

HB52

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

BY REPRESENTATIVES ULMER, B.Davis, Gruenberg

Amended: 3/27/92
Introduced: 1/14/92

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 escalation in the litigation;

2 (2) reasonable spousal maintenance, including medical expenses; and

3 (3) reasonable support for minor children in the care of the spouse and
4 reasonable support for unmarried 18-year-old children of the marriage who are actively
5 pursuing a high school diploma or an equivalent level of technical or vocational training
6 and living as dependents with the spouse or designee of the spouse, if there is a legal
7 obligation of the other spouse to provide support.

8 * Sec. 3. AS 25.24.170(a) is amended to read:

9 (a) Subject to AS 25.20.110, any time after judgment the court, upon the motion of either
10 party, may set aside, alter, or modify so much of the judgment as may provide for alimony, for
11 the appointment of trustees for the care and custody of the minor children or for their nurture and
12 education, for the care, nurture, and education of unmarried 18-year-old children of the
13 marriage while they are actively pursuing a high school diploma or an equivalent level of
14 technical or vocational training and living as dependents with a parent, guardian, or
15 designee of the parent or guardian, or for the maintenance of either party to the action.

16 * Sec. 4. AS 25.24.200(a) is amended to read:

17 (a) A husband and wife together may petition the superior court for the dissolution of
18 their marriage under AS 25.24.200 - 25.24.260 if the following conditions exist at the time of
19 filing the petition:

20 (1) incompatibility of temperament has caused the irremediable breakdown of the
21 marriage;

22 (2) if there are unmarried [MINOR] children of the marriage under the age of
23 19 or the wife is pregnant, and the spouses have agreed on which spouse or third party is to be
24 awarded custody of each minor child of the marriage and the extent of visitation, including
25 visitation by grandparents and other persons if in the child's best interests, and support to be
26 provided on the children's behalf, whether the payments are to be made through the child support
27 enforcement agency and the tax consequences of that agreement;

28 (3) the spouses have agreed as to the distribution of all jointly owned real and
29 personal property, including retirement benefits, and the payment of spousal maintenance, if any,
30 and the tax consequences resulting from these payments; the agreement must be fair and just and
31 take into consideration the factors listed in AS 25.24.160(a)(2) and (4) so that the economic

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 (2) either of the spouses withdraws from an agreement required under
2 AS 25.24.200(a); or

3 (3) the petition alleges that the conditions in AS 25.24.200(b) exist, but the
4 whereabouts of the absent spouse becomes known to the other spouse or the court before findings
5 are made.

6 * Sec. 7. AS 25.24.310(a) is amended to read:

7 (a) In an action involving a question of the custody, support, or visitation of a child
8 [MINOR], the court may, upon the motion of a party to the action or upon its own motion,
9 appoint an attorney or the office of public advocacy to represent a minor with respect to the
10 custody, support, and visitation of the minor or in any other legal proceeding involving the
11 minor's welfare or to represent an unmarried 18-year-old child with respect to post-majority
12 support while the child is actively pursuing a high school diploma or an equivalent level of
13 technical or vocational training and living as a dependent with a parent or guardian or a
14 designee of the parent or guardian. When custody, support, or visitation is at issue in a
15 divorce, it is the responsibility of the parties or their counsel to notify the court that such a matter
16 is at issue. Upon notification, the court shall determine whether the minor or other child should
17 have legal representation or other services and shall make a finding on the record before trial.
18 If the parties are indigent or temporarily without funds, the court shall appoint the office of
19 public advocacy. The court shall notify the office of public advocacy if the office is required
20 to provide legal representation or other services. The court shall enter an order for costs, fees,
21 and disbursements in favor of the state and may further order that other services be provided for
22 the protection of the minor or other child.

23 * Sec. 8. AS 25.24.310(c) is amended to read:

24 (c) Instead of, or in addition to, appointment of an attorney under (a) of this section, the
25 court may, upon the motion of either party or upon its own motion, appoint an attorney or other
26 person or the office of public advocacy to provide guardian ad litem services to a child [MINOR]
27 in any legal proceedings involving the child's [MINOR'S] welfare. The court shall require a
28 guardian ad litem when, in the opinion of the court, representation of the child's [MINOR'S] best
29 interests, to be distinguished from preferences, would serve the welfare of the child [MINOR].
30 The court in its order appointing a guardian ad litem shall limit the duration of the appointment
31 of the guardian ad litem to the pendency of the legal proceedings affecting the child's

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 25.24 is amended by adding a new section to read:

16 Sec. 25.24.910. PAYMENT OF SUPPORT TO 18-YEAR-OLDS. When a court order
17 or judgment provides for child support to be paid for the care of an unmarried 18-year-old child
18 who is actively pursuing a high school diploma or an equivalent level of technical or vocational
19 training while living as a dependent with a parent, guardian, or designee of the parent or
20 guardian, the order or judgment may provide for the support to be paid directly to the child upon
21 terms and conditions considered appropriate by the court.

22 * Sec. 10. AS 25.27 is amended by adding a new section to read:

23 Sec. 25.27.061. PAYMENT OF SUPPORT TO 18-YEAR-OLDS. A judgment, court
24 order, or order of the agency under this chapter that provides for child support to be paid for the
25 care of an unmarried 18-year-old child who is actively pursuing a high school diploma or an
26 equivalent level of technical or vocational training while living as a dependent with a parent,
27 guardian, or designee of the parent or guardian, may provide for the support to be paid directly
28 to the child upon terms and conditions considered appropriate by the court or agency.

29 * Sec. 11. AS 25.27.070(a) is amended to read:

30 (a) In a proceeding in which the court has ordered either or both parents to pay for the
31 support of a [MINOR] child, the court may, on its own motion or motion of a party or the

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

5 * Sec. 12. AS 25.27.130(b) is amended to read:

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

SENT BY: CSED ADMIN SECTION

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FISCAL NOTE

No. 1

Bill Version: SSHB 52

(H) Publish Date: 2/5/92

STATE OF ALASKA
1992 LEGISLATIVE SESSION

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

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

COMPONENT SERIAL NO. | | 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
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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

FUNDING: (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	0	0	0	0	0
FUND SOURCE:	0	0	0	0	0	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.

Changes in SSHB 52 have no fiscal impact. This fiscal note is appropriate.

28 APR 92 date MATOUSE Comte Aide (initial)

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

Approved by Commissioner: Darrel J. Roxwinkel Date: 2/3/92
Agency: Department of Revenue

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, Com/DNR, Gov. Legis. Off., Impacted Agency(ies).

SENT BY: CSED ADMIN SECTION

-92 ; 16:59 ; AK CHILD SUPPORT

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**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.

COMMITTEE COPY

POSITION PAPER - Department of Public Safety

BILL NO: CSHB 513(JUD)

DATE: April 22, 1992

TITLE: An Act relating to
limitations on a drivers'
license. . .

CONTACT: Juanita Hensley
Drivers Services
465-4335

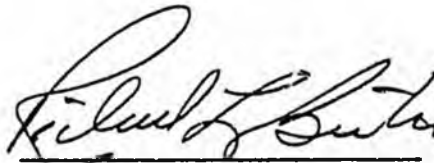
CSHB 513(JUD) amends current law by allowing each person whose license is revoked for DWI or Refusal to apply for a limited license.

The Division of Motor Vehicles administratively revokes approximately 5,000 driver's licenses yearly for excessive breath alcohol or refusal to submit to a chemical test. This bill permits each person whose license is revoked for DWI or Refusal to apply for a limited license.

Information obtained from the Alaska Public Safety Information Network (APSIN), indicates there are currently approximately 4,000 10-year license revocations, which are based on two or more prior convictions for DWI or Refusal. These 4,000 revocations cover the period from November 1, 1983 through December 31, 1990.

A limited license application fee has been added to this bill to offset the administrative costs associated with the issuance of the limited license.

The Department of Public Safety supports this bill, providing the program can be adequately funded.



Richard L. Burton
Commissioner

Alaska State Legislature

HOUSE OF REPRESENTATIVES



REPRESENTATIVE FRAN ULMER

MEMORANDUM

May 9, 1992

TO: Senator Jay Kerttula, Co-chair
Senator Pat Pourchot, Co-chair
Senate Finance Committee

FROM: Rep. Fran Ulmer

RE: Senate CS for SSHB 52(am), relating to child support for non-minors

Senate CS for ~~SSHB 52~~ makes a small adjustment to child support statutes in order to provide child support for unmarried, 18 year old children who are living as dependents and actively pursuing a high school diploma. Support may be authorized until the child finishes high school or reaches 19 years of age, whichever comes earlier.

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. SCSSSHB 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 for assistance received by those families whose 18 year old children are still in school. SCSSSHB 52 also allows child support for 18 year old children to be paid directly to the child on terms considered appropriate by the court or the Child Support Enforcement Agency. This provision was included on the assumption that the 18 year old child is able to responsibly administer child support funds himself/herself.

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).

SCSSSHB 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.

The concept for this legislation was recommended by the Family Support Task Force. SCSSSHB 52 has a positive impact on the state's finances and will result in a net gain of \$10.9.



CSHB 513 (Jud) - Limitations on a Drivers' License

Sectional Analysis

Section 1: AS 28.15.201(d)

Requires that, in addition to other criteria for granting limited license privileges, the cost of an alcoholism education and rehabilitation treatment program must be paid for prior to receiving a limited license.

Section 2: AS 28.15.201(e)

Clarifies that limited licenses may be granted for convictions occurring before 1/1/91.

Section 3: AS 28.15.201 (g)

Sets out the allowable limited license periods for which a person may qualify:*

2nd conviction:	Last 60 days (1 year minimum revocation)
3rd conviction:	(a) Last 7 years for convictions occurring before 1/1/91 (10 year minimum revocation)
	(b) Last 2 years for convictions occurring after 1/1/91 (5 year minimum revocation)
4th conviction:	Last 5 years (10 year minimum revocation)
5th conviction:	Last 5 years (10 year minimum revocation)
6th conviction:	Last 5 years (10 year minimum revocation)
7th conviction:	No limited license available

*Current law establishes the minimum mandatory revocation periods. The court may impose longer revocation periods.

AS 28.15.201 (h)

Clarifies that, if a person is eligible for more than one period of limited license privileges, those periods shall be combined. The limited license period shall begin after the completion of any license revocation period for which a limited license is not allowed, and after completion of the adjusted minimum revocation periods for each offense for which a limited license is allowed.

AS 28.15.201 (I)

Establishes a limited license application period during the last 180 days of the combined, adjusted minimum revocation periods.

Section 4: AS 28.15.271 (b)

Establishes an application fee of \$100 for persons applying for limited licenses.

Section 5: Section 36, ch. 119, SLA 1990

Clarifies that limited license provisions apply to offenses committed before, on, or after December 31, 1990.

Section 6: Clarifies that the act applies to offenses committed before, on, or after the effective date of the act.

Section 7: Makes this act retroactive to January 1, 1991.

Section 8: This act takes takes effect immediately.