

HB

886

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March 3, 1976

*Child Support  
Matters  
SB 659*

*Susan - This is the  
letter regarding  
this. I'm  
Channing how  
court bill is  
about to  
SB 659*

The Honorable Susan Sullivan, Chairman  
Health, Education & Social Services Committee  
Pouch V  
Juneau, Alaska 99811

Re: Child Support and Child Custody Matters

Dear Susan:

Attached is an order from the Court Trustee to mothers seeking child support payment, dated February 20, 1976.

I do not know what the consequences of this order are, or what the background to it is. However, I do know that our legal system is hopelessly inadequate with respect to protecting rights of mothers who are entitled to child support payments and who are not receiving them.

In most cases, it is uneconomic for an attorney to represent a mother who is having difficulty receiving child support payments. The result is the child support orders are not worth the paper they are written on, and the persons to whom they apply lose all respect for the law. It is absolutely essential that the State of Alaska play a major role in child support matters where the mother does not see fit to rely exclusively upon the services of a private attorney. In most cases, it does not make sense for a mother to seek the assistance of a private attorney, if there are any other alternative means available to her.

Generally, I think it is very important that the State of Alaska provide sufficient services of this kind - counseling, investigating, and similar followup services - where child support payments, child custody matters, child abuse matters and similar family matters are at stake, since the courtroom is the worst possible forum in the world for resolution of issues of this kind. In many cases, there is no way of keeping

ERASABLE FINISH

The Honorable Susan Sullivan  
March 3, 1976  
Page Two

the matter from final resolution in the courtroom, but it is critical that without any regard to the parties' financial resources that all of the information needed to make a good decision be obtained in a professional and non-adversary manner and that there be followup of any decision made without regard to the financial resources of the parties.

I do not have any specific suggestion, but I do know that this whole matter of child support payments, child custody and child abuse is a very important thing in the State of Alaska and there is a great deal of damage being done to people's lives every day because of the deficiencies in the system.

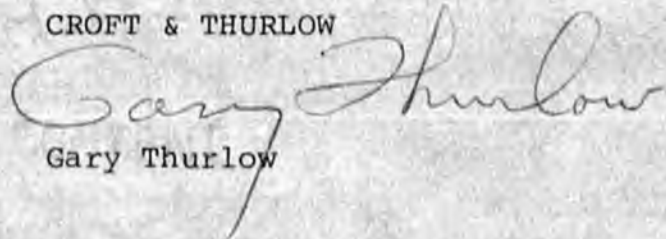
I think it would be desirable for your Committee to look into this matter without any preconceived ideas with respect to the proper approaches or solutions, and without any preconceived assumptions as to which branch of government is responsible for certain results, the prerogatives of different branches of government, etc.

As far as I am concerned, the only interests of consequence here are the interests of the children and the convenience of others must take second place.

Maybe you have already done all these things. If not, I would certainly encourage your Committee to look at the matter with the purpose of arriving at a comprehensive solution to a very serious problem.

Very truly yours,

CROFT & THURLOW



Gary Thurlow

GT:drw



**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

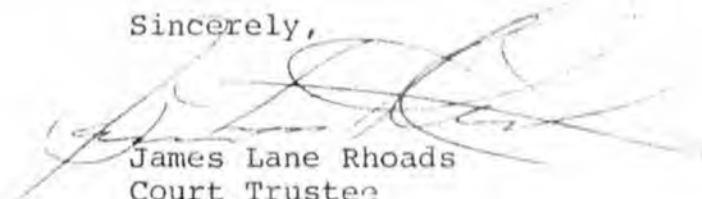
Dear Madam:

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

JLR/cfs

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

March 12, 1976

MEMORANDUM

TO: Senator Chancy Croft  
FROM: Don Clocksin, ALSC *DC*  
SUBJECT: CSSB 659 - Child support enforcement

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I. Background.

The present system of collecting child support is 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 A 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 federal law to obtain cooperation from welfare recipients in locating absent fathers and bringing paternity or support actions against them.

However, the Alaska Supreme Court has recently issued a decision which rules the system described above illegal and unconstitutional. Public Defender Agency v. Superior Court 534 P.2d 947 (Alaska 1975). The court ruled that (1) the attorney general has the authority to prosecute nonsupport actions, but is 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 that 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 attorney, 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.

Section 1. This section creates the new Child

Support Enforcement Agency.

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

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

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.

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

Sec. 47.23.050.-authorizes the Department of Law to contract with the agency to provide attorneys where needed.

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

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.

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.

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.

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 will be charged to them.

*Handwritten notes:*  
What will  
changes  
to  
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child  
support  
payments  
directly  
to  
the  
custodian  
of  
the  
children  
?

Sec. 47.23.110.-these are the definitions.

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.

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.

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.

Section 25.25.171-sets out the procedure for deciding whether or not the defenses raised by the nonsupporting parent are valid. ?

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.

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

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.

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.

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

DEC:btg

cc: Dr. Fred McGinnis  
Richard Burnham  
Larry Weeks  
Mike Frank

*What if mother is in non-compliance*

The Legislature of the State of Alaska  
FISCAL NOTE

First Session - Ninth Legislature

I. REQUEST

Bill No. SS Senate Bill 659 - HB 886

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.						
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)

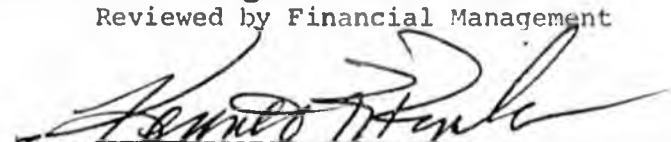
As attached.

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&SS Finance Officer

Personnel Costs	Range	Salary +	21% Benefits	FY77 =Cost	FY78	FY79	FY80
Permanent Positions							
Current Permanent Positions Approved				173,180	190,498	209,547	230,502
FY77 Proposed Positions							
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
Total Personnel Services		<u>358,836</u>	<u>75,340</u>	<u>434,176</u>	<u>477,621</u>	<u>525,444</u>	<u>577,861</u>
(000's Omitted)							
Personnel Services Cost				485.9*	621.3*	683.5*	751.8*
Travel				13.5	14.8	16.3	17.9
Contractual				443.7	488.0	536.8	590.5
Commodities				17.3	19.0	20.9	23.0
Equipment				37.2	40.9	45.0	49.5
TOTAL				<u>997.6</u>	<u>1,184.0</u>	<u>1,302.5</u>	<u>1,432.7</u>

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

### 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 initially 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 Assistance (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 - \$ 30,000  
(Computer Services)
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 93011

## CHILD SUPPORT ENFORCEMENT AGENCY

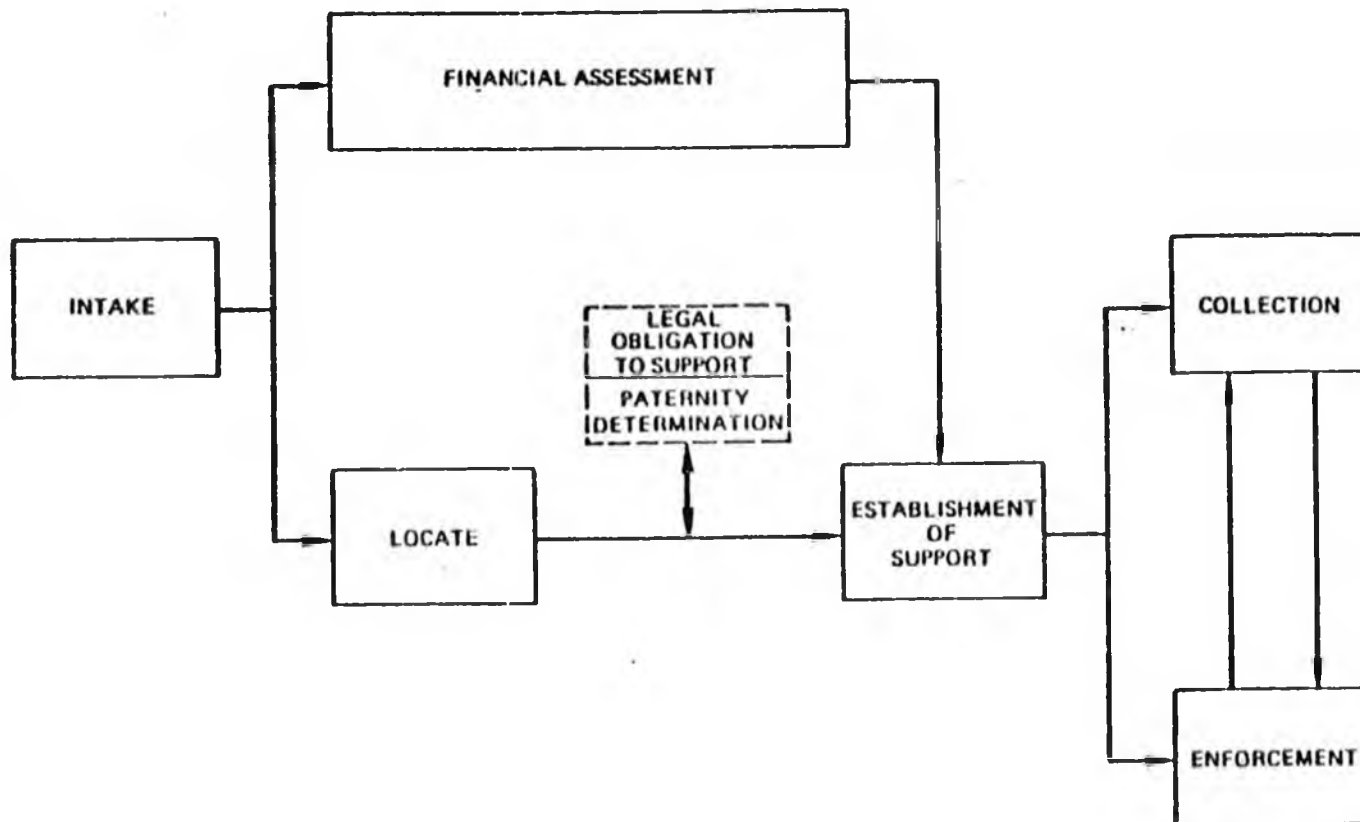
SENATE BILL 659: PL 93-647 and PL 94-88

### MAJOR FUNCTIONAL PROCESSES REQUIRED

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

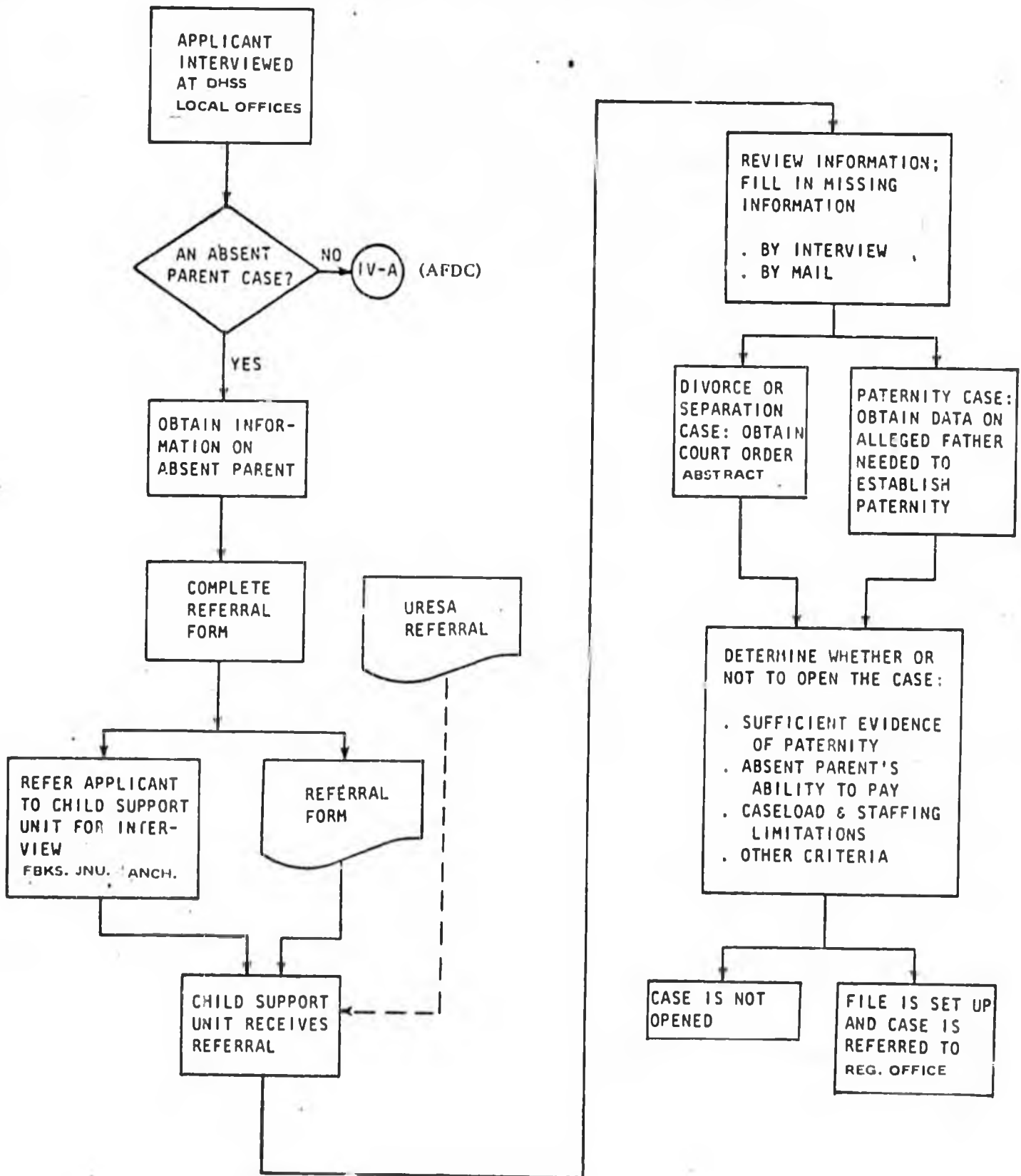
- I. INTAKE: Activities associated with initial case opening
  - Referrals from IV-A Agency
  - Referrals from other states' IV-D agencies
  - URESAs cases
  - Applications from public-at-large
  - Court order referrals
- II. ESTABLISHMENT OF THE LEGAL OBLIGATION TO SUPPORT: Activities related to determining 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

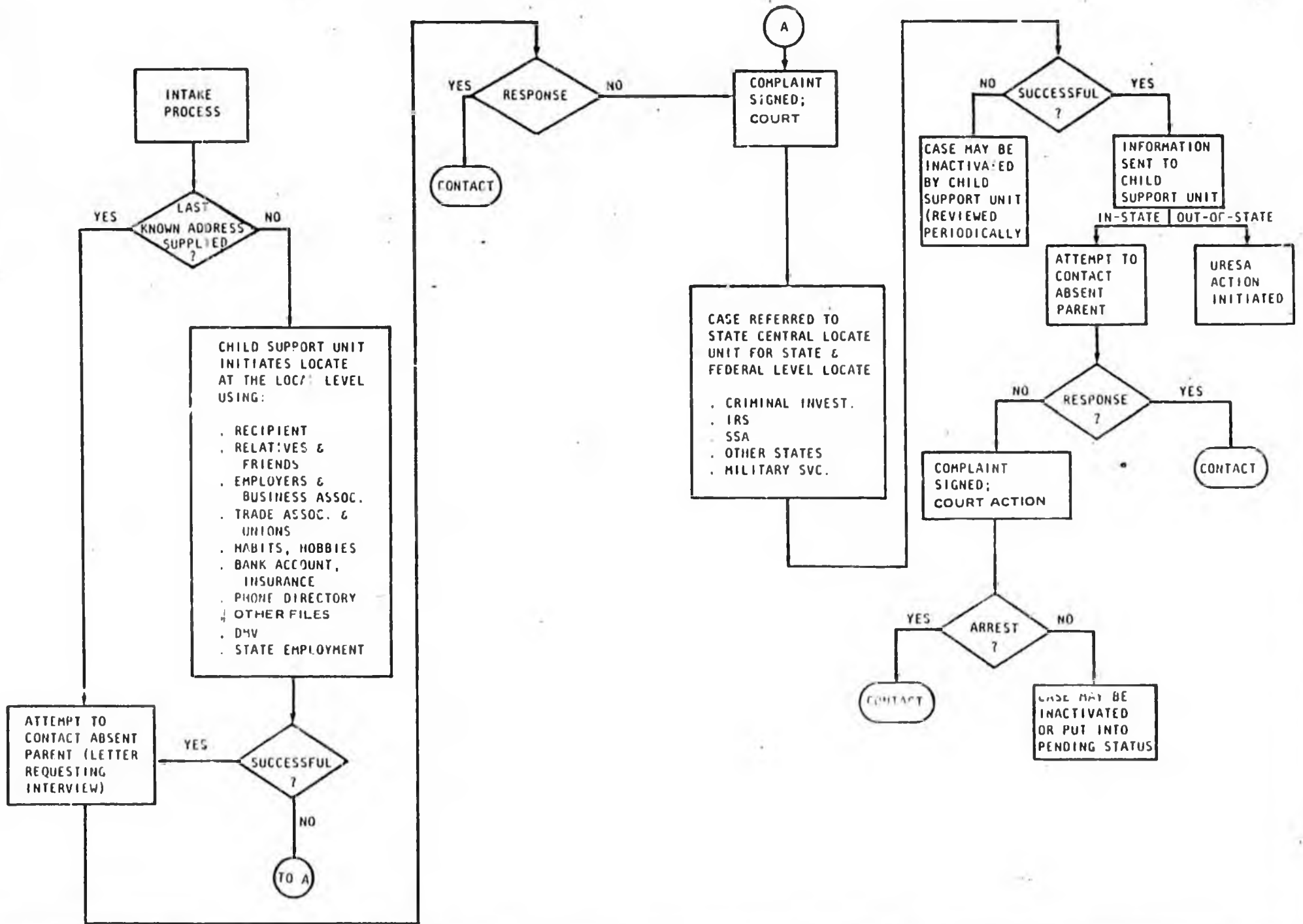


ALASKA CHILD SUPPORT ENFORCEMENT AGENCY

INTAKE PROCESS FLOW CHART

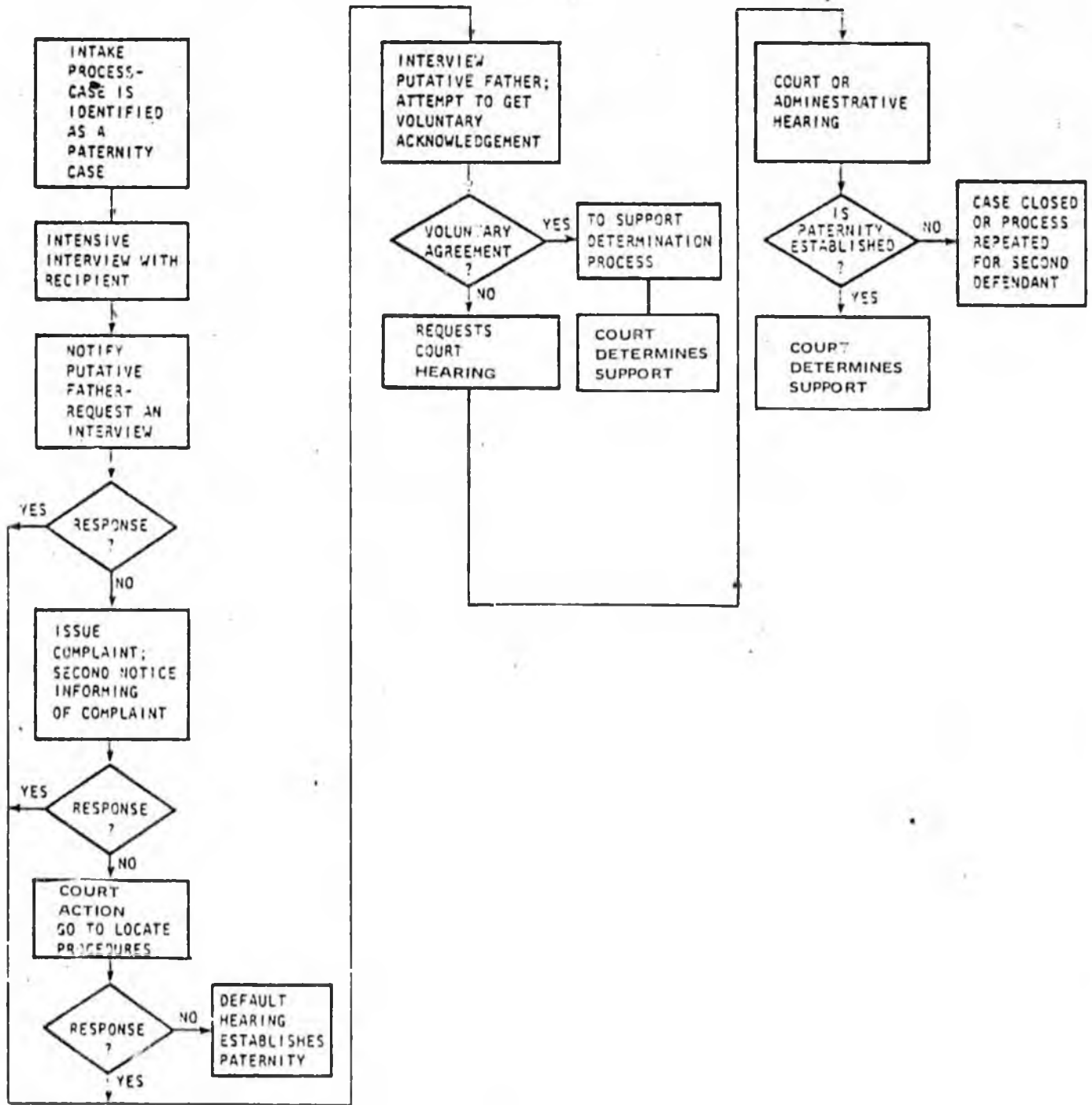


# ALASKA CHILD SUPPORT ENFORCEMENT AGENCY LOCATE PROCESS FLOW CHART



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 - BUREAU 33311

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

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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
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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.

5. 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 302.53 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 I/A (AFDC) plan;
  - (7) The existence of other dependents; and

- (8) 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.

"An Act Relating to Child Support Enforcement"

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.

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22  
John  
Lipka  
14 new

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)

1840 Aleutian Street  
Anchorage, Alaska 99504  
March 1, 1976

Representative Susan Sullivan  
State House of Representatives  
Pouch V  
Juneau, Alaska 99811

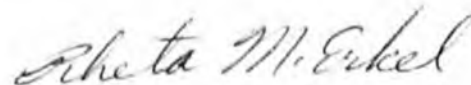
Dear Representative Sullivan:

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



**Superior Court**

**State of Alaska**

THIRD JUDICIAL DISTRICT

303 K STREET  
ANCHORAGE, ALASKA  
99501

JAMES K. SINGLETON, Judge  
Family Court Division

February 20, 1976

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

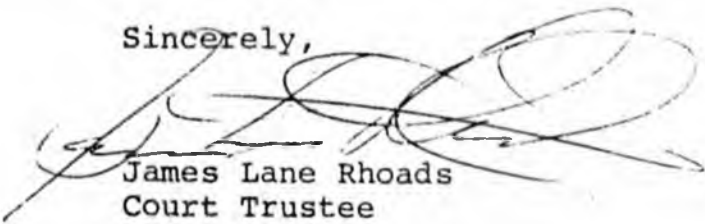
Dear Madam:

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

JLR/cfs

# Alaska State Legislature

REPRESENTATIVE  
TED SMITH  
2616 SORBUS CIRCLE  
ANCHORAGE, ALASKA 99504

WHILE IN JUNEAU  
POUCH V  
JUNEAU, ALASKA 99811



COMMITTEES  
RESOURCES  
BUDGET & AUDIT  
LABOR & MANAGEMENT

## House of Representatives

February 19, 1976

Representative Terry Gardiner  
Chairman  
House Judiciary Committee

Dear Terry,

I recently became aware of the problem in the trustees office by way of a complaint from a constituent that she wasn't receiving support money.

The amendment suggested by Mr. Rhoads is good and I hope your committee will consider it, but it addresses only part of the problem. The dispute over the proper placement of the enforcement function of the Court Trustees office also needs to be solved. It is my understanding that a proposal to establish this function as the Dept. of Health and Social Services has been under consideration. I hope you and Representative Sullivan are aware of the problem. I would be pleased to discuss it with you at your convenience.

Sincerely,

  
Ted Smith  
Chairman  
House Labor & Management Committee

cc: Representative Susan Sullivan

TS:hk

*Don't know what bill this is*