE SERVICE AGREEMENT  
 ANCHORAGE  
 Attorney IV  
 Legal Secretary  
 FAIRBANKS  
 Attorney III  
 Legal Secretary  
 JUNEAU  
 Attorney III

OFFICE OF CHILD SUPPORT AGENCY  
 (ANCHORAGE)  
 CSA Administrator R22 R/10 P/C  
 Secretary I R/10 P/C

DEPARTMENT OF PUBLIC SAFETY  
 REIMBURSABLE SERVICE AGREEMENT  
 PARENT LOCATOR SEARCH

*Delete 2*

ADMINISTRATION AND SUPPORT SECTION  
~~Admin Officer III R/12 N/P~~  
~~Clerk Typist III R/8 N/P~~

*Delete 2*

INVESTIGATION/ENFORCEMENT  
 AND COLLECTION SECTION  
 CSA Officer III R/20 N/P  
 Clerk Typist III R/8 N/P

ACCOUNTING AND  
 DISBURSEMENT UNIT  
 1) Accountant IV R/18 O292  
 Acctng Tech I R/12 P/C

CASE MANAGEMENT  
 AND CONTACT UNIT  
 Doc Proc Clk IV R/12 O291  
 Clerk Typist III R/8 N/P

SYSTEMS AND STATISTICAL  
 REPORTING UNIT  
~~Systems Sec R/17 N/P~~  
~~Clerk Typist III R/8 N/P~~

*Delete 2*

INTAKE AND LOCATOR UNIT  
~~CSA Officer II R/16 N/P~~  
~~Clerk Typist III R/8 N/P~~

*Delete 2*

SOUTHCENTRAL REGIONAL OFFICE  
 (ANCHORAGE)  
 CSA Officer II R/16 N/P  
 CSA Officer I R/16 N/P  
 Clerk Typist III R/8 N/P

NORTHERN REGIONAL OFFICE  
 (FAIRBANKS)  
 CSA Officer II R/16 N/P  
 Clerk Typist III R/8 N/P

SOUTHEASTERN REGIONAL OFFICE  
 CSA Officer II R/16 N/P  
 Clerk Typist III R/8 N/P

*Delete 7*

**Explanatory Note:**  
 1) Based on complexity of function, reclassify Accountant II position as Accountant IV.

Recap	New	Existing
Office of Administrator	0	2
Admin/Support Section	5	5
Investigation/Enforcement Collection Section	18	0
Total	23	2
Total Complement	22	29

Summary: AGENCY DEPT. OF LAW  
 Original 29 6  
 ADJUST (14) (2)  
 15 4



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
REGION X  
ARCADE PLAZA BUILDING  
1921 SECOND AVENUE  
SEATTLE, WASHINGTON 98101

May 20, 1976

OFFICE OF  
CHILD SUPPORT ENFORCEMENT

Dr. Francis S.L. Williamson  
Commissioner  
Department of Health & Social Services  
Pouch H 01  
Juneau, Alaska 99811

Dear Dr. Williamson:

This letter is confirmation of a telephone conversation between Eugene Lewn, Acting Administrator, Child Support Agency & Barbara Herderson, Deputy Regional Director, Office & Child Support Enforcement concerning the proposed staffing chart dated 3/9/76 for the D.H.S.S. Child Support Enforcement Agency. We consider that staffing pattern a reasonable approach to implementation of the Child Support Program in Alaska.

The organization is consistent with the anticipated caseload, demographic characteristics & the complex range of activities & which the IV-D agency is responsible (45 Code of Federal Regulations 303.20). We recognize that the plan represents a considerable increase in personnel. However, we believe that such additions are inevitable if states are to provide the more aggressive program administration intended by the Congress.

If there are any questions concerning the above information, please let us know.

Sincerely yours,

Jeanne Jewett  
Acting Regional Director  
Office of Child Support Enforcement

cc: Dr. Frederick McGinnis

# Memorandum

Alaska RECEIVED  
Court System  
MAY 19 1976

TO:  Dr. Frederick McGinnis  
Department of Health & Social Services

DEPUTY COMMISSIONER  
DEPT. OF HEALTH & SOCIAL SYS  
ANCHORAGE

DATE : May 19, 1976

FROM: James Lane Rhoads  
Court Trustee & Standing Master  
Third Judicial District

SUBJECT: Child-Support Workload

Pursuant to your request, Dr. McGinnis, I am submitting to you certain statistics and estimates of the current caseload for the Court Trustee in the Third Judicial District. The computer run of May 18, 1976, indicates that the Court Trustee has 2,185 active cases; the Attorney General has 842 active cases for a total of 3,027 cases. Of these, a substantial percentage present no enforcement problem, per se; however, any case requires attention from time to time in order to maintain the record due to change of custody, emancipation, change of address, etc. I estimate that perhaps 55% of the cases do not require any enforcement attention. Of the approximately 45% that does, probably half requires minimal enforcement, e.g., a ten-day notice which is automatically printed by the computer when a payor is over ten days in arrears on his obligation, or perhaps a more specific letter. The remaining percentage (approximately 25%) presents more significant problems. It is with this group that there should be investigation, interviews, and prosecution.

My office was staffed with four clerical positions, in addition to the Court Trustee, for the maintenance and enforcement of the above-referenced files. Our jurisdiction did not include those cases in the Attorney General's office, namely, URESA, nor did it include any in-court prosecution. We had no staff for investigation in the field. It should also be noted that our caseload increased 20% for each of the past two years.

In contemplating what might be necessary staff for the prosecution of both A.G. and Court Trustee files, one should consider the additional requirements found in the new Federal Law, Public Law 93-647. It is my understanding that the child support agency would be required to conduct an effective parent-locator agency, as well as prosecute AFDC cases, including paternity actions. The agency should probably investigate, if not prosecute, those welfare-fraud cases which we all believe to exist. In addition, one should be aware of the significant amount of reporting to the federal government which must be done.

Dr. McGinnis  
May 19, 1976

Page 2

I believe that the budget currently submitted to the legislature, and the staff it portends, will be barely adequate to meet the above referenced task. I do not think that there is any fat in that budget; indeed, it may very well be inadequate. One cannot tell with any certainty the requirements of this new agency until after it has been in operation for at least a year. It is of only minimal help to refer to the statistics as found in the Court Trustee's office, and the experience that office has had in the past, because its enforcement role has been severely restricted, as compared to that contemplated in the new child-support agency. I hasten to add that any use of the word "enforcement" as a description of the Court Trustee's role in the immediate past is somewhat of a misnomer; such role is probably referred to as "harassment". The new agency, as contemplated, would effectively enforce the obligation of the non-custodial parent to support his child. Such agency would doubtless reduce the cost to the state in its welfare payments and bring in significant sums for any AFDC collections. I am not suggesting that the proposed agency would pay for itself, necessarily, but I do believe that an adequately staffed agency would greatly defray the costs attendant thereto. Based upon proportions of scale, an inadequately staffed agency would cost the state far more than one adequately staffed. The duty of enforcement is a multi-faceted and integrated function which cannot logically be bifurcated.

To conclude, Dr. McGinnis, the above statistics are of questionable value in predicting the future needs of the proposed child-support agency. In my opinion, to cut the proposed budget in half would result in less than half an effective agency. The proposed budget should be funded in whole and in full compliance with the federal law.



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
REGION X  
ARCADE PLAZA BUILDING  
1321 SECOND AVENUE  
SEATTLE, WASHINGTON 98101

May 18, 1976

OFFICE OF  
CHILD SUPPORT ENFORCEMENT

Dr. Francis S. L. Williamson  
Commissioner  
Department of Health & Social Services  
Fourth H 01  
Juneau, Alaska 99811

Dear Dr. Williamson:

This letter is in response to questions raised by Deputy Commissioner Frederick McGinnis concerning the child support program in Alaska.

We understand that a change in Section 47.23.030 of Alaska Senate Bill 659 resulted in a requirement for concurrence by the person with custody of a child before the state can bring action against the person liable for the child's support. This addition to the bill is contrary to the intent of Section 454(4)(B) of the Social Security Act. That section calls for action by the state to secure support from the person legally liable for such support unless the state agency determined that it is against the best interests of the child to do so. The absence of concurrence by the person with custody does not relieve the state agency of its responsibility to collect support for children receiving benefits under Title IV-A.

Similarly the additions to Section 47.23.040 calling for consent of the mother to paternity determinations is in conflict with Section 402(a)(26)(B) which requires applicants or recipients of AFDC to cooperate in establishing paternity and 454(4)(A) which requires the state to undertake establishment of paternity unless the state agency determines that it is against the best interests of the child to do so.

We also understand that changes in the staffing and budget are under consideration. As discussed with Dr. McGinnis, any alternative plans should recognize the requirements that the child support program be in operation statewide (Section 454(1)) and that the agency either administer directly or supervise all of the activities described in 45 Code of Federal Regulations 303.20.

The requirements of Section 402(a)(27) for a child support program operating in conformance with an approved state plan were the subject of Dr. McGinnis' remaining question. As you know, a state not meeting

Dr. Francis S. L. Willenson

2

those requirements is subject to a 5% reduction of all federal matching funds for AFDC (Section 403(h)). In addition, if a state fails to meet the requirements of Section 402(a)(25) and (26) such failure becomes a Title IV-A compliance issue and ultimately could be subject to action by the Secretary of the Department of Health, Education, and Welfare to withhold the state's Title IV-A program funding.

We hope that the above information is responsive to Dr. McGinnis' questions. If any additional assistance is needed, please do not hesitate to let us know.

Sincerely yours,

*Baird Henderson*

*Jr*

Jeanne Jewett  
Acting Regional Director  
Office of Child Support Enforcement

cc:  
Dr. Frederick McGinnis  
Deputy Regional Commissioner

## CHILD SUPPORT AGENCY

Estimated Caseload and Collections  
FY 1977

<u>FY 1977 Cases Requiring Manage- ment Activities</u>	<u>AFDC</u>	<u>Court System</u>	<u>URES A</u>	<u>TOTAL</u>
Current Caseload	2,500	5,000	2,500	10,000
Less Duplications				
URES A W/Court		(600)	600	-----
AFDC W/Court		(500) 10%		(500)
Additions During Year	1,000	425	500	1,925
FY 1977 Caseload	<u>3,500</u>	<u>4,325</u>	<u>3,600</u>	<u>11,425</u>

# STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

5B 659  
JAY S. HAMMOND, GOVERNOR

POUCH H 01 - JUNEAU 99811

May 3, 1976

The Honorable Terry Gardiner  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Mr. Gardiner:

At the meeting of the House Judiciary Committee on April 29th, you requested two items of information regarding SSSB 659, as amended (Child Support Agency). These were:

1. A caseload-to-personnel comparison between the projected staffing of our Child Support Agency and the State of Washington's agency.
2. An outline of potential reimbursement from other states where we performed intake, locate, collection and/or legal action to effect child support owed to an AFDC recipient residing in that other state.

With respect to item number 1, I will refer to a 1974 study of the Washington State agency. This study shows that in March 1974 the State of Washington had 175 employees assigned to their agency with an average of 175 cases assigned to each employee. The Alaska Child Support Agency anticipates a staff of 29 employees during FY 1977 with an average caseload of 265 cases per assigned employee. We are being quite optimistic about our current ability to handle caseloads projected for 1977. By taking the Washington State average, we should have 44 employees (175 cases per person divided into our 7,700 cases=44).

Item number 2 involves the federal regulations permitting 25% of collections from out-of-state (URESAs) referrals for the first year after collection and 10% the second year to enable Alaska to be reimbursed for these out-of-state collections.

Attached for your review is:

1. The budget extract for current authorized positions, including the Agency Administrator.

May 3, 1976

2. A copy of our caseload projections for FY 1977.
3. A copy of a publication of the National District Attorney's Association.

Sincerely yours,

Catherine M. Lloyd  
Deputy Commissioner for  
Administrative Services

(1)	PCN (2)	PAY NGE. (3)	NO. SAL. (4)	CURRENT YEAR (CY) AUTHORIZED			BUDGET YEAR (BY)			
				NO. POS. (5)	NO. NO. (6)	ANNUAL AMOUNT (7)	NO. POS. (8)	NO. NO. (9)	ANNUAL AMOUNT	
									Maintenance (10)	Change (11)
1										
2										
3	P/C	24S	2,816	1	4	11,264	1	12	33,792	
4	060293	21S	2,429	1	12	29,148	1	12	29,148	
5						40,412			62,940	
6						606			944	
7						41,018			63,884	
8						8,613			13,415	
9						49,632			77,299	
10										
11										
12	060292	14G	1,265	1	12	15,180				
13		18S	1,811				1	12	22,432	
14	060291	12G	1,142	1	12	13,740	1	12	13,704	
15	P/C	12G	1,142	1	4	4,568	1	12	13,704	
16	P/C	10G	1,007	1	4	4,028	1	12	12,084	
17	060273	8G	888	1	12	10,656	1	12	10,656	
18						47,632			72,580	
19						714			1,089	
20						47,346			74,669	
21						4,261			6,720	
22						52,607			81,389	
23						2,090			6,269	
24						54,897			87,658	
25						188			564	
26						54,885			88,222	
27						11,526			18,527	
28						66,411			106,749	
29										
30										
31										
32										

Cost of Reclass  
PCN 0292 -R18 22,432  
-R14 15,180

BRI Child Support Agency BRU CODE 06-26-5-04-00-00 REVISED

11A PERSONAL SERVICES  
CURRENT POSITIONS  
SUMMARY

CHILD SUPPORT AGENCY

Caseload and Collections  
FY77

<u>FY77 Caseload</u>	<u>AFDC Court System</u>		<u>URES A</u>	<u>TOTAL</u>
Current Caseload	2,500	3,300	1,900	7,700
Less Duplications				
URES A W/Court		(600)	600	-----
AFDC W/Court		(500) 10%		(500)
TURNOVER	1,000	* 425 50% of 80% of yearly "orders"	500	1,925
FY77 Caseload	<u>3,500</u>	<u>2,625</u>	<u>3,000</u>	<u>9,125</u>
<u>FY77 Collections</u>				
Balance 7/1/76		1,700	600	2,300
Cases Processed - FY77	1,700	1,700	1,600	5,000
New Collections not requiring enforcement		* 425 50% of 80% of yearly "orders"		425
FY77 Collections	<u>1,700</u>	<u>3,825</u>	<u>2,200</u>	<u>7,725</u>

\$Collected \$15,360,000 (at \$2,000 per case of 1.9 children per case x 7,725).

\* The Court System has estimated that 80% of "orders" involving child support would go thru the agency. If 50% of this figure are collections with no enforcement, then one-half would require enforcement services.

CHILD SUPPORT  
ENFORCEMENT  
PROGRAM

Can  
we  
Pay...



NATIONAL DISTRICT ATTORNEYS ASSOCIATION  
Project on Child Support Enforcement

Washington, D.C. Office  
1900 L Street, N.W. Suite 601  
Washington, D.C. 20036



National District Attorneys  
Project on Child Support Enforcement  
1900 L Street, N.W., Suite 601  
Washington, D.C. 20036

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This Project is operated by the National District Attorneys Association under a contract with the Office of Child Support Enforcement of the U.S. Department of Health, Education and Welfare.

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March 1, 1976  
A Special Criminal Justice Improvement Publication  
of the National District Attorneys Association

STATE OF ALASKA  
OFFICE OF THE ATTORNEY GENERAL  
Child Support  
303 "K" Street  
Anchorage, Alaska 99501

## FOREWORD

The Federal Child Support Enforcement Program is an unprecedented opportunity for the prosecutor, local officials and the community.

Child Support Enforcement is now

- available to all jurisdictions
- a positive move toward welfare reform
- a cost-effective program

As with any new program, the implementation of the law and supporting regulations raises a number of questions on the local level. This brochure will bring these important questions into focus for officials and residents.

The problems you are encountering are common to those faced by prosecutors in other states. We hope you will share your experiences in child support enforcement with other prosecutors and the *National Project on Child Support Enforcement*. Your ideas may assist another attorney in a similar situation.

This pamphlet is designed to

- explore the benefits and alternatives for your participation in the Child Support Enforcement Program
- help you in your discussions with local funding officials and legislators

## THE PROBLEM

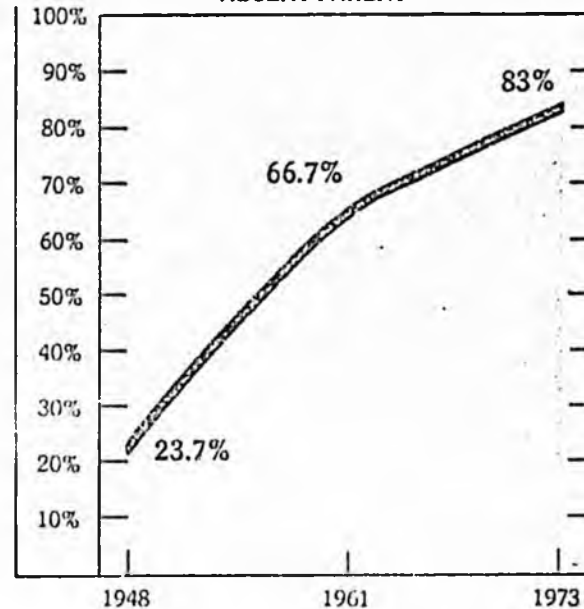
The problem of welfare in the United States is, to a considerable extent, a problem of non-support of children by their absent parents. . . . The immediate result [of the Child Support Enforcement Program] will be a lower welfare cost to the taxpayer but, more importantly, as an effective support collection system is established, fathers will be deterred from deserting their families to welfare and children will be spared the effects of family break-up.

—Senate Committee on Finance, *Social Services Amendments*, S. Rep. No. 93-1356, 93rd Cong., 2d Sess. 42 (1974)

## The Facts

The need for strong Child Support Enforcement in America is now apparent.

### UNCONTROLLED GROWTH OF FAMILIES ON AFDC RESULTING FROM NONSUPPORT OF ABSENT PARENT



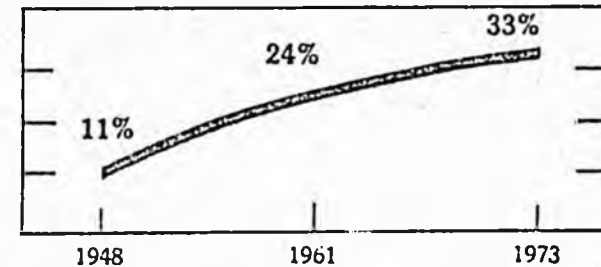
\* Data extracted from Staff of Senate Committee on Finance, 94th Cong., 1st Sess., *Child Support Data and Materials 5* (Comm. Print 1975)

Of the 11 million recipients who are presently receiving Aid to Families with Dependent Children (AFDC), 4 out of every 5\* receive public assistance because they have been deprived of the support of a parent who has absented himself from the home.

In just the past 6½ years, families with absent fathers have added an overwhelming 4.8 million recipients\* onto the welfare rolls. More than half of these absent parents (estimated to be 1.3 million) would pay support if there were strong child support enforcement.

\* Data extracted from S. Rep. No. 93-1356, 93rd Cong., 2d Sess. 42 (1974)

### RISE IN CHILDREN BORN OUT OF WEDLOCK RECEIVING AFDC



\* Data extracted from Staff of Senate Committee on Finance, 94th Cong., 1st Sess., *Child Support Data and Materials 138* (Comm. Print 1975)

In addition, in one-third of all AFDC families, the father is not married to the mother and in most cases, paternity must be established for the children.

The community which you represent will most often look to you as prosecutor to effectively cope with this problem on the local level.

*"Public confidence in the welfare system demands we attack this problem. . . . A major reason for the program is the concept of improved management in the welfare system, . . . the public is expecting increased efforts in this area."*

—Louis B. Hays, Deputy Director, Office of Child Support Enforcement, U.S. Department of Health, Education and Welfare.

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## THE SOLUTION

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The new Federal Child Support Enforcement Program is mandated under Title IV-D of the Social Security Act. The law (P.L. 93-647 as amended by P.L. 94-88) went into effect on August 1, 1975.

The IV-D program is a strategy for uniform enforcement of child support nationwide. Every state must devise an effective system to:

- establish paternity
- locate absent parents
- secure support

Under the law these child support enforcement services must be made available to non-welfare families as well as to those receiving AFDC.

## Your Responsibility

Congress gave you, in large measure, the responsibility for the local "effective" implementation of the program. It seems formidable. The program's simplicity will be clear, however, once you have an understanding of the new child support enforcement tools available.

### Title IV-D provides you with: New Funds

- Federal reimbursement—75 per cent of all IV-D costs
- Incentive funds—based on collections, 25 per cent (during the first 12 months and 10 per cent thereafter) to be paid to the participating prosecutor's jurisdiction

### Prosecutor Participation

The law specifically provides monetary benefits for participation of "local law enforcement officials," (which obviously includes District Attorneys, County Attorneys and other prosecutors).

Now, the cost of the prosecutor's child support enforcement activities, once an expense of the local jurisdiction, will be 75 per cent federally reimbursable through a "Cooperative Agreement".

Incentive payments will go directly into the treasury of the local political subdivision as new-found revenue.

### New Tools

- A state and local IV-D agency
- Cooperative agreements
- Interstate cooperation
- Garnishment of monies due or payable by the United States to any individual
- Assignment of right of support to the state
- Eligibility of non-AFDC cases

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## WHAT THE PROGRAM MEANS TO YOU

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Everyone wins in the IV-D program. With incentive payments and a program that will virtually pay for itself, the local jurisdiction can only benefit by providing the community with a strong child support enforcement operation.

### Child Support Enforcement offers you: A Chance to Attain a Child's Right to Support

*"The most important objective of the IV-D program is helping children and families . . . Every child in this country has a right to have his paternity established and receive the benefits that society rightly or wrongly reserves only for those individuals whose parentage has been established."*

—Louis B. Hays, Deputy Director, Office of Child Support Enforcement, U.S. Department of Health, Education and Welfare

*"Once we can get the right to support where the child knows that he is being supported by those who are responsible for his existence, we are going to [begin to] attack some of the problems of juvenile delinquency and crime that we have had in these United States."*

—Louise Ragglo, Chairman, Section of Family Law, American Bar Association

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"There's another group of people who are aimed at helping . . . those who are so on the economic brink that if they could just get their child support payments they wouldn't have to go into the ADC system. That's of very great social value."

—Keith Sanborn, NDAA Vice President, District Attorney, Wichita, Kansas

## Public Recognition

"The important factor for the County Board of Commissioners [or like authority] is that the program will net revenue . . . This area [child support enforcement] is probably the most politically potent area of all. Every time you go to a person and help them child support-wise you have gained a friend for the District Attorneys office."

—Robert Russell, NDAA Vice President, District Attorney, El Paso County, Colorado

"For the well-run operations there has always been glory . . . fame . . . and votes. . . The better job you do, the word is eventually going to spread into the whole community."

—Roger Rook, NDAA President-Elect, District Attorney, Clackamas County, Oregon

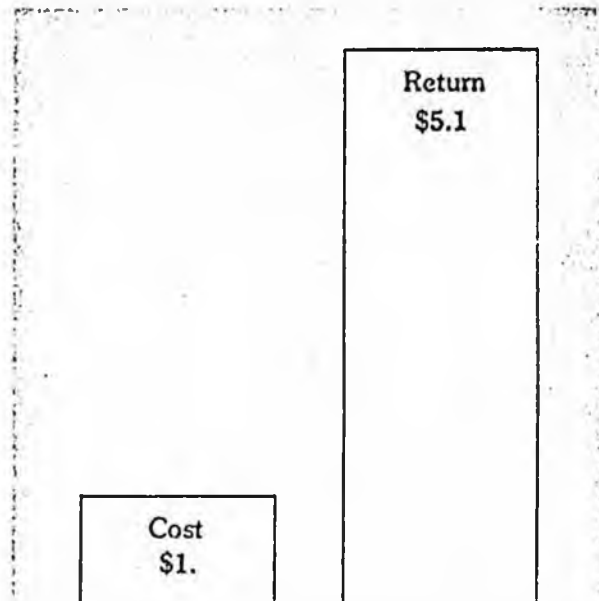
## A Cost-Effective System

"In short does it pay to identify, locate, establish paternity, bring to settlement and otherwise enforce an absent parent's obligation to support his or her dependent children.

The answer . . . is an unequivocal yes! . . . Child support enforcement programs can collect more than they spend . . . We find that AFDC collections alone [are] capable of paying for total AFDC and Non-AFDC program operations . . . When all factors are taken into consideration, no matter how you look at it, Child Support Enforcement programs can and do pay."

—recent report by Arthur Young and Co. based on cost/benefit analysis of Child Support Enforcement programs, conducted under contract with the U.S. Department of Health, Education and Welfare/Social and Rehabilitation Service

COST-EFFECTIVENESS OF CHILD SUPPORT ENFORCEMENT PROGRAM  
AVERAGE RETURN PER DOLLAR EXPENDED



\* Data extracted from Arthur Young and Co. cost/benefit analysis of Child Support Enforcement programs conducted for the U.S. Department of Health, Education and Welfare

"There is no District Attorneys office in the United States which can not afford to get actively involved in the program that you're concerned with here. It will more than pay for itself . . . I know of no issue where I could make more points with the taxpayers . . . than in this area."

—Louis Bergna, NDAA President, District Attorney, San Jose, California



# IMPLEMENTATION

## State Plan

Most states have reached the first milestone in the development of the IV-D program—approval of the State Plan. Chart A tracks your state's progress.

Federal reimbursement monies equal to 75 per cent of the administrative costs of the State Plan will be available once the Plan is approved. The Plan sets out whether the state or local jurisdiction will supply the 25 per cent matching funds.

## The Critical Factor

The new child support enforcement law requires that each state have an "effective" IV-D program in operation by January 1, 1977. If a state does not meet the deadline, the "penalty provision" of the law requires the U.S. Department of Health, Education and Welfare to reduce the state's AFDC federal monies by 5 per cent (a substantial amount in most states).

The "effectiveness" of the program will depend on the extent to which it actively operates state-wide.

## CHART A

STATE PLAN PROGRESS REPORT		
STATE	PLAN SUBMITTED ON OR BEFORE 9/30/75	PLAN APPROVED
Alabama .....	x	12/30/75
Arizona .....	x	12/21/75
Arkansas .....	x	9/30/75
California .....	x	11/26/75
Colorado .....	x	1/26/76
Connecticut .....	x	12/17/75
Delaware .....	x	12/15/75
Florida .....	x	12/18/75
Georgia .....	x	12/19/75
Guam .....	12/31/75	
Hawaii .....	x	12/24/75
Idaho .....	x	12/19/75
Illinois .....	x	11/12/75
Iowa .....	x	11/17/75
Kansas .....	x	10/15/75
Kentucky .....	x	
Louisiana .....	x	9/30/75
Maine .....	x	12/17/75
Maryland .....	x	2/12/76
Massachusetts .....	x	10/23/75
Michigan .....	x	1/20/76
Minnesota .....	x	9/30/75
Montana .....	x	10/15/75
Nebraska .....	x	9/8/75
New Hampshire .....	x	12/17/75
New Jersey .....	x	12/30/75
New Mexico .....	x	9/30/75
New York .....	x	
North Carolina .....	x	12/31/75
North Dakota .....	x	11/3/75
Ohio .....	x	11/12/75

### STATE PLAN (continued)

STATE	PLAN SUBMITTED ON OR BEFORE 9/30/75	PLAN APPROVED
Oklahoma.....	x	8/19/75
Oregon.....	x	12/31/75
Pennsylvania.....	x	12/17/75
Puerto Rico.....	x	
Rhode Island.....	x	10/22/75
South Carolina.....	x	12/18/75
South Dakota.....	x	10/20/75
Tennessee.....	x	12/19/75
Texas.....	x	9/30/75
Utah.....	x	12/4/75
Vermont.....	x	10/23/75
Virginia.....	x	2/6/76
Virgin Islands.....	x	12/30/75
Washington.....	x	12/31/75
Wisconsin.....	x	1/20/76
Wyoming.....	x	9/30/75

### STATE PLANS/WAIVER REQUESTED

STATE	WAIVER REQUEST SUBMITTED	"WAIVERED" PLAN SUBMITTED	WAIVER APPROVED	PLAN APPROVED
Alaska	9/8/75, 10/3/75		DENIED 11/7/75	12/31/75
District of Columbia	10/1/75	10/1/75	1/16/76	
Indiana	9/9/75	12/24/75	1/16/76	
Mississippi	9/26/75	9/30/75	12/12/75	12/30/75
Missouri	9/11/75	9/26/75	12/12/75	12/30/75
Nevada	10/2/75	10/2/75	1/16/76	
West Virginia	9/29/75	9/30/75	DENIED 12/29/75	

\* Data supplied by the Office of Child Support Enforcement,  
U.S. Department of Health, Education and Welfare as of February 16, 1976.



## What services will the Prosecutor provide?

The prosecutors and IV-D officials are aiming toward common goals:

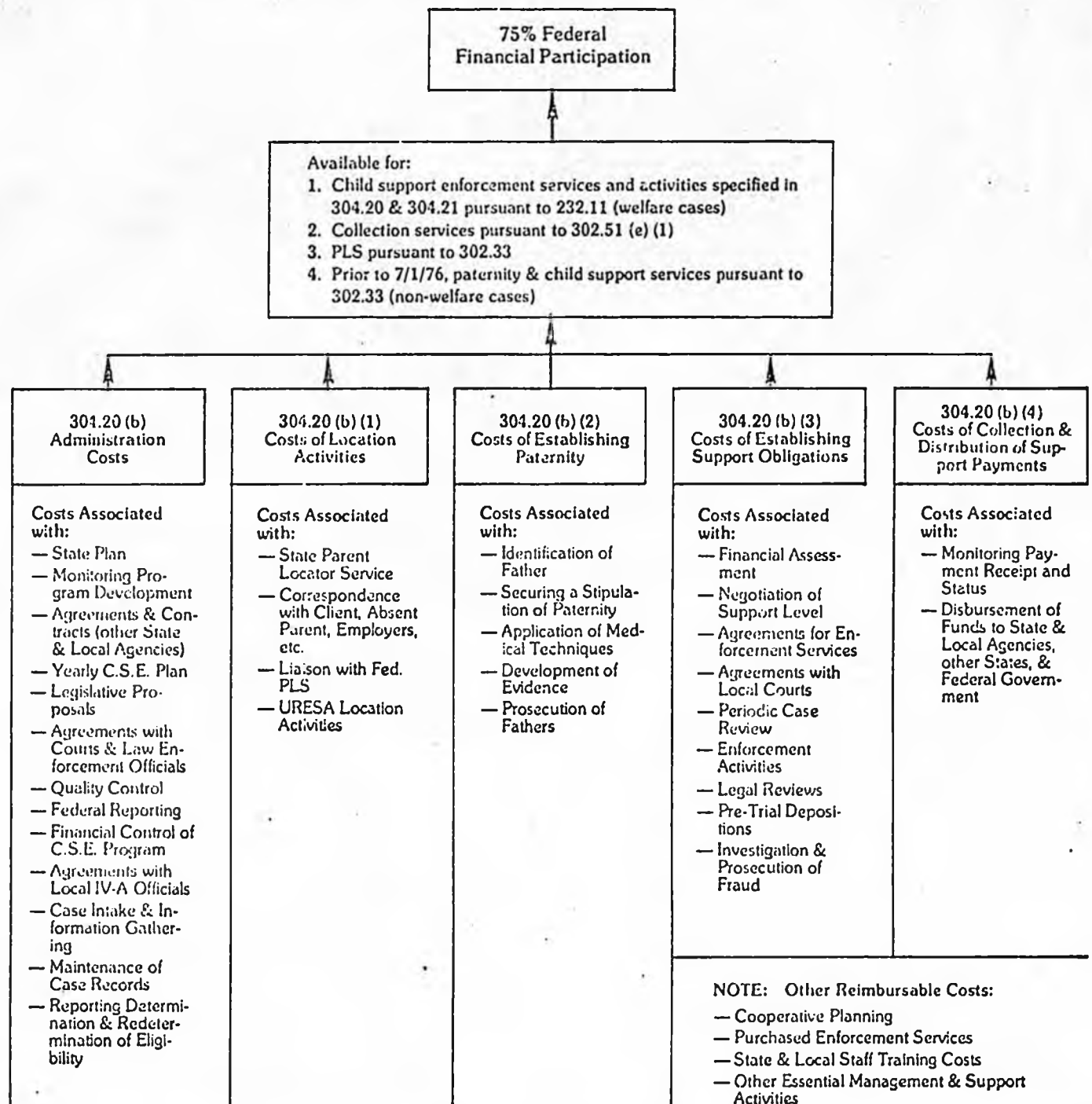
- Full advantage of benefits
- Simplified sound management

## The Full Advantage— Reimbursable Costs

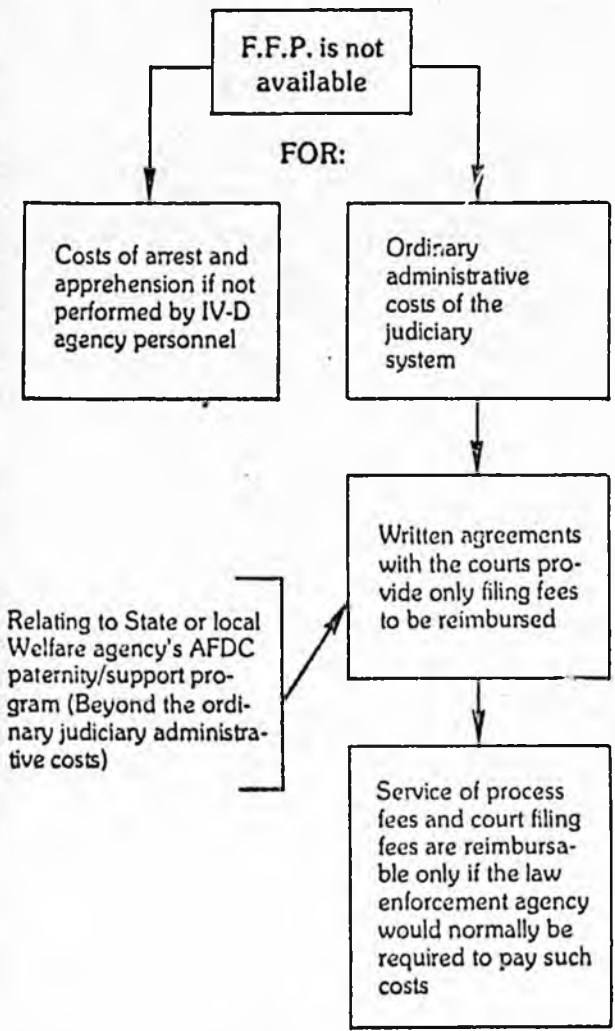
Many of the costs of general participation in the Child Support Enforcement Program are eligible for federal reimbursement. See Chart B and C.

### CHART B

### AVAILABILITY OF FEDERAL REIMBURSEMENT



**CHART C  
COSTS NOT ELIGIBLE FOR IV-D  
REIMBURSEMENT**



• Chart prepared by Orange County (California) District Attorneys Office, Family Support Division

**Something Extra**

The incentive for prosecutor participation will be paid directly into the treasury of the local political subdivision. These funds can be used for general expenditures.

In addition, the reimbursable costs of prosecutorial activities performed under a "Cooperative Agreement", taken separately, are listed in Chart D.

**Sound Management—  
IV-D Functions**

Centralization of IV-D administration on the state and local level, set out in the Federal Regulations for IV-D Implementation, will simplify and strengthen management of the program.

Chart E, (on next page), provided by the Indiana Prosecuting Attorneys Council, highlights the primary functions of the State IV-D agency and those functions which may be performed either at the state level or local level.

**Cooperative Agreements**

Title IV-D requires the State Plan to provide that the state will enter into cooperative agreements with "appropriate court and law enforcement officials." These agreements may include "provisions to reimburse law enforcement officials for their assistance." (For costs in connection with courts see Chart C.)

It should be remembered that incentive payments are available only to jurisdictions in which the prosecutor participates in IV-D under a cooperative agreement.

**CHART D  
REIMBURSABLE COSTS OF  
PROSECUTOR PARTICIPATION**

**Administrative costs**

- establishing and maintaining case records
- cost accounting systems

**Determination of paternity**

- investigation and preparation of a paternity case including costs of blood tests, polygraph exams, and pre-trial discovery
- presentation of case to the court plus related costs
- cooperation with other jurisdictions
- drafting of orders

**Establishment and enforcement of support**

- URESA activities
- location of nonsupporting parents including the establishment of state Parent Locator Service
- criminal or civil proceedings including development of evidence, court hearings, and related costs
- negotiating and enforcing agreements, settlements, confession of judgments or garnishments

**Collection and distribution of child support**

- monitoring and accounting for support payments
- receiving, identifying and distributing support money received

**Training**

- reasonable, essential, short-term training of staff, full or part-time, on IV-D matters

## Negotiations

### Prosecutor Functions

In discussions concerning the cooperative agreements, government officials and prosecutors should consider the functions of the local IV-D agency depicted in Chart E to identify those specific activities for which the prosecutor will be responsible.

### Other Considerations

The discussion should also take into consideration related responsibilities such as:

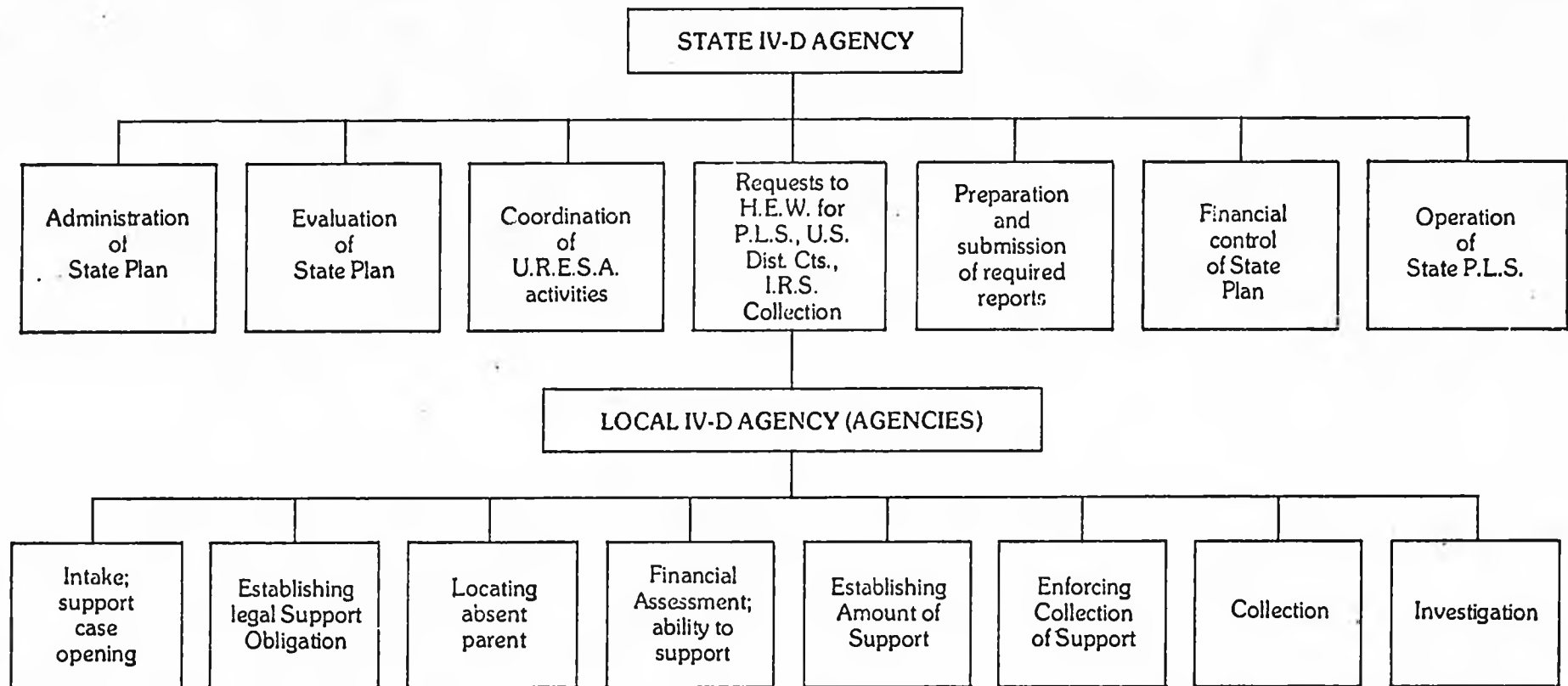
- Record-keeping
- Confidentiality of records
- Cost-allocation methods
- Assistance to non-welfare families
- Staff and training

and the welfare agency's responsibilities to:

- give "prompt notice" to the prosecutor whenever AFDC is furnished to an applicant or recipient
- provide information needed in locating absent parents, establishing paternity and securing support

The NDAA Project on Child Support Enforcement can provide technical assistance to you in drafting these cooperative agreements.

**CHART E DISTRIBUTION OF FUNCTIONS BETWEEN CENTRAL IV-D AGENCY AND LOCAL IV-D AGENCIES**



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## THE ALTERNATIVES

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Each state will decide what services the prosecutor will provide. The prosecutor's involvement can range from directing the State IV-D agency to handling enforcement of only criminal nonsupport and URESA cases in a IV-D unit within the prosecutor's office.

Here is an example of some alternative approaches being taken:



### California—Established Program

In Sacramento County, California, the major share of responsibility for the IV-D program has been concentrated in the District Attorneys Office. The Domestic Relations Division of the District Attorneys Office manages the support collections and computerized monitoring system and handles all child support enforcement activities.

California feels that focusing the responsibility on a single agency that is an enforcement oriented agency has a substantial positive effect on behalf of the taxpayer, according to Michael E. Barber, Supervising Deputy District Attorney, Sacramento, California.

### Wisconsin—Local IV-D Agency

Under the Wisconsin State Plan, each County's Board of Supervisors must designate the agency to administer the IV-D program in the local jurisdiction. In several counties, such as Sauk County, with a population of 40,000, the District Attorneys office is now the local IV-D agency. It acts as the central point for all AFDC and non-AFDC IV-D services and directs IV-D activities of other local agencies (welfare department, Family Court Commissioner) under cooperative agreements.

### Georgia—Prosecutors under Cooperative Agreements

The Georgia Department of Human Resources hopes to enter into cooperative agreements with prosecutors in all 42 judicial districts in that state. From the initial six cooperative agreements, the "effectiveness" of the District Attorneys' services became clear. Collections jumped 51 per cent during the first four months of the program. The District Attorneys have set up IV-D units with expanded staffs as a result of the federal reimbursement monies.

### Kansas—Small Office Involvement

The Kansas County Attorneys Association set up a committee in December, 1975 to negotiate a "uniform cooperative agreement" for prosecutors in 99 jurisdictions (small prosecutors' offices) with the State IV-D agency. Ideas being considered to aid these prosecutors with limited staff and nonsupport caseload include a centralized IV-D para-legal staff, computer terminals and standardized forms.

"The State Plan has been approved but the effectuation of the Plan will depend upon the success with which we are able to spread it through all jurisdictions."—Margaret Jordan, District Attorney, Johnson County, Kansas, and Negotiator

### Other States

Many creative plans are taking shape nationwide. Explore with other prosecutors, the Project and IV-D representatives, possibilities for your involvement.

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# **NDAA PROJECT ON CHILD SUPPORT ENFORCEMENT**

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The Project actively provides practical research and technical assistance in response to specific needs and problems of prosecutors who are gearing up for IV-D participation or managing an on-going program.

Operating under a contract with the Office of Child Support Enforcement of the U.S. Department of Health, Education and Welfare, the Project offers you:

- a clearinghouse of child support enforcement information
- an extensive library of reference materials
- memoranda provided by a legal research team
- *Reports* published regularly including articles on current child support enforcement trends, significant case notes and bibliographical materials
- the HOTLINE (202) 872-9513, for immediate response to your inquiries
- a resource center for technical assistance and consultants

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## **Clearinghouse Publications**

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The following materials are only a few of the publications available free of charge upon request to the NDAA Project on Child Support Enforcement.

**Overview of IV-D**—a memorandum discussing the prosecutor's role and responsibilities in connection with cooperative agreements

**Synopsis of the More Essential Regulations of Public Law 93-647**

**Child Support Enforcement Bibliography**

**Cost-Effectiveness of a Child Support Enforcement Program**

**IV-D Orientation Packet**

Other technical assistance materials geared to specific needs are also available.

## Conferences

### Introductory

NDAA Project on Child Support Enforcement—six regional IV-D Orientation Conferences (fall, 1975)

### Upcoming

NDAA/NCDA Training Courses—four child support enforcement training seminars to be held in Phoenix, Dallas, Atlanta and Chicago. For further information contact the:

National District Attorneys Association  
Executive Office  
211 East Chicago Avenue, Suite 1515  
Chicago, Illinois 60611  
(312) 944-2577

## Child Support Enforcement on Tape

The National District Attorneys Association has produced a set of tapes which explain the implementation and operation of the federal Child Support Enforcement law.

The cassettes may be ordered from the:  
National District Attorneys Association  
Publication Department  
211 East Chicago Avenue  
Chicago, Illinois 60611

**Overview of Title IV-D.** A comprehensive explanation of the IV-D Program. 315-040-204.

**Successful State Child Support Enforcement Program.** How to set up a viable program in your jurisdiction. 315-040-208.

**Intake and Imposition of the Duty to Support.** How to screen cases and take effective action against respondents. 315-040-210.

**Enforcement of Child Support.** Considers the use of such enforcement powers as contempt. 315-040-212.

**Auxiliary Enforcement.** Additional means of enforcing support orders. 315-040-214.

**Impact of Enforcement Techniques.** The effect of enforcement upon the family and respondent. 315-040-216.

**Administration of IV-D Programs (two tapes).** Practical aspects of making the program work. 315-040-218.

**Services and Resources Available from NDAA on Child Support Enforcement.** Explains how NDAA can help the prosecutor initiate and implement a program in his jurisdiction. 315-040-220.

**Closing Remarks at IV-D Orientation Conferences.** NDAA sponsored a series of conferences explaining the operation of IV-D Programs to prosecutors. The closing remarks summarizing such conferences are presented in this tape. 315-040-222.

Price: \$6 each



*“When all factors are considered  
no matter how you look at it,  
Child Support Enforcement Programs  
can and do pay.”*



**NDAA Project on Child Support Enforcement**  
Prepared to Assist You—

Technical Assistance

Research

Consultants

Hotline (202) 872-9513

5-15-76

~~HB~~

SSSB 659 m

LAW OFFICES OF  
ALASKA LEGAL SERVICES CORPORATION  
315 FIFTH STREET, SUITE 8  
JUNEAU, ALASKA 99801  
TELEPHONE 586-~~XXXX~~6425  
May 13, 1976

MEMORANDUM

TO: Rep. Hugh Malone, House Finance Committee  
FROM: Don Clocksin, *DEC*  
SUBJECT: CSSB 659 - Child support enforcement

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I. Background.

The responsibilities for collecting child support were divided among three separate agencies. First, the court trustee, who is an officer of the court, keeps a record of all child support orders entered by judges in this state, keeps a record of all payments made and all delinquencies, and, until recently, went into court on behalf of the person supposed to receive the child support to force the absent parent to pay. See AS 09.55.210(5) and Civil Rule 67.

Second, the state district attorneys have the responsibility for collecting child support for persons residing outside the state under the Uniform Reciprocal Enforcement of Support Act (URESA). See AS 25.25.100. Some people also thought that the district attorney had an obligation to prosecute nonsupport actions on behalf of people in this state since they were obliged to enforce state law under AS 44.23.020 (b)(3).

Third, the Department of Health and Social Services has the responsibility under the federal Social Security Act to obtain cooperation from welfare recipients in locating absent fathers and bringing paternity or support actions against them.

The Alaska Supreme Court has recently issued a decision which requires changes in the system described above. Public Defender Agency v. Superior Court 534 P.2d 947 (Alaska 1975). The court ruled that (1) the district attorneys had the authority to prosecute nonsupport actions, but are not obligated to do so, (2) the court trustee may not prosecute such nonsupport actions because he/she is an officer of the court, and (3) the public defender is required to represent the defendant in these nonsupport prosecutions.

The court recognized that its decision would create difficulties, since the district attorney's office did not have a sufficient budget to prosecute all nonsupport cases in existence. It suggested a legislative solution as follows:

"An effective resolution of the problems present in the area of child support can only be made by the legislature through the appropriation of additional funds to the Department of Law for prosecution of contempt proceeding or through the establishment of an independent office charged with the enforcement of support orders."

It is primarily in response to the court's decision, which wiped out the present system for collecting support, which brought about this bill.

Another reason for this bill is the recent enactment of federal legislation which requires the creation of a state agency to coordinate child support collection activities on behalf of recipients of Aid to Families with Dependent Children. The adoption of this bill would satisfy those federal requirements.

## II. What this Bill Would Do.

This bill creates a new agency in the Department of Health and Social Services which would have all the responsibilities now fulfilled by the court trustees, the district attorneys, and the Department of Health and Social Services. This new Child Support Enforcement Agency would coordinate all of these responsibilities and handle the AFDC and private nonsupport activities as well as the out-of-state (URESA) responsibilities.

With regard to AFDC cases, the agency would comply with these recent federal laws. The bill would also transfer from the recipient of AFDC to the state the right to sue for child support. The purpose of this is to obtain reimbursement for state welfare payments made to the family.

The bill also authorizes this agency to represent private individuals who are unable to collect support from the absent parent. The agency may charge for that service and have the authority to assist in executing judgments and obtaining assignments of wages, etc.

## III. SECTION BY SECTION ANALYSIS.

A. Section I. This section creates the new Child Support Enforcement Agency.

1. Sec. 47.23.010 - creates the agency in the Department of Health and Social Services.

2. Sec. 47.23.020 - sets out the responsibilities of that agency.

3. Sec. 47.23.030 - authorizes the state to sue in place of the recipients of AFDC to collect support for the child. This section contains protections which are required by the new federal laws, and assures that the absent parent will be required to pay only the amount they are capable of paying.

4. Sec. 47.23.035 - creates a special fund in the federal fund to handle the money collected.

5. Section 47.23.040 - authorizes the agency to bring law suits to establish the paternity of children born out of wedlock.

6. Sec. 47.23.050 - authorizes contracts with the Department of Law to provide legal services.

7. Sec. 47.23.060 - authorizes the court to enter support orders, modify orders where necessary, and to require that the parents give a bond or other security to assure that support is paid.

8. Sec. 47.23.070 - this section authorizes the court to assign the wages of a nonsupporting parent. The assignment would be binding upon that person's employer, and the nonsupporting parent cannot be fired because of this assignment. Under (c), an assignment for child support is given a high priority among other creditors of the nonsupporting parent.

9. Sec. 47.23.080 - states that the child support payments which are made pursuant to this statute will be made through the new agency unless there is good cause to have them paid directly to the custodian of the children.

10. Sec. 47.23.090 - once a child support obligation is due and not paid an execution or attachment may be made after the unpaid portion is reduced to judgment. The agency is authorized to execute orders on behalf of children.

11. Sec. 47.23.100. - this section requires the agency to provide its collection services to any person who has the right to collect child support. If the person is able to pay, the cost of collecting that child support may be charged to them.

12, Sec. 47.23.110. - these are the definitions.

B. Section 2. This section amends a section of the URESA statute to authorize the agency to collect past due support by means of execution for arrearages as well as contempt.

C. Section 3. This section amends the URESA statute to transfer the administrative responsibility from the Department of Law to the Department of Health and Social Services.

D. Section 4. This section adds four new sections to the URESA statute. In general these new sections adjust to amendments to the Uniform Act which were made in 1968 but never adopted in Alaska.

1. Section 25.25.171 -- sets out the procedure for deciding whether or not the defenses raised by the non-supporting parent are valid.

2. Section 25.25.173 -- this section incorporates the civil rules of evidence in URESA hearings, authorizes the modification of support orders from other states, and provides that even if the nonsupporting parent is denied visitation the duty to pay support remains.

3. Section 25.25.175 -- this section forces the non-supporting parent to testify in a URESA hearing by giving that person immunity from criminal prosecution for their testimony.

4. Section 25.25.177 -- if the nonsupporting parent alleges that he is not the father of the child, the court must either decide the paternity issue or postpone the URESA hearing until that issue is decided.

E. Section 5. This section repeals the present statute giving the court trustee the responsibility for child support collection. Civil Rule 67, which also sets out the functions of the court trustee, is presumably repealed by implication because of the Supreme Court case mentioned above.

F. Section 6. The bill would have a July 1, 1976 effective date.

#### IV. Support.

This bill is supported by the Department of Law, the Department of Social and Health Services, the Administrator of the Alaska Court System, and Alaska Legal Services.

*Terry Gardiner*

*for all members files*

*SB 659*

*Hm*

Box 1092, Ketchikan, Alaska 99901 Pouch V, Juneau, Alaska 99811

May 4, 1976

MEMO

TO: HUGH MALONE  
FROM: TERRY GARDINER  
RE: HCS SS SP 659

The House Judiciary Committee has made minor technical amendments to SB 659 and has voted it out of committee with a do pass recommendation. We wish to express our concern to the House Finance Committee concerning the financial implications of this bill. The House Judiciary Committee has received a fiscal note and a personnel cost chart which are attached. The committee has great concern for the number of individuals that H&SS seems to think are necessary to implement this program. Testimony was received from Art Snowden, Administrator of the Court System, that when this function was under the court system, the court had seven employees pursuing support obligations. Mr. Snowden indicated that these seven employees were not engaged full time in the collection of support and a more accurate figure would be four full time employees. Counter to this argument is that the court system failed in providing for the adequate collection of support. The Department of Law indicated that they had four attorneys assigned to implementing the Uniform Enforcement of Support Act. CSA would have both the function that the court system used to provide and the URESA function that the Department of Law presently has. Also CSA would provide assistance to any individual seeking recovery of support obligations. This would increase the CSA caseload above the present case level of both the court system and Department of Law (information is attached).

It came to the committee's attention that the Department of Law in determining under which department CSA should be located, had a personnel chart which consisted of seventeen individuals including attorneys. The chart presented to the Judiciary Committee by H&SS indicates 22 individuals not including a \$200,000 contractual obligation to the Department of Law to provide four attorneys and two secretaries. Further, upon noticing an ad in the Alaska Empire for the position of Executive Director for CSA at a salary considerably higher than provided in the personnel, H&SS indicated

that that position was already one budgeted for and that there were seven individuals which did not appear on the above described chart. This would increase the actual staff level of CSA to 35 total including contractual.

It should be noted further that a similar bill to SB 659 was introduced last year. This bill was defeated, however there was a budgetary appropriation of \$150,000 which is unaccounted for at this time. It is presumed that H&SS in establishing CSA has spent some of this money, but testimony before the committee indicates that they have only been in existence a few months, and their only function to date has been one of organization and lobbying for SB 659.

Gene Lawn the present director of CSA has indicated that he has done an analysis of the Washington CSA project and indicates that his budgetary figures are in line with the State of Washington. The Judiciary Committee did not see this analysis. However, staff for the committee contacted the Department of Justice for the state of Oregon to determine their costs in enforcing child support orders. The population is 2.2 million people. The population of the Portland metropolitan area is 1 million people. The case load of Oregon CSA is presently 23,000 individuals who are receiving some form of welfare assistance and 1,000 non-welfare individuals. The 1,000 non-welfare individuals is a four county pilot project to determine whether or not the Department of Justice should include in their duties the assistance of non-welfare claimants. The Department of Justice indicates that they have not received the expected response from non-welfare clients. Welfare claimants are automatically referred to the Department of Justice and it is a requirement of eligibility that they cooperate with the Department of Justice. The Oregon program started in 1957, they have sixteen offices throughout the state, seventeen attorneys, fourteen investigators and nineteen collectors. In the Portland metropolitan area there are four attorneys, two collectors and four investigators. The Oregon program indicated that one of their major problems was one of geography in that to maintain offices in outlying areas, maximum utilization of staff could not be obtained. The case load of the individuals in the Oregon plan is 600 - 700 for collectors and 200 - 300 for investigators. Since July 1, 1975 the program has spent \$1.3 million and has a return to the state of \$3 million. The last monthly figures the program in Oregon has indicated that in the month of February the programs expenses were \$174,600 and there was a return of \$504,695 to the state.

In summation the Judiciary Committee was very concerned about receiving accurate and unbiased financial data from H&SS. The Committee has no problems with the concept of a Child Support Enforcement Agency but feels that the financial planning for such an agency has been slipshod and that the

Finance Committee should give serious consideration to eliminating several of the requested positions and that the Finance Committee may wish to consider placing the CSA in other than the Department of Health and Social Services, such as the Department of Law.

SB 659

LAW OFFICES OF  
ALASKA LEGAL SERVICES CORPORATION  
315 FIFTH STREET, SUITE 8  
JUNEAU, ALASKA 99801  
TELEPHONE 586-6425

MEMORANDUM

TO: Rep. Terry Gardiner, House Judiciary Committee  
FROM: Don Clocksin *DC*  
SUBJECT: CSSB 659 - Child support enforcement

I. Background.

The responsibilities for collecting child support were divided among three separate agencies. First, the court trustee, who is an officer of the court, keeps a record of all child support orders entered by judges in this state, keeps a record of all payments made and all delinquencies, and, until recently, went into court on behalf of the person supposed to receive the child support to force the absent parent to pay. See AS 09.55.210(5) and Civil Rule 67.

Second, the state district attorneys have the responsibility for collecting child support for persons residing outside the state under the Uniform Reciprocal Enforcement of Support Act (URESA). See AS 25.25.100. Some people also thought that the district attorney had an obligation to prosecute nonsupport actions on behalf of people in this state since they were obliged to enforce state law under AS 44.23.020 (b)(3).

Third, the Department of Health and Social Services has the responsibility under the federal Social Security Act to obtain cooperation from welfare recipients in locating absent fathers and bringing paternity or support actions against them.

The Alaska Supreme Court has recently issued a decision which requires changes in the system described above. Public Defender Agency v. Superior Court 534 P.2d 947 (Alaska 1975). The court ruled that (1) the district attorneys had the authority to prosecute nonsupport actions, but are not obligated to do so, (2) the court trustee may not prosecute such nonsupport actions because he/she is an officer of the court, and (3) the public defender is required to represent the defendant in these nonsupport prosecutions.

The court recognized that its decision would create difficulties, since the district attorney's office did not have a sufficient budget to prosecute all nonsupport cases in existence. It suggested a legislative solution as follows:

"An effective resolution of the problems present in the area of child support can only be made by the legislature through the appropriation of additional funds to the Department of Law for prosecution of contempt proceeding or through the establishment of an independent office charged with the enforcement of support orders."

It is primarily in response to the court's decision, which wiped out the present system for collecting support, which brought about this bill.

Another reason for this bill is the recent enactment of federal legislation which requires the creation of a state agency to coordinate child support collection activities on behalf of recipients of Aid to Families with Dependent Children. The adoption of this bill would satisfy those federal requirements.

## II. What this Bill Would Do.

This bill creates a new agency in the Department of Health and Social Services which would have all the responsibilities now fulfilled by the court trustees, the district attorneys, and the Department of Health and Social Services. This new Child Support Enforcement Agency would coordinate all of these responsibilities and handle the AFDC and private nonsupport activities as well as the out-of-state (URESAs) responsibilities.

With regard to AFDC cases, the agency would comply with these recent federal laws. The bill would also transfer from the recipient of AFDC to the state the right to sue for child support. The purpose of this is to obtain reimbursement for state welfare payments made to the family.

The bill also authorizes this agency to represent private individuals who are unable to collect support from the absent parent. The agency may charge for that service and have the authority to assist in executing judgments and obtaining assignments of wages, etc.

## III. Section by Section Analysis.

A. Section I. This section creates the new Child Support Enforcement Agency.

1. Sec. 47.23.010 - creates the agency in the Department of Health and Social Services.

2. Sec. 47.23.020. - sets out the responsibilities of that agency.

3. Sec. 47.23.030. - authorizes the state to sue in place of the recipients of AFDC to collect support for the child. This section contains protections which are required by the new federal laws, and assures that the absent parent will be required to pay only the amount they are capable of paying.

4. Sec. 47.23.035. - creates a special fund in the general fund to handle the money collected.

5. Sec. 47.23.040. - authorizes the agency to bring law suits to establish the paternity of children born out of wedlock.

6. Sec. 47.23.050. - authorizes the court to enter support orders, modify orders where necessary, and to require that the parents give a bond or other security to assure that support is paid.

7. Sec. 47.23.060. - authorizes the court to enter support orders, modify orders where necessary, and to require that the parents give a bond or other security to assure that support is paid.

8. Sec. 47.23.070. - this section authorizes the court to assign the wages of a nonsupporting parent. The assignment would be binding upon that person's employer, and the nonsupporting parent cannot be fired because of this assignment. Under (c), an assignment for child support is given a high priority among other creditors of the nonsupporting parent.

9. Sec. 47.23.080. - states that the child support payments which are made pursuant to this statute will be made through the new agency unless there is good cause to have them paid directly to the custodian of the children.

10. Sec. 47.23.090. - once a child support obligation is due and not paid an execution or attachment may be made after the unpaid portion is reduced to judgment. The agency is authorized to execute orders on behalf of children.

11. Sec. 47.23.100. - this section requires the agency to provide its collection services to any person who has the right to collect child support. If the person is able to pay, the cost of collecting that child support may be charged to them.

12. Sec. 47.23.110. - these are the definitions.

B. Section 2. This section amends a section of the URESA statute to authorize the agency to collect past due support by means of execution for arrearages as well as contempt.

C. Section 3. This section amends the URESA statute to transfer the administrative responsibility from the Department of Law to the Department of Health and Social Services.

D. Section 4. This section adds four new sections to the URESA statute. In general these new sections adjust to amendments to the Uniform Act which were made in 1968 but never adopted in Alaska.

1. Section 25.25.171-sets out the procedure for deciding whether or not the defenses raised by the non-supporting parent are valid.

2. Section 25.25.173-this section incorporates the civil rules of evidence in URESA hearings, authorizes the modification of support orders from other states, and provides that even if the nonsupporting parent is denied visitation the duty to pay support remains.

3. Section 25.25.175-this section forces the non-supporting parent to testify in a URESA hearing by giving that person immunity from criminal prosecution for their testimony.

4. Section 25.25.177-if the nonsupporting parent alleges that he is not the father of the child, the court must either decide the paternity issue or postpone the URESA hearing until that issue is decided.

E. Section 5. This section repeals the present statute giving the court trustee the responsibility for child support collection. Civil Rule 67, which also sets out the functions of the court trustee, is presumably repealed by implication because of the Supreme Court case mentioned above.

F. Section 6. The bill would have a July 1, 1976 effective date.

#### IV. Amendments.

A. AS 09.65.130(b) (Ch. 167, SLA 1975) provides that the attorney general is responsible for "enforcing collections owed the court." Although this is intended only to cover the costs of providing a guardian ad litem in a custody dispute, it should be amended to clarify that the attorney general is no longer to collect child support.

In AS 09.65.130(b), amend the third sentence by deleting "enforcing collections" and inserting "collecting costs".

B. Sec. 47.23.080 (p. 3, line 20-24) provides that child support payments shall be made directly to the new agency "absent a showing of good cause." A person who goes off welfare should be able to direct that those payments be made directly to her/him without having to show good cause. Otherwise, the agency may continue to collect the support and use it to pay off past welfare payments rather than make it available for current needs of the children.

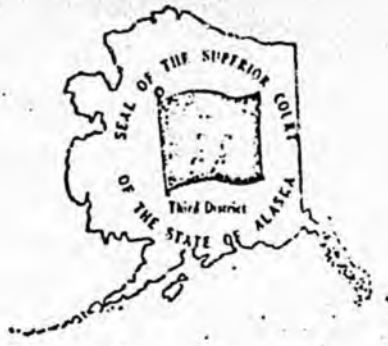
On p. 3, lines 21-22, delete ", absent a showing of good cause to order otherwise," and after "agency" on line 22, insert ", unless the obligee directs otherwise."

V. Support.

This bill is supported by the Department of Law, the Department of Social and Health Services, the Administrator of the Alaska Court System, and Alaska Legal Services.

DEC:btg

SB 659



Superior Court

State of Alaska

THIRD JUDICIAL DISTRICT

303 K STREET

ANCHORAGE, ALASKA

99501

February 20, 1976

JAMES K. SINGLETON, Judge  
Family Court Division

COURT TRUSTEES and Standing MASTERS  
JAMES L. RHOADS  
ROBERT D. FRENZ

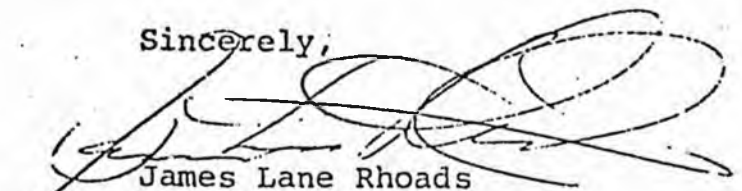
Dear Madam:

This office wishes to inform you of a substantial change in policy. Administrative Bulletin No. 76-2, promulgated by the Administrative Director, Arthur Snowden, prohibits the Court Trustee or other court employees "from exercising prosecutorial functions in the enforcement of Child Support Orders." This means that our function is limited to merely recording payments made, modifying the computer where there has been, for example, emancipation or change of custody of the children, and notification to a delinquent payor of his arrearages. No longer is the Court Trustee able to move the court for an Order to Show Cause or otherwise coerce a father who ignores his responsibility to his children. No longer may the Court Trustee enforce child-support orders.

If you need assistance in enforcing a court's order for child support, I suggest you consult with private counsel, or if you reside outside the state of Alaska, you may petition your Attorney General or District Attorney pursuant to the Uniform Reciprocal Enforcement of Support Act. In addition, you should be advised that Governor Hammond's administration and the state legislature is considering a child-support agency outside the court system which could effectively prosecute irresponsible fathers. You may wish to advise the governor or the legislature of your position and need for child-support monies.

If we can be of assistance, please do not hesitate to contact us; however, please understand that we can in no way threaten, persuade, or in any way appear to "prosecute" the father of your children regarding child-support monies you feel he may owe you.

Sincerely,

  
James Lane Rhoads  
Court Trustee

1840 Aleutian Street  
Anchorage, Alaska 99504  
March 1, 1976

Representative Bill Parker  
State House of Representatives  
Pouch V  
Juneau, Alaska 99811

Dear Representative Parker:

Enclosed is a copy of the letter I received from the Office of the Court Trustee saying they will no longer be allowed to enforce child support orders. I am sure you are familiar with it by now.

I am writing to urge you to move as quickly as possible in setting up another plan or agency for collecting child support payments. In my own case, I have a job and manage fairly well financially by doing without a car and other things, but I do need the child support payments due me. My ex-husband has a good year-round job with Wien Air Alaska and makes extra money on the side, but the Court Trustee has had to threaten him with court action from time to time as he will not pay otherwise. Right now he owes me \$757 in arrearage which the Court Trustee was slowly but surely collecting from him. This \$757 represents a lot of things my daughter needs. In the enforcement void that now exists, I am afraid the arrearage will rise to an amount that I will never be able to collect!

Again I urge you to take prompt action to alleviate the present situation that affects so many of our Alaskan children.

Sincerely,



Rheta M. Erkel

Enclosure

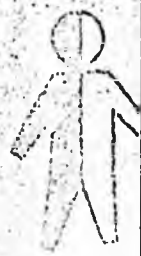
# Child Support Enforcement Programs

Can  
and  
Do  
Pay...



**NATIONAL DISTRICT ATTORNEYS ASSOCIATION**  
Project on Child Support Enforcement

Washington, D.C. Office  
1900 L Street, N.W., Suite 601  
Washington, D.C. 20036



CHILD SUPPORT AGENCY

Caseload and Collections  
FY77

<u>FY77 Caseload</u>	<u>AFDC Court System</u>		<u>URES A</u>	<u>TOTAL</u>
Current Caseload	2,500	3,300	1,900	7,700
Less Duplications				
URES A W/Court		(600)	600	-----
AFDC W/Court		(500) 10%		(500)
TURNOVER	1,000	* 425 50% of 80% of yearly "orders"	500	1,925
FY77 Caseload	<u>3,500</u>	<u>2,625</u>	<u>3,000</u>	<u>9,125</u>
<u>FY77 Collections</u>				
Balance 7/1/76		1,700	600	2,300
Cases Processed - FY77	1,700	1,700	1,600	5,000
New Collections not requiring enforcement		* 425 50% of 80% of yearly "orders"		425
FY77 Collections	<u>1,700</u>	<u>3,825</u>	<u>2,200</u>	<u>7,725</u>

\$Collected \$15,360,000 (at \$2,000 per case of 1.9 children per case x 7,725).

\* The Court System has estimated that 80% of "orders" involving child support would go thru the agency. If 50% of this figure are collections with no enforcement, then one-half would require enforcement services.

(1)	PCN (2)	PAY RGE. (3)	MO. SAL. (4)	CURRENT YEAR (CY) AUTHORIZED			BUDGET YEAR (BY)			
				NO. POS. (5)	NO. MO. (6)	ANNUAL AMOUNT (7)	NO. POS. (8)	NO. MO. (9)	ANNUAL AMOUNT	
									Maintenance (10)	Change (11)
1										
2										
3	CHILD SUPPORT AGENCY									
4	Supervisory Unit									
5	CSA Administrator	P/C	24S	2,816	1	4	11,264	1	12	33,792
6	Administrative Officer II	060293	21S	2,429	1	12	29,148	1	12	29,148
7	Subtotal						40,412			62,940
8	1 1/2% Merit Increase						606			944
9	Subtotal						41,018			63,884
10	21% Benefits						8,613			13,415
11	Subtotal						49,632			77,299
12										
13	GENERAL GOVERNMENT UNIT									
14	Accountant II	060292	14G	1,265	1	12	15,180			
15	Reclass Accountant IV		18S	1,811				1	12	22,432
16	Document Proc. Clerk IV	060291	12G	1,142	1	12	13,740	1	12	13,704
17	Accounting Technician I	P/C	12G	1,142	1	4	4,568	1	12	13,704
18	Secretary I	P/C	10G	1,007	1	4	4,028	1	12	12,084
19	Clerk Typist III	060273	8G	888	1	12	10,656	1	12	10,656
20	Subtotal						47,632			72,580
21	1 1/2% Merit Increase						714			1,089
22	Subtotal						47,346			74,669
23	9% Salary Increase						4,261			6,720
24	Subtotal						52,607			81,389
25	Overtime						2,090			6,269
26	Subtotal						54,897			87,658
27	9% Salary Increase O.T						188			564
28	Subtotal						54,885			88,222
29	21% Benefits						11,526			18,527
30	Subtotal						66,411			106,749
31										
32										

Cost of Reclass  
PCN 0292 -R18 22,432  
-R14 15,180

BRI Child Support Agency

BRU CODE - 06-26-5-04-00-00

REVISED

**11A** PERSONAL SERVICES  
CURRENT POSITIONS  
SUMMARY

02-1011 A

National District Attorneys Association  
Project on Child Support Enforcement  
1900 L Street, N.W., Suite 601  
Washington, D.C. 20036

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This Project is operated by the National District Attorneys Association under a contract with the Office of Child Support Enforcement of the U.S. Department of Health, Education and Welfare.

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Consultants  
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Washington, D.C. 20036

March 1, 1976  
A Special Criminal Justice Improvement Publication  
of the National District Attorneys Association

## FOREWORD

The Federal Child Support Enforcement Program is a landmark effort to help parents obtain child support from delinquent parents. It is a program of the U.S. Department of Health, Education and Welfare.

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## THE PROBLEM

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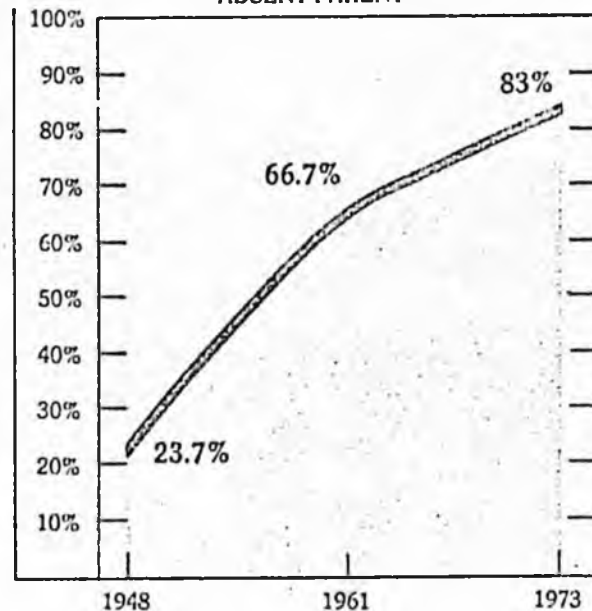
The problem of welfare in the United States is, to a considerable extent, a problem of non-support of children by their absent parents . . . . The immediate result [of the Child Support Enforcement Program] will be a lower welfare cost to the taxpayer but, more importantly, as an effective support collection system is established, fathers will be deterred from deserting their families to welfare and children will be spared the effects of family break-up.

—Senate Committee on Finance, *Social Services Amendments*, S. Rep. No. 93-1356, 93rd Cong., 2d Sess. 42 (1974)

## The Facts

The need for strong Child Support Enforcement in America is now apparent.

### UNCONTROLLED GROWTH OF FAMILIES ON AFDC RESULTING FROM NONSUPPORT OF ABSENT PARENT



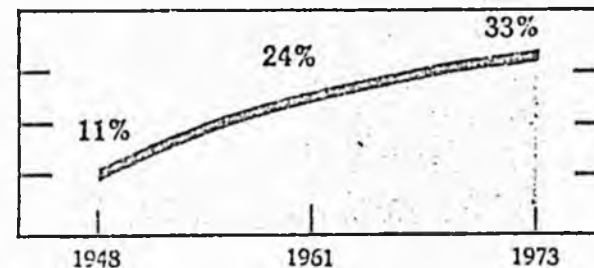
\*Data extracted from Staff of Senate Committee on Finance, 94th Cong., 1st Sess., Child Support Data and Materials 5 (Comm. Print 1975)

Of the 11 million recipients who are presently receiving Aid to Families with Dependent Children (AFDC), 4 out of every 5\* receive public assistance because they have been deprived of the support of a parent who has absented himself from the home.

In just the past 6½ years, families with absent fathers have added an overwhelming 4.8 million recipients\* onto the welfare rolls. More than half of these absent parents (estimated to be 1.3 million) would pay support if there were strong child support enforcement.

\*Data extracted from S. Rep. No. 93-1356, 93rd Cong., 2d Sess. 42 (1974)

### RISE IN CHILDREN BORN OUT OF WEDLOCK RECEIVING AFDC



\*Data extracted from Staff of Senate Committee on Finance, 94th Cong., 1st Sess., Child Support Data and Materials 138 (Comm. Print 1975)

In addition, in one-third of all AFDC families, the father is not married to the mother and in most cases, paternity must be established for the children.

The community which you represent will most often look to you as prosecutor to effectively cope with this problem on the local level.

---

*“Public confidence in the welfare system demands we attack this problem. . . . A major reason for the program is the concept of improved management in the welfare system, . . . the public is expecting increased efforts in this area.”*

—Louis B. Hays, Deputy Director, Office of Child Support Enforcement, U.S. Department of Health, Education and Welfare.

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## THE SOLUTION

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The new Federal Child Support Enforcement Program is mandated under Title IV-D of the Social Security Act. The law (P.L. 93-647 as amended by P.L. 94-88) went into effect on August 1, 1975.

The IV-D program is a strategy for uniform enforcement of child support nationwide. Every state must devise an effective system to:

- establish paternity
- locate absent parents
- secure support

Under the law these child support enforcement services must be made available to non-welfare families as well as to those receiving AFDC.

## Your Responsibility

Congress gave you, in large measure, the responsibility for the local "effective" implementation of the program. It seems formidable. The program's simplicity will be clear, however, once you have an understanding of the new child support enforcement tools available.

### Title IV-D provides you with: New Funds

- Federal reimbursement—75 per cent of all IV-D costs
- Incentive funds—based on collections, 25 per cent (during the first 12 months and 10 per cent thereafter) to be paid to the participating prosecutor's jurisdiction

### Prosecutor Participation

The law specifically provides monetary benefits for participation of "local law enforcement officials," (which obviously includes District Attorneys, County Attorneys and other prosecutors).

Now, the cost of the prosecutor's child support enforcement activities, once an expense of the local jurisdiction, will be 75 per cent federally reimbursable through a "Cooperative Agreement".

Incentive payments will go directly into the treasury of the local political subdivision as new-found revenue.

### New Tools

- A state and local IV-D agency
- Cooperative agreements
- Interstate cooperation
- Garnishment of monies due or payable by the United States to any individual
- Assignment of right of support to the state
- Eligibility of non-AFDC cases

---

## WHAT THE PROGRAM MEANS TO YOU

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Everyone wins in the IV-D program. With incentive payments and a program that will virtually pay for itself, the local jurisdiction can only benefit by providing the community with a strong child support enforcement operation.

### Child Support Enforcement offers you: A Chance to Attain a Child's Right to Support

---

*"The most important objective of the IV-D program is helping children and families . . . . Every child in this country has a right to have his paternity established and receive the benefits that society rightly or wrongly reserves only for those individuals whose parentage has been established."*

—Louis B. Hays, Deputy Director, Office of Child Support Enforcement, U.S. Department of Health, Education and Welfare

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*"Once we can get the right to support where the child knows that he is being supported by those who are responsible for his existence, we are going to [begin to] attack some of the problems of juvenile delinquency and crime that we have had in these United States."*

—Louise Raggio, Chairman, Section of Family Law, American Bar Association

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"There's another group of people this act is aimed at helping . . . those who are so on the economic brink that if they could just get their child support payments they wouldn't have to go into the ADC system. That's of very great social value."

—Keith Sanborn, NDAA Vice President, District Attorney, Wichita, Kansas

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## Public Recognition

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"The important factor for the County Board of Commissioners [or like authority] is that the program will net revenue . . . This area [child support enforcement] is probably the most politically potent area of all. Every time you go to a person and help them child support-wise you have gained a friend for the District Attorneys office."

—Robert Russell, NDAA Vice President, District Attorney, El Paso County, Colorado

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"For the well-run operations there has always been glory . . . fame . . . and votes. . . . The better job you do, the word is eventually going to spread into the whole community."

—Roger Rook, NDAA President-Elect, District Attorney, Clackamas County, Oregon

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## A Cost-Effective System

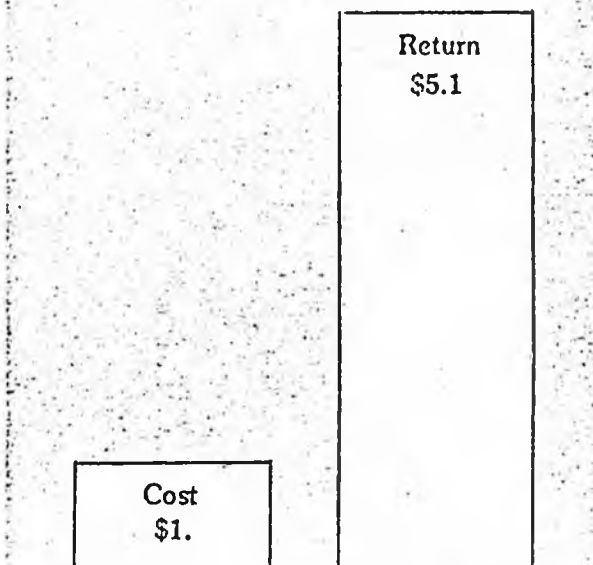
"In short does it pay to identify, locate, establish paternity, bring to settlement and otherwise enforce an absent parent's obligation to support his or her dependent children.

The answer . . . is an unequivocal yes! . . . Child support enforcement programs can collect more than they spend . . . We find that AFDC collections alone [are] capable of paying for total AFDC and Non-AFDC program operations . . . When all factors are taken into consideration, no matter how you look at it, Child Support Enforcement programs can and do pay."

—recent report by Arthur Young and Co. based on cost/benefit analysis of Child Support Enforcement programs, conducted under contract with the U.S. Department of Health, Education and Welfare/Social and Rehabilitation Service

### COST-EFFECTIVENESS OF CHILD SUPPORT ENFORCEMENT PROGRAM

#### AVERAGE RETURN PER DOLLAR EXPENDED



\* Data extracted from Arthur Young and Co. cost/benefit analysis of Child Support Enforcement programs conducted for the U.S. Department of Health, Education and Welfare

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"There is no District Attorneys office in the United States which can not afford to get actively involved in the program that you're concerned with here. It will more than pay for itself . . . I know of no issue where I could make more points with the taxpayers . . . than in this area."

—Louis Bergna, NDAA President, District Attorney, San Jose, California

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# IMPLEMENTATION

## State Plan.

Most states have reached the first milestone in the development of the IV-D program—approval of the State Plan. Chart A tracks your state's progress.

Federal reimbursement monies equal to 75 per cent of the administrative costs of the State Plan will be available once the Plan is approved. The Plan sets out whether the state or local jurisdiction will supply the 25 per cent matching funds.

## The Critical Factor

The new child support enforcement law requires that each state have an "effective" IV-D program in operation by January 1, 1977. If a state does not meet the deadline, the "penalty provision" of the law requires the U.S. Department of Health, Education and Welfare to reduce the state's AFDC federal monies by 5 per cent (a substantial amount in most states).

The "effectiveness" of the program will depend on the extent to which it actively operates state-wide.

CHART A

## STATE PLAN PROGRESS REPORT

STATE	PLAN SUBMITTED ON OR BEFORE 9/30/75	PLAN APPROVED
Alabama .....	x	12/30/75
Arizona .....	x	12/21/75
Arkansas .....	x	9/30/75
California .....	x	11/26/75
Colorado .....	x	1/26/76
Connecticut .....	x	12/17/75
Delaware .....	x	12/15/75
Florida .....	x	12/18/75
Georgia .....	x	12/19/75
Guam .....	12/31/75	
Hawaii .....	x	12/24/75
Idaho .....	x	12/19/75
Illinois .....	x	11/12/75
Iowa .....	x	11/17/75
Kansas .....	x	10/15/75
Kentucky .....	x	
Louisiana .....	x	9/30/75
Maine .....	x	12/17/75
Maryland .....	x	2/12/76
Massachusetts .....	x	10/23/75
Michigan .....	x	1/20/76
Minnesota .....	x	9/30/75
Montana .....	x	10/15/75
Nebraska .....	x	9/8/75
New Hampshire .....	x	12/17/75
New Jersey .....	x	12/30/75
New Mexico .....	x	9/30/75
New York .....	x	
North Carolina .....	x	12/31/75
North Dakota .....	x	11/3/75
Ohio .....	x	11/12/75

STATE PLAN (continued)		
STATE	PLAN SUBMITTED ON OR BEFORE 9/30/75	PLAN APPROVED
Oklahoma .....	x	8/19/75
Oregon .....	x	12/31/75
Pennsylvania .....	x	12/17/75
Puerto Rico .....	x	
Rhode Island .....	x	10/22/75
South Carolina .....	x	12/18/75
South Dakota .....	x	10/20/75
Tennessee .....	x	12/19/75
Texas .....	x	9/30/75
Utah .....	x	12/4/75
Vermont .....	x	10/23/75
Virginia .....	x	2/6/76
Virgin Islands .....	x	12/30/75
Washington .....	x	12/31/75
Wisconsin .....	x	1/20/76
Wyoming .....	x	9/30/75

STATE PLANS/WAIVER REQUESTED				
STATE	WAIVER REQUEST SUBMITTED	"WAIVERED" PLAN SUBMITTED	WAIVER APPROVED	PLAN APPROVED
Alaska	9/8/75, 10/3/75		DENIED 11/7/75	12/31/75
District of Columbia	10/1/75	10/1/75	1/16/76	
Indiana	9/9/75	12/24/75	1/16/76	
Mississippi	9/26/75	9/30/75	12/12/75	12/30/75
Missouri	9/11/75	9/26/75	12/12/75	12/30/75
Nevada	10/2/75	10/2/75	1/16/76	
West Virginia	9/29/75	9/30/75	DENIED 12/29/75	

\* Data supplied by the Office of Child Support Enforcement,  
U.S. Department of Health, Education and Welfare as of February 16, 1976.



## What services will the Prosecutor provide?

The prosecutors and IV-D officials are aiming toward common goals:

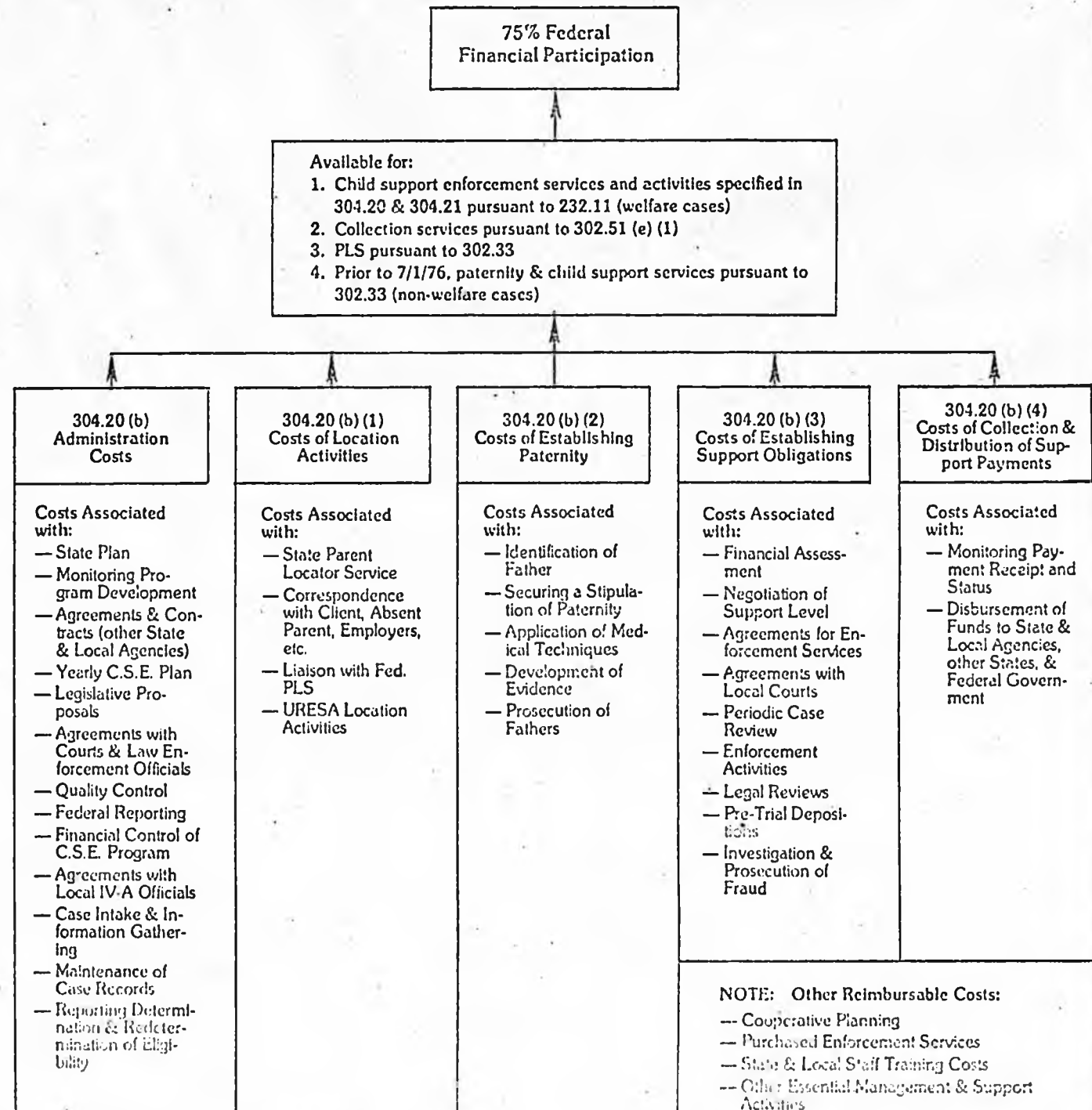
- Full advantage of benefits
- Simplified sound management

## The Full Advantage— Reimbursable Costs

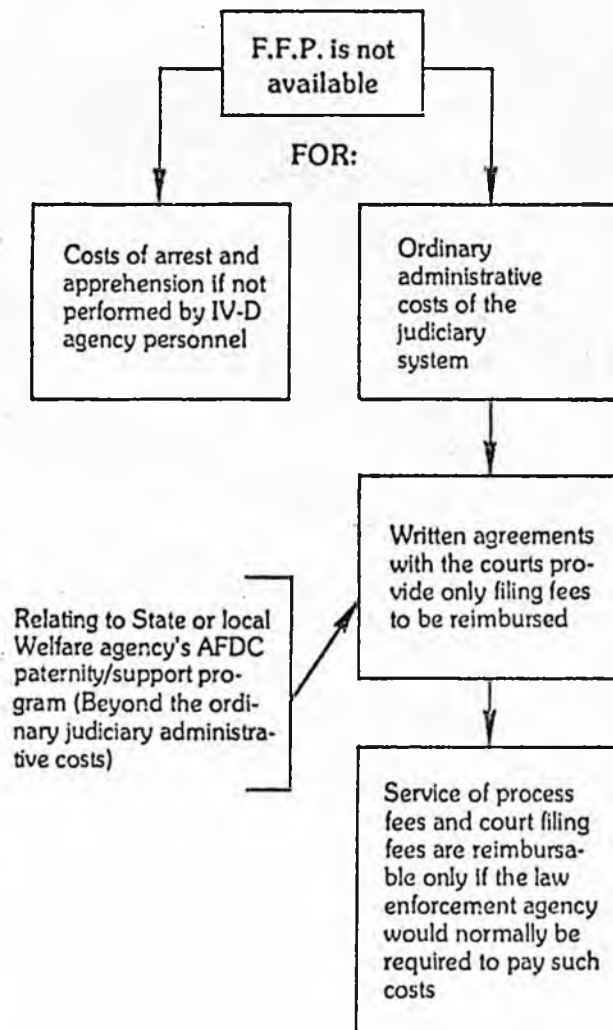
Many of the costs of general participation in the Child Support Enforcement Program are eligible for federal reimbursement. See Chart B and C.

CHART B

AVAILABILITY OF FEDERAL REIMBURSEMENT



**CHART C  
COSTS NOT ELIGIBLE FOR IV-D  
REIMBURSEMENT**



\* Chart prepared by Orange County (California) District Attorneys Office, Family Support Division

**Something Extra**

The incentive for prosecutor participation will be paid directly into the treasury of the local political subdivision. These funds can be used for general expenditures.

In addition, the reimbursable costs of prosecutorial activities performed under a "Cooperative Agreement", taken separately, are listed in Chart D.

**Sound Management—  
IV-D Functions**

Centralization of IV-D administration on the state and local level, set out in the Federal Regulations for IV-D Implementation, will simplify and strengthen management of the program.

Chart E, (on next page), provided by the Indiana Prosecuting Attorneys Council, highlights the primary functions of the State IV-D agency and those functions which may be performed either at the state level or local level.

**Cooperative Agreements**

Title IV-D requires the State Plan to provide that the state will enter into cooperative agreements with "appropriate court and law enforcement officials." These agreements may include "provisions to reimburse law enforcement officials for their assistance." (For costs in connection with courts see Chart C)

It should be remembered that incentive payments are available only to jurisdictions in which the prosecutor participates in IV-D under a cooperative agreement.

**CHART D  
REIMBURSABLE COSTS OF  
PROSECUTOR PARTICIPATION**

- Administrative costs
  - establishing and maintaining case records
  - cost accounting systems
- Determination of paternity
  - investigation and preparation of a paternity case including costs of blood tests, polygraph exams, and pre-trial discovery
  - presentation of case to the court plus related costs
  - cooperation with other jurisdictions
  - drafting of orders
- Establishment and enforcement of support
  - URESA activities
  - location of nonsupporting parents including the establishment of state Parent Locator Service
  - criminal or civil proceedings including development of evidence, court hearings, and related costs
  - negotiating and enforcing agreements, settlements, confession of judgments or garnishments
- Collection and distribution of child support
  - monitoring and accounting for support payments
  - receiving, identifying and distributing support money received
- Training
  - reasonable, essential, short-term training of staff, full or part-time, on IV-D matters

## Negotiations

### Prosecutor Functions

In discussions concerning the cooperative agreements, government officials and prosecutors should consider the functions of the local IV-D agency depicted in Chart E to identify those specific activities for which the prosecutor will be responsible.

### Other Considerations

The discussion should also take into consideration related responsibilities such as:

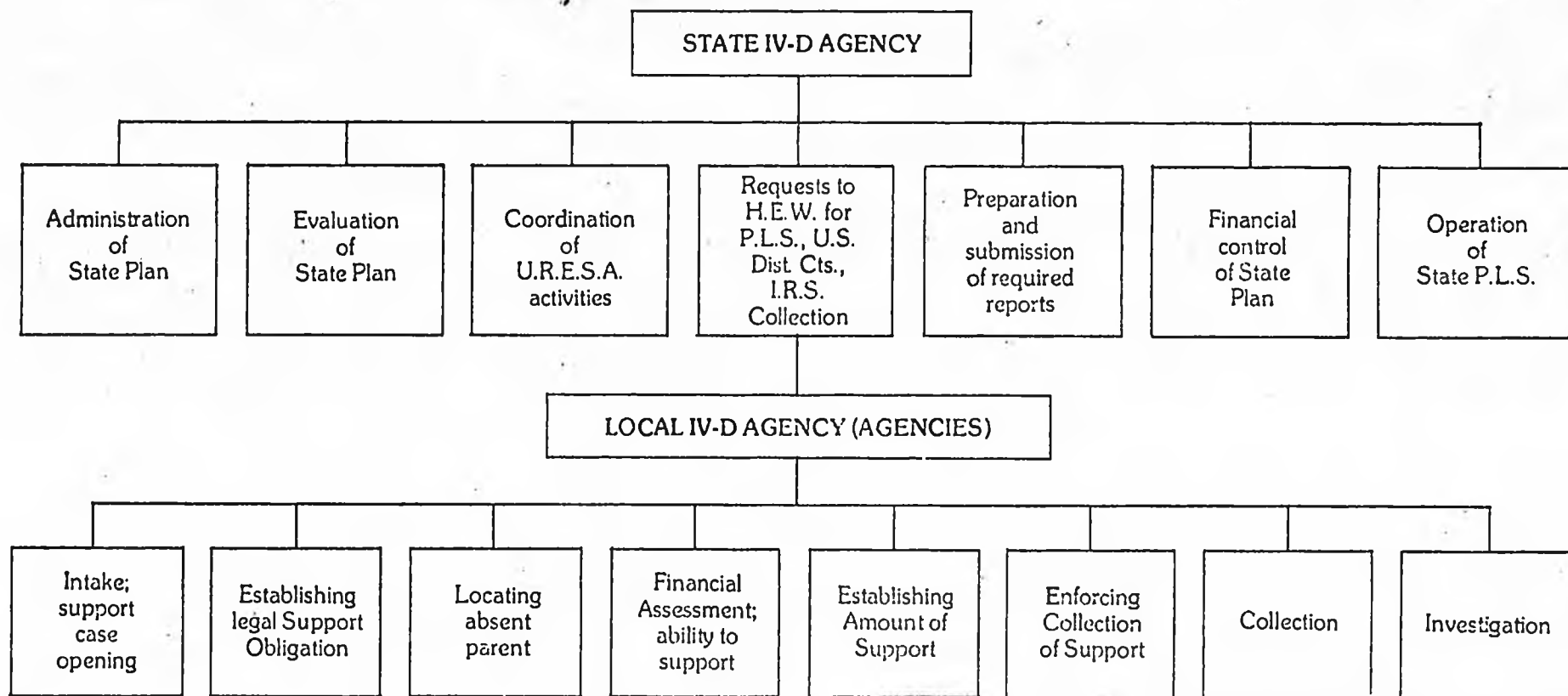
- Record-keeping
- Confidentiality of records
- Cost-allocation methods
- Assistance to non-welfare families
- Staff and training

and the welfare agency's responsibilities to:

- give "prompt notice" to the prosecutor whenever AFDC is furnished to an applicant or recipient
- provide information needed in locating absent parents, establishing paternity and securing support

The NDAA Project on Child Support Enforcement can provide technical assistance to you in drafting these cooperative agreements.

**CHART E DISTRIBUTION OF FUNCTIONS BETWEEN CENTRAL IV-D AGENCY AND LOCAL IV-D AGENCIES**



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## THE ALTERNATIVES

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Each state will decide what services the prosecutor will provide. The prosecutor's involvement can range from directing the State IV-D agency to handling enforcement of only criminal nonsupport and URESA cases in a IV-D unit within the prosecutor's office.

Here is an example of some alternative approaches being taken:



### California—Established Program

In Sacramento County, California, the major share of responsibility for the IV-D program has been concentrated in the District Attorneys Office. The Domestic Relations Division of the District Attorneys Office manages the support collections and computerized monitoring system and handles all child support enforcement activities.

California feels that focusing the responsibility on a single agency that is an enforcement oriented agency has a substantial positive effect on behalf of the taxpayer, according to Michael E. Barber, Supervising Deputy District Attorney, Sacramento, California.

### Wisconsin—Local IV-D Agency

Under the Wisconsin State Plan, each County's Board of Supervisors must designate the agency to administer the IV-D program in the local jurisdiction. In several counties, such as Sauk County, with a population of 40,000, the District Attorneys office is now the local IV-D agency. It acts as the central point for all AFDC and non-AFDC IV-D services and directs IV-D activities of other local agencies (welfare department, Family Court Commissioner) under cooperative agreements.

### Georgia—Prosecutors under Cooperative Agreements

The Georgia Department of Human Resources hopes to enter into cooperative agreements with prosecutors in all 42 judicial districts in that state. From the initial six cooperative agreements, the "effectiveness" of the District Attorneys' services became clear. Collections jumped 51 per cent during the first four months of the program. The District Attorneys have set up IV-D units with expanded staffs as a result of the federal reimbursement monies.

### Kansas—Small Office Involvement

The Kansas County Attorneys Association set up a committee in December, 1975 to negotiate a "uniform cooperative agreement" for prosecutors in 99 jurisdictions (small prosecutors' offices) with the State IV-D agency. Ideas being considered to aid these prosecutors with limited staff and nonsupport caseload include a centralized IV-D para-legal staff, computer terminals and standardized forms.

"The State Plan has been approved but the effectuation of the Plan will depend upon the success with which we are able to spread it through all jurisdictions."—Margaret Jordan, District Attorney, Johnson County, Kansas, and Negotiator

### Other States

Many creative plans are taking shape nationwide. Explore with other prosecutors, the Project and IV-D representatives, possibilities for your involvement.

# NDA PROJECT ON CHILD SUPPORT ENFORCEMENT

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... actively provides practical and technical assistance in response to specific needs and problems of practitioners who are gearing up for IV-D participation or managing an on-going program.

Operating under a contract with the Office of Child Support Enforcement of the U.S. Department of Health, Education and Welfare, the Project offers you:

- a clearinghouse of child support enforcement information
- an extensive library of reference materials
- memoranda provided by a legal research team
- *Reports* published regularly including articles on current child support enforcement trends, significant case notes and bibliographical materials
- the HOTLINE (202) 872-9513, for immediate response to your inquiries
- a resource center for technical assistance and consultants

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## Clearinghouse Publications

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The following materials are only a few of the publications available free of charge upon request to the NDAA Project on Child Support Enforcement.

*Overview of IV-D*—a memorandum discussing the prosecutor's role and responsibilities in connection with cooperative agreements

*Synopsis of the More Essential Regulations of Public Law 93-647*

*Child Support Enforcement Bibliography*

*Cost-Effectiveness of a Child Support Enforcement Program*

*IV-D Orientation Packet*

Other technical assistance materials geared to specific needs are also available.

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## Conferences

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### Introductory

NDAAs Project on Child Support Enforcement—six regional IV-D Orientation Conferences (fall, 1975)

### Upcoming

NDAAs/NCDA Training Courses—four child support enforcement training seminars to be held in Phoenix, Dallas, Atlanta and Chicago. For further information contact the:

National District Attorneys Association  
Executive Office  
211 East Chicago Avenue, Suite 1515  
Chicago, Illinois 60611  
(312) 944-2577

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## Child Support Enforcement on Tape

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The National District Attorneys Association has produced a set of tapes which explain the implementation and operation of the federal Child Support Enforcement law.

The cassettes may be ordered from the:  
National District Attorneys Association  
Publication Department  
211 East Chicago Avenue  
Chicago, Illinois 60611

**Overview of Title IV-D.** A comprehensive explanation of the IV-D Program. 315-040-204.

**Successful State Child Support Enforcement Program.** How to set up a viable program in your jurisdiction. 315-040-208.

**Intake and Imposition of the Duty to Support.** How to screen cases and take effective action against respondents. 315-040-210.

**Enforcement of Child Support.** Considers the use of such enforcement powers as contempt. 315-040-212.

**Auxiliary Enforcement.** Additional means of enforcing support orders. 315-040-214.

**Impact of Enforcement Techniques.** The effect of enforcement upon the family and respondent. 315-040-216.

**Administration of IV-D Programs (two tapes).** Practical aspects of making the program work. 315-040-218.

**Services and Resources Available from NDAAs on Child Support Enforcement.** Explains how NDAAs can help the prosecutor initiate and implement a program in his jurisdiction. 315-040-220.

**Closing Remarks at IV-D Orientation Conferences.** NDAAs sponsored a series of conferences explaining the operation of IV-D Programs to prosecutors. The closing remarks summarizing such conferences are presented in this tape. 315-040-222.

Price: \$6 each



*“When all factors are considered  
no matter how you look at it,  
Child Support Enforcement Programs  
can and do pay.”*



**NDA Project on Child Support Enforcement  
Prepared to Assist You—**

**Technical Assistance  
Research  
Consultants  
Hotline (202) 872-9513**

The Legislature of the State of Alaska  
FISCAL NOTE

First Session - Ninth Legislature

20

I. REQUEST

Bill No. SS Senate Bill 659

Title: An Act Relating to Child Support Enforcement

Requested by: \_\_\_\_\_ Date: \_\_\_\_\_

Return Date Requested: \_\_\_\_\_

Agency: Health & Social Services Program: Child Support Enforcement

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Child Support Enforcement

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 75	FY 76	FY 77	FY 78	FY 79	FY 80
100 PERSONAL SERVICES		116.0	485.9	621.3	633.5	781.8
200 TRAVEL		5.0	13.5	14.8	16.2	17.5
300 CONTRACTUAL		15.0	443.7	488.0	530.8	580.1
400 COMMODITIES		1.5	17.3	19.0	20.9	23.1
500 EQUIPMENT		6.5	37.2	40.9	43.0	45.2
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	0.0	150.0	997.6	1,184.0	1,302.5	1,432.7

B. FUNDING: (Thousands of dollars)

GENERAL FUND	0.0	37.5	498.8	592.0	651.3	716.1
FEDERAL FUNDS	0.0	112.5	374.1	444.0	488.4	537.2
OTHER - RGF	0.0		124.7	148.0	162.8	179.4

C. POSITIONS:

PERMANENT/TEMPORARY	0/0	7/0	29/0	29/0	29/0	29/0
MAN MONTHS (P./T.)	0/0	64/0	348/0	348/0	348/0	348/0

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

As attached.

IV. ATTACHMENTS

V. DATE: 3/19/76

PREPARED BY: [Signature]

CSEA

Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

<u>Personnel Costs</u>	Range	Salary +	21% Benefits	FY77 *Cost	FY78	FY79	FY80
<b>Permanent Positions</b>							
Current Permanent Positions Approved				173,180	190,498	209,547	230,502
<b>FY77 Proposed Positions</b>							
CSA Officer III	20S	25,541	5,363	30,904	33,994	37,393	41,113
CSA Officer II	18S	22,057	4,632	26,689	29,357	32,293	35,523
CSA Officer II	18S	24,615	5,169	29,784	32,762	36,038	39,642
CSA Officer II	18S	22,057	4,632	26,689	29,357	32,293	35,523
CSA Officer II	18G	22,555	4,736	27,291	30,020	33,022	36,324
CSA Officer I	16G	19,462	4,087	23,549	25,903	28,494	31,343
Administrative Assistant II	14G	16,793	3,526	20,319	22,350	24,585	27,041
Administrative Assistant I	12G	14,696	3,086	17,782	19,560	21,516	23,667
Administrative Assistant I	12G	16,794	3,526	20,320	22,352	24,587	27,045
Programmer III	17G	20,954	4,400	25,354	27,889	30,678	33,746
CSA Officer Trainee	13G	15,665	3,289	18,954	20,849	22,934	25,227
CSA Officer Trainee	13G	18,068	3,794	21,862	24,084	26,453	29,098
CSA Officer Trainee	13G	15,665	3,289	18,954	20,849	22,934	25,227
Clerk Typist III	8G	11,788	2,475	14,263	15,689	17,258	18,984
Clerk Typist III	8G	11,788	2,475	14,263	15,689	17,258	18,984
Clerk Typist III	8G	11,788	2,475	14,263	15,689	17,258	18,984
Clerk Typist III	8G	12,546	2,634	15,180	16,698	18,367	20,204
Clerk Typist III	8G	11,788	2,475	14,263	15,689	17,258	18,984
Clerk Typist III	8G	11,788	2,475	14,263	15,689	17,258	18,984
Clerk Typist II	7G	11,084	2,327	13,411	14,752	16,277	17,850
Clerk II	7G	11,084	2,327	13,411	14,752	16,277	17,850
Accounting Clerk II	9C	10,260	2,148	12,408	13,648	15,013	16,515
<b>Total Personnel Services</b>		<b>358,836</b>	<b>75,340</b>	<b>434,176</b>	<b>477,621</b>	<b>525,444</b>	<b>577,861</b>
<b>(000's Omitted)</b>							
Personnel Services Cost				485.9*	621.3*	683.5*	751.8*
Travel				13.5	14.8	16.3	17.9
Contractual				443.7	480.0	536.8	590.5
Commodities				17.3	19.0	20.9	23.0
Equipment				37.2	40.9	45.0	49.5
<b>TOTAL</b>				<b>997.6</b>	<b>1,184.0</b>	<b>1,332.5</b>	<b>1,432.7</b>

\* - Includes 20% vacancy in FY77, 7% thereafter.

*5/2/3 is project  
relates to fuel  
reporting  
is opposed to  
5/12 of 9  
if you follow  
good management  
your year would  
be less expensive*

### III Analysis

#### Specific assumptions:

1. The bill, SSSB 659, requires a separate agency to administer the program, with 29 full-time positions. (22 new and 7 existing positions.)
2. From analysis of existing and contemplated caseloads, cases estimated include approximately 3,500 AFDC, and up to 4,500 non-AFDC referrals to total 8,000 cases intially the first year and about 5,000 cases annually thereafter.
3. Specific fiscal impact on other agencies, by section:

Section 47.23.030 - No increased fiscal impact on the Division of Public Assistant (AFDC agency).

Sections 47.23.040 to the end - These sections require contractual services to the following agencies:

Department of Law	- \$221,000
Department of Administration (Computer Services)	- \$ 30,000

4. Attached to this analysis is a study further defining major functional processes required to operate an acceptable child support program.

# STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH H 01 - JUNEAU 93811

## CHILD SUPPORT ENFORCEMENT AGENCY

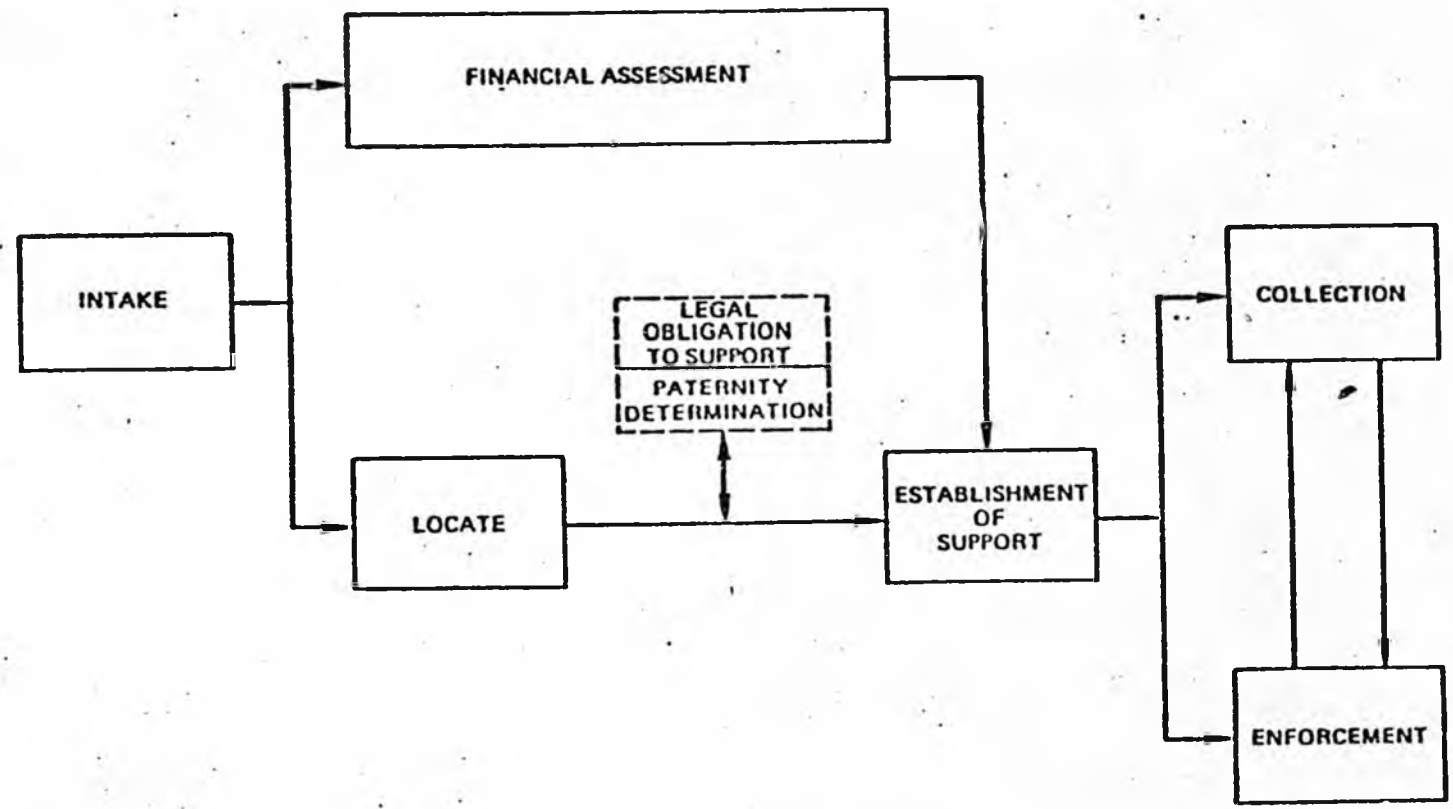
SENATE BILL 659: PL 93-647 and PL 94-88

### MAJOR FUNCTIONAL PROCESSES REQUIRED

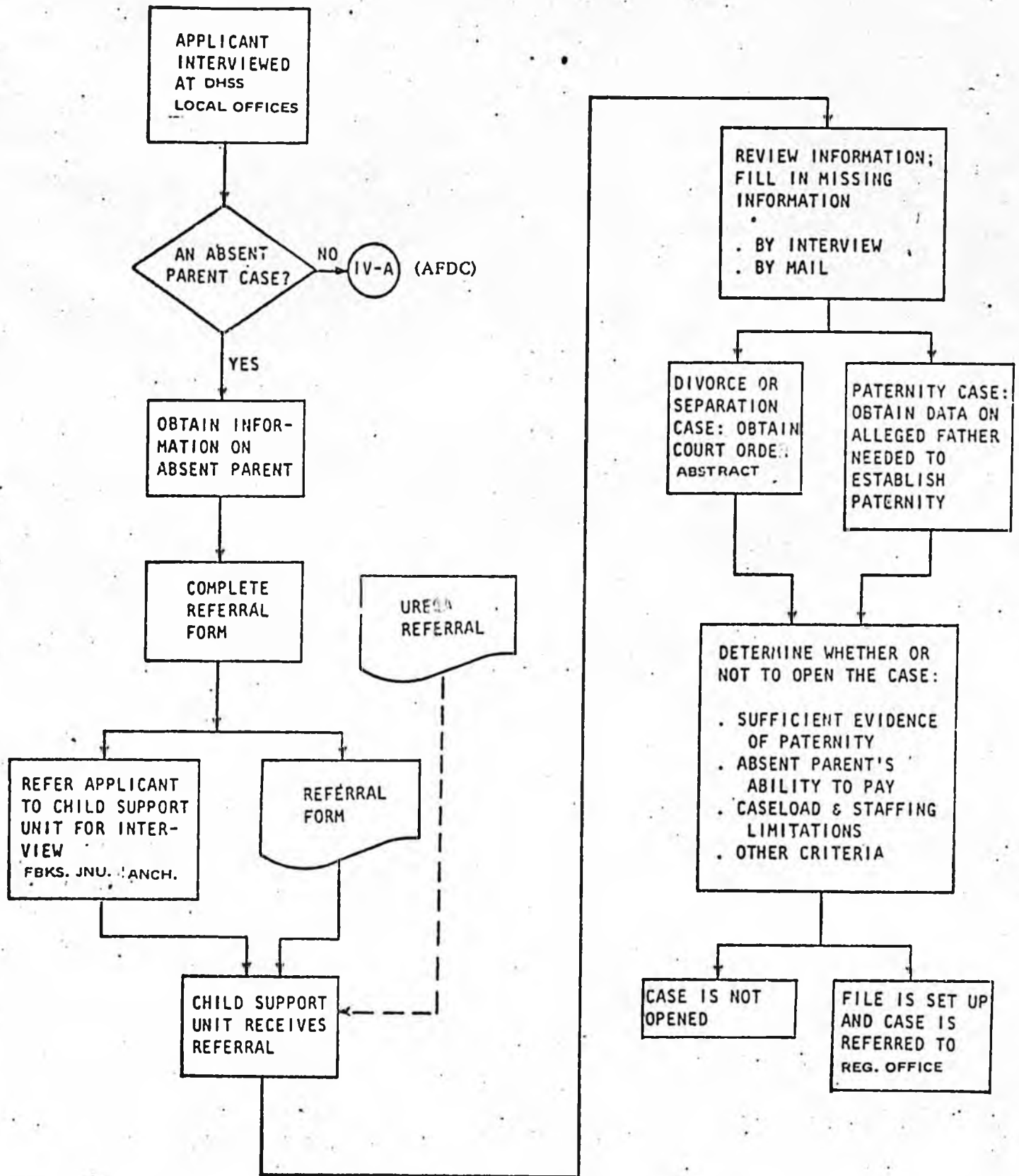
The following processes will be required to operate an effective Child Support Enforcement Agency for Alaska:

- I. **INTAKE:** Activities associated with initial case opening
  - Referrals from IV-A Agency
  - Referrals from other states' IV-D agencies
  - URESAs cases
  - Applications from public-at-large
  - Court order referrals
- II. **ESTABLISHMENT OF THE LEGAL OBLIGATION TO SUPPORT:** Activities related to determining the absent parent's legal obligation to support his/her dependent children (including paternity determination).
- III. **LOCATION:** Activities associated with locating an absent parent and/or his or her financial assets.
- IV. **FINANCIAL ASSESSMENT:** Activities related to determining an absent parent's support capacity, i.e., ability to pay.
- V. **ESTABLISHMENT OF SUPPORT:** Activities related to establishing an absent parent's support obligation, including methods and terms of payment.
- VI. **COLLECTION:** Activities related to monitoring payment activity and processing cash flow.
- VII. **ENFORCEMENT:** Activities taken to enforce support collection (issuing summonses, preparing complaints and actions for court processing).

ALASKA  
CHILD SUPPORT ENFORCEMENT  
FUNCTIONAL PROCESS FLOW

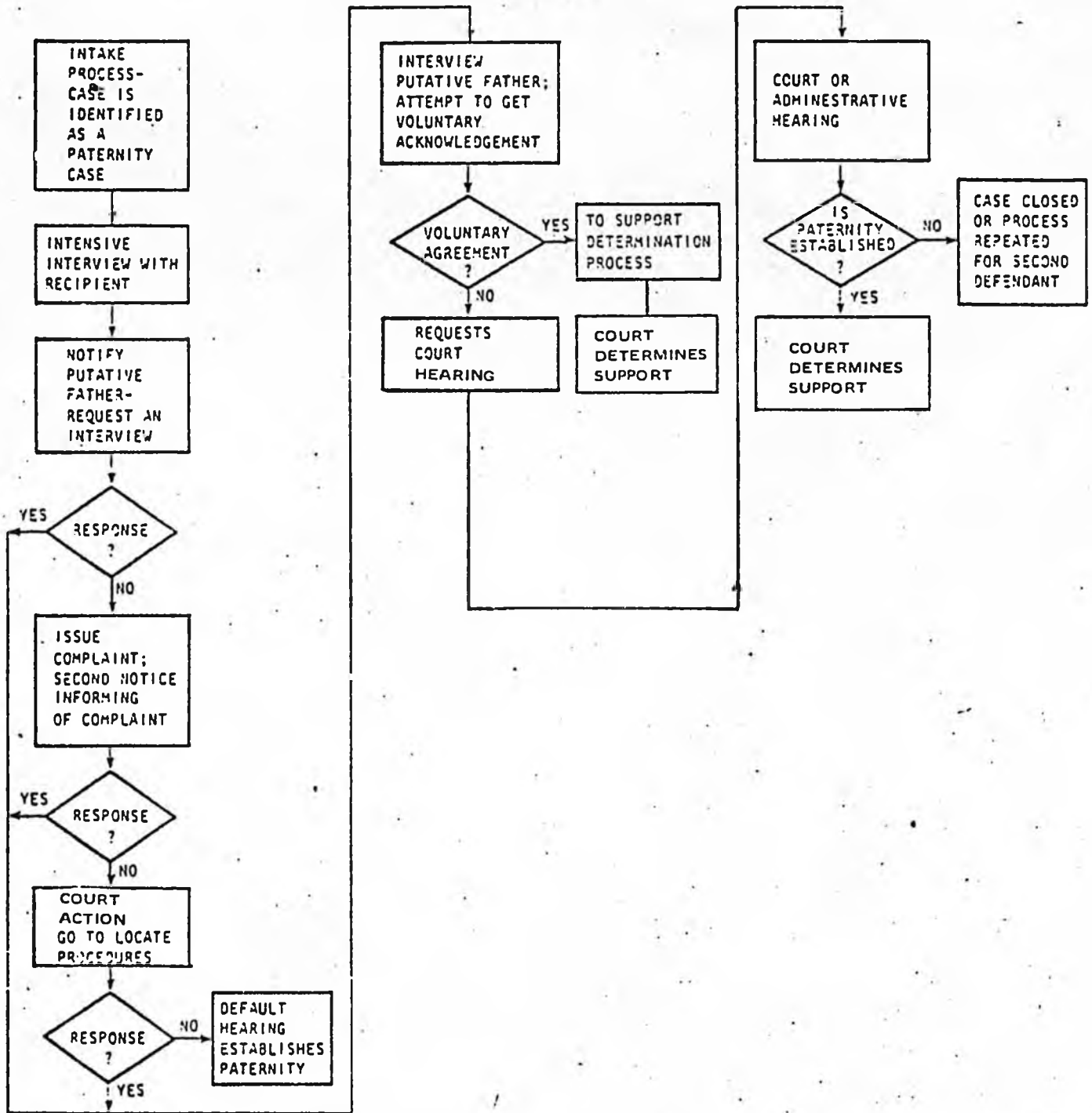


INTAKE PROCESS FLOW CHART



ALASKA CHILD SUPPORT ENFORCEMENT AGENCY

DETERMINATION OF PATERNITY PROCESS FLOWCHART



# STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH H 01 - JUNEAU 92311

SUMMARY OF REQUIREMENTS FOR STATES

CHILD SUPPORT ENFORCEMENT ACT

UNDER

PUBLIC LAW 93-647

PUBLIC LAW 94-88

and

CODIFIED FEDERAL REGULATIONS: TITLE 45

(Source: "Child Support Data and Materials", Committee on Finance, United States Senate, November 10, 1975. Provisions in Codified Federal Regulations are subjected to revisions from time to time. This material reflects the latest information available to the Department.)

## C O N T E N T S

	Page
I. STANDARDS FOR AN EFFECTIVE PROGRAM (Part 303 Codified Federal Regulations)	1
II. SPECIAL PROVISIONS OF PUBLIC LAW 93-647 AND PUBLIC LAW 94-88 APPLICABLE TO AFDC, TITLE IV-A OF SOCIAL SECURITY ACT (Part 232 Codified Federal Regulations)	2-3
III. CHILD SUPPORT ENFORCEMENT STATE REQUIREMENTS (Part 301 Codified Federal Regulations)	4-13

PART 303

STANDARDS FOR AN EFFECTIVE PROGRAM

	<u>Codified Federal Regulations</u>
I Maintenance of Case Records	303.2
II Location of Absent Parents	303.3
III Establishment of Support Obligations	303.4
IV Establishment of Paternity	303.5
V Enforcement of Support Obligations	303.6
VI Cooperation with Other States	303.7
VII Adequate Organization and Staff	303.20

## PART 232

Special provisions applicable to Title IVA (AFDC) of the Social Security Act.

Paragraph numbers refer to CFR 45

### 1. Section 232.2 CHILD SUPPORT PROGRAM; STATE PLAN REQUIREMENTS

The State plan must specify that the State (a) has in effect a plan approved under Part D of Title IV of the Act; and (b) operates a child support program in conformity with such plan.

### 2. Section 232.10 FURNISHING OF SOCIAL SECURITY NUMBERS

The State plan must provide that as a condition of eligibility each applicant for or recipient of aid will be required to furnish to the State or local agency a social security number. If he cannot furnish a SSN (either because such SSN has not been issued or is not known), to apply for such number through procedures adopted by the State or local agency with the Social Security Administration.

### 3. Section 232.11 ASSIGNMENT OF RIGHTS TO SUPPORT

The State plan must provide that as a condition of eligibility for assistance, each applicant for or recipient of AFDC shall assign to the State any rights to support from any other person as such applicant or recipient may have in his own behalf or in behalf of any other family member for whom the applicant or recipient is applying for or receiving assistance.

### 4. Section 232.12 COOPERATION IN OBTAINING SUPPORT

The State plan must provide that as a condition of eligibility for assistance, each applicant for or recipient of AFDC will be required to cooperate with the State in:

- (1) Identifying and locating the parent of a child with respect to whom aid is claimed;
- (2) Establishing the paternity of a child born out of wedlock with respect to whom aid is claimed;
- (3) Obtaining support payments for such applicant or recipient and for a child with respect to whom aid is claimed; and
- (4) Obtaining any other payments or property due such applicant or recipient of such child.

"Cooperate" includes other specified obligations.

SECTION 232.20 TREATMENT OF CHILD SUPPORT COLLECTIONS MADE IN THE CHILD SUPPORT ENFORCEMENT PROGRAM AS INCOME AND RESOURCES IN THE TITLE IVA PROGRAM (AFDC)

The State plan must provide that in any case in which child support payments are collected for a recipient of AFDC with respect to whom assignment under Section 232.11 is effective, upon notification to the IVD agency of the amount of a child support collection, such amount will be used to redetermine eligibility for an assistance payment the first time it is feasible for the IV-A to consider such collections in redetermining eligibility for an assistance payment the first time it is feasible for the IV-A agency to consider such collections in redetermining eligibility for and the amount of the assistance payment. A detailed time constraint is specified.

6. Section 232.20 NEED AND AMOUNT OF ASSISTANCE

Income and resources; OAA, AFDC, AB, APTD, and AABD

The plan must provide that agency policies will assure that in determining the eligibility of an individual for an assistance payment or the amount of such payment, child support amounts which are collected as part of the State's child support enforcement program will be treated in accordance with Section 232.20. Any child support amounts for which an assignment pursuant to Section 232.11 is effective, which are received directly by the assistance unit shall be paid to the State child support enforcement unit.

7. Section 233.90 FACTORS SPECIFIC TO AFDC

A child may not be denied AFDC either initially or subsequently because a parent or other caretaker relative fails to cooperate with the child support agency in performing any of the activities needed to (a) establish the paternity of a child born out of wedlock; or (b) obtain support from a person having a legal duty to support the child. Any parent or caretaker relative who fails to so cooperate shall be treated in accordance with Section 232.12 of the chapter.

8. Section 234.60 PROTECTIVE AND VENDOR PAYMENTS FOR DEPENDENT CHILDREN

If a State plan for AFDC under Title IVA of the Social Security Act provides for protective and vendor payments for other than WIN cases and cases in which the caretaker relative fails to meet the eligibility requirements of Section 232.11 or 232.12 of this chapter, alternate eligibility requirements are provided and specified.

9. Section 235.70 PROMPT NOTICE TO CHILD SUPPORT AGENCY

A State plan under Title IVA of the Social Security Act must provide for prompt notice to the State or local child support agency designated pursuant to Section 454 (3) of the Social Security Act whenever AFDC is furnished with respect to the a child who has been deserted or abandoned by a parent. Prompt notice is specified.

PART 301

CHILD SUPPORT ENFORCEMENT PROGRAM  
STATE REQUIREMENTS

1. Section 301.10 STATE PLAN

The State plan must be a comprehensive document submitted by the IV-D (Child Support Agency) describing nature and scope of the State program and providing the federal government with a list of technical assurances.

Format: The State plan must be submitted to the federal government in the format and containing the information prescribed, and within time limits set in implementing instructions issued.

Submittal of State plan for Governor's review: The State plan must be submitted to the State Governor for his review and comments, and the State plan must provide that the Governor will be given opportunity to review State plan amendments and long-range program planning projections or other periodic reports thereon.

Approval of State plans and amendments: State plan furnished by the State to cover its Child Support Enforcement program under title IV-D of the Act. After approval of the original plan by HEW, all relevant changes, required by new statutes, rules, regulations, interpretations, and court decisions, are required to be submitted currently so that HEW may determine whether the plan continues to meet Federal requirements and policies.

A specific State plan routing is specified and time frames for approvals are set forth in regulations:

The effective date of a new plan may not be earlier than the first day of the calendar quarter in which a approvable plan is submitted.

An administrative review of federal administrative decisions is provided under regulations. A plan for financial grants to states is detailed in 301.15.

2. Section 302.10 STATEWIDE OPERATIONS

The State plan shall provide that:

- (a) It will be in operation on a statewide basis in accordance with equitable standards for administration that are mandatory throughout the State;
- (b) If administered by a political subdivision of the State, the plan will be mandatory on such political subdivision;
- (c) The IV-D agency will assure that the plan is continuously in operation in all appropriate offices or agencies.

3. Section 302.11 STATE FINANCIAL PARTICIPATION

The State plan shall provide that the State will participate financially in the program.

4. Section 302.12 SINGLE AND SEPARATE ORGANIZATION UNIT

The State plan shall provide for the establishment or designation of a single and separate organizational unit to administer the IV-D plan.

(a) The IV-D agency may be:

- (1) Located in the single State agency designated pursuant to Section 205.100 to administer title IV-A of the Act;
- (2) Located in any other agency of the State; or,
- (3) Established as a new agency of the State.

(b) The IV-D agency shall be responsible and accountable for the operation of the IV-D program. Except as provided in Section 303.20 of the Part, the agency need not perform all the functions of the IV-D program so long as it insures that all these functions are being carried out properly, efficiently, and effectively;

(c) If the IV-D agency delegates any of the functions of the IV-D program to any other State or local agency or official, or any official with whom a cooperative agreement as described in Section 302.34 has been entered into or purchases services from any person or private agency pursuant to Section 304.22 of this Part, the IV-D agency shall have responsibility for securing compliance with the requirements of the State plan by such agency or officials.

5. Section 302.13 PLAN AMENDMENTS

The State plan shall provide that the plan will be amended whenever necessary to reflect new or revised Federal statutes or regulations, or material change in any phase of State law, organization, policy, or IV-D agency operation.

Federal financial participation. Except where otherwise provided, Federal financial participation is available in the additional expenditures resulting from an amended provision of the State plan as of the first day of the calendar quarter in which an approvable amendment is submitted or the date on which the amended provision becomes effective in the State, whichever is later.

6. Section 302.14 FISCAL POLICIES AND ACCOUNTABILITY

The State plan shall provide that the IV-D agency, in discharging its fiscal accountability, will maintain an accounting system and supporting

fiscal records adequate to assure that claims for Federal funds are in accord with applicable Federal requirements.

7. Section 302.15 REPORTS AND MAINTENANCE OF RECORDS

The IV-D agency will maintain records necessary for the proper and efficient operation of the plan, including records regarding:

Applications for child support services available under the State plan,

Location of absent parents, actions to establish paternity and obtain and enforce child support, the costs incurred in such actions;

Amount and sources of child support collections, the distribution of these collections,

Any fees charged or paid for child support enforcement services,

Other administrative costs,

Other information required by HEW;

Statistical, fiscal, and other records necessary for reporting and accountability required by the Secretary of HEW.

The retention and custodial requirements for these records are prescribed in detail.

The IV-D agency will make such reports in such form and containing such information, as the Secretary may from time to time find necessary to assure the correctness and verification of such reports. Detailed audit and record maintenance systems are mandated.

8. Section 302.16 COST ALLOCATION

The State plan shall provide that, the IV-D agency has an approved cost allocation plan on file with the Regional Office which identifies and describes the methods and procedures the State has established for properly charging the costs of administration, services (excluding purchased services), and training activities under the plan in accordance with the Federal requirements set out in 45 CFR Part 74, Appendix C, and in Department and Office regulations and instructions. Detailed requirements are specified.

Federal financial participation. As a condition for receipt of Federal financial participation in administration of the IV-D program for any quarterly period, a IV-D agency's claim for such expenditures must be in accord with a cost allocation plan on file with and approved by the Regional Office for that period.

9. Section 302.17 INCLUSION OF STATE STATUTES

The State plan shall provide a copy of State statutes, or regulations promulgated pursuant and having the force of law (including citations of

such statutes and regulations), that provide procedures to be used in the determination of paternity of a child born out of wedlock, and to establish the child support obligation of a responsible parent, and to enforce such child support obligations.

10. Section 302.31 ESTABLISHING PATERNITY AND SECURING SUPPORT

The State plan shall provide that the IV-D agency will undertake:

- (a) In the case of a child born out of wedlock with respect to whom an assignment under Section 232.11 of this title is effective, to establish the paternity of such child; and
- (b) In the case of any child with respect to whom such assignment is effective, to secure support for such child from any person who is legally liable for such support, utilizing reciprocal arrangements adopted with other States when appropriate.

11. Section 302.32 CHILD SUPPORT PAYMENTS TO THE IV-D AGENCY

The State plan shall provide that:

- (a) In any case in which child support payments are collected for a recipient of aid under the State's title IV-D (AFDC) plan with respect to whom an assignment under Section 232.11 is effective, such payments shall be made to the IV-D agency and shall not be paid directly to the family except as provided in paragraph (b).
- (b) As soon as possible but not later than 30 days after the end of a month, the IV-D agency will inform the agency administering the State's title IV-A (AFDC) plan of the amount of the collection which represents payment on the required support obligation for that month as determined in Section 302.51 (a). Upon being informed of this amount, the IV-A (AFDC) agency will determine if such amount is sufficient to make the family ineligible for an assistance payment pursuant to the State's IV-A plan (See Section 232.20 of Chapter II of this Title). If such amount is sufficient to make the family ineligible for an assistance payment, the IV-A agency will notify the IV-D agency of such fact and the IV-D agency must pay such amount to the family in the month for which the IV-A agency had determined that the family is ineligible for an assistance payment except in those cases pursuant to Section 205.10 of this title in which a family is nevertheless entitled to an assistance payment pending the result of a hearing. With such payment the IV-D agency will notify the family if it will continue to collect and distribute current support payments pursuant to Section 302.5 (e) (1) of this part.
- (c) If the IV-A agency determines that the amount of the collection which represents payment on the required support obligation for the month does not make the family ineligible for an assistance payment, or if a hearing is requested pursu-

ant to Section 205.10 of this title the IV-A agency will notify the IV-D agency of such fact and the IV-D agency will distribute such amount pursuant to Section 302.51 of this part.

- (d) To the extent any amount collected in a month includes payment on required support obligations for past months, that portion of such amount will be distributed by the IV-D agency pursuant to Section 302.51. Other detailed provisions for payment plans are provided.

12. Section 302.33 INDIVIDUALS NOT OTHERWISE ELIGIBLE FOR PATERNITY AND CHILD SUPPORT SERVICES

- (a) The State plan shall provide that the child support collection or paternity determination services established under the plan shall be made available to any individuals not otherwise eligible for such services upon application filed by such individual with the IV-D agency.
- (b) The State plan may provide for an application fee to be charged each individual who applies for services under this section. If the State elects to charge a fee, the State plan shall specify either:
  - (1) A flat dollar amount not to exceed \$20 to be charged each applicant; or,
  - (2) A fee schedule to be used to determine the fee to be charged each applicant, based on each applicant's income and will be designed so as not to discourage the application for such services by those most in need of them.
- (c) The State plan may provide for recovery of any costs incurred in excess of the application fee in collection of child support. If the State elects to recover such costs they shall be deducted from the amount of such recovery.
- (d) The IV-D agency may take as assignment of support rights from an individual applying for paternity or child support services under this section. However, such assignment shall not constitute an assignment for purposes of Section 232.11 of this title and may not be a condition of receipt of such services.

13. Section 302.34 COOPERATIVE ARRANGEMENTS

The State plan shall provide that the State will enter into written agreements for cooperative arrangements with appropriate courts and law-enforcement officials. Such agreements may be entered into with a single official covering more than one court, official, or agency, if such single official has the legal authority to enter into agreements on behalf of such courts, officials, or agencies. Such agreements shall contain provisions for providing courts and law-enforcement officials

with pertinent information needed in locating absent parents, establishing paternity and securing support, including the immediate transfer of the information obtained under Section 235.70 of this title to the court or law-enforcement official, to the extent that such information is relevant to the duties to be performed pursuant to the agreement. Other topics such as prosecution of fraud directly related to paternity and child support, reimbursement to courts and law-enforcement officials for this assistance are treated.

14. Section 302.35 STATE PARENT LOCATOR SERVICE

The State plan shall provide that:

- (a) The IV-D agency will establish a parent locator service utilizing:
  - (1) All sources of information and records available in the State, and in other States as appropriate; and
  - (2) The Federal PLS of the Department of Health, Education, and Welfare.
- (b) The State PLS will have a central State office and may also establish or designate offices at the local level.
- (c) The IV-D agency will accept applications to utilize the Federal PLS from:
  - (1) Any State or local agency or official seeking to collect child support obligations pursuant to the State plan;
  - (2) A court which has authority to issue an order against an absent parent for the support and maintenance of a child, or any agency of such court; or
  - (3) The resident parent, legal guardian, attorney, or agent of a child who is not receiving aid under title IV-A of the Act.

However, prior to the submission of any request to the Federal PLS, the State PLS must first make diligent and reasonable efforts to exhaust the State and local parent locator resources;
- (d) Any requests to the Federal PLS under section 453 of the Act will be submitted only by the central State office in accordance with the manner and form prescribed by the Secretary.
- (e) The IV-D agency will collect or pay the fee which is required by section 453 (e) (2) of the Act to be charged the individuals described in paragraph (c) (3) of this section.

15. Section 302.36 COOPERATION WITH OTHER STATES

The State plan shall provide that the State will cooperate with any other State:

- (a) In establishing paternity, if necessary;
- (b) In locating an absent parent who is present in the State and against whom any action is being taken under a IV-D program in any other State;
- (c) In securing compliance by an absent parent who is present in the State with an order issued by a court of competent jurisdiction against such parent for the support and maintenance of a child or children of such parent with respect to whom aid is being provided under the plan approved under title IV-A of the Social Security Act in any other State; and,
- (d) In carrying out any other function required under a plan approved under title IV-D.

16. Section 302.37 DISTRIBUTION OF CHILD SUPPORT PAYMENTS

The State plan shall provide that, pursuant to the requirements of Section 302.32 of this Part, amounts collected as child support will be distributed as provided in Section 302.51 of this part.

17. Section 302.38 PAYMENTS TO THE FAMILY

The State plan shall provide that any payment required to be made under Sections 302.32 and 302.51 of this Part to a family will be made to the resident parent, legal guardian, or caretaker relative having custody of or responsibility for the child or children.

18. Section 302.39 STANDARDS FOR AN EFFECTIVE PROGRAM

The State plan shall provide that the IV-D agency will comply with the standards for an effective program and the organizational and staffing requirements prescribed by Part 303 of this Chapter.

19. Section 302.50 SUPPORT OBLIGATIONS

The State plan shall provide as follows:

- (a) The support rights assigned to the IV-D agency pursuant to Section 232.11 of this title constitute an obligation owed to the State by the individual responsible for providing such support. Such obligation shall be established by:
  - (1) Order of a court of competent jurisdiction;
  - (2) Other legal process as established by State laws, such as an administrative hearing process or a legally enforceable and binding agreement; or,

- (3) For cases receiving child support services under the provisions of section 402 (a) (17) and (18) of the Act prior to July 1, 1975, the obligation may be that established by an agreement which was entered into prior to July 1, 1975 which does not meet the requirement of paragraph (a) (2) of this section.
- (b) The amount of the obligation described in paragraph (a) of this section shall be:
  - (1) The amount specified in the order of a court of competent jurisdiction which covers the assigned support rights; or
  - (2) If there is no court order, an amount determined in writing by the IV-D agency as part of the legal process referred to in paragraph (a) (2) of this section in accordance with a formula which meets the criteria prescribed in Section 302.53.
- (c) The obligation described in paragraph (a) of this section shall be deemed for collection purposes to be collectible under all applicable State and local processes.
- (d) Any amounts which represent support payments collected from an individual responsible for providing support under the State plan shall reduce, dollar for dollar, the amount of his obligation under this section.

20. Section 302.51 DISTRIBUTION OF CHILD SUPPORT COLLECTIONS

- (a) For the purposes of distribution under this section, amounts collected shall be treated first as payment on the required support obligation for the month in which the support was collected and if any amounts are collected which are in excess of such amount, these excess amounts shall be treated as amounts which represent payment on the required support obligation for previous months.
- (b) The amounts collected as support by the IV-D agency pursuant to the State plan for children who are current recipients of aid under the State's title IV-A (AFDC) plan and for whom an assignment under Section 232.11 of this title is effective shall be distributed as specified in a detailed provision of regulation which accompanies 302.51.
- (c) If an amount collected as child support represents payment on the required support obligation for future months, the amount shall be applied to such future months with exceptions listed.

21. Section 302.52 INCENTIVE PAYMENTS TO POLITICAL SUBDIVISIONS AND OTHER STATES

The State plan shall provide as follows:

(a) When, pursuant to the State plan, a political subdivision of the State (or a legal entity of the political subdivision, such as a Prosecuting or District Attorney or a Friend of the Court) makes, for the State of which it is political subdivision, or on State makes for another State, the enforcement and collection of the support rights assigned under Section 232.11 of this title (either within, or outside of the State making the enforcement or collection), the IV-D agency making the distribution pursuant to Section 302.51 of this Chapter of the amounts collected shall pay to the political subdivision or State making the enforcement and collection from the amounts which would otherwise represent the Federal share of the assistance payments to the family of the absent parent:

- (1) An amount equal to 25 percent of any amount collected (and required to be retained by the State to reduce or repay assistance payments in accordance with Section 302.51 (b) (2) or (4)) which represents payment on the required support obligation owed for 12 months; and
- (2) An amount equal to 10 percent of any amount collected (and required to be retained by the State to reduce or repay assistance payments in accordance with Section 302.51 (b) (2) or (4)) which is attributable to the support obligation owed for any month after the first 12 months for which collections are made. Other incentive provisions and payment transmitting provisions are listed.

22. Section 202.53 FORMULA FOR DETERMINING THE AMOUNT OF THE OBLIGATION

(a) There shall be a formula to be utilized by the IV-D agency in determining the amount of the support obligation pursuant to Section 302.50 when there is no court order covering the obligation. Such formula must take into consideration the following criteria:

- (1) All earnings, income resources of the absent parent including real and personal property;
- (2) The earnings potential of the absent parent;
- (3) The reasonable necessities of the absent parent;
- (4) The ability of the absent parent to borrow;
- (5) The needs of the child for whom the support is sought;
- (6) The amount of assistance which would be paid to the child under the full standard of need of the State's IV-A (AFDC) plan;
- (7) The existence of other dependents; and

(b) Other reasonable criteria which the State may choose to incorporate. Child benefit assurances are required and listed.

23. Section 302.70 REQUEST FOR INFORMATION FROM THE FEDERAL PARENT LOCATOR SERVICE (PLS)

The State plan shall provide as follows:

- (a) All requests for information from the Federal PLS will originate from the central office of the State PLS.
- (b) Diligent and reasonable efforts to exhaust all appropriate State and local locate sources will be made prior to requesting information from the Federal PLS.
- (c) All requests will be on such forms and in such format as may be prescribed by HEW.
- (d) Each request to the Federal PLS must contain specific information, as detailed, if known.
- (e) All requests to the Federal PLS will be accompanied by a statement, signed by the head of the IV-D agency or his designee, attesting purposes of the request, confidentiality assurances and other assurances.
- (f) The State PLS shall collect such fee as HEW may from time to time establish for each request to the Federal PLS pursuant to Section 302.35 (c) (3).

24. Section 302.71 REQUESTS FOR COLLECTION BY THE SECRETARY OF THE TREASURY

- (a) The State plan shall provide that the IV-D agency may request the Secretary to certify the amount of any child support obligation assigned to the IV-D agency to the Secretary of the Treasury or his delegate for collection pursuant to the provisions of section 6305 of the Internal Revenue Code of 1954. Such requests shall be submitted to the Regional Office, using such forms as may be prescribed by the Office of Child Support Enforcement, signed by the head of the IV-D agency or his designee, and accompanied by specified information.

25. Section 302.72 APPLICATIONS TO USE THE COURTS OF THE UNITED STATES TO ENFORCE COURT ORDERS

- (a) The State plan shall provide that the IV-D agency may apply to the Secretary for permission to utilize a United States district court to enforce a child support order of a court of competent jurisdiction against an absent parent who is present in another State when the IV-D agency can furnish certain listed evidence.

(b) Other reasonable criteria which the State may choose to incorporate. Child benefit assurances are required and listed.

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- (e) All requests to the Federal PLS will be accompanied by a statement, signed by the head of the IV-D agency or his designee, attesting purposes of the request, confidentiality assurances and other assurances.
- (f) The State PLS shall collect such fee as HEW may from time to time establish for each request to the Federal PLS pursuant to Section 302.35 (c) (3).

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POSITION PAPER/Department of Health and Social Services

All Act relating to child support

Senate Bill 659 would create an agency in the Department of Health and Social Services to administer and enforce child support. It provides action by a designated agency towards legally providing for the support of minor children where absent responsible parents are concerned.

The bill provides for court-based due process. It provides for action "in the name of the State" against liable persons. This would permit the court, the agency or a party to bring actions in court on behalf of the minor child (to include: 1) assignment of wages of "either parent or both parents," and 2) for arrearages from the date of a court order).

The remainder of the bill deals largely with court rules and legal procedures. It provides that the agency must respond to all persons due child support, i.e., Aid to Families with Dependent Children (AFDC), other indigent, and non-AFDC supported. Further that any fees charges shall be at "actual cost" and be paid into the general fund of the State.

The Department of Health and Social Services would be required to administer this agency's program for child support, to include actions brought by the agency in the name of the State. Legal services are to be contracted from the Department of Law. Primary internal impact on other Department of Health and Social Services efforts involves the AFDC program administered by the Division of Public Assistance. The AFDC program would continue to generate data relating to child support paid in lieu of contributions from absent responsible parents. AFDC would also continue to generate basic information on absent parents to enable the agency to begin its effort to locate and collect support moneys to: 1) reimburse AFDC for payments made; and 2) where possible, based on parental financial ability, provide for additional support to dependent children.

The impact of the bill on the agency itself, beyond creation of the agency, focuses on: 1) the interface with Public Laws 93-647 and 94-88, and 2) the ability of the agency to respond to certain provisions in the bill.

The agency has been assigned a collection and disbursement function, both as to AFDC and non-AFDC cases. The agency will need the ability to disburse payments to recipients and to support non-indigent activities from generated receipts.

Add Section 47.23.035 "Establishment of Fund":

47.23.035 Establishment of Fund

There is established in the State general fund a continuing, revolving, reserve account to receive collections and make the authorized disbursements of the agency.

29  
7  
-----  
22  
8 hrs  
14 hrs

Page 4, line 7 - Delete the word "actual."

The Department of Health and Social Services support the bill with the changes recommended above. The Fiscal Note attached outlines the funding level needed.

Recommended By: \_\_\_\_\_ (Date)

Approved By:

*Francis S. Williamson* 3/17/76  
\_\_\_\_\_  
(Date)

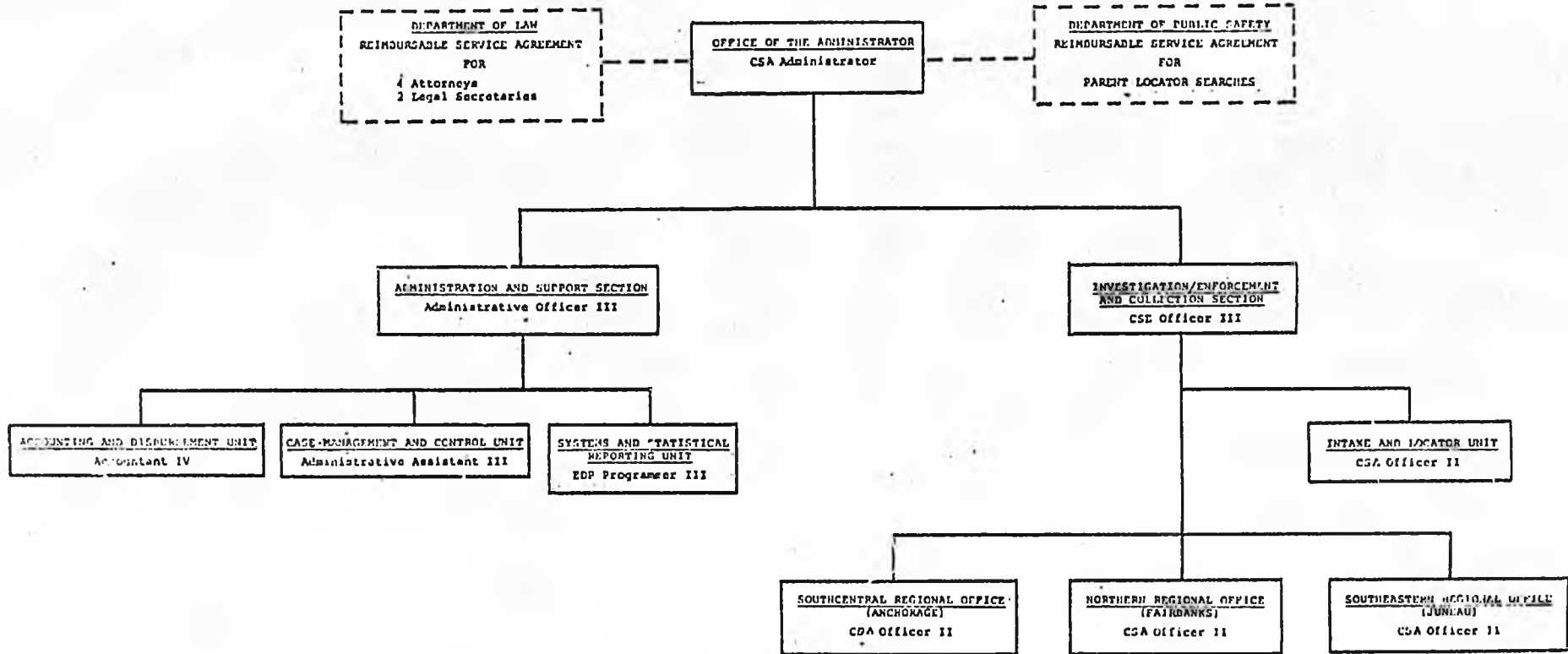
Comments by Governor's Office:

By: \_\_\_\_\_ (Date)

POSITION PAPER / Department of Health and Social Services

CHART III

DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
 Child Support Enforcement Agency  
 Title IV-D  
 Unit Organization Chart

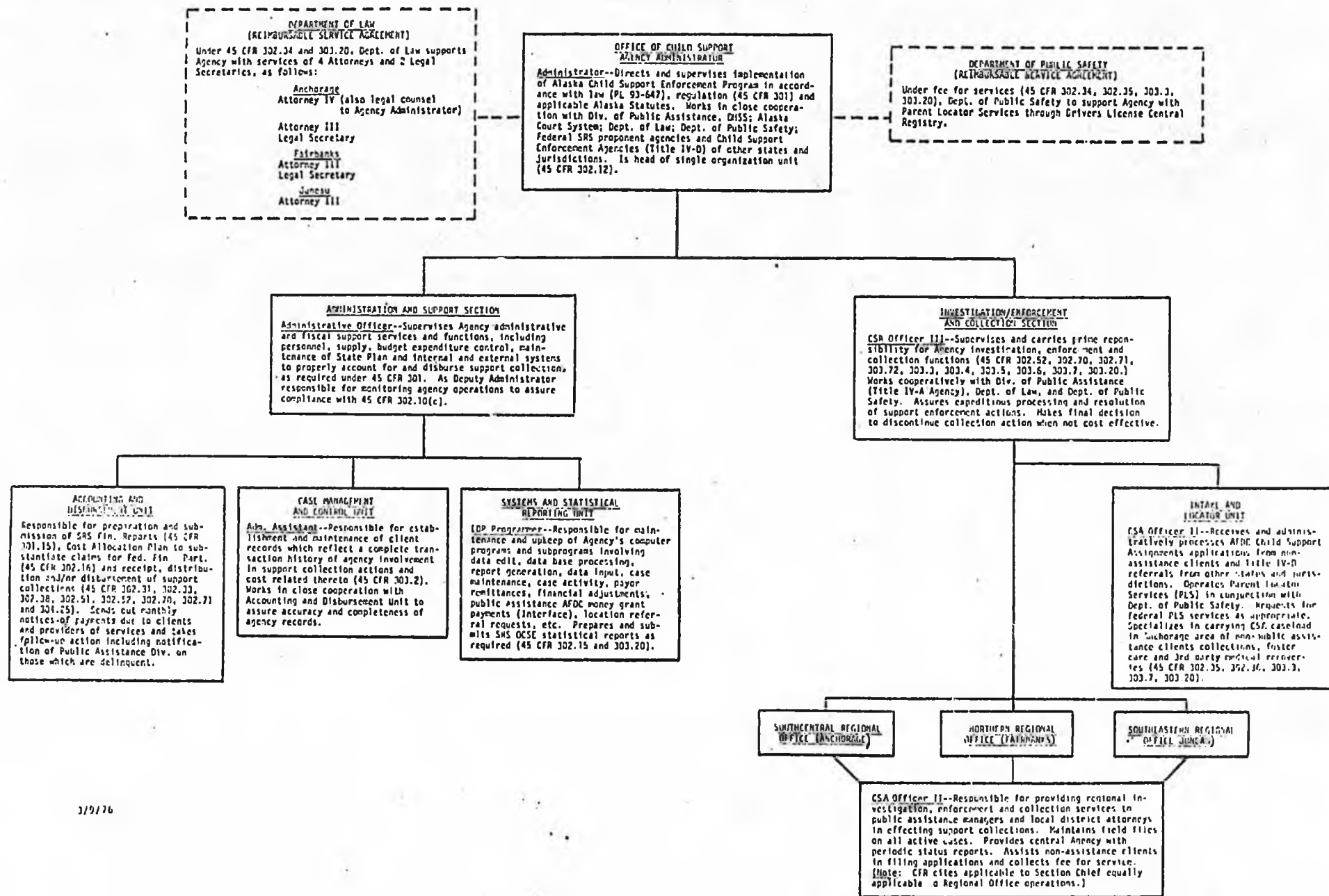


Approved: \_\_\_\_\_  
 Commissioner of Health and Social Services  
 \_\_\_\_\_  
 Commissioner of Administration

Effective Date: July 1, 1976

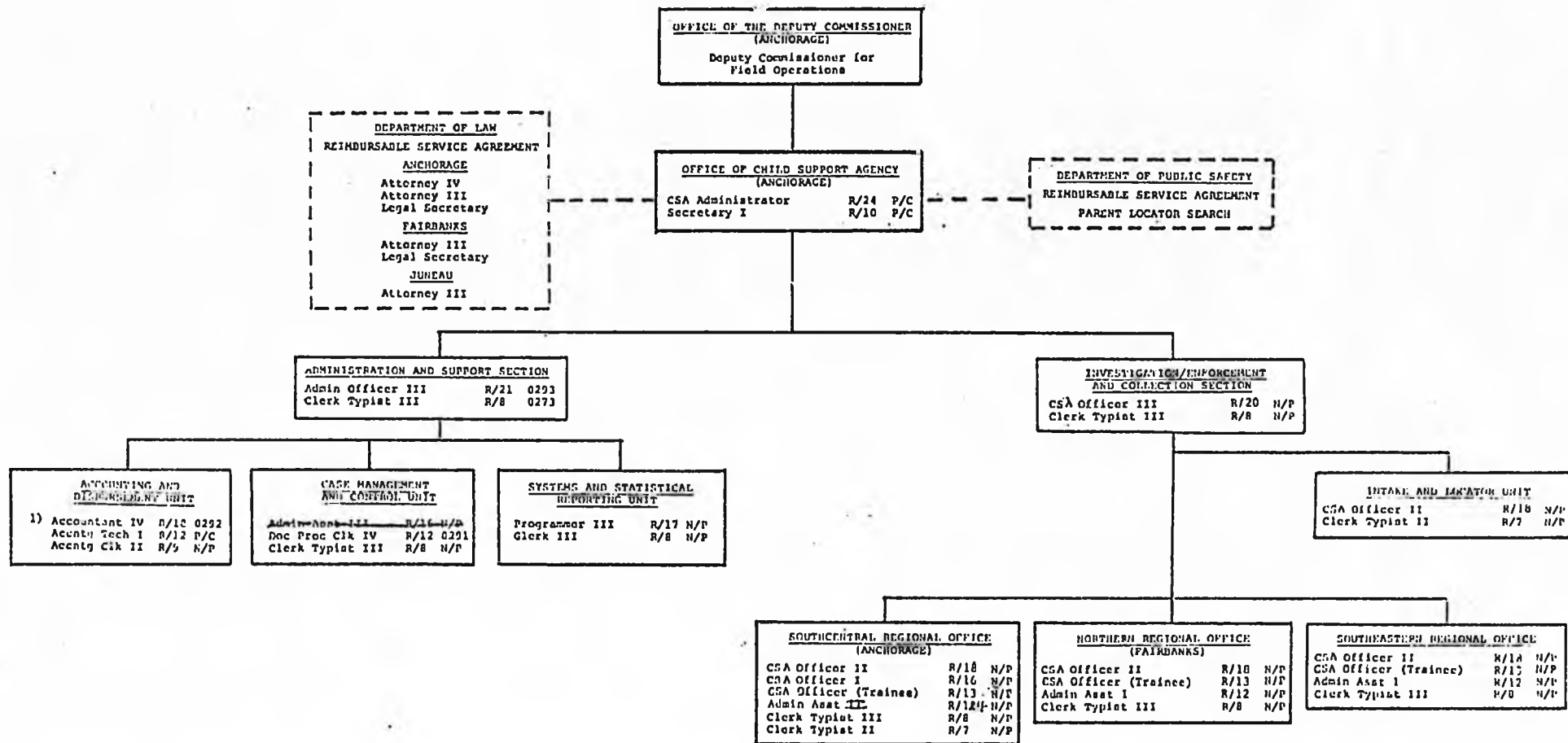
# CHART I

## DEPARTMENT OF HEALTH AND SOCIAL SERVICES Child Support Enforcement Agency Title IV-D Functional Chart



# CHAPTER II

## DEPARTMENT OF HEALTH AND SOCIAL SERVICES Child Support Enforcement Agency Title IV-D Staffing Chart



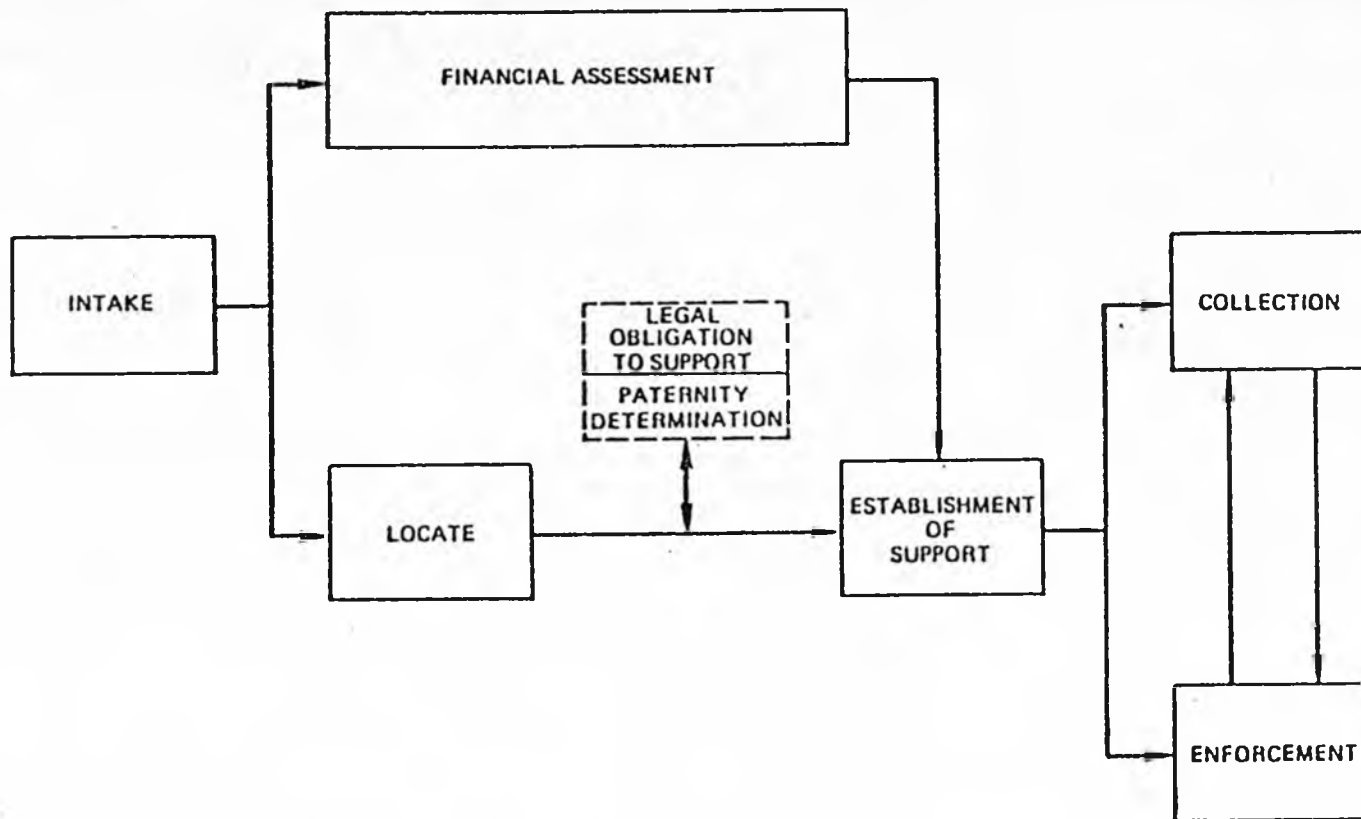
### Explanatory Note.

- 1) Based on complexity of function, reclassify Accountant II position as Accountant IV.

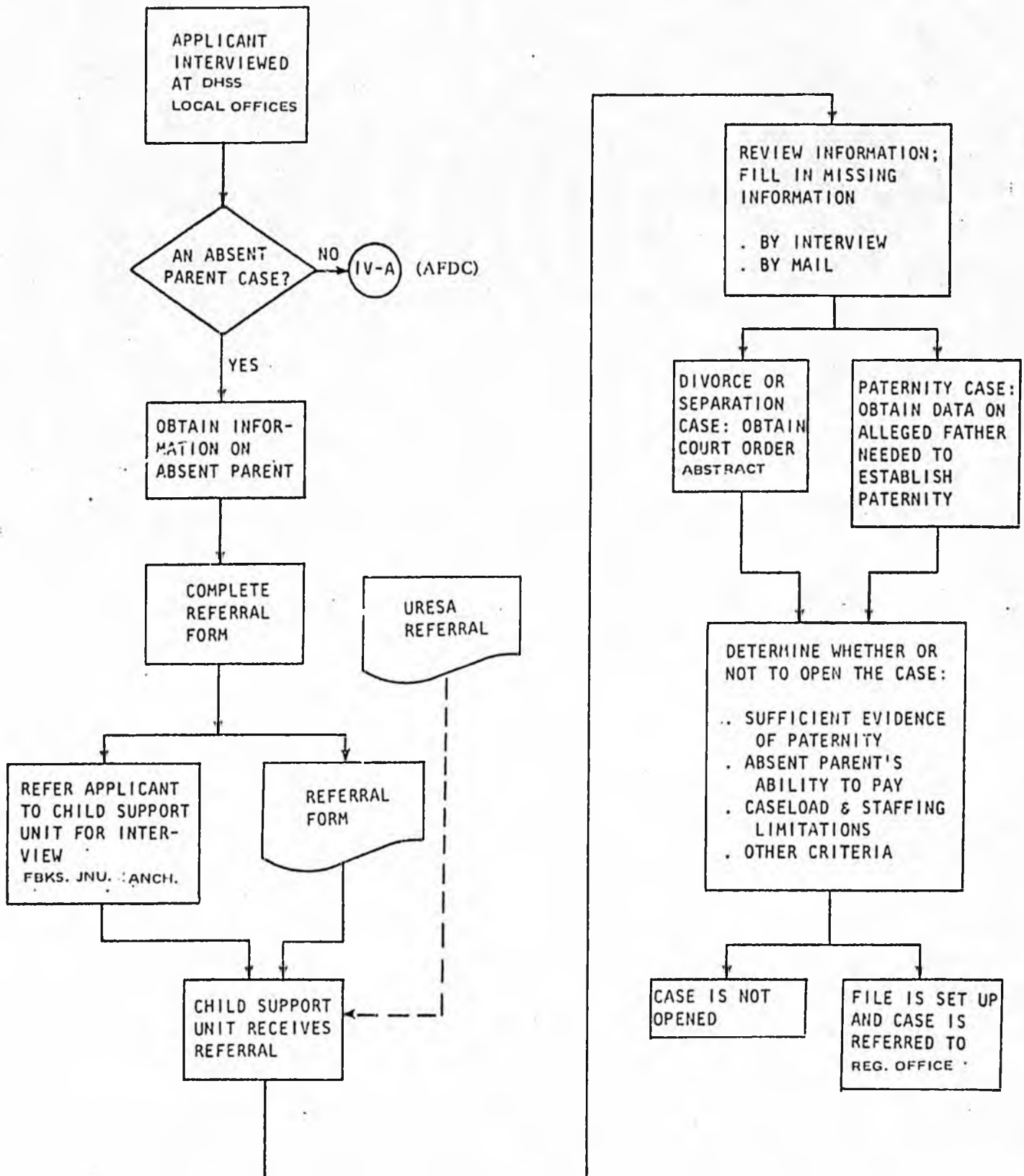
Recap	New	Existing
Office of Administrator	0	2
Admin/Support Section	5	5
Investigation/Enforcement Collection Section	18	2
<b>Total</b>	<b>23</b>	<b>9</b>
<b>Total Complement</b>	<b>22</b>	<b>29</b>

ALASKA

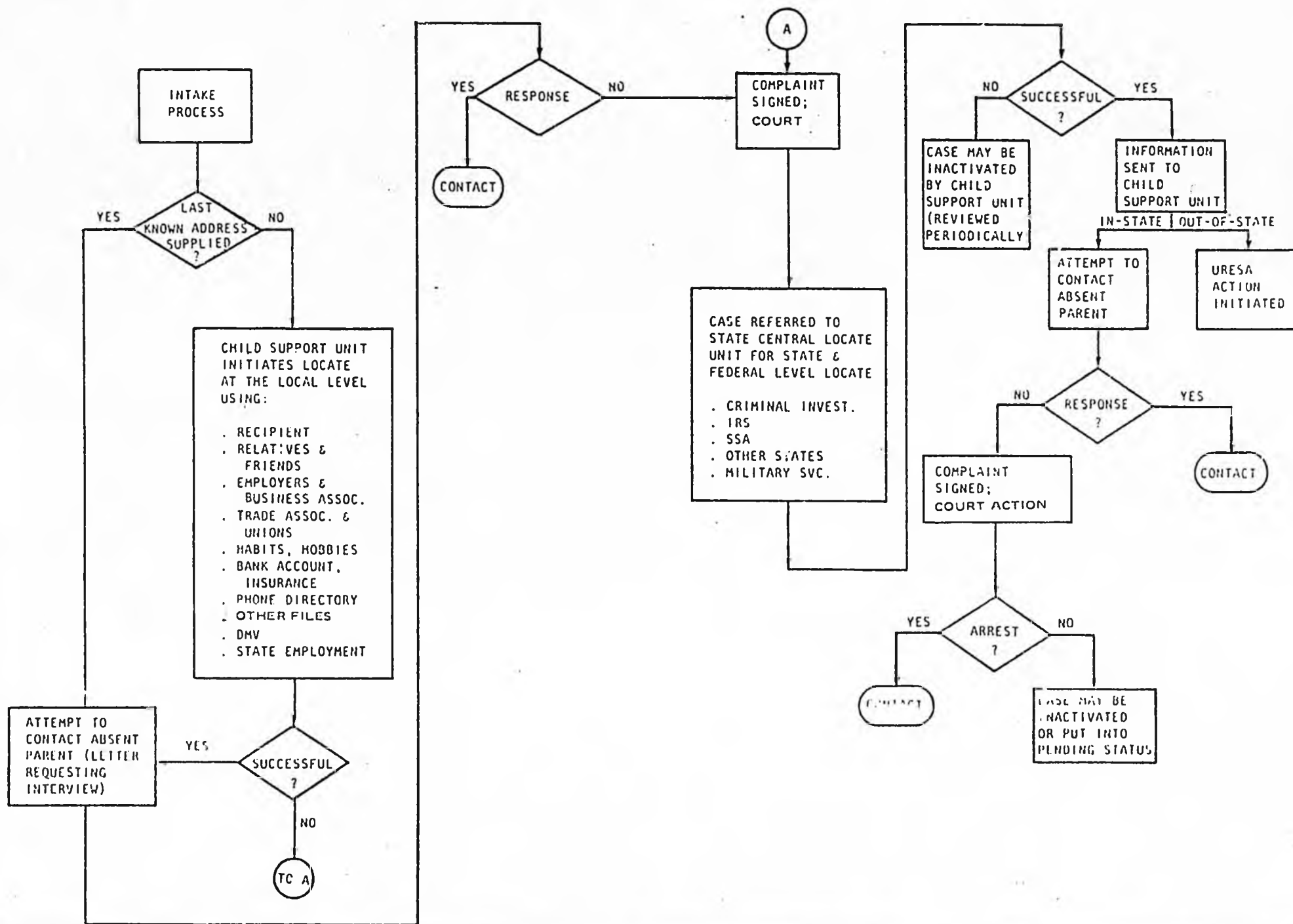
CHILD SUPPORT ENFORCEMENT  
FUNCTIONAL PROCESS FLOW



INTAKE PROCESS FLOW CHART

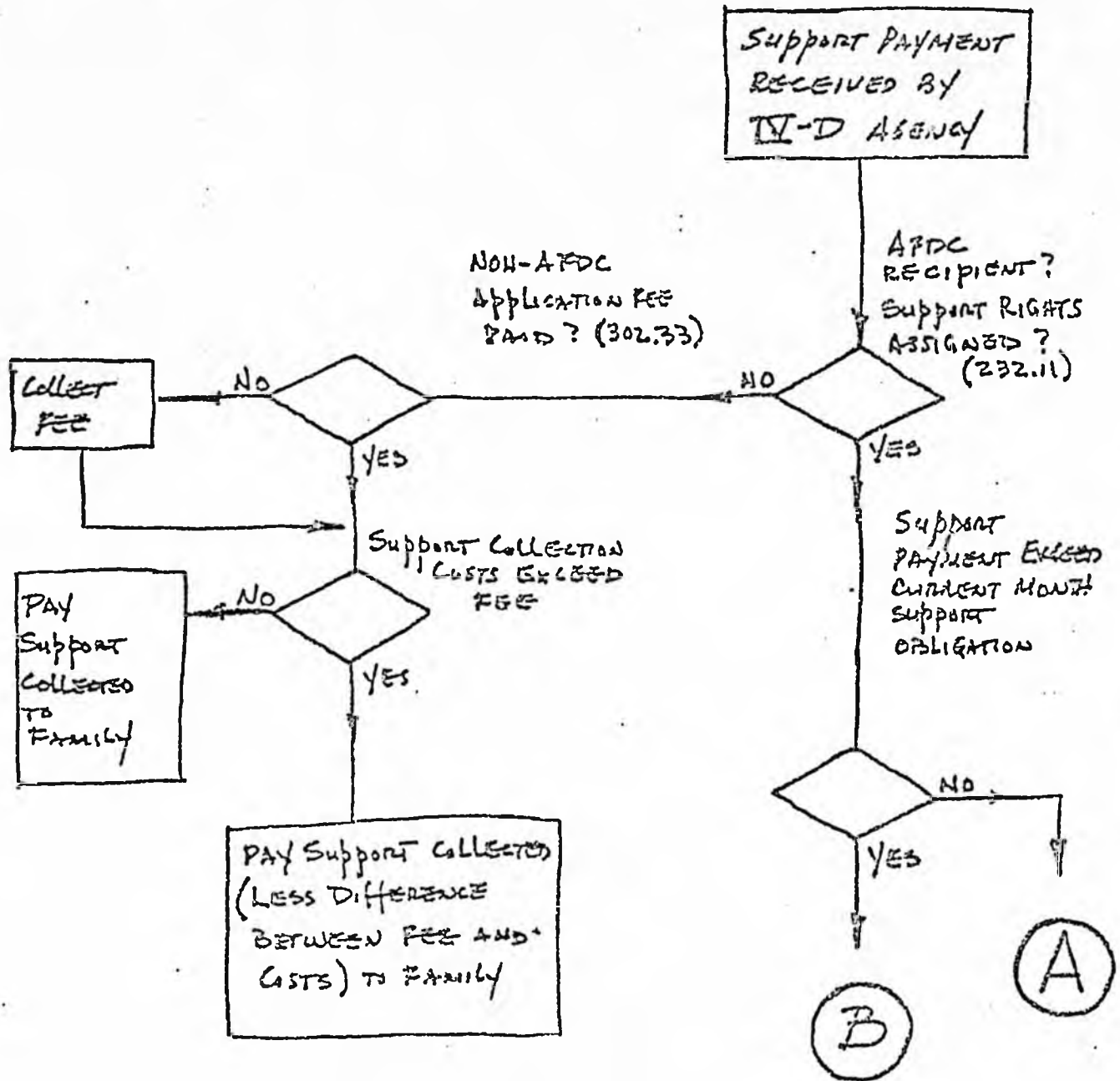


ALASKA CHILD SUPPORT ENFORCEMENT AGENCY  
LOCATE PROCESS FLOW CHART



# CHILD SUPPORT COLLECTIONS

## DISTRIBUTION



(A)

DISTRIBUTE:

(1) TO FAMILY, 40% OF FIRST \$50<sup>00</sup> OF CURRENT MONTH SUPPORT OBLIGATION COLLECTED. 302.51 (b)(1).

(2) FROM BALANCE, REIMBURSE STATE FOR CURRENT MONTH ASSISTANCE PAYMENT;

(a) USE FMAP, DETERMINE FEDERAL SHARE OF BALANCE; REPORT TO IV-A AGENCY. IV-A REPORT ON OA-41, QUARTERLY STATEMENT OF EXPENDITURES.

(b) USE FEDERAL SHARE TO PAY INCENTIVES TO STATE OR POLITICAL SUBDIVISIONS (302.52)

(c) USE STATE SHARE TO REIMBURSE STATE PUBLIC ASSISTANCE FUNDS. (302.51.(b)(2))

(d) IF CURRENT MONTH SUPPORT OBLIGATION (COURT ORDER) EXCEEDS CURRENT MONTH ASSISTANCE PAYMENT - EXCESS UP TO DIFFERENCE BETWEEN ASSISTANCE PAYMENT FOR THE MONTH AND THE COURT ORDERED AMOUNT SHALL BE PAID TO THE FAMILY. (302.51.(b)(3))

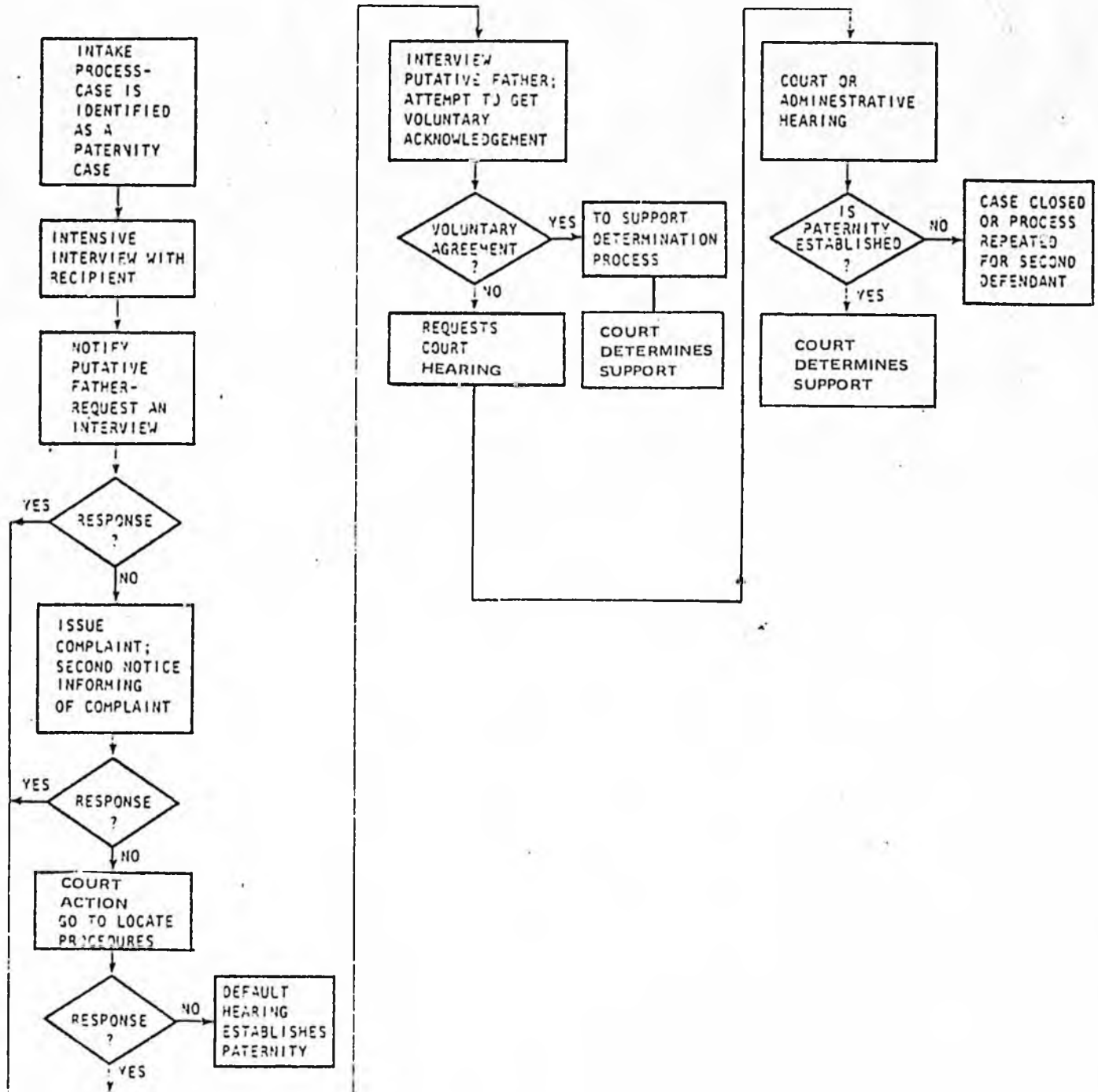
(B)

DISTRIBUTE AMOUNTS  
IN EXCESS OF (A),

- (1) TO REIMBURSE STATE  
FOR PAST ASSISTANCE  
PAYMENTS MADE TO  
FAMILY. (302.51 (b)(4)).
- (2) USE KMAP, DETERMINE  
FEDERAL SHARE OF EXCESS;  
REPORT TO IV-A AGENCY.  
IV-A REPORT ON OA-41
- (3) USE FEDERAL SHARE TO  
PAY INCENTIVES (302.52).
- (4) USE STATE SHARE TO REIMBURSE  
STATE PUBLIC ASSISTANCE FUND  
UP TO AMOUNT OF TOTAL  
SUPPORT OBLIGATION.
- (5) AMOUNTS COLLECTED IN EXCESS  
OF THOSE REQUIRED TO BE  
DISTRIBUTED 302.51(b)(1)-(4)  
SHALL BE PAID TO FAMILY.
- (6) AMOUNTS COLLECTED FOR FUTURE  
MONTHS: NOT APPLIED UNLESS  
SUPPORT OBLIGATIONS FOR CURRENT  
MONTH AND ALL PAST MONTHS  
FULLY SATISFIED.

# ALASKA CHILD SUPPORT ENFORCEMENT AGENCY

## DETERMINATION OF PATERNITY PROCESS FLOWCHART



25 copies

CHILD SUPPORT AGENCY  
Budget and Positions - FY77

Budget Request	\$997,600	
Federal Funds	<u>374,100</u>	
Regular General Funds	498,800	
Required General Funds	124,700	623,500
TOTAL FUNDS	<u>\$997,600</u>	

Estimated Budget Currently  
Provided in FY77 (State Funds)

Court System	\$ 87,800	
Department of Law	110,600	
Department of Administration	30,000	
Subtotal	<u>\$228,400</u>	
*Department of Health & Social Services	* 55,700	
Subtotal	<u>\$284,100</u>	
Net Difference	339,400	
TOTAL STATE FUNDS	<u>\$623,500</u>	

\* FY76 Budget Plus Inflation

	Positions	
	Agency	Contractual
Total Needed	29	6
Less Provision in FY77 Budget		
Court System	1 (4)	
Department of Law		1 (4)
Department of Health and Social Services	(7)	
Net New Positions	<u>18</u>	<u>2</u>

1 These positions are FTE currently engaged in child support activities outside the Child Support Agency itself. The positions are shown to indicate a net effect only.