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financed through bond proceeds, and the proposed increase in the debt authorization level is necessary to implement this program.

These four bills present a balanced approach to the operations of the corporation. --I therefore urge you to consider the legislation relating to the corporation as an integrated package. I add, also, that prompt legislative review and approval is important. In particular, please note that pending federal legislation may restrict, if not preclude, the issuance of tax-exempt veterans' bonds. Legislative approval before any Congressional action may thus allow the state to realize a substantial savings in providing benefits to qualified veterans.

Sincerely,

/s/ Bill Sheffield

Bill Sheffield
Governor"

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LETTER FROM GOVERNOR

HOUSE BILL NO. 667 by the Rules Committee by request of the Governor, entitled:

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

was read the first time and referred to the Judiciary and Finance Committees.

A zero fiscal note with analysis was attached which appears in House Journal Supplement No. 92. The Governor's transmittal letter dated February 13, 1984, appears below:

"Dear Representative Hayes:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to child support enforcement. As described in sec. 1, this bill is intended to improve the efforts of and increase the remedies available to those persons who seek to enforce the obligations of noncustodial parents to support their children through the payment of court-ordered child support.

Sections 2 and 10 amend AS 09.65.132(g) and AS 47.23.-250(1), respectively, to bring those statutes into conformance with the federal guidelines concerning restrictions on garnishments (15 U.S.C. sec. 1673). This revision is done by making a percentage of an employee's "disposable

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earnings," rather than "gross wages," subject to attachment. Because of the amendments in secs. 2 and 10, it will be simpler for employers and their bookkeepers to comply with a garnishment order; they will not have to do any further computation or research in determining the amount of money to withhold. The primary function of the amendments is to reduce the burden on employers and thereby increase their cooperation.

Under 15 U.S.C. sec. 1673, the child support enforcement agency (organized as a division in the Department of Revenue) could, under certain circumstances, garnish as much as 60 percent of an obligor's disposable earnings. The agency would, however, have to devote much investigatory time to determining whether those circumstances apply to an obligor before ordering the maximum garnishment. The agency has determined that it would be more productive to establish a set percentage for all garnishments. Although in a small percentage of cases the child support enforcement agency will be collecting less than previously permitted under state law, an advantage is gained through the amendments in that the obligor will have an increased incentive to continue working and thereby continue paying the child support owed. Under existing statutory language, the agency is allowed to garnish 50 percent of the gross wages which, after mandatory deductions, leaves the obligor with little disposable income and little incentive to work.

Section 3 of the bill amends AS 25.20.050(a), regarding the legitimation of children. In almost all states, the process of legally establishing parentage has been greatly enhanced by scientific progress in blood testing, tissue typing, cell makeup testing, and protein comparisons. Alaska and many other states routinely use the results of these scientific procedures as legal evidence to exclude a person as a possible parent or to prove that a given person is the parent of a child to a degree of certainty well in excess of 90 percent. The use of these methods increases the reliability of parentage determinations and greatly reduces the cost to individuals and the public by shortening and eliminating litigation of parentage disputes. The amendment to AS 25.20.050(a) acknowledges the current use of and requires the admission of the results of modern scientific methods for determining the parentage of children; it also aligns Alaska statutes with current judicial determinations throughout the states. The amendment also creates a presumption of parentage when the blood testing results indicate a 95 percent or higher probability of parentage.

Sections 5 and 7, which amend AS 25.25.250 and AS 47.23.080(c), respectively, make clear that custody, visitation, and property rights are not to be adjudicated in support enforcement proceedings when the child support enforcement agency is representing the obligee.

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Section 6 of the bill, adding new AS 47.23.065, is a clarification of what constitutes an effective waiver of child support by the child's custodial parent. The issue has been addressed by the supreme court of this state in a recent decision, Malekos v. Yin, 655 P.2d 728 (Alaska 1982), in which the court recognized the right of parents to waive child support. In conjunction with this right, it must be stressed that there is an obligation to ensure that the children are supported by the parents themselves and that they do not allow the obligation of support to fall upon the public.

Court recognition of the right to waive past-due child support has been used by some noncustodial parents to complicate the issue; these parents claim the existence of a waiver agreement not known to the court or the agency. The process of disproving these claims results in extensive delays in judicial enforcement and waste of judicial time. New AS 47.23.065 recognizes the right of parties to make agreements without the necessity of court intervention, but also gives some assurance that the waivers embody the current intent of the parties by requiring the agreement to be in writing and to be signed by both parties at the time it is made. The bill also requires that in a divorce or dissolution the court may not accept a waiver without proof that the custodial parent can adequately support the child.

To prevent abuse of this system of waivers, the amendment includes language that will allow the state to recover an amount equal to any public assistance such as AFDC (aid to families with dependent children) payments from the non-custodial parent notwithstanding any waiver agreement that has been recognized by the agency and is made before an assignment of the support obligation to a governmental agency.

Section 8 adds AS 47.23.085 which will allow the child support enforcement agency, with the concurrence of the commissioner of revenue, to issue subpoenas to gather information regarding a parent's financial assets.

Section 9 of this bill adds AS 47.23.225 as another clarification of the effects of court orders of support. This section is based on an Alaska supreme court decision, Young v. Williams, 583 P.2d 267 (Alaska 1978), which suggested that unpaid and accrued installments of child support become judgments in favor of the custodial parent. The amendment would allow the custodial parent or the child support enforcement agency to collect those judgments with reduced court intervention; however, it would protect the noncustodial parent's right to contest the matter before the court. The procedure set out in the amendment should reduce judicial time spent in hearing routine matters by limiting the hearing to contested cases and by focusing the proceeding on narrow issues. This

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procedure would allow for prompt and more efficient en-
 forcement of child support orders in a way similar to the
 income assignment order provision passed by the Twelfth
 Legislature in 1981 (AS 09.65.132).

The new AS 47.23.265, in sec. 11 of the bill, is an imple-
 mentation of Civil Rule 67(b) and Civil Rule 5(b). Civil
 Rule 67(b)(2) requires that orders to pay child support
 through the child support enforcement agency contain a
 provision that the parties inform the agency, in writing,
 of any change of address. Civil Rule 5(b) allows for ser-
 vice by mail; service is effective upon mailing. New AS
 47.23.265 makes it clear that the burden of notification
 of change of address is upon the person who is ordered to
 pay child support and thereby relieves the department of
 extraordinary efforts to attempt to locate the obligor
 when any subsequent papers must be served.

The enforcement of child support obligations is often very
 difficult, and I believe that the amendments in this bill
 will substantially improve the situation. Therefore, I
 urge your favorable action on it.

Sincerely,

/s/ Bill Sheffield

Bill Sheffield
 Governor"

HB 668

HOUSE BILL NO. 668 by the Rules Committee by request of the
 Governor, entitled:

"An Act relating to child support en-
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 information on delinquent obligors to
 credit bureaus or lending institutions;
 and providing for an effective date."

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