

HB52

File

(11)

HOUSE COMMITTEE REPORT

Date Referred: February 26, 1992

FURTHER REFERRALS:

Date of Committee Action: 3/2/92

The FINANCE Committee considered:

SSHB 52

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 52

CHILD SUPPORT FOR NONMINORS

"An Act relating to child support for children who are not minors and representation of their interests during certain proceedings."

RECOMMENDATIONS:

be replaced with SSHB 52 [] the same title [] a new title

[] have attached amendments(s)

[] do pass

[] do not pass

[] no recommendations

[] individual recommendations

[] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[] fiscal impact _____

[] fiscal note(s) Revenue 2/5/92

[] zero fiscal note _____

[] zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>F. Ulmer</i> ULMER	X	<i>James Barnes</i> BARNES		X	
<i>Mark Boyer</i> BOYER	X	<i>Richard Harrison</i> HARRISON		(10)	
<i>Tan Brown</i> BROWN	✓	<i>Bill Phillips</i> Phillips		✓	
<i>John Kaponen</i> KAPONEN	✓	<i>Bob Sharp</i> SHARP		✓	
<i>Jacko</i> JACKO	✓	<i>Ed McLean</i> McLean		X	
<i>Naavarre</i> NAAVARRE	✓				

Naavarre Ed McLean

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 52
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 SEVENTEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES ULMER, B.Davis, Gruenberg

Introduced: 1/14/92

Referred: Health, Education & Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to child support for children who are not minors and representation of
 2 their interests during certain proceedings."

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

4 * Section 1. AS 25.24.060(c) is amended to read:

5 (c) Mediation shall be conducted informally as a conference or series of conferences.

6 The parties to the action and a court-appointed representative of any unmarried [MINOR]
 7 children of the marriage under the age of 19 whose interests may be affected shall attend.

8 Counsel for the parties may attend all such conferences.

9 * Sec. 2. AS 25.24.140(a) is amended to read:

10 (a) During the pendency of the action; a spouse may, upon application and in appropriate
 11 circumstances, be awarded expenses, including

12 (1) attorney fees and costs that reasonably approximate the actual fees and costs
 13 required to prosecute or defend the action; in applying this paragraph, the court shall take
 14 appropriate steps to ensure that the award of attorney fees does not contribute to an unnecessary

1 effect of dissolution is fairly allocated; and

2 (4) the spouses have agreed as to the payment of all unpaid obligations incurred
3 by either or both of them, and as to payment of obligations incurred jointly in the future.

4 * Sec. 5. AS 25.24.210(e) is amended to read:

5 (e) If the petition is filed by both spouses under AS 25.24.200(a), the petition must state
6 in detail the terms of the agreement between the spouses concerning the custody of children,
7 child support, visitation, spousal maintenance and tax consequences, if any, and fair and just
8 division of property, including retirement benefits. Agreements on spousal maintenance and
9 property division must fairly allocate the economic effect of dissolution and take into
10 consideration the factors listed in AS 25.24.160(a)(2) and (4). In addition, the petition must state

11 (1) the respective occupations of the petitioners;

12 (2) the income, assets, and liabilities of the respective petitioners at the time of
13 filing the petition;

14 (3) the date and place of the marriage;

15 (4) the name, date of birth, and current marital, educational, and custodial status
16 of each [MINOR] child born of the marriage or adopted by the petitioners who is under the age
17 of 19;

18 (5) whether the wife is pregnant;

19 (6) whether either petitioner requires medical care or treatment;

20 (7) whether a domestic violence complaint has been filed during the marriage by
21 a member of the household;

22 (8) whether either petitioner has received the advice of legal counsel regarding
23 a divorce or dissolution;

24 (9) other facts and circumstances that the petitioners believe should be considered;

25 (10) that the petition constitutes the entire agreement between the petitioners; and

26 (11) any other relief sought by the petitioners.

27 * Sec. 6. AS 25.24.230(d) is amended to read:

28 (d) The court shall dismiss a petition or continue action on a petition filed under
29 AS 25.24.200 - 25.24.260 before findings are made if

30 (1) a representative of the unmarried [MINOR] children who are under the age
31 of 19 objects to a term of an agreement between the spouses;

1 [MINOR'S] interests, and shall outline the guardian ad litem's responsibilities and limit the
2 authority to those matters related to the guardian's effective representation of the child's
3 [MINOR'S] best interests in the pending legal proceeding. The court shall make every
4 reasonable effort to appoint a guardian ad litem from among persons in the community where
5 the child's [MINOR'S] parents or the person having legal custody or guardianship of the child's
6 [MINOR'S] person reside. When custody, support, or visitation is at issue in a divorce, it is the
7 responsibility of the parties or their counsel to notify the court that such a matter is at issue.
8 Upon notification, the court shall determine if a child's [THE MINOR'S] best interests need
9 representation or if a [THE] minor or other child needs other services and shall make a finding
10 on the record before trial. If one or both of the parties is indigent or temporarily without funds
11 the court shall appoint the office of public advocacy. The court shall notify the office of public
12 advocacy if the office is required to provide guardian ad litem services. The court shall enter
13 an order for costs, fees, and disbursements in favor of the state and may further order that other
14 services be provided for the protection of a [THE] minor or other child.

15 * Sec. 9. AS 25.27.070(a) is amended to read:

16 (a) In a proceeding in which the court has ordered either or both parents to pay for the
17 support of a [MINOR] child, the court may, on its own motion or motion of a party or the
18 agency on behalf of a party, after notice and an opportunity for hearing, order either parent or
19 both parents to assign to the custodian of the child that portion of salary or wages of either parent
20 due them currently and in the future sufficient to pay the amount ordered by the court for the
21 support, maintenance, nurture and education of the [MINOR] child.

22 * Sec. 10. AS 25.27.130(b) is amended to read:

23 (b) To establish or enforce an order of support, based on the subrogation of the state, the
24 agency is not limited to the amount of assistance being granted to the [MINOR] child.

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. 68HB52

Revision Date: February 3, 1992
Title: Act relating to child support for
children who are not minors
Sponsor: Ulmar, D. Davis
Requestor: _____

Department Affected: Department of Revenue
BPU: Child Support Enforcement Division
Component: _____

COMPONENT SERIAL NO. | 1 | 1 | 1 | 1 |

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	44.4	46.6	49.1	51.8	54.7	57.1
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	3	0	0	0	0	0
LANDS & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	47.4	46.6	49.1	51.8	54.7	57.1
CAPITAL	0	0	0	0	0	0
REVENUE	26.9	27.2	27.5	27.7	28.0	28.3
*FUND SOURCE: 1004	23.6	23.9	24.2	24.4	24.7	25.0
FUND SOURCE: 1016	3.3	3.3	3.3	3.3	3.3	3.3

FINDINGS: (Thousands of Dollars)

GENERAL FUND	16.1	15.8	16.7	17.6	18.6	19.4
FEDERAL FUNDS	31.3	30.8	32.4	34.2	36.1	37.7
OTHER	0					
FUND SOURCE:	0					
TOTAL	47.4	46.6	49.1	51.8	54.7	57.1

POSITIONS:

FULL-TIME	1	1	1	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: 0

ANALYSIS: See attached analysis.

Prepared By: Teri D. Mahoney Phone: 263-6279
Division: Child Support Enforcement Division Date: February 3, 1992

Reviewed by Commissioner: Darrel J. Roxvinkel Date: 2/3/92
Agency: Department of Revenue

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, Com/DSP, Gov. Legis. Off., & impacted agency(ies).

**FISCAL NOTE ANALYSIS
CHILD SUPPORT ENFORCEMENT DIVISION
BUDGET COMPONENT #111
PAGE 2 OF 2**

Reference: HB 52 Child support for children who are not minors.

Summary:

This bill would allow the court to order support for 18 year old dependent children who are actively pursuing a high school diploma or vocational training. Support orders for these children would enable CSED to collect support for children over age 18, including children who are receiving public assistance benefits. The Division of Public Assistance grants AFDC benefits to children who are over eighteen and enrolled in school (and expected to graduate before age 19).

Assumptions:

HB 52 will increase child supports collections in AFDC (public assistance) cases and increase the amount of incentives that the State receives from the Federal Government.

Average benefit payment	\$341 per month
41 children with an average support payment of	\$200 per month
Collection rate of	24%

Based on these assumptions, CSED would collect an additional \$23,616 in these AFDC cases the first year. CSED projects an increase in collections of 1% per year.

Positions:

One Child Support Enforcement Officer I at \$44.4 with a 4.5% increase per year.

Other Expenditures:

One time cost of equipment and computer terminal: \$3.0.

Funding:

Funding for the CSED's operating costs is 66% Federal funding and 34% State General Fund Match.

Economic Impact:

Child Support collections in AFDC cases are deposited in the general fund to help pay the State's AFDC General Fund Match. In addition, the State receives Federal incentives for its child support collections, both AFDC and non-AFDC. This would increase incentives by \$3.3 in the first year based on the above assumptions.

Alaska State Legislature

HOUSE OF REPRESENTATIVES



REPRESENTATIVE FRAN ULMER

MEMORANDUM

February 27, 1992

TO: Rep. Mike Navarre, Co-chair
House Finance Committee

FROM: Rep. Fran Ulmer

RE: Sponsor Substitute for HB 52, relating to child support for non-minors

SSHB 52 is on the consent calendar for Monday, March 2. This bill has a positive impact on the state's finances and will result in a net gain of \$10.9. The general fund cost of \$16.1 is offset by revenues of \$27.0.

The purpose of SSHB 52 is to provide child support for unmarried, 18 year old children who are living as dependents and actively pursuing a high school diploma. This support is authorized until the child finishes high school or reaches 19 years of age, whichever comes earlier. The concept for this legislation was recommended by the Family Support Task Force.

Currently, courts are authorized to order child support only for minor children. The result is that many Alaska children must complete their final year of high school without the benefit of financial support from the non-custodial parent. Some families in this situation have applied for Aid to Families with Dependent Children which provides for public assistance payments until the child completes high school or reaches age 19. SSHB 52 would eliminate the need for those families to apply to the state for assistance or would allow the state to collect child support as repayment of for families who are collecting public assistance.

For those children with developmental disabilities who may require additional years to complete secondary school, current law already provides the authority to award continuing support payments for a handicapped adult child. *Streb v. Streb*, 774 P.2d 798 (Alaska 1989).

SSHB 52 uses AFDC guidelines in regard to non-minor assistance payments to establish upper limits for the duration of child support. It affirms the importance of completing secondary education and the need for the support of children to be borne equitably by both parents.



Sponsor Substitute for HB 52
Sectional Analysis

Section 1. A court appointed representative for a child under the age of 19 whose interests may be affected by a divorce may attend divorce mediation conferences.

Section 2. While divorce litigation is pending, the court is authorized to order reasonable support for unmarried children under the age of 19 who are actively pursuing a high school diploma and who are living as dependents with a parent or guardian.

Section 3. Provides that a judgment may be modified regarding child support for unmarried children under the age of 19 who are actively pursuing a high school diploma.

Section 4. Requires post-majority support to be included, among other items, as issues covered by dissolution agreements.

Section 5. Among other items, a dissolution petition must state the marital and educational status of each child under the age of 19 born to or adopted by the petitioners.

Section 6. A petition for dissolution may be dismissed, or an action continued, if a representative of an unmarried child under the age of 19 objects to a term providing, or failing to provide, support.

Section 7. In an action involving the custody, support or visitation of a child, the court may appoint someone to represent a child under the age of 19 who is actively pursuing a high school diploma or its equivalent and living as a dependent.

Section 8. Replaces the word "minor" with the word "child" regarding the appointment of a person to provide guardian ad litem services in divorce proceedings

Section 9. Deletes the word "minor" from "minor child" in regard to the court's authority to order parents to assign to the custodian of the child the portion of salary or wages sufficient to pay the ordered child support.

Section 10. Deletes the word "minor" from "minor child" in regard to subrogated child support orders.

THE ASSOCIATION FOR CHILDREN FOR
ENFORCEMENT OF SUPPORT (ACES)

ALASKA CHAPTER
P. O. Box 92910
Anchorage, Alaska 99509
(907) 274-2010

May 3, 1991

Representative Georgianna Lincoln
House HESS Co-Chair
P. O. Box V
Juneau, AK. 99811

Dear Rep. Lincoln:

The Alaska Chapter of ACES encourages all HESS members to vote DO PASS on HB52.

There are many children in the school system who turn 18 (the age of majority) during their senior year in school. My own son turns 18 only three weeks after starting his senior year. Custodial parents do not relinquish their financial responsibilities while their child is a senior in high school, despite the fact that they may turn 18 years old. It doesn't seem fair that non-custodial parents, however, no longer have a responsibility at that point.

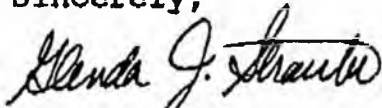
To say the least, the senior year in high school is the most expensive year in a child's life. It is already sad to watch so many of them go without the basic needs, much less the humiliation of not being able to afford to engage in any senior social activities - for lack of funds.

And this problem is only going to get worse since new laws have made it clear that kids will be starting school later, so it is a given that eventually all kids will turn at least 18 years old while they're in high school.

The provision for financial help with a college education will also help Alaskan kids. Since it is not mandatory, and merely allows that issue to be considered before the courts, we encourage you to support that option also.

Alaskan children and custodial parents thank you for your consideration of this bill. Please vote YES.

Sincerely,



Glenda J. Straube
Volunteer Coordinator

microfilm top
page only

DOCUMENTS WHICH HAVE NOT BEEN
FILMED BUT ARE AVAILABLE IN THE
ORIGINAL FILE INCLUDE:

news report from Children's
Legal Rights Journal, Spring '88