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HOUSE CS FOR CS FOR SENATE BILL NO. 190(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): SENATE JUDICIARY COMMITTEE BY REQUEST

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to income withholding and other methods of enforcement for
2 orders of support; relating to medical support orders; amending Alaska Rule of
3 Civil Procedure 90.3(d); and providing for an effective date."

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

5 * Section 1. AS 25.27.020(a) is amended to read:

6 (a) The agency shall

7 (1) seek enforcement of child support orders of the superior courts of
8 the state in other jurisdictions and shall obtain, enforce, and administer the orders in
9 this state;

10 (2) adopt regulations to carry out the purposes of this chapter, including
11 regulations that establish

12 (A) schedules for determining the amount an obligor is liable
13 to contribute toward the support of an obligee under this chapter and under 42
14 U.S.C. 651 - 669 (Title IV-D, Social Security Act);

1 (B) procedures for hearings conducted under AS 25.27.170; and
2 (C) subject to AS 25.27.025 and to federal law, a uniform rate
3 of interest on arrearages of support that shall be charged the obligor upon
4 notice if child support payments are 10 or more days overdue or if payment is
5 made by a check backed by insufficient funds; however, an obligor may not be
6 charged interest on late payment of a child support obligation, other than a
7 payment on arrearages, if the obligor is

8 (i) employed and income is being withheld from the
9 obligor's wages under an income withholding order;

10 (ii) receiving unemployment compensation and child
11 support obligations are being withheld from the obligor's unemployment
12 payments under AS 23.20.401; or

13 (iii) receiving compensation for disabilities under
14 AS 23.30 and child support obligations are being withheld from the
15 obligor's compensation payments;

16 (3) administer and enforce AS 25.25 (Uniform Reciprocal Enforcement
17 of Support Act);

18 (4) establish, enforce, and administer child support obligations
19 administratively under this chapter;

20 (5) administer the state plan required under 42 U.S.C. 651 - 669 (Title
21 IV-D, Social Security Act) as amended;

22 (6) disburse support payments collected by the agency to the obligee,
23 together with interest charged under (2)(C) of this subsection;

24 (7) establish and enforce administratively under this chapter, or through
25 the superior courts of the state, child support orders from other jurisdictions pertaining
26 to obligors within the state;

27 (8) enforce and administer spousal support orders if a spousal support
28 obligation has been established with respect to the spouse and if the support obligation
29 established with respect to the child of that spouse is also being administered; and

30 (9) obtain a medical support order as part of a child support order if
31 health care coverage is available to the obligor at a reasonable cost; the agency shall

1 consider whether adequate health care is available to the child through the Indian
2 Health Service or other insurance coverage before it orders an obligor to provide
3 health care coverage through insurance or other means.

4 * Sec. 2. AS 25.27.060(c) is amended to read:

5 (c) In a court proceeding where the support of a minor child is at issue, the
6 court may order either or both parents to pay the amount necessary for support,
7 maintenance, nurture, and education of the child. The court shall issue a medical
8 support order as part of a child support order if health care coverage is available to the
9 obligor at a reasonable cost. The court shall consider whether the child is eligible
10 for services through the Indian Health Service or other insurance coverage before
11 ordering the obligor to provide health care coverage through insurance or other
12 means. Upon a showing of good cause the court may order the parents required to
13 pay support to give reasonable security for payments.

14 * Sec. 3. AS 25.27.062(a) is amended to read:

15 (a) A judgment, court order, or order of the agency under this chapter
16 providing for support must contain an income withholding order. Except as provided
17 in (m) of this section, the income withholding order must provide for immediate
18 income withholding if the support order is

19 (1) being enforced by the agency and was issued or modified on or
20 after the effective date of this Act: or

21 (2) not being enforced by the agency and was issued on or after the
22 effective date of this Act [AN INCOME WITHHOLDING ORDER UNDER THIS
23 SECTION MAY NOT BE ENFORCED UNLESS THE OBLIGOR HAD NOTICE OF
24 THE ORDER WHEN IT WAS MADE OR AN APPLICATION FOR THE ORDER
25 WAS SERVED ON THE OBLIGOR IN THE MANNER PROVIDED FOR SERVICE
26 OF A SUMMONS UNDER RULE 4, ALASKA RULES OF CIVIL PROCEDURE].

27 * Sec. 4. AS 25.27.062(b) is amended to read:

28 (b) An income withholding order must direct the obligor, the obligor's
29 employer, future employer, and any person, political subdivision, or department of the
30 state to withhold money due or to be due the obligor and pay the money to the agency,
31 in an amount determined under (i) of this section. A court that issues a support

1 order on or after the effective date of this Act shall send a copy of the order to
2 the agency.

3 * Sec. 5. AS 25.27.062(c) is repealed and reenacted to read:

4 (c) Income withholding under a support order that does not require immediate
5 withholding may be initiated under AS 25.27.150 if the support order is being enforced
6 by the agency, or under (d) of this section if the support order is not being enforced
7 by the agency, if

8 (1) the obligor requests withholding;

9 (2) the payments that the obligor has failed to make within 30 days of
10 the monthly due date specified in the support order are equal to or greater than the
11 support payable for one month; or

12 (3) the obligee requests withholding and

13 (A) the agency approves the request because all or part of the
14 monthly payment of the obligor has been more than 10 days overdue more than
15 one time in the preceding 12 months or there is reason to believe that the
16 obligor might withdraw assets to avoid payment of support; in this paragraph,
17 "10 days overdue" means occurring 10 days after the monthly due date
18 specified in a support order, or

19 (B) the court approves the request for good cause.

20 * Sec. 6. AS 25.27.062(d) is repealed and reenacted to read:

21 (d) Income withholding under a support order that does not require immediate
22 income withholding and that is not being enforced by the agency may be initiated by
23 filing a motion with the court and complying with applicable court rules. The court
24 shall order the beginning of income withholding under this subsection if the court finds
25 that any of the grounds in (c)(1), (c)(2), or (c)(3)(B) of this section is satisfied. It is
26 not a defense to a motion based on (c)(2) of this section that less than one full month's
27 payment is past due by 30 days if at least one full month's payment was past due by
28 30 days on the date the motion was filed. Notice to the obligor of income withholding
29 ordered under this subsection must be given in a manner that complies with court
30 rules. In this subsection, "past due by 30 days" means unpaid 30 days after the
31 monthly due date specified in the support order.

1 * Sec. 7. AS 25.27.062(e) is amended to read:

2 (e) The [OBLIGEE OR PERSON OR PUBLIC] agency or the person who
3 obtains an [THAT REQUESTED THE] income withholding order under this chapter
4 shall immediately send a copy of the income withholding order, a copy of the relevant
5 provisions of AS 25.27.260 and this section, and an explanation of the effect of the
6 statutes [BY CERTIFIED MAIL] to persons who may owe money to an obligor.
7 These items may be sent by first class mail or certified mail, return receipt
8 requested, or they may be served personally by a process server. An income
9 withholding order made under this chapter [SECTION] is binding upon a person,
10 employer, political subdivision, or department of the state immediately upon receipt
11 of a copy of the income withholding order. An employer shall begin withholding the
12 specified amount from the employee's wages (1) 14 working days after the mailing
13 date on the order [NOTICE] of withholding or 14 working days after the date on
14 which the order was personally served, whichever is applicable, or (2) on the first
15 day of the next pay period, if earlier. The amount withheld shall be sent to the agency
16 within 10 working days after the date the employee is paid. An employer may,
17 for each payment made under an order, deduct \$5 from other wages or salary
18 owed to the obligor.

19 * Sec. 8. AS 25.27.062(f) is amended to read:

20 (f) An employer may not discharge, discipline, or refuse to employ an obligor
21 on the basis of an income withholding order issued under this chapter [SECTION].
22 If an employer discharges, disciplines, or refuses to employ an obligor because of an
23 income withholding obligation, the court, after notice and hearing, may order
24 reinstatement or restitution to the obligor, or both. A person who violates this
25 subsection or a regulation adopted to implement it, is liable for a civil penalty of not
26 more than \$1,000.

27 * Sec. 9. AS 25.27.062(g) is amended to read:

28 (g) An income withholding order under this chapter [SECTION] has priority
29 over all other attachments, executions, garnishments, or other legal process brought
30 under state law against the same property unless otherwise ordered by the court. An
31 income withholding order is not limited to the wages of an obligor but may include

1 all money owed to the obligor not otherwise exempt by law. Exemptions under
2 AS 09.38 do not apply to income withholdings under this chapter [SECTION].

3 * Sec. 10. AS 25.27.062(h) is amended to read:

4 (h) The court may order payment of all court costs that resulted from an
5 income withholding proceeding under this chapter [SECTION].

6 * Sec. 11. AS 25.27.062(k) is repealed and reenacted to read:

7 (k) An employer who is withholding income of an obligor under an order that
8 provides that the withheld income shall be paid to the agency shall notify the agency
9 promptly when the obligor gives or receives notice of termination of employment and
10 provide to the agency the obligor's last known home address and the name and address
11 of the obligor's new employer, if known. The employer shall keep a record of the
12 order to withhold income from the obligor for three years after the employer notifies
13 the agency that the obligor has terminated employment. If, within that three-year
14 period, the obligor is reemployed by the former employer, the employer shall
15 immediately implement the order against the obligor's earnings unless the employer
16 has received notice from the agency that the order is no longer applicable to the
17 obligor. If the obligor is reemployed by the former employer after that three-year
18 period, the employer is not required to implement a withholding order against the
19 obligor's earnings until the employer receives a new order to withhold the obligor's
20 income under this chapter.

21 * Sec. 12. AS 25.27.062(l) is repealed and reenacted to read:

22 (l) Unless modified or terminated by the agency or the court, an order to
23 withhold income under this chapter remains in effect, except as provided in (k) of this
24 section, until the support order is satisfied. The agency or court may not terminate or
25 modify an income withholding order solely on the ground that the obligor has paid all
26 arrearages. Upon satisfaction of a support order, if the order is

27 (1) being enforced by the agency, the agency shall, within 15 working
28 days, notify all persons served by the agency with the income withholding order that
29 withholding is no longer required; if the agency receives money from an obligor under
30 an income withholding order after the underlying support order has been satisfied and
31 the agency was enforcing the support order at the time it became satisfied, the agency

1 shall immediately return the overpayment to the obligor; if the agency fails to return
2 an overpayment as required under this paragraph, the state is liable to the obligor for
3 the amount of the overpayment, plus interest at the rate imposed under AS 43.05.225,
4 and a person to whom the agency erroneously disbursed the overpayment is liable to
5 the state for the amount disbursed, plus interest at the rate imposed under
6 AS 43.05.225;

7 (2) not being enforced by the agency, the obligor shall file a motion
8 in court requesting termination of the withholding order and serve the motion on the
9 obligee; the court shall enter an order terminating the withholding order if the court
10 determines that the support order has been satisfied; the obligor may deliver a copy
11 of the termination order to persons who were served with the income withholding
12 order; when a termination order is entered, the obligee shall, upon request of the
13 obligor, notify the obligor of all persons who have been served with the income
14 withholding order by the obligee.

15 * Sec. 13. AS 25.27.062 is amended by adding new subsections to read:

16 (m) An income withholding order described in (a)(1) - (2) of this section is
17 not subject to immediate withholding if the support order is

18 (1) being enforced by the agency and the obligor agrees to keep the
19 agency informed of the obligor's current employer and the availability of employment-
20 related health insurance coverage for the children covered by the support order until
21 the support order is satisfied and

22 (A) the agency has entered into its record a written agreement
23 between the obligor and the obligee that provides for an alternative
24 arrangement and income withholding has not been terminated previously and
25 subsequently initiated; the agency must also be a party to an agreement under
26 this paragraph if support has been assigned to the state; or

27 (B) the obligor or obligee demonstrates and the agency, in
28 compliance with applicable federal law, finds good cause not to require
29 immediate income withholding because it would not be in the best interests of
30 the child and, in a case involving the modification of a support order, the
31 obligor has made voluntary support payments under a court or agency order

1 and has not been in arrears in an amount equal to the support payable for one
2 month; in this paragraph, "in arrears" means failing to make a support payment
3 within 30 days of the monthly due date specified in the order;

4 (2) not being enforced by the agency and the obligor agrees to keep the
5 obligee informed of the obligor's current employer and the availability of employment-
6 related health insurance coverage for the children covered by the support order until
7 the support order is satisfied and

8 (A) the court finds that (i) a written agreement exists between
9 the obligor and the obligee that provides for an alternative arrangement and (ii)
10 income withholding has not been terminated previously and subsequently
11 initiated; the agency must also be a party to an agreement under this paragraph
12 if support has been assigned to the state; or

13 (B) the obligor or obligee demonstrates, and the court, in
14 compliance with applicable federal law, finds good cause not to require
15 immediate income withholding because it would not be in the best interests of
16 the child and, in a case involving the modification of a support order, the
17 obligor has made voluntary support payments under a court or agency order
18 and has not been in arrears in an amount equal to the support payable for one
19 month; in this paragraph, "in arrears" means failing to make a support payment
20 within 30 days of the monthly due date specified in the order; or

21 (3) an order that involves an obligor who is receiving social security
22 or other disability compensation that includes regular payments to the children who are
23 the subjects of the support order, except to the extent that the payments to the children
24 do not equal the child support due each month.

25 (n) In calculating the amount of child support to be withheld under an income
26 withholding order, the agency shall give credit to the obligor for the cost to the obligor
27 of medical and dental insurance for the children and educational payments for the
28 children to the extent that the insurance coverage and educational payments are
29 required in the applicable child support order and are actually paid for by the obligor.

30 * Sec. 14. AS 25.27.100 is amended to read:

31 Sec. 25.27.100. ALL PERSONS MAY USE AGENCY: FEES FOR

1 SERVICES. The agency shall provide aid to any person due child support under the
2 laws of this state upon application. Subject to (b) of this section, the [THE] agency
3 may, by regulation, impose a fee for services provided under this chapter.

4 * Sec. 15. AS 25.27.100 is amended by adding a new subsection to read:

5 (b) To the extent allowed under federal law, for each payment made by the
6 agency to a custodian from money sent to the agency under an income withholding
7 order issued under this chapter, the agency shall impose a fee of \$5 on the custodian.
8 To the extent allowed under federal law, the agency shall subtract this fee from the
9 money it receives under the income withholding order before disbursing the balance
10 of the money to the custodian.

11 * Sec. 16. AS 25.27.140(b) is amended to read:

12 (b) If a support order has been entered, the agency may enforce the support
13 order utilizing the procedures prescribed in AS 25.27.062, 25.27.150. [AS 25.27.150]
14 and 25.27.230 - 25.27.270.

15 * Sec. 17. AS 25.27.150 is repealed and reenacted to read:

16 Sec. 25.27.150. INITIATED INCOME WITHHOLDING; REQUIRED
17 NOTICE AND HEARING. (a) In order to initiate income withholding for a support
18 order being enforced by the agency for which immediate income withholding is not
19 required under AS 25.27.062(a), the agency shall serve a notice of its intent to initiate
20 income withholding on the obligor. Notice under this subsection shall be served upon
21 the obligor by certified mail to the obligor's last known address, and service is
22 complete when the notice is properly addressed, certified, and mailed.

23 (b) The notice must state the amount of the overdue support that is owed, if
24 any, and the amount of income that will be withheld.

25 (c) The notice shall inform the obligor that the income withholding order will
26 take effect 15 days after the date on which the notice is served unless the obligor
27 requests a hearing within 15 days after the notice is served. If the obligor requests a
28 hearing, an income withholding order may not take effect until the conclusion of the
29 hearing.

30 (d) If the obligor requests a hearing, it shall be conducted under the
31 department's regulations for informal conferences and shall be held within 15 days of

1 the date of the request. The hearing may only be held to determine if there is a
2 mistake of fact that makes the income withholding order improper because the amount
3 of current or overdue support is incorrect, the identity of the obligor is inaccurate, or,
4 for initiated withholding based on AS 25.27.062(c)(3)(A), the alleged facts regarding
5 overdue payments or potential withdrawal of assets are incorrect. The order is not
6 subject to any other legal defenses. It is not a defense to an income withholding order
7 issued under AS 25.27.062(c)(2) that less than one full month's payment is past due
8 if at least one full month's payment was past due on the date notice was served under
9 this section.

10 (e) The appeals officer shall inform the obligor, either at the hearing or within
11 15 days after the hearing, whether or not the withholding will occur and of the date
12 on which it is to commence.

13 (f) If the appeals officer determines that withholding will occur, the obligor
14 may request a formal hearing, as provided in the department's regulations. The
15 income withholding order shall be issued and withholding shall begin under the
16 procedures in AS 25.27.062, whether or not the obligor requests a formal hearing,
17 unless the obligor posts security or a bond in the amount that would have been
18 withheld pending the outcome of a formal hearing.

19 * Sec. 18. AS 25.27.160(b) is amended to read:

20 (b) The notice and finding of financial responsibility served under (a) of this
21 section must state

22 (1) the sum or periodic payments for which the alleged obligor is found
23 to be responsible, calculated by taking into consideration the need of the alleged
24 obligee, the alleged obligor's liability to the state under AS 25.27.120 [AS 25.27.130]
25 if any, and the duty of support under the law;

26 (2) the name of the alleged obligee and the obligee's custodian;

27 (3) that the alleged obligor may appear and show cause in a hearing
28 held by the agency why the finding is incorrect, should not be finally ordered, and
29 should be modified or rescinded, because

30 (A) no duty of support is owed; or

31 (B) the amount of support found to be owed is incorrect;

1 (4) that if the person served with the notice and finding of financial
2 responsibility does not request a hearing within 30 days, the property and income of
3 the person will be subject to execution under AS 25.27.062 and 25.27.230 - 25.27.270
4 [IN ACCORDANCE WITH AS 25.27.230 - 25.27.270] in the amounts stated in the
5 finding without further notice or hearing.

6 * Sec. 19. AS 25.27.170(b) is amended to read:

7 (b) If a request for a formal hearing under (a) of this section is made, the
8 execution under AS 25.27.062 and 25.27.230 - 25.27.270 may not [AS 25.27.230 -
9 25.27.270 SHALL] be stayed unless the obligor posts security or a bond in the
10 amount of child support that would have been due under the finding of financial
11 responsibility pending the decision on the hearing [, OR THE DECISION OF A
12 COURT, IF APPEALED]. If no request for a hearing is made, the finding of
13 responsibility is final at the expiration of the 30-day period.

14 * Sec. 20. AS 25.27.170(d) is amended to read:

15 (d) The hearing officer shall determine the amount of periodic payments
16 necessary to satisfy the past, present, and future liability of the alleged obligor under
17 AS 25.27.120 [AS 25.27.130], if any, and under any duty of support imposable under
18 the law. The amount of periodic payments determined under this subsection is not
19 limited by the amount of any public assistance payment made to or for the benefit of
20 the child.

21 * Sec. 21. AS 25.27.170(f) is amended to read:

22 (f) If the alleged obligor requesting the hearing fails to appear at the hearing,
23 the hearing officer shall enter a decision declaring the property and income of the
24 alleged obligor subject to execution under AS 25.27.062 and 25.27.230 - 25.27.270
25 [IN ACCORDANCE WITH AS 25.27.230 - 25.27.270] in the amounts stated in the
26 notice and finding of financial responsibility.

27 * Sec. 22. AS 25.27.180(b) is amended to read:

28 (b) Liability to the state under AS 25.27.120 [AS 25.27.130] is limited to the
29 amount for which the obligor is found to be responsible under (a) of this section.

30 * Sec. 23. AS 25.27.230(a) is amended to read:

31 (a) At the expiration of 30 days from either (1) the date of distribution of an

1 income withholding order under AS 25.27.062 [SERVICE OF NOTICE UNDER
2 AS 25.27.150], or (2) the date of service of a notice and finding of financial
3 responsibility under AS 25.27.160, the agency may assert a lien upon the real or
4 personal property of the obligor, in the amount of the obligor's liability.

5 * Sec. 24. AS 25.27.230(c) is amended to read:

6 (c) The lien shall attach to all real and personal property of the obligor and be
7 effective on the date of recording of the lien with the recorder of the recording district
8 in which the property attached is located. A lien against earnings shall attach and be
9 effective upon filing with the recorder of the recording district in which the employer
10 does business or maintains an office or agent for the purpose of doing business. A
11 lien filed at the offices of the Commercial Fisheries Entry Commission in Juneau
12 against a limited entry permit issued under AS 16.43 is considered to have been
13 filed against the permit in all recording districts in which the permit holder uses
14 the permit.

15 * Sec. 25. AS 25.27.250(a) is amended to read:

16 (a) At the expiration of either (1) 15 [30] days from the date of service of an
17 income withholding order under AS 25.27.062 or notice under AS 25.27.150, or (2)
18 30 days from the date of service of a notice and finding of financial responsibility
19 under AS 25.27.160, the agency may issue to any person, political subdivision, or
20 department of the state an order to withhold and deliver property.

21 * Sec. 26. AS 25.27.250(b) is amended to read:

22 (b) All real or personal property belonging to the obligor is subject to an order
23 to withhold and deliver, including, but not limited to, earnings that are due, owing, or
24 belonging to the debtor. In calculating the amount to be withheld and delivered
25 under an order issued under this section, the agency shall give credit to the
26 obligor for the cost to the obligor of medical and dental insurance for the children
27 and educational payments for the children to the extent that the insurance
28 coverage and educational payments are required in the applicable child support
29 order and are actually paid for by the obligor.

30 * Sec. 27. AS 25.27.250(f) is amended to read:

31 (f) If a person, political subdivision, or department of the state upon whom

1 service of an order to withhold and deliver has been made possesses property due,
2 owing, or belonging to the obligor, that person, subdivision, or department shall
3 withhold the property immediately upon receipt of the order and shall deliver the
4 property to the agency [UPON DEMAND] after the expiration of the 14-day period
5 from the date of service of the order or expiration of the period specified in
6 AS 25.27.062(e), whichever is earlier. The agency shall hold property delivered
7 under this subsection in trust for application against the liability of the obligor under
8 AS 25.27.062, 25.27.120, or 25.27.160 [AS 25.27.130] or for return, without interest,
9 depending on final determination of liability or nonliability under this chapter. The
10 agency may accept a good and sufficient bond to secure payment of past, present,
11 and future support conditioned upon final determination of liability in lieu of
12 requiring delivery [DELIVERING] of property under this subsection.

13 * Sec. 28. AS 25.27.250 is amended by adding a new subsection to read:

14 (j) A person, political subdivision, or department that fails to comply with an
15 order to withhold and deliver served under this subsection is subject to penalties under
16 AS 25.27.260. A person, political subdivision, or department may, for each payment
17 made under an order to withhold and deliver, deduct \$5 from other wages or salary
18 owed to the obligor.

19 * Sec. 29. AS 25.27.255(a) is amended to read:

20 (a) The agency shall pay to the obligee all money recovered by the agency
21 from the obligor under an income withholding order except for court costs and money
22 assigned to the agency under AS 25.27.120 - 25.27.130. However, if there is more
23 than one income withholding order under this chapter against an obligor, the
24 agency shall allocate amounts available for withholding in a manner that gives
25 priority to current support up to the limits imposed under 15 U.S.C. 1673(b)
26 (sec. 303(b), Consumer Credit Protection Act). Notwithstanding the priority given
27 to current support, the agency shall establish procedures for allocation of support
28 among obligees so that in no case will the allocation result in a withholding order
29 for one obligee not being implemented.

30 * Sec. 30. AS 25.27.260 is amended to read:

31 Sec. 25.27.260. CIVIL LIABILITY UPON FAILURE TO COMPLY WITH

1 AN ORDER OR LIEN. If a [ANY] person, political subdivision, or department of the
2 state (1) fails to make an answer to an order to withhold and deliver within the time
3 prescribed in AS 25.27.250; (2) fails or refuses to deliver property in accordance with
4 an order issued under AS 25.27.250; (3) pays over, releases, selis, transfers, or conveys
5 real property subject to a lien recorded under AS 25.27.230 to or for the benefit of the
6 obligor or any other person; (4) fails or refuses to surrender upon demand property
7 attached; or (5) intentionally fails or refuses to honor an assignment of wages or an
8 income withholding order under AS 25.27.062 that was served [PRESENTED] by the
9 agency through personal service by a process server or through certified mail,
10 return receipt requested, the person, political subdivision, or department of the state
11 is liable to the agency in an amount equal to 100 percent of the amount constituting
12 the basis of the lien, order to withhold and deliver, attachment, or withholding of
13 wages or income, together with costs, interest, and reasonable attorney fees.

14 * Sec. 31. AS 25.27.260 is amended by adding a new subsection to read:

15 (b) A person, political subdivision, or department of the state that intentionally
16 fails or refuses to honor a properly served income withholding order under
17 AS 25.27.062 that is not being enforced by the agency is liable to the obligee in an
18 amount equal to 100 percent of the amount ordered to be withheld together with costs,
19 interest, and reasonable attorney fees.

20 * Sec. 32. AS 33.30.131(b) is amended to read:

21 (b) Unless alternative arrangements are expressly approved by the
22 commissioner, when a prisoner is employed outside a correctional facility as part of
23 a prerelease or short-duration furlough program, or as part of serving time in a
24 correctional restitution center under AS 33.30.151 - 33.30.181, the earnings of the
25 prisoner shall be delivered to the commissioner. If an employer transmits the earnings
26 to the commissioner, the employer has no liability to the prisoner for the earnings. The
27 commissioner shall disburse the earnings of the prisoner, in an order determined
28 appropriate, under procedures adopted by the commissioner to

29 (1) pay for the room, board, and personal expenses of the prisoner in
30 an amount or at a rate determined by the commissioner;

31 (2) pay any restitution or fine ordered by the sentencing court;

1 (3) reimburse the state for an award made for violent crimes
2 compensation under AS 18.67 arising out of the criminal conduct of the prisoner;

3 (4) pay a civil judgment arising out of the criminal conduct of the
4 prisoner; and

5 (5) support the dependents of the prisoner, and to provide child support
6 payments as required by AS 25.27 [AS 25.27.062].

7 * Sec. 33. Alaska Rule of Civil Procedure 90.3(d) is amended to read:

8 (d) HEALTH INSURANCE - CREDITS. The court shall address coverage of
9 the children's health care needs and require health insurance if insurance is available
10 to either parent at a reasonable cost. The court shall consider whether the children
11 are eligible for services through the Indian Health Service or other insurance
12 coverage before ordering the obligor to provide health care coverage through
13 insurance or other means. In calculating a child support award, credit will be given
14 for medical and dental insurance, or educational payments for the children which are
15 required by the court or administrative order and actually paid.

16 * Sec. 34. AS 25.27.255(b), 25.27.255(c), and secs. 2 and 5, ch. 75, SLA 1991, are
17 repealed.

18 * Sec. 35. TRANSITIONAL PROVISION. (a) Notwithstanding other provisions of this
19 Act, in the case of a support order issued by a court on or after January 1, 1994, and before
20 the effective date of this Act, the court shall, upon filing of a motion by an obligee who is the
21 subject of the support order, issue an immediate income withholding order for support,
22 regardless of whether support payments are in arrears, unless

23 (1) a written agreement exists between the obligor and the obligee that
24 provides for an alternative arrangement;

25 (2) the obligor demonstrates, and the court finds, that there is good cause not
26 to require immediate income withholding; or

27 (3) the support order is being enforced by the child support enforcement
28 agency.

29 (b) An immediate income withholding order issued under this section is governed by
30 AS 25.27, as amended by this Act, and shall be treated as an immediate income withholding
31 order issued under AS 25.27.062(a).

1 * Sec. 36. This Act takes effect on the 10th day after the date it becomes law under
2 AS 01.10.070(a).

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSSB-190(FIN)

Revision Date: April 4, 1994 Dept. Affected: Revenue
 Title: Enforcement of Support Orders BRU: Child Support Enforcement Div.
 Component: Child Support Enforcement Div.
 Sponsor: Senate Judiciary Committee
 Requestor: Senate Judiciary Committee COMPONENT SERIAL NO. _____

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL EXPENDITURE:	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0

FUND SOURCE

(Thousands of Dollars)

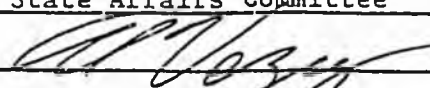
1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY94) cost: \$ 0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Rep. Al Vezey, Chairman HSTA
 Division: House State Affairs Committee
 Approved by Commissioner: 
 Agency: _____

Phone: 465-3719
 Date: May 2, 1994
 Date: _____

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FISCAL NOTE

Bill Version: 0938 190(FN)

(S) Publish Date: 4-11-94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Revision Date: 04/11/94 Dept. Affected: Alaska Court System
 Title: An Act relating to income withholding BRU: Trial Courts
 and other methods of enforcement for orders of child support Components: _____
 Sponsor: Senate Judiciary by request
 Requestor: _____ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1008 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 94) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)
No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel Phone: 264-8228
Agency: Alaska Court System Date: 04/11/94

Approved by: Arthur H. Snowden, II, Administrative Director Date: 04/11/94
Agency: Alaska Court System

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FISCAL NOTE

FISCAL NOTE

No. 1
 Bill Version: SB 190
 (S) Publish Date: 2-28-94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

BILL 1

Revision Date: _____ Dept. Affected: Revenue
 Title: Enforcement of Support Orders RRU: Child Support Enforcement Division
 Component: Child Support Enforcement Division
 Sponsor: Senate Judiciary Committee
 Requestor: Senate Judiciary Committee COMPONENT SERIAL NO. 111

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	71.6	147.3	104.5	0.0	0.0	0.0
TRAVEL				0.0	0.0	0.0
CONTRACTUAL	14.6	29.1	21.8	0.0	0.0	0.0
SUPPLIES	2.0	4.0	3.0	0.0	0.0	0.0
EQUIPMENT	20.8	41.5	31.2	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS				0.0	0.0	0.0
TOTAL OPERATING	109.0	221.9	160.5	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE:	60.0	60.0	60.0	0.0	0.0	0.0
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FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
4 GF	109.0	221.9	160.5	0.0	0.0	0.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other 1016 Fed Incent						
TOTAL	109.0	221.9	160.5	0.0	0.0	0.0

POSITIONS:

FULL-TIME	2	4	3	0	0	0
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: \$ 0.0

ANALYSIS: (Attach a separate page if necessary.)
 Section 101 of the Family Support Act of 1988 (P.L. 100-485) requires that all child support orders issued by the courts after January 1, 1994 include a provision for immediate income withholding unless an exemption is granted by the court because there is good cause or an alternative written agreement by the parties and approved by the court. The intent of this provision of the Family Support Act is to provide the mechanism for collecting child support through wage withholding without applying for services from Child Support Enforcement Division (CSED). This requires CSED to provide payment only services for orders where neither party has applied for services or is receiving AFDC. This payment only processing and record keeping would require additional personnel to set up case files, process payments, audit cases and review cases for cost of living adjustments. The services required for these cases are not eligible for federal financial participation and must be funded by the state. The state may charge fees for his service and recover the full cost of administering the requirement. (continued)

Prepared by: Mary Gay, Director *Mary Gay* Phone: 263-6270
 Division: Child Support Enforcement Division Date: 2/21/94
 Approved by Commissioner: Darrel J. Rexwinkel *Darrel J. Rexwinkel* Date: 2/21/94
 Title: Department of Revenue

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changes in CSA SB 190 (JIP)
 have no fiscal impact. This
 fiscal note is appropriate.

FISCAL NOTE

No. 2

**STATE OF ALASKA
1994 LEGISLATIVE SESSION**

B

Bill Version: CSSB 190 (FIN)

(S) Publish Date: 4-6-94

Revision Date: April 4, 1994
 Title: Enforcement of Support Orders
 Sponsor: Senate Judiciary Committee
 Requestor: Senate Finance Committee

Dept. Affected: Revenue
 BRU: Child Support Enforcement Division
 Component: Child Support Enforcement Division

COMPONENT SERIAL NO. 111

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	71.6	71.6	71.6	71.6	71.6	71.6
TRAVEL						
CONTRACTUAL	14.6	14.6	14.6	14.6	14.6	14.6
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	20.8	20.8	20.8	20.8	20.8	20.8
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	109.0	109.0	109.0	109.0	109.0	109.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE:	60.0	60.0	60.0	60.0	60.0	60.0
----------------------	------	------	------	------	------	------

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	109.0	109.0	109.0	109.0	109.0	109.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other 1016 Fed Incant						
TOTAL	109.0	109.0	109.0	109.0	109.0	109.0

POSITIONS:

FULL-TIME	2	2	2	2	2	2
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: \$ 0.0

ANALYSIS: (Attach a separate page if necessary.)
 Section 101 of the Family Support Act of 1988 (P.L. 100-485) required that all child support orders issued by the courts after January 1, 1994 include a provision for immediate income withholding unless an exemption is granted by the court because there is good cause or an alternative written agreement by the parties and approved by the court. The intent of this provision of the Family Support Act is to provide the mechanism for collecting child support through wage withholding without applying for services from Child Support Enforcement Division (CSED). This requires CSED to provide payment only services for orders where neither party has applied for services or is receiving AFDC. This payment only processing and record keeping would require additional personnel to set up case files, process payments, audit cases and review cases for cost of living adjustments. The services required for these cases are not eligible for federal financial participation and must be funded by the state. The state will charge fees for this service to recover partial costs of administering the requirement. (continued)

Prepared by: Mary Gav. Director
 Division: Child Support Enforcement Division
 Approved by Commissioner: Darrel J. Rexwinkel
 Agency: Department of Revenue

Phone: 263-6270
 Date: 4/6/94

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FISCAL NOTE

No. 5

Pill Version: CSSB 190 Fin

STATE OF ALASKA
94 LEGISLATIVE SESSION

BILL N (S) Publish Date: 4-12-94

Revision Date:	April 11, 1994	Dept. Affected:	Revenue
Title:	Enforcement of Support Orders	BRU:	Child Support Enforcement Division
Sponsor:	Senate Judiciary Committee	Component:	Child Support Enforcement Division
Requestor:	Senate Finance	COMPONENT SERIAL NO.:	111

Expenditures/Revenues:	(Thousands of Dollars)					
	FY95	FY96	FY97	FY98	FY99	FY00
OPERATING						
PERSONAL SERVICES	71.6	71.6	71.6	71.6	71.6	71.6
TRAVEL						
CONTRACTUAL	9.6	9.6	9.6	9.6	9.6	9.6
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	20.8	20.8	20.8	20.8	20.8	20.8
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	104.0	104.0	104.0	104.0	104.0	104.0
CAPITAL						
REVENUE FUND SOURCE:	60.0	60.0	60.0	60.0	60.0	60.0

FUNDING:	(Thousands of Dollars)					
2 Federal Receipts						
1003 GF Match						
1004 GF	109.0	109.0	109.0	109.0	109.0	109.0
1005 GF: Program Receipts						
1006 GF: MHTIA						
Other 1016 Fed Incent						
TOTAL	109.0	109.0	109.0	109.0	109.0	109.0

POSITIONS:						
FULL-TIME	2	2	2	2	2	2
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: \$ 0.0

ANALYSIS: (Attach a separate page if necessary.)
 Section 101 of the Family Support Act of 1988 (P.L. 100-485) required that all child support orders issued by the courts after January 1, 1994 include a provision for immediate income withholding unless an exemption is granted by the court because there is good cause or an alternative written agreement by the parties and approved by the court. The intent of this provision of the Family Support Act is to provide the mechanism for collecting child support through wage withholding without applying for services from Child Support Enforcement Division (CSED). This requires CSED to provide payment only services for orders where neither party has applied for services or is receiving AFDC. This payment only processing and record keeping would require additional personnel to set up case files, process payments, audit cases and review cases for cost of living adjustments. The services required for these cases are not eligible for federal financial participation and must be funded by the state. The state will charge fees for this service to recover partial costs of administering the requirement. (continued)

Prepared by:	Mary Gay, Director <i>Mary Gay</i>	Phone: 263-6270
Division:	Child Support Enforcement Division	Date: <u>4/12/94</u>
Approved by Commissioner:	Darrel J. Rexwinkel <i>Darrel J. Rexwinkel</i>	Date: <u>4/12/94</u>
Agency:	Department of Revenue	

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FISCAL NOTE

No. 3
 Bill Version: CS98 19D (FIN)
 (S) Publish Date: 4-6-94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: An Act relating to income withholding BRU: Trial Courts
 and other methods of enforcement for orders of child support Components: _____
 Sponsor: Senate Judiciary by request
 Requestor: _____ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	31.7	31.7	31.7	31.7	31.7	31.7
TRAVEL						
CONTRACTUAL	2.0	2.0	2.0	2.0	2.0	2.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	33.7	33.7	33.7	33.7	33.7	33.7
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	33.7	33.7	33.7	33.7	33.7	33.7
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	33.7	33.7	33.7	33.7	33.7	33.7

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 94) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)
 See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel *CSC* Phone: 264-8228
 Agency: Alaska Court System Date: 03/15/94
 Approved by: Arthur H. Snowden, II, Administrative Director *AS* *CSC*
 Agency: Alaska Court System Date: 03/15/94

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Alaska Court System
 Fiscal Analysis
 CSSB 190 (JUD)

The court system anticipates being able to implement this legislation by 7/1/94. The bill affects all child support orders issued starting 1/1/94 and will require review of all orders issued from 1/1/94 through 6/30/94. During 1993, 3,727 child support orders were issued. It is estimated that with the same rate of disposition, 1,864 orders will be issued during the first six months of 1994 and will require processing by the court system. This fiscal analysis divides the new responsibilities for the court system into two parts - retroactive work and on-going work. The court system has estimated the impact of the retroactive requirements, but cannot estimate at this time the on-going work costs.

Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
<u>Retroactive file processing required by legislation</u>			
Court Clerk II, range 10A, permanent part-time, 6 months, Anchorage	\$12,006	\$5,710	\$17,716

Clerical staff will be required to pull and review an estimated 1,864 files issued from 1/1/94 through 6/30/94. An Anchorage divorce master estimates that 50% or 932 of the child support orders will require preparation and mailing of notices to both parties and a complete retyping of the child support order. This process is estimated to require 1/2 hour of clerical time for each child support order.

Pro Tem Superior Court Judge, fully vested, permanent part-time, 4 months, Anchorage	\$8,050	\$5,912	\$13,962
--	---------	---------	----------

It is estimated that 50% of the 932 (above) or 466 child support orders will require a court hearing, lasting approximately 1/2 hour each. All 932 of the new child support orders will require judicial review and signature, which will take approximately 1/4 hour each.

Ongoing requirements of legislation

It is not possible to accurately estimate the additional resources needed for the on-going requirements of this legislation. However, judicial staff will be needed for each withholding order hearing. These hearings are estimated to last approximately 1/2 hour each. The legislation also will result in large amounts of paperwork for the court clerical staff to process and file. With the stringent time requirements of this legislation, court staff must be diverted from other duties to process child support matters. It is anticipated that the staff needed for the retroactive work will continue during the on-going period.

Contractual

Postage for mailing notices and notifying all attorneys of changes - retroactive period	2,000
---	-------

Other Costs

The court system anticipates, but has not estimated, additional costs for designing and printing notices, meetings of the forms committee to design and develop new forms and procedures, and for mailing forms and notices to the parties to child support cases.

Estimated initial costs of the legislation

\$33,678

FISCAL NOTE

Bill Version: 4 CSSB 190(F.N)
(S) Publish Date: 4-11-94

STATE OF ALASKA 1994 LEGISLATIVE SESSION

Revision Date: 04/11/94 Dept. Affected: Alaska Court System
 Title: An Act relating to income withholding BRU: Trial Courts
and other methods of enforcement for orders of child support Components: _____
 Sponsor: Senate Judiciary by request
 Requestor: _____ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

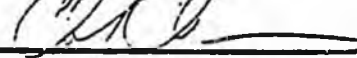
1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1008 GF/MHTA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 94) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)
No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel  Phone: 264-8228
 Agency: Alaska Court System Date: 04/11/94

Approved by: Arthur H. Snowden, II, Administrative Director  Date: 04/11/94
 Agency: Alaska Court System

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1993 APR 6 1993

Region X
M/S BX-34
2201 Sixth Avenue
Seattle, WA 98121

MAR 30 1993

APR 28 1994

CSED

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APR 02 1993

CSED-DIRECTOR

Mary Gay, Director
Alaska Child Support
Enforcement Division
Revenue Division
550 West 7th, Suite 410
Anchorage, Alaska 99501-3556

Dear Ms. Gay:

We have received and reviewed the documentation submitted to our office dated September 30, 1992.

As noted on the enclosed preprint page 2.12-10-1: Review and Adjustment of Child Support Obligations, your submission has been given final approval in this area. We are unable to approve section 2.12-1: Wage Withholding. The reason we cannot approve this section is because Alaska CSED does not have statutes and procedures in this area as required by Section 101 (b) of the Family Support Act. As you know, Section 101 (b) of the Family Support Act amends Section 466 (a)(8) of the Social Security Act requiring states, as a condition of state plan approval, to enact laws requiring the use of procedures under which all child support orders issued in the state on or after January 1, 1994, will include appropriate language requiring Immediate Wage Withholding. Congress enacted this provision to ensure that Immediate Wage Withholding would be available to all custodial parents without the need of filing an application for child support services. The state clearly has in place provisions for immediate wage withholding generally.

However, Alaska Statute 25.27.062 (d) describes the method for contesting wage withholding, and, as the statute now stands it is unapprovable. Federal regulations require states to have procedures for contesting a wage withhold order only if there exist "mistakes of fact." Alaska Statute 25.27.062 (d) is in conflict with 45 Code of Federal Regulations § 303.100(b)(1)(iii) because it goes further than federal law intended by adding "...or any other legal defense."

LTR'S TO MARY GAY

Page 2

By adding this option for contesting a wage withholding order, the state is giving the non-custodial parent an opportunity to include areas not intended by federal regulations, in terms of contesting the wage withholding order.

It is my understanding that you have had telephone conversations with Phyllis Benton regarding your noncompliance with the Wage Withholding requirement. In that conversation you were able to resolve one of our concerns regarding whether or not the days referenced in Alaska's statutes and procedures are calendar days as required by federal requirements. According to federal policy, when days are stated in state statutes and procedures, as below 10 days, they are universally counted as working days. When days are listed as 10 days or more, they are counted as calendar days. I understand that this issue has been resolved and Alaska uses the federal policy when referring to days. I also understand that a bill will be introduced in the Alaska legislature by a legislator that will modify Alaska Statute 25.27.062. As of your last conversation with Ms. Benton you did not know when the bill would be written and introduced.

As Alaska's state plan now stands, it is not approvable. Failure to enact an appropriate revised statutory provision and to correct the areas we noted in your state plan submission may mean that your state plan is not approvable. This may result in the cessation of federal reimbursement of expenditures for your child support program and possible Title IV-A financial sanctions.

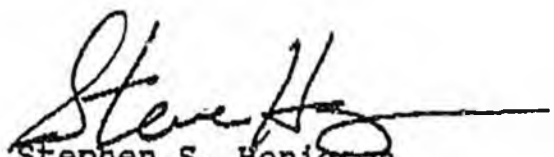
Based on information available at this time, my office will defer approval or disapproval of your state plan. We prefer to allow the state to pursue securing the necessary legislation. To that end we ask that Alaska submit its new statute 90 days after the legislative session ends, or by August 31, 1993, with a new transmittal sheet.

Again, the sole area of noncompliance that we are citing here is the state statutory provision enabling non-custodial parents to contest a wage withhold order, not only as to "mistake of fact," but also as to "any other legal defense."

Page 3 - Mary Gay

I hope this information has been helpful. My office is available to assist you in meeting your state Plan requirements. Please contact Phyllis Benton at (503) 553-0943 if you have any questions.

Sincerely,



Stephen S. Henigson
Regional Administrator

Enclosure

cc: Darrel J. Rexwinkel, Commissioner
Department of Revenue
Larry Lufkin, Area Audit Supervisor



DEPARTMENT OF HEALTH & HUMAN SERVICES

Administration for
Children and FamiliesRECEIVED
APR 27 1994Region X
M/S _____
2201 Sixth Avenue
Seattle, WA 98121

CSED-DIRECTOR

APR 26 1994

Mary Gay
Director
Child Support Enforcement Division
550 West 7th, 4th Floor
Anchorage, Alaska 99501-3556

Dear Ms. Gay:

Please advise me of the current status of your efforts to bring the Alaska State plan into compliance with federal requirements.

As we have previously advised you, the Alaska State plan is currently out-of-compliance with two federal requirements, as follows:

1. Federal Regulations at 45 CFR 303.100(d)(1)(iii) provide that the only defense for contesting wage withholding is a "mistake of fact". Whereas your state plan allows "any other legal defense."
2. Alaska has never implemented the provisions of Section 101 of the Family Support Act of 1988, effective January 1, 1994, which requires immediate wage withholding in all child support orders initially issued in the state which are not being enforced under Title IV-D of the Social Security Act.

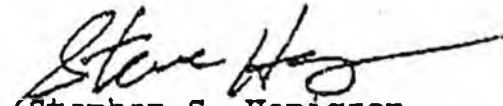
Approval or disapproval of your state plan was deferred to allow the state to secure amendments to the Alaska State statute during this session which is scheduled to end on May 10, 1994.

As indicated in our previous correspondence, it is imperative that legislation addressing these areas of wage withholding be passed this legislative session. Should Alaska fail to enact this legislation we will have no other alternative but to recommend disapproval of your state plan to the Assistant Secretary for the Administration for Children and Families. At such time as the Assistant Secretary concludes that Alaska is not in conformance with these requirements, all Title IV-D funding to the state of Alaska will be suspended until such time as a IV-D state plan can be approved. In addition, Alaska would be subject to reductions in Title IV-A funding for failure to comply substantially with the requirements of Section 402(a)(27) of the Social Security Act. These reductions will be governed by Section 404(d) of the Act.

Page 2 - Mary Gay

If you have any questions or if we can be of assistance, please contact Barry Morrisroe, Program Manager, OCSE, Region X , at (206) 615-2552.

Sincerely,



Stephen S. Henigson
Regional Administrator

Enclosure

cc: Darrel Rexwinkel
Commissioner, Department of Revenue
Margaret Lowe, M.Ed., Ed.S
Commissioner, Department of
Health and Social Services

Letter of Intent

OFFERED IN THE SENATE

BY SENATOR KELLY

TO: CSSB 190 (FIN) Draft 8-LS1001/U

Apart from the statutory changes enacted in this bill, the legislature wishes to convey its intent that the Child Support Enforcement Division distinguish between obligors, employers and others who voluntarily meet their support, withholding or other obligations under this chapter and those who do not. To the extent allowed by this chapter and federal law, this distinction should be actively reflected in all agency communications as well as in the nature, extent and timing of enforcement actions, subject to reasonable precautions to avoid uncollectability of funds necessary for support.

*Adopted by the Senate 4/11
4/14*

LETTER OF INTENT

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

P.O. BOX 110400
JUNEAU, ALASKA 99811-0400
TELEPHONE: (907) 465-2300
FACSIMILE: (907) 465-2389

April 20, 1994

The Honorable Al Vezey
Alaska State Legislature
State Capitol, Room 102
Juneau, Alaska 99801-1182

Dear Representative Vezey:

The Department has reviewed your concerns about an employer's liability should they fail to withhold child support payments. An employer who intentionally fails to withhold child support is liable to the Child Support Agency 100 percent of the amount of the lien. This provision, which is required by federal regulations, is intended to penalize employers who actively participate in aiding a non-custodial parent avoid paying child support that is due. The penalty amount is not forwarded to the obligee. The money is a penalty and reverts to the general fund. The non-custodial parent still owes the child support that was not collected.

Child Support Enforcement Division uses a Withhold and Deliver Order to accomplish income withholding for the payment of child support. The Order notifies the employer of the requirement and is accompanied by excerpts of the statutes which advise them of their responsibilities under the Order. The Order remains in effect until satisfied. When CSED learns that a terminated employee is subsequently rehired, a reminder letter concerning the requirement to withhold child support is sent to the employer. A satisfaction letter is sent to the employer when a child support order is satisfied. Examples of these letters are enclosed for your information.

Federal regulations require that all child support orders provide for immediate income withholding. SB 190 has been introduced to comply with this federal requirement. SB 190 can be amended to address your concern regarding an employer's responsibility for maintaining withholding orders after an employee has terminated. CSED suggests adding the following language as subsection (c) to AS25.27.260.

"An employer must maintain a withholding order for three years after the agency has been notified of the termination of an employee. If the employee is reemployed by the employer within the three year period the withholding order continues in effect."

DOR LTR.

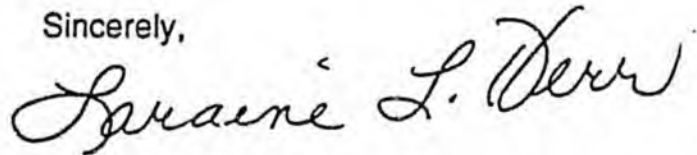
The Honorable Al Vezey
April 20, 1994
Page 2

The three years would mirror the record keeping requirement of other records of the employer and would ensure that withholding orders for seasonal employees would remain in effect without placing a burden on the agency to determine when their seasonal employment begins each year.

You also had concerns that a particular employer had been held liable for unpaid child support. CSED has only two cases involving the employer and neither case mentions any problem as a result of withholding. There is also no mention of the case being sent to the Department of Law for employer non-compliance. If you have additional information, I would be glad to research the issue further.

I appreciate the opportunity to provide this information. Please do not hesitate to call if you have additional questions.

Sincerely,

A handwritten signature in cursive script that reads "Laraine L. Derr".

Laraine L. Derr
Deputy Commissioner

94-077

Enclosures

STATE OF ALASKA
DEPARTMENT OF REVENUE
CHILD SUPPORT ENFORCEMENT DIVISION

153 WEST 7TH, 4TH FLOOR, MS
ANCHORAGE, AK 99501-3558
PHONE: (907) 275-3441
TOLL FREE ALASKA: (800) 478-3300
FAX: (907) 275-6203

Case No:
Obligor:
SSN:

ORDER TO WITHHOLD AND DELIVER PROPERTY

Please take notice that pursuant to Alaska Statutes 47.23.250, the Child Support Enforcement Division (CSED) is hereby issuing to you an order to withhold and deliver property in the form of real or personal property (including money, deposits, or balances), wages, earnings, or other remuneration for employment due, owing, or belonging to the obligor named _____ whose last-known address was _____, as follows:

1. **Real or Personal Property:** Withhold 100% of said obligor's property which is now or will be in your possession. The withholding is not to exceed the total amount of arrearages, penalty, and interest listed below.
2. **Wages and Earnings:** Withhold _____ % of said obligor's disposable earnings immediately and at each succeeding interval of payment. See attached excerpts for federal regulations pertaining to allowable wage garnishment percentages. Arrearages are/are not more than twelve (12) weeks old. The initial withholding is not to exceed the total amount of arrearages, penalty, and interest listed below.
3. **Unemployment, Insurance Benefits:** Withhold _____ % of said obligor's benefits immediately and at each succeeding interval of payment until such time as this division notifies you otherwise.

Arrearages, penalty, and interest have been calculated in the amount of _____ as of _____. Once all arrearages, interest and penalty are paid, the withheld amount will be reduced to the monthly obligation of _____.

The above named obligor was served a Notice of Liability in accordance with AS 47.23.150 on or before _____.

Please be advised that AS 47.23.250, 15 AAC 147.170 and 45 CFR 303.100 (excerpts of which are enclosed herewith) provide generally that:

-you shall make true answers under oath and in writing within fourteen (14) days to inquiries contained in this order or subsequently put;

-you shall withhold real or personal property immediately and shall deliver said property to the Division after fourteen (14) days of service of this notice:

CSED-04-1860A

Page 2 - Order to Withhold and Deliver

Obligor:
SSN:
Case No:

-you shall withhold wages or earnings no later than the first pay period following the date of service of this notice and shall deliver said wages or earnings to the Division;

-the requirements of this order are not satisfied until the entire amount of the debt (including on-going monthly support) stated in this Order to Withhold and Deliver has been withheld and delivered to CSED.

This order is binding until you receive a notice of satisfaction from the State of Alaska. If there is a break in employment, this order remains in effect for all subsequent employment periods.

You may be liable to this Division pursuant to AS 47.23.250 for the entire amount constituting this Order, together with costs, interest, and reasonable attorney fees if you fail to answer the inquiries contained herein; or fail or refuse to deliver the property, wages, or earnings in accordance with this order; or pay over, or release, sell, transfer or convey property, wages, or earnings subject to a lien to or for the benefit of the obligor or any other persons; or fail or refuse to surrender upon demand any property attached:

INQUIRY

Please be further advised that you are hereby required to make true answers to the inquiries set forth below under oath and in writing, within fourteen (14) days, to the Child Support Enforcement Division, 550 W. Seventh Avenue, 4th Floor, M/S , Anchorage, Alaska 99501-3556.

Describe each type of real or personal property in your possession which is due, owing, or belonging to the obligor and subject to this Order (example: bank account number, motor vehicle description, real property legal description, etc.) and state the value or sum of each such item or real or personal property in your possession less the amount of any outstanding lien or secured interest against said real or personal property.

Note: For any such individual item with a total net value exceeding the stated liability for support the answer may be stated as "value in excess of the stated liability" or words to that effect.)

Ordered this
day of

Child Support Enforcement Officer

TO ASSIST YOU

An informational announcement on our KIDS Line (276-3441) explains how to process garnishment orders. To access it, press key number "1" (Announcements), followed by "2" (Enforcement Information), then "3" (For Employers). If you have further questions, you may leave a message for Teani by pressing "3" from the first menu. Please identify yourself as an employer, giving the case number and obligor SSN (shown on the garnishment order). A case worker will return your call.

CSED-04-1860A
(rev 11/14/88) (90229.14:21)



ReGenesis® recycled paper

State of Alaska
DEPARTMENT OF REVENUE
CHILD SUPPORT ENFORCEMENT DIVISION

550 W 7th Ave, 4th Floor MS _____
Anchorage AK 99501-3556
Phone: (907) 276-3441
Toll Free (Alaska): 800-478-3300
FAX: (907) 263-6203

To: _____

Date:
Case No.:
Obligor:
SSN:

We have been informed that the obligor named above has been re-employed. Our records indicate that a withholding order was served on _____ This order is still valid and should be honored until a Termination of Order Requirement has been received from this Division.

Please take the necessary payroll action and remit payment promptly.

If you have any questions, please contact our employer hotline at (907) 263-6207.

Dated this _____ day of _____, 19_____

Child Support Enforcement Representative

CONTINUOUS PRINTING OF ALASKA (907) 582-8446

STATE OF ALASKA
DEPARTMENT OF REVENUE
CHILD SUPPORT ENFORCEMENT DIVISION

550 W 7th, 4th Floor Team/MS _____
Anchorage, AK 99501-3556
PHONE: (907) 276-3441
TOLL FREE ALASKA: (800) 478-3300
FAX: (907) 263-6203

TO: _____

TERMINATION OF WITHHOLDING ORDER
AS 25.27.250
15 AAC 147.165(c)

NOTICE IS HEREBY GIVEN that the Child Support Enforcement Division terminates the Order to Withhold and Deliver issued to the above-named on or about _____, 19____, in the matter of:

CASE NO. _____

RE: _____
(Name)

(SSN)

Dated this _____ day of _____ 19 _____.

Child Support Enforcement Officer



Recycled paper

STATE OF ALASKA
DEPARTMENT OF REVENUE
CHILD SUPPORT ENFORCEMENT DIVISION

550 West 7th Ave., 4th Floor MS____
Anchorage, AK 99501-3556
Phone: (907) 276-3441
Toll-free (Alaska): 800-476-3300
Employer Hotline: (907) 263-6207
FAX: (907) 263-6203

TO:

Obligor: _____

SSN: _____

Case #: _____

LETTER OF REMINDER
ANSWER TO INQUIRIES
AS 25.27.250

On _____, 19____, the Child Support Enforcement Division (CSED), Department of Revenue, State of Alaska, served you with an Order to Withhold and Deliver on the above named obligor.

Under AS 25.27.250, any person, political subdivision, or department of the State served with an Order to Withhold and Deliver is required to make true answers to the inquiries contained in the order under oath and in writing 14 days after service of the order. You must respond to CSED's withholding order even if you do not possess any money or property due, owing, or belonging to the obligor.

An Answer to Inquiries form (CSED 04-1861) was enclosed with the withholding order for your convenience. However, as of this date, CSED has not received your answer. Please provide the required response immediately. If you have any questions on this matter, please contact CSED at the telephone numbers listed above.

Failure to answer could result in liability to the Division for the total amount stated in the order, plus costs, interest, and reasonable attorney fees.

Child Support Enforcement Officer



EXCERPTS FROM
ALASKA STATUTES
ADMINISTRATIVE CODE
&
CODE OF
FEDERAL REGULATIONS

CHILD SUPPORT ENFORCEMENT

Alaska Department of Revenue

550 West 7th Avenue, 4th Floor
Anchorage, Alaska 99501
(907) 276-3441

EMPLOYER HOTLINE
(907) 263-6207

675 7th Avenue, Station G
Fairbanks, Alaska 99701
(907) 451-2830

1111 W. 8th St., Room 106
Juneau, Alaska 99811
(907) 465-2337

Informational Attachment to CSED
Order to Withhold & Deliver

Sec. 25.27.062. INCOME WITHHOLDING ORDER FOR SUPPORT.

(a) A judgment, court order, or order of the agency under this chapter providing for support must contain an income withholding order. An income withholding order under this section may not be enforced unless the obligor had notice of the order when it was made or an application for the order was served on the obligor in the manner provided for service of a summons under Rule 4, Alaska Rules of Civil Procedure.

(b) An income withholding order must direct the obligor, the obligor's employer, future employer, and any person, political subdivision, or department of the state to withhold money due or to be due the obligor and pay the money to the agency, in an amount determined under (l) of this section.

(c) If support payments are in arrears in an amount at least equal to support payable for one month, the agency, on behalf of an obligee or person or public agency designated to receive support payments, shall request an income withholding order against the obligor to take effect by filing a sworn statement with the court that alleges that the obligor is in arrears in an amount at least equal to the support payable for one month.

(d) If an application is filed with the clerk of court, notice shall be served upon the obligor by the agency in the manner provided by Rule 5, Alaska Rules of Civil Procedure or any other method permitted by law. The notice shall inform the obligor that the income withholding order will take effect 15 days after the date on which the notice is served unless the obligor requests a hearing within the 15 days after the notice is served. If the obligor requests a hearing, an income withholding order may not take effect until the conclusion of the hearing. The court shall hold a hearing requested under this section within 15 days after the date the obligor requests the hearing, to determine if there are any mistakes of fact that make the withholding order improper, if the amount to be withheld is incorrect, or if there are any other legal defenses. The court shall inform the obligor, either at the hearing or within 15 days after the hearing, whether or not the withholding will occur and of the date on which it is to commence. It is not a defense under this section that less than one full month's payment is due if at least one full month's payment was due on the date notice was served under this section.

(e) The obligee or person or public agency that requested the income withholding order shall immediately send a copy of the income withholding order, a copy of AS 25.27.260 and this section, and an explanation of the effect of the statutes by certified mail to persons who may owe money to an obligor. An income withholding order made under this section is binding upon a person, employer, political subdivision, or department of the state immediately upon receipt of a copy of the income withholding order. An employer shall begin withholding the specified amount from the employee's wages 14 days after the mailing date on the notice of withholding or on the first day of the next pay period, if earlier. The amount withheld shall be sent to the agency.

(f) An employer may not discharge, discipline, or refuse to employ an obligor on the basis of an income withholding order issued under this section. If an employer discharges, disciplines, or refuses to employ an obligor because of an income withholding obligation, the court, after notice and hearing, may order reinstatement or restitution to the obligor, or both. A person who violates this subsection or a regulation adopted to implement it, is liable for a civil penalty of not more than \$1,000.

(g) An income withholding order under this section has priority over all other attachments, executions, garnishments, or other legal process brought under state law against the same property unless otherwise ordered by the court. An income withholding order is not limited to the wages of an obligor but

may include all money owed to the obligor not otherwise exempt by law. Exemptions under AS 09.38 do not apply to income withholdings under this section.

(h) The court may order payment of all court costs that resulted from an income withholding proceeding under this section.

(i) An employer shall, to the extent permitted under 15 U.S.C. 1673(b), withhold the current support obligation from an obligor's wages. An employer shall withhold additional income, to the extent permitted under 15 U.S.C. 1673(b), from an obligor's wages for any support arrearage.

(j) An employer may combine into a single payment to the agency amounts withheld from more than one obligor if the employer specifies the portion of the payment attributable to each obligor.

(k) At the time an obligor terminates employment with an employer then in receipt of an unsatisfied income withholding order regarding the obligor, the employer shall immediately inform the agency of the obligor's name and last known address and the name and address of all other known employers of the obligor.

(l) An obligor may petition the court to terminate or modify an income withholding order if the obligor has made payments under the order for at least 12 months and all arrearages have been paid. Upon receipt of the petition under this subsection, the court may terminate or modify the income withholding order unless the court finds good cause to deny the petition due to the obligor's payment history or other grounds. The court may not terminate or modify an income withholding order solely on the ground that the obligor has paid all arrearages.

Sec. 25.27.140. AUTHORITY AND PROCEDURES TO ADMINISTRATIVELY ESTABLISH AND ENFORCE SUPPORT OBLIGATION. (a) If no support order has been entered, the agency may establish a duty of support utilizing the procedures prescribed in AS 25.27.160 - 25.27.220 and may enforce a duty of support utilizing the procedure prescribed in AS 25.27.230 - 25.27.270. Action under this subsection may be undertaken upon application of an obligee, or at the agency's own discretion if the obligor is liable to the state under AS 25.27.120(a) or (b).

(b) If a support order has been entered, the agency may enforce the support order utilizing the procedures prescribed in AS 25.27.150 and 25.27.230 - 25.27.270.

(c) A decision of the agency determining a duty of support shall include an income withholding order as provided under AS 25.27.062.

Sec. 25.27.150. INITIATION OF ADMINISTRATIVE ENFORCEMENT OF ORDERS; REQUIRED NOTICE. (a) Action to enforce a support order administratively under AS 25.27.230 - 25.27.270 is initiated by the agency serving a notice on the obligor of the obligor's liability under the support order. Notice under this subsection shall be served upon the obligor by the agency by certified mail to the last known address of the obligor. Service by mail is effected when the notice is properly addressed, certified, and mailed.

(b) Notice served under (a) of this section must state the amount of the obligor's liability under the support order and that the property of the obligor is subject to execution in that amount in accordance with the procedures prescribed in AS 25.27.230 - 25.27.270 at the expiration of 30 days from the date of service of the notice.

Sec. 25.27.230. ASSERTION AND RECORDING OF LIEN. (a) At the expiration of 30 days from either (1) the date of service of notice under AS 25.27.150, or (2) the date of service of a notice and finding of financial responsibility under AS 25.27.160, the agency may assert a lien upon the real or personal property of the obligor, in the amount of the obligor's liability.

(b) A lien recorded under this section has no effect against earnings, or bank deposits or balances, unless it states the

the lien is served in accordance with AS 25.27.240.

(c) The lien shall attach to all real and personal property of the obligor and be effective on the date of recording of the lien with the recorder of the recording district in which the property attached is located. A lien against earnings shall attach and be effective upon filing with the recorder of the recording district in which the employer does business or maintains an office or agent for the purpose of doing business.

(d) Whenever a lien has been recorded under this section and there is in the possession of any person, political subdivision, or department of the state having actual notice of the lien any property that may be subject to the lien, that property may not be paid over, released, sold, transferred, encumbered or conveyed unless

- (1) a written release or waiver signed by a representative of the agency has been delivered to the person, political subdivision, or department of the state; or
- (2) a decision has been made in a hearing held under AS 25.27.170 or by a superior court ordering release of the lien on the grounds that no debt exists or that the debt has been satisfied.

Sec. 25.27.240. SERVICE OF LIEN. (a) The agency may at any time after recording of a lien recorded under AS 25.27.230 serve a copy of the lien upon any person, political subdivision, or department of the state possessing earnings, or deposits or balances held in any bank account of any nature that are due, owing, or belonging to the obligor.

(b) A lien recorded under AS 25.27.230 shall be served upon a person, political subdivision, or department of the state personally or by registered, certified, or insured mail, return receipt requested.

Sec. 25.27.250. ORDER TO WITHHOLD AND DELIVER.

(a) At the expiration of 30 days from the date of service of notice under AS 25.27.150, or from the date of service of a notice and finding of financial responsibility under AS 25.27.160, the agency may issue to any person, political subdivision, or department of the state an order to withhold and deliver property.

(b) All real or personal property belonging to the obligor is subject to an order to withhold and deliver, including, but not limited to, earnings that are due, owing, or belonging to the debtor.

(c) The agency may issue an order to withhold and deliver when it has reason to believe that there is in the possession of a person, political subdivision, or department of the state property that is due, owing, or belonging to the obligor.

(d) The order to withhold and deliver shall be served upon the person, political subdivision, or department of the state possessing the property in the manner provided for service of liens under AS 25.27.240. The order must state the amount of the obligor's liability and must state in summary the terms of AS 25.27.260 and 25.27.270.

(e) Any person, political subdivision, or department of the state served with an order to withhold and deliver is required to make true answers to inquiries contained in the order under oath and in writing within 14 days after service of the order, and is further required to answer all inquiries subsequently put.

(f) If a person, political subdivision, or department of the state upon whom service of an order to withhold and deliver has been made possesses property due, owing, or belonging to the obligor, that person, subdivision, or department shall withhold the property immediately upon receipt of the order and shall deliver the property to the agency upon demand after the expiration of the 14 day period from the date of service of the order. The agency shall hold property delivered under this subsection in trust for application against the liability of the obligor under AS 25.27.130 or for return, without interest,

under this chapter. The agency may accept a good and sufficient bond conditioned upon final determination of liability in lieu of requiring delivering of property under this subsection.

(g) Delivery to the agency of the money or other property due, owing, or belonging to the obligor shall satisfy the requirement of the order to withhold and deliver. Delivery of money due and owing to the obligor under any contract of employment, express or implied, or held by any person, political subdivision, or department of the state, and subject to withdrawal by the obligor, shall be delivered by remittance payable to the order of the agency.

(h) The agency shall defend and hold harmless for such actions people withholding or delivering money or property to the agency in accordance with this section.

(i) An order to withhold and deliver under this section has priority over all other attachments, executions, garnishments, or other legal process brought under state law against the same property unless otherwise ordered by the court. Exemptions under AS 09.38 do not apply to proceedings to enforce the payment of child support under AS 25.27.230 - 25.27.270; however, net disposable earnings are exempt from execution as provided in 15 U.S.C. 1673 (b). In this subsection, "net disposable earnings" has the meaning given in 15 U.S.C. 1672.

15 USC 1673 (b) requires the amount withheld not exceed the following percentages:

- a. 50 percent of disposable earnings when the individual "is supporting his spouse or dependent child",
- b. 55 percent of disposable earnings when the individual "is supporting ..." and the debt is 12 weeks old,
- c. 60 percent of disposable earnings when the individual "is not supporting such a spouse or dependent child", and
- d. 65 percent of disposable earnings when the individual "is not supporting" ... and the debt is 12 weeks old.

Sec. 25.27.253. EARNINGS SUBJECT TO AN ORDER OR LIEN. (a) A person, political subdivision, or department of the state shall withhold the earnings of the obligor subject to an order or lien at each succeeding interval of payment until the entire amount of the debt stated in the order to withhold and deliver has been withheld.

(b) An order to withhold and deliver issued to the Department of Revenue remains in effect throughout the calendar year in which it is served. That order applies to any tax refund or other disbursements to which the obligor is entitled even if the tax refund or disbursement is issued more than 30 days after service of the order.

Sec. 25.27.260. CIVIL LIABILITY UPON FAILURE TO COMPLY WITH AN ORDER OR LIEN. If any person, political subdivision, or department of the state (1) fails to make an answer to an order to withhold and deliver within the time prescribed in AS 25.27.250; (2) fails or refuses to deliver property in accordance with an order issued under AS 25.27.250; (3) pays over, releases, sells, transfers, or conveys real property subject to a lien recorded under AS 25.27.230 to or for the benefit of the obligor or any other person; (4) fails or refuses to surrender upon demand property attached; (5) fails or refuses to honor an assignment of wages or an income withholding order under AS 25.27.062 presented by the agency, the person, political subdivision, or department of the state is liable to the agency in an amount equal to 100 percent of the amount constituting the basis of the lien, order to withhold and deliver, attachment, or withholding of wages or income, together with costs, interest, and reasonable attorney fees.

Sec. 25.27.270. JUDICIAL RELIEF FROM ADMINISTRATIVE EXECUTION. Any person against whose property a lien has been recorded under AS 25.27.230 or an order to withhold and deliver served in accordance with AS 25.27.250 may apply for relief to the superior court.

(a) The agency will issue an Order to Withhold and Deliver in accordance with AS 25.27.250 if

- (1) support payments are in arrears in an amount at least equal to the support payable for one month;
- (2) the obligor requests withholding;
- (3) the custodial parent requests withholding and the agency approves the request because the obligor's payments have been more than 10 days overdue more than one time in the preceding 12 months, or there is reason to believe that the obligor might withdraw assets to avoid payment of support; or
- (4) the support order was issued or modified after October 31, 1990.

(b) Notwithstanding (a) (4) of this section, the income of an obligor is not subject to immediate withholding if the obligor agrees to inform the agency of his or her current employer and the availability of any employment-related health insurance coverage and

(1) the court or agency has reviewed and approved a written agreement between both parties and, if support is assigned to the state, the agency, which provides for an alternative arrangement for immediate income withholding, and withholding has not been terminated previously and subsequently initiated; or

(2) one party demonstrates, and the court or agency finds, good cause not to require immediate income withholding because it would not be in the best interests of the child and, in a case involving the modification of a support order, the obligor has made voluntary support payments under a court or administrative order and has not been in arrears in an amount equal to the support payable for one month.

(c) Unless modified or terminated by the agency or the court, an order to withhold and deliver, except an order issued to the Department of Revenue, remains in effect until the support order is satisfied. Upon satisfaction of a support order, the agency will notify all persons served with the order to withhold and deliver. (Eff. 12/27/90, Register 116)

15 AAC 125.170. INCOME WITHHOLDING; EMPLOYER'S TRANSMITTAL OF MONEY TO AGENCY. An employer who is served by the agency with an income withholding order under AS 25.27.062, AS 25.27.250, or 15 AAC 125.195 shall send the amount ordered to be withheld to the agency within 10 days after the date the employee is paid. (Eff. 10/1/85, Reg. 95)

15 AAC 125.200. NOTICE TO EMPLOYER OF INCOME WITHHOLDING. The provisions of AS 25.27.062 (e) - (k) apply to an income withholding order based on a support order of another jurisdiction under 15 AAC 125.195 (a), an administrative establishment of support obligation under AS 25.27.160 - 25.27.220, and an administratively enforced support order under AS 25.27.250. (Eff. 10/1/85, Reg. 95)

CARR GOTTSTEIN

FOODS CO.

6411 A Street Anchorage, Alaska 99518
Ph: (907) 561-1944

April 28, 1994

TELEFAX: 465-2108

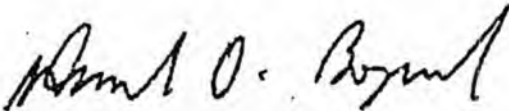
Representative Fran Ulmer
Alaska State Legislature
Room 403, State Capitol Building
Juneau, Alaska 99801

Re: Senate Bill 190
(Employer Reporting Provision)

Dear Representative Ulmer:

Carr-Gottstein Foods Co. is the largest private employer in the state of Alaska. The company reports to the Alaska Division of Child Support Enforcement information regarding the hiring of employees as detailed in AS 25.27.075 (copy enclosed). Carr-Gottstein Foods Co. understands the goal of this statute, which is to provide timely financial support to children. We have not experienced any difficulties complying with this law and expect none in the future.

Very truly yours,



David O. Bogard
Corporate Controller
DOB\
Enclosure:

CARR-GOTTSTEIN, LTD.

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

(d) An employer may not terminate an employee's employment because wages of the employee are subject to an order under this section. (§ 1 ch 251 SLA 1976; am § 22 ch 126 SLA 1977)

Revisor's notes. — Formerly AS 47.23.070. Renumbered in 1980.

3 Sec. 25.27.075. Employment information. (a) Upon notice by the agency and except as provided in (b) and (c) of this section, an employer doing business in the state shall report to the agency the

1e (1) hiring of a person who resides or works in this state to whom the employer anticipates paying earnings; and

3 (2) rehiring or return to work of an employee who was laid off, furloughed, separated, granted a leave without pay, or terminated from employment.

(b) An employer is not required to report the hiring of a person who the employer anticipates

1e (1) will be employed for less than one month's duration; or

3 (2) will be employed sporadically so that the employee will be paid for less than 350 hours during a continuous six-month period.

(c) An employer is not required to report under (a) of this section if the employer employs fewer than 20 employees.

(d) An employer required to report under (a) of this section may make the report by mailing the employee's copy of the W-4 form, transmitting magnetic tape in a compatible format, or by other means as mutually agreed by the employer and the agency that will result in timely reporting.

(e) An employer required to report under (a) of this section shall submit monthly reports regarding each hiring, rehiring, or return to work of an employee during the preceding month. The report must contain

1e (1) the employee's name, address, social security number, and date of birth; and

3 (2) the employer's name, address, and employment security reference number or unified business identifier number.

(f) The agency shall retain the information received under (a), (d), and (e) of this section for a particular employee only if the agency is responsible for establishing, enforcing, or collecting a support obligation of the employee. If the employee does not owe a support obligation, the agency may not create a record regarding the employee, and the information contained in the notice shall be promptly destroyed.

(g) An employer of the obligor or a labor union of which an obligor is a member shall provide to the agency information requested regard-

ing the obligor's employment, wages or salary, and location. The information required under this subsection is in addition to the information required under (a) of this section, if any.

(b) In addition to civil liability under AS 25.27.260, if applicable, or any other law, an employer of an obligor or a labor union of which an obligor is a member that knowingly violates this section is liable for a civil penalty of not more than \$1,000.

(i) Employers required to report under this section, may charge \$1 per new employee to cover the cost of reporting. (§ 9 ch 40 SLA 1985; am §§ 1, 2 ch 75 SLA 1991)

Revisor's notes. — Formerly AS 47.23.075. Renumbered in 1990.

Delayed amendment. — Effective January 1, 1995, under § 2, ch. 75, SLA 1991, this section is repealed and reenacted to read: "Sec. 25.27.075. Employment information. (a) An employer of an obligor or a labor union of which an obligor is a member shall provide to the agency information requested regarding

the obligor's employment, wages or salary, and location.

"(b) An employer of an obligor or a labor union of which an obligor is a member that knowingly violates this section is liable for a civil penalty of not more than \$1,000."

Effect of amendments. — The 1991 amendment, effective January 1, 1992, rewrote the section.

Sec. 25.27.080. Enforcement of support orders. (a) A court order requiring payment of child support shall be modified to order payments be made to the agency upon application.

(b) The agency on behalf of the custodian or the state shall take all necessary action permitted by law to enforce child support orders so entered, including petitioning the court for orders to aid in the enforcement of child support.

(c) The determination or enforcement of a duty of support is unaffected by any interference by the custodian of the child with rights of custody or visitation granted by a court. When the agency appears on behalf of a child in an action seeking to establish or enforce support, the court may not adjudicate custody, visitation, or property rights in the same action.

(d) An order of arrest may not be issued in the enforcement of child support unless the court has reason to believe that the obligor may flee the jurisdiction or unless the obligor has been ordered to appear in the action and has failed to do so. (§ 1 ch 251 SLA 1976; am § 23 ch 126 SLA 1977; am § 7 ch 144 SLA 1984)

Revisor's notes. — Formerly AS 47.23.080. Renumbered in 1990. In 1977 the term "obligor" was substituted for "obligee" in two locations in (d) of this section to correct a manifest error in ch. 126, SLA 1977.

Cross references. — For legislative findings and purpose in connection with the 1984 amendment of this section, see § 1, ch. 144, SLA 1984 in the Temporary and Special Acts.



DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

OFFICE OF CHILD SUPPORT ENFORCEMENT

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Program Instruction

ACTION TRANSMITTAL
OCSE-AT-94-02

March 11, 1994

TO: STATE AGENCIES ADMINISTERING CHILD SUPPORT ENFORCEMENT PLANS UNDER TITLE IV-D OF THE SOCIAL SECURITY ACT AND OTHER INTERESTED INDIVIDUALS

SUBJECT: Revised Program Instructions for the Statutory Requirements for Immediate Wage Withholding in All Child Support Orders Initially Issued In the State Not Being Enforced Under Title IV-D of the Social Security Act.

STATUTORY REFERENCE: 42 U.S.C. 666(a)(8)(B)

POLICY ISSUANCES: PIQ 93-08, PIQ-93-09 and DC-94-01

EFFECTIVE DATE: January 1, 1994

BACKGROUND: This Program Instruction supersedes instructions contained in OCSE-AT-93-06 issued on April 5, 1993, and consolidates PIQs 93-08, 93-09 and Dear Colleague letter 94-01.

Section 101 of the Family Support Act of 1988 (P.L. 100-485) requires that, effective January 1, 1994, States implement immediate withholding in all support orders initially issued in the State which are not being enforced under title IV-D of the Social Security Act (the Act). This program instruction provides guidance for States in enacting laws and developing procedures, in accordance with 42 U.S.C. 666(a)(8)(B), under which all child support orders which are initially issued in the State on or after January 1, 1994, and are not being enforced under title IV-D of the Act are subject to immediate withholding.

Subsequent to the issuance of OCSE-AT-93-06, we received several inquiries regarding the requirement at §666(a)(8)(B)(iii) and §666(b)(5)

of the Act that non-IV-D withholding be administered by a public agency or publicly accountable entity. In response to these inquiries we further emphasized and clarified options available to States in administering a non-IV-D withholding program. These clarifications are contained in OCSE PIQ-93-08 dated December 28, 1993, OCSE PIQ-93-09 dated December 30, 1993 and Dear Colleague Letter DC-94-01 dated January 4, 1994. The information contained in these policy issuances has been used to update Section VI. Questions & Answers Regarding Statutory Requirements in this updated program instruction.

SUPERSEDED
MATERIAL:

OCSE-AT-93-06, except for Attachment: State Plan Preprint page 2-12-8B.

INQUIRIES:

ACF Regional Administrators



David Gray Ross
Deputy Director
Office of Child Support Enforcement

I. Introduction

This Action Transmittal sets forth the statutory requirements which States must meet in implementing section 466(a)(8)(B) of the Act. States may choose to extend these immediate wage withholding requirements to apply to orders in non-IV-D cases which are modified after January 1, 1994, in addition to orders initially issued after that date. The instructions also address issues raised with respect to implementing immediate withholding in non-IV-D cases.

II. State Plan Requirements

As a condition of Federal funding, a State must comply with the statutory requirements of Section 454 of the Act. Section 454(20) requires that the State IV-D plan provide that the State shall have in effect all of the laws required under the mandatory procedures established in section 466 of the Act. Since the requirements for non-IV-D withholding are part of the mandatory procedures set forth in section 466, States must demonstrate conformity with these requirements as a condition for having an approved State IV-D plan. Section 466(a)(8)(B) of the Act specifies that each State must have laws requiring the use of procedures under which all child support orders initially issued in the State on and after January 1, 1994 and which are not being enforced under Title IV-D will include provisions for:

- Immediate withholding, with exceptions for good cause and alternative arrangements;
- Withholding for overdue support in addition to current support;
- Limitations on amounts withheld based on the Federal Consumer Credit Protection Act (CCPA);
- Withholding without the need to apply for IV-D services or amendment to the order or further action by court/administrative authority;
- Administration of withholding by a public agency or a publicly-accountable alternative;
- Prompt distribution of amounts withheld;
- Employer requirements;
- Priority over other legal process against the same wages under State law;
- Optional extension to other forms of income;
- Extension to enforcement of orders of other States;
- Provisions for terminating withholding.

These requirements will be described and discussed in the following section.

States failing to demonstrate conformity with the statutory requirements will be subject to State plan disapproval procedures outlined in OCSE-AT-86-21. Non-conformity could

result in the suspension of all IV-D funding as well as a portion of title IV-A funding to the State.

III. Explanation of Non-IV-D Withholding Requirements

Section 466(a)(8)(B) of the Act requires immediate withholding for all non-IV-D child support orders initially issued in the State on or after January 1, 1994. In addition, by cross-reference, it extends the same statutory requirements applicable to title IV-D at paragraph (1) and, where applicable, paragraphs (2), (4), (5), (6), (7), (8), (9) and (10) of section 466(b). The specific requirements applicable in non-IV-D cases effective January 1, 1994, are:

A. When Immediate Withholding Is Required; Exceptions

The wages of a non-custodial parent must be subject to withholding, regardless of whether support payments by such parent are in arrears, on the effective date of the order. As in the case of orders being enforced in IV-D cases, two exceptions to immediate withholding are permitted. Wages shall not be subject to withholding in any case where: (1) one of the parties demonstrates, and the court (or administrative process) finds, that there is good cause not to require immediate withholding; or (2) a written agreement is reached between both parties which provides for an alternative arrangement.

B. Limitations on Amounts Withheld

(1) So much of the non-custodial parent's wages must be withheld as is necessary to comply with the order and provide for any fee to the employer which may be required, up to the maximum amount permitted under section 303(b) of the Consumer Credit Protection Act (15 U.S.C. 1673(b)) [CCPA].

(2) If there are arrearages to be collected, amounts withheld to pay such arrearages, when added to the amounts withheld to pay current support and provide for the fee, may not exceed the limit permitted under such section 303(b), but the State need not withhold up to the maximum amount permitted under such section in order to satisfy arrearages.

C. No Further Action By Court

Withholding must occur without the need for further action (other than those actions required under these procedures) by the court or other entity which issued such order.

D. Administration of Withholding by Public Agency

Withholding must be administered by a public agency designated by the State, and the amounts withheld must be expeditiously distributed by the State or such agency under procedures (specified by the State) adequate to document payments of support and to track and monitor such payments.

The law also allows a State to establish or permit the establishment of alternative procedures for the collection and distribution of such amounts (under the supervision of a public agency) otherwise than through a public agency so long as:

(a) The entity making the collection and distribution is publicly accountable for its actions taken in carrying out such procedures; and,

(b) The procedures assure prompt distribution, provide for the keeping of adequate records to document payments of support, and permit the tracking and monitoring of such payments.

E. Employer Responsibilities

1) The employer of any parent who is subject to immediate withholding in a non-IV-D case, upon being given notice of such action, must be required by the State to withhold from the non-custodial parent's wages the amount specified by the notice (which may include a fee, established by the State, to be paid to the employer unless waived by the employer).

(2) The employer must pay such amount (after deducting any fee) to the appropriate agency (or other entity authorized to collect such amounts withheld under the alternative procedure established by the State) for distribution.

(3) The notice given to the employer shall contain only such information as may be necessary for the employer to comply with the withholding order.

(4) Methods must be established by the State to simplify the withholding process for employers to the greatest extent possible, including permitting any employer to combine all withheld amounts into a single payment to each appropriate agency or entity (with the portion which is attributable to each individual employee being separately designated).

(5) The employer must be held liable to the State for any amount which the employer fails to withhold from wages due an employee following receipt by the employer of notice, but the employer shall not be required to vary the normal pay and disbursement cycles in order to comply with this paragraph.

(6) Provision must be made for the imposition of a fine against any employer who discharges from employment, refuses to employ, or takes disciplinary action against a non-custodial parent subject to wage withholding because of the existence of the withholding or additional obligations which it imposes upon the employer.

F. Priority Over Other Legal Process

The State must provide that withholding of child support obligations be given priority over any other legal process under State law against the same wages.

G. Other Forms of Income

The State may take such actions as may be necessary to extend its system of withholding so that the system will include withholding from forms of income other than wages, in order to assure that child support owed by non-custodial parents in the State will be collected without regard to the types of such parents' income or the nature of their income-producing activities.

H. Interstate Requirements

The State must extend its withholding system so that such system will include withholding from income derived within the State in cases where the applicable support orders were issued in other States, in order to assure that child support owed by non-custodial parents in the State or any other State will be collected without regard to the residence of the child for whom the support is payable or of the child's custodial parent.

I. Termination

Provision must be made for terminating withholding.

J. Due Process Requirements

Withholding from income of amounts payable as support must be carried out in full compliance with all procedural due process requirements of the State.

IV. Availability of Federal Financial Participation (FFP)

Although States are required to enact laws and procedures for non-IV-D withholding as a condition of having an approved State IV-D plan, the activities mandated at section 466(a)(8)(B) of the Act are for cases not being enforced under a IV-D State plan. FFP is only available for services provided in cases receiving services under title IV-D of the Act.

However, in cases where a State has chosen to use its IV-D agency to implement non-IV-D withholding, FFP would only be available for the IV-D costs incurred in implementing a cost allocation system to identify expenditures in IV-D and non-IV-D cases.

V. Exemptions

The provisions at section 466(d) of the Act with respect to exemptions apply to the non-IV-D withholding requirements. States may request, and OCSE may approve, an exemption from one or more of the requirements for the enactment of any law or the use of any procedure or procedures for non-IV-D withholding if the State can demonstrate that the adoption of such laws or procedures would not improve the effectiveness and efficiency of the State child support program. Requests should be sent to the appropriate ACF Regional Office in accordance with regulations at 45 CFR 302.70(d) and program instructions set forth in OCSE-AT-88-19.

VI. Questions & Answers Regarding Statutory Requirements

1. Question: Must a public agency administer non-IV-D withholding? What are possible options a State may consider in meeting the administrative requirements?

Answer: The State must specify which public entity is responsible for immediate wage withholding in non-IV-D cases. As the Federal statute provides, a State may establish, or permit the establishment of, alternative procedures to carry out non-IV-D withholding as long as the entity it designates is under the supervision of a public agency. The entity must follow procedures which will assure prompt distribution of amounts withheld, provide for the keeping of adequate records to document payments of support, and permit the tracking and monitoring of such payments.

A State could designate the IV-D agency, or the entity which administers withholding in IV-D cases, to be responsible for the administration of non-IV-D withholding. If so, there must be a system for allocating costs between IV-D and non-IV-D operations, since FFP is not available for providing services to non-IV-D cases.

A State could also opt to designate clerks of court or other appropriate judicial entities to administer non-IV-D withholding, since immediate withholding is applied at the time the support order is initially entered.

Alternatively, the State could choose a private entity, such as a bank, to administer this activity in non-IV-D cases, or opt for a procedure where the employer sends the withheld amount directly to the custodial parent's bank account through electronic funds transfer (EFT) or by check. The bank records associated with the custodial parent's account would provide an adequate payment record. A bank, whether under contract to the State to handle all payments, or a number of banks with individual custodial parent bank accounts, would meet the test for an alternative system, since a bank is publicly

accountable entity under both State and Federal law. This approach would assure prompt distribution, provide for keeping adequate records to document payment of support, and permit the tracking and monitoring of such payments.

2. **Question:** Must the State designate only one entity in each jurisdiction to administer withholding?

Answer: No. Although IV-D regulations at 45 CFR 303.100(g)(2)(ii) require that States may designate only one entity to administer withholding in each jurisdiction, such a restriction does not apply to withholding in non-IV-D cases.

3. **Question:** If there is no FFP for non-IV-D withholding activities, may the State pass costs on to the user through fees or other cost recovery systems?

Answer: Yes. States may finance their withholding responsibilities in non-IV-D cases by charging fees and recovering costs. States may recover the full cost of administering withholding in non-IV-D cases from the custodial parent or non-custodial parent. The \$25 annual fee restriction in 45 CFR 302.57(b)(3) does not apply to recovery of costs for performing non-IV-D withholding activities.

4. **Question:** Is non-IV-D withholding subject to specific regulatory requirements at 45 CFR 303.100, for timeframes for distribution of amounts withheld?

Answer: No. Federal regulatory requirements applicable to IV-D cases do not apply to immediate wage withholding in non-IV-D cases.

5. **Question:** Must States meet the criteria in Federal regulations for a finding of good cause or for an alternative arrangement in IV-D cases in extending immediate withholding to non-IV-D cases?

Answer: No. Federal regulations at 45 CFR 303.100(b)(2) and (3), which set certain minimum criteria for good cause findings and alternative arrangements in IV-D cases, do not apply to non-IV-D cases. Consequently, States may develop their own criteria for non-IV-D cases which differ from or are consistent with those required under IV-D regulations. States could, for example, design criteria for alternative arrangements which allow the parents, in cases in which they do not want payments to go through the public agency or publicly accountable entity, or do not want to pay any fee that may be imposed, to choose on a case-by-case basis to have withholding implemented through a system where the employer would send withheld amounts directly to the custodial parent (as opposed to a public agency or publicly accountable entity). States would still need to establish a system for non-IV-D withholding which meets the mandatory requirements at 42 USC 666(a)(3)(B), but the volume of cases under that procedure may be lessened by affording parents an alternative arrangement.

6. Question: Is the State responsible for sending the notice of withholding to the employer in non-IV-D cases effective January 1, 1994?

Answer: No. Federal statutory requirements for withholding in non-IV-D cases do not require States to send the withholding notice to the employer. States may choose to do so or may direct the obligor, obligee, or their attorneys, to send the withholding notice to the employer as soon as the initial child support order is issued.

Many States have already developed standardized wage withholding notices which incorporate the information which must be given to employers. States may adapt these documents for use in non-IV-D situations.

7. Question: Is the State required to take enforcement actions in non-IV-D cases when there have been good cause findings, or alternative arrangements and the non-custodial parent subsequently becomes delinquent in an amount which would trigger an initiated withholding under IV-D requirements? Or when the non-custodial parent leaves employment and becomes delinquent?

Answer: No. The statute does not require the State to take enforcement actions, initiate, or to re-initiate withholding in non-IV-D cases beyond subjecting the non-custodial parent to immediate withholding when a child support order is initially issued in the State. Enforcement of withholding orders may be done by States or left to obligees or their attorneys to take such action. Any individual who wants child support enforcement services may also apply for IV-D services.

8. Question: What are the State's responsibilities with respect to allocation of withheld amounts when there are multiple withholding notices involving both non-IV-D and IV-D cases for a single non-custodial parent?

Answer: If multiple withholdings from a single non-custodial parent's earnings involve both a IV-D and a non-IV-D case, Federal requirements must be applied to all withholdings with respect to that non-custodial parent. Federal regulations at 45 CFR 303.100(a)(5), governing IV-D cases, require States, in cases where there are more than one withholding against a single non-custodial parent, to allocate withholding, but in no case should the allocation result in one family getting nothing. For consistency, States may choose to adopt allocation methods mandated in Federal regulations for IV-D cases for all withholdings, whether IV-D or non-IV-D. Since receipt of current support is essential to many families, the State should attempt to ensure that current support is paid first to any family due current support.

8. Question: Do the specific criteria for termination of withholding in IV-D cases apply to non-IV-D withholding?

Answer: No. Federal regulations at 45 CFR 303.100(a)(7) which set certain minimum criteria for termination of withholding in IV-D cases do not apply to non-IV-D cases.

in the United States district court. If the request fails to meet these requirements, the application shall be denied and returned to the IV-D agency with an explanation of the refusal to certify.

47 FR 24719, June 8, 1982, as amended at 54 FR 32312, Aug. 4, 1989]

303.80 Recovery of direct payments.

(a) *Definition.* Direct payment means assigned support payment from an absent parent which is received directly by an AFDC recipient.

(b) *Direct payments that must be recovered by the IV-D agency.* In States that place the responsibility for recovery of direct payments with the IV-D agency under the State plan option at 302.31(a)(3)(ii) of this chapter, the IV-D agency must recover all such payments. The only exception is a direct payment retained by the recipient during the period when the sanction for failure to cooperate is in effect, as provided at 45 CFR 232.12(d).

(c) *What the IV-D agency must do prior to establishing a repayment agreement with an AFDC recipient.* Before establishing a repayment agreement with an AFDC recipient, the IV-D agency must:

(1) Document that the recipient has, in fact, received and retained direct payments, and the amounts;

(2) Provide written notice of intent to recover the payments to the recipient that includes the following:

(i) An explanation of the recipient's responsibility to cooperate by turning over direct payments as a condition of eligibility for AFDC, and the sanction for failure to cooperate as provided at 232.12(d) of this title;

(ii) A detailed list of the direct payments which have been retained by the recipient, as documented by the IV-D agency, including the dates and amounts of these payments as well as a description of any documentary evidence (such as photocopies of the checks) which the IV-D agency possesses;

(iii) A proposal for a repayment plan between the recipient and the IV-D agency;

(iv) An explanation that repaying retained direct payments to the IV-D agency according to a signed repayment plan which meets the conditions of paragraph (d) below is a condition of

cooperation under § 232.12(b)(4) of this title.

(3) Provide the recipient with an opportunity for an informal meeting to clarify the recipient's responsibilities and to resolve any differences regarding repayment of the directly received support by the recipient.

(d) *Requirements of the repayment agreement.* The repayment agreement between the IV-D agency and the recipient who has received and retained direct payments must be reasonably related to:

(1) The recipient's income and resources including the AFDC grant; and

(2) The total amount of retained support.

(e) *Referrals to the IV-A agency for a determination of failure to cooperate.* The IV-D agency must refer a case to the IV-A agency with evidence of failure to cooperate if:

(1) The recipient refuses to sign a repayment agreement; or

(2) The recipient enters into a repayment agreement but subsequently fails to make a payment under the terms of the agreement.

(f) *Subsequent notification to the IV-A agency as required.* If the IV-D agency has referred a case to the IV-A agency with evidence of failure to cooperate for either of the reasons in paragraph (e) of this section the IV-D agency must notify the IV-A agency when either of the following changes in circumstances occurs:

(1) The recipient who refused to enter into a repayment agreement consents to do so and signs the agreement; or

(2) The recipient who defaulted on an agreement begins making regularly scheduled payments according to the agreement. Under this paragraph, a regularly scheduled payment is a payment made in the current month for the amount specified in the initial repayment agreement between the IV-D agency and the recipient. The resumption of regularly scheduled payments cannot be interpreted to mean payment of amounts which were not paid during the period of default, nor amounts which could be categorized as balloon payments or which would be due as a result of an acceleration clause. To recover amounts due from any period of default, the IV-D agency

must extend the duration of the repayment agreement.

[47 FR 43956, Oct. 5, 1982, as amended at 50 FR 34696, Aug. 27, 1985]

§ 303.100 Procedures for wage or income withholding.

(a) *General withholding requirements.*

(1) The State must ensure that in the case of each absent parent against whom a support order is or has been issued or modified in the State, and is being enforced under the State plan, so much of his or her wages must be withheld, in accordance with this section, as is necessary to comply with the order.

(2) In addition to the amount to be withheld to pay the current month's obligation, the amount to be withheld must include an amount to be applied toward liquidation of overdue support.

(3) The total amount to be withheld under paragraphs (a)(1), (a)(2) and, if applicable, (f)(1)(iii) of this section may not exceed the maximum amount permitted under section 303(b) of the Consumer Credit Protection Act (15 U.S.C. 1673(b)).

(4) In the case of a support order being enforced under the State plan, the withholding must occur without the need for any amendment to the support order involved or any other action by the court or entity that issued it other than that required or permitted under this section.

(5) If there is more than one notice for withholding against a single absent parent, the State must allocate amounts available for withholding giving priority to current support up to the limits imposed under section 303(b) of the Consumer Credit Protection Act (15 U.S.C. 1673(b)). The State must establish procedure for allocation of support among families, but in no case shall the allocation result in a withholding for one of the support obligations not being implemented.

(6) The withholding must be carried out in full compliance with all procedural due process requirements of the State.

(7) The State must have procedures for promptly terminating withholding:

(i) In all cases, when there is no longer a current order for support and all arrearages have been satisfied; or,

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(11) At State option, when the absent parent requests termination and withholding has not been terminated previously and subsequently initiated, and the absent parent meets the conditions for an alternative arrangement set forth under paragraph (b)(3) of this section.

(8) The State must have procedures for promptly refunding to absent parents amounts which have been improperly withheld.

(9) The State may extend its withholding to include withholding from forms of income other than wages.

(10) Support orders issued or modified in IV-D cases must include a provision requiring the absent parent to keep the IV-D agency informed of the name and address of his or her current employer, whether the absent parent has access to health insurance coverage at reasonable cost and, if so, the health insurance policy information.

(b) *Immediate withholding on IV-D cases.* (1) In the case of a support order being enforced under this part that is issued or modified on or after November 1, 1990, the wages of an absent parent shall be subject to withholding, regardless of whether support payments by such parent are in arrears, on the effective date of the order, except that such wages shall not be subject to withholding under this paragraph in any case where:

(i) Either the absent or custodial parent demonstrates, and the court or administrative authority finds, that there is good cause not to require immediate withholding; or (ii) A written agreement is reached between the absent and custodial parent, and, at State option, the State in IV-D cases in which there is an assignment of support rights to the State, which provides for an alternative arrangement.

(2) For the purposes of this paragraph, any finding that there is good cause not to require immediate withholding must be based on at least:

(1) A written determination that, and explanation by the court or administrative authority of why, implementing immediate wage withholding would not be in the best interests of the child; and

(ii) Proof of timely payment of previously ordered support in cases involving the modification of support orders.

(3) For purposes of this paragraph, "written agreement" means a written alternative arrangement signed by both the custodial and absent parent, and, at State option, by the State in IV-D cases in which there is an assignment of support rights to the State, and reviewed and entered in the record by the court or administrative authority.

(c) *Initiated withholding in IV-D cases.* In the case of wages not subject to immediate withholding under paragraph (b) of this section, including cases subject to a finding of good cause or to a written agreement:

(1) The wages or the absent parent shall become subject to the withholding on the date on which the payments which the absent parent has failed to make under a support order are at least equal to the support payable for one month or, if earlier, and without regard to whether there is an arrearage, the earliest of:

(i) The date on which the absent parent requests that withholding begin;

(ii) The date on which the custodial parent requests that withholding begin, if the State determines, in accordance with such procedures and standards as it may establish, that the request should be approved; or

(iii) Such earlier date as State law or procedure may provide.

(2) The State must send the advance notice required under paragraph (d) of this section to the absent parent within 15 calendar days of the appropriate date under paragraph (c)(1) of this section if the absent parent's address is known on that date, or, if the absent parent's address is not known on that date, within 15 calendar days of locating the absent parent.

(3) The only basis for contesting a withholding under this paragraph is a mistake of fact, which for purposes of this paragraph means an error in the amount of current or overdue support or in the identity of the alleged absent parent.

(d) *Advance notice to the absent parent in cases of initiated withholding.* (1) On the date specified in paragraph (c)(2) of this section, the State must send ad-

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(i) Of the amount of overdue support
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wages that will be withheld;

(ii) That the provision for withhold-
ing applies to any current or subse-
quent employer or period of employ-
ment;

(iii) Of the procedures available for
contesting the withholding and that
the only basis for contesting the with-
holding is a mistake of fact;

(iv) Of the period within which the
absent parent must contact the State
in order to contest the withholding and
that failure to contact the State with-
in the specified time limit will result
in the State notifying the employer to
begin withholding; and

(v) Of the actions the State will take
if the individual contests the withhold-
ing, including the procedures estab-
lished under paragraph (e) of this sec-
tion.

(2) (i) The requirement for advance
notice to the absent parent under para-
graph (d)(1) of this section and for
State procedures when the absent par-
ent contests the withholding in re-
sponse to the advance notice under
paragraph (e) of this section do not
apply in the case of any State which
had a withholding system in effect on
August 16, 1984 if the system provided
on that date, and continues to provide,
any other procedures as may be nec-
essary to meet the procedural due pro-
cess requirements of State law.

(ii) Any State in which paragraph
(d)(2)(i) of this section applies must
meet all other requirements of this sec-
tion and must send notice to the em-
ployer under paragraph (f) of this sec-
tion within 15 calendar days of the ap-
propriate date specified in paragraph
(c)(1) of this section if the employer's
address is known on that date, or, if
the employer's address is not known on
that date, within 15 calendar days of
locating the employer's address.

(e) *State procedures when the absent
parent contests initiated withholding in
response to the advance notice.* The State
must establish procedures for use when
an absent parent contests the with-
holding. Within 45 calendar days of
sending advance notice to the absent

parent under paragraph (d) of this sec-
tion, the State must:

(1) Provide the absent parent an op-
portunity to present his or her case to
the State;

(2) Determine if the withholding shall
occur based on an evaluation of the
facts, including the absent parent's
statement of his or her case;

(3) Notify the absent parent whether
or not the withholding is to occur and,
if it is to occur, include in the notice
the time frames within which the with-
holding will begin and the information
given to the employer in the notice re-
quired under paragraph (f) of this sec-
tion; and

(4) If withholding is to occur, send
the notice required under paragraph (f)
of this section.

(f) *Notice to the employer for immediate
and initiated withholding.* (1) To initiate
withholding, the State must send the
absent parent's employer a notice
which includes the following:

(i) The amount to be withheld from
the absent parent's wages, and a state-
ment that the amount actually with-
held for support and other purposes, in-
cluding the fee specified under para-
graph (f)(1)(iii) of this section, may not
be in excess of the maximum amounts
permitted under section 303(b) of the
Consumer Credit Protection Act (15
U.S.C. 1673(b));

(ii) That the employer must send the
amount to the State (or to such other
individual or entity as the State may
direct) within 10 working days of the
date the absent parent is paid, and
must report to the State (or to such
other individual or entity as the State
may direct) the date on which the
amount was withheld from the absent
parent's wages;

(iii) That, in addition to the amount
withheld for support, the employer
may deduct a fee established by the
State for administrative costs incurred
for each withholding, if the State per-
mits a fee to be deducted;

(iv) That the withholding is binding
upon the employer until further notice
by the State;

(v) That the employer is subject to a
fine to be determined under State law
for discharging an absent parent from
employment, refusing to employ, or
taking disciplinary action against any

the absent parent changes employment within the State when a new law is in effect, the State must ensure the absent parent's new employment is in accordance with the requirements of paragraph (f)(1) of this section. The withholding is binding on the employer.

Administration of withholding. (1) A State must designate a public entity to administer withholding in accordance with procedures specified in paragraph (f) of this section. The State must keep adequate records for keeping adequate records, document, track, and monitor payments.

A State may designate public entities to administer withholding on a State or local basis under the authority of the State withholding law. If the entity or entities are not accountable and follow the procedures specified by the State; and a State may designate only one entity to administer withholding in accordance with this section.

Effective October 1, 1995, the State must be capable of receiving withheld amounts and accounting information electronically transmitted by the employer to the State.

Amounts withheld must be in accordance with section 457 and §§302.32, 302.51 and 302.52 of this title.

A State must reduce its IV-D payments by any interest earned by the designee on withheld amounts.

State withholding. (1) The State must provide for procedures for the State's withholding system. The system will include withholding from income or wages of the State in cases where interstate support orders were entered in other States. A State may rescind or modification of orders from other States for purposes of enforcement of withholding only if registration is the sole purpose of obtaining the order for enforcement of the order. The State may not confer jurisdiction on any other agency for any other purpose, such as modification of the original support order or modification of custody or visitation. The State does not delay implementation of withholding beyond the time-

frames established in paragraph (h)(5) of this section.

(2) The State law must require employers to comply with a withholding notice issued by the State.

(3) Within 20 calendar days of a determination that withholding is required in a particular case, and, if appropriate, receipt of any information necessary to carry out withholding, the initiating State must notify the IV-D agency of the State in which the absent parent is employed to implement interstate withholding. The notice must contain all information necessary to carry out the withholding, including the amount requested to be withheld, a copy of the support order and a statement of arrearages, if appropriate. If necessary, the State where the support order is entered must provide the information necessary to carry out the withholding within 30 calendar days of receipt of a request for information by the initiating State.

(4) The State in which the absent parent is employed must implement withholding in accordance with paragraph (h)(5) of this section upon receipt of the notice required in paragraph (h)(3) of this section.

(5) The State in which the absent parent is employed must:

(i) Within 15 calendar days of location of the absent parent and his or her employer, send notice to the absent parent, if appropriate, in accordance with the requirements of paragraph (d) of this section;

(ii) Provide the absent parent with an opportunity to contest the withholding, if appropriate, in accordance with paragraph (e) of this section;

(iii) Send notice to the employer in accordance with the requirements of paragraph (f) of this section; and

(iv) Notify the State in which the custodial parent is receiving services when the absent parent is no longer employed in the State and provide the name and address of the absent parent and new employer, if known.

(6) The withholding must be carried out in full compliance with all procedural due process requirements of the State in which the absent parent is employed.

(7) Except with respect to when withholding must be implemented which is

controlled by the State where the support order was entered, the law and procedures of the State in which the absent parent is employed shall apply.

(1) *Provision for withholding in all child support orders.* Child support orders issued or modified in the State between October 1, 1985, and January 1, 1994, or modified on or after January 1, 1994, must have a provision for withholding of wages, in order to ensure that withholding as a means of support is available if arrearages occur without the necessity of filing an application for IV-D services. This requirement does not alter the requirement governing all IV-D cases in paragraph (a)(4) of this section that enforcement under the State plan must proceed without the need for a withholding provision in the order.

[57 FR 30692, July 10, 1992]

§ 303.101 Expedited processes.

(a) *Definition.* Expedited processes means administrative or expedited judicial processes or both which increase effectiveness and meet processing times specified in paragraph (b)(2) of this section and under which the presiding officer is not a judge of the court.

(b) *Basic requirements.* (1) The State must have in effect and use expedited processes as specified under this section to establish and enforce support orders in intrastate and interstate cases.

(2) Under expedited processes, actions to establish or enforce support obligations in IV-D cases must be completed from the time of successful service of process to the time of disposition within the following time frames: (i) 90 percent in 3 months; (ii) 98 percent in 6 months; and (iii) 100 percent in 12 months.

(3) The State may include paternity establishment in the expedited processes in effect in the State.

(4) If a case involves complex issues requiring judicial resolution, the State must establish a temporary support obligation under expedited processes and may then refer the unresolved issues to the full judicial system for resolution.

(c) *Safeguards.* Under expedited processes:

(1) Orders established must have the same force and effect under State law

§ 666. Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement

(a) In order to satisfy section 454(20)(A) [42 USCS § 654(20)(A), each State must have in effect laws requiring the use of the following proce-

dures, consistent with this section and with regulations of the Secretary, to increase the effectiveness of the program which the State administers under this part [42 USCS §§ 651 et seq.]:

(1) Procedures described in subsection (b) for the withholding from income of amounts payable as support.

(2) Procedures under which expedited processes (determined in accordance with regulations of the Secretary) are in effect under the State judicial system or under State administrative processes (A) for obtaining and enforcing support orders, and (B) at the option of the State, for establishing paternity. The Secretary may waive the provisions of this paragraph with respect to one or more political subdivisions within the State on the basis of the effectiveness and timeliness of support order issuance and enforcement within the political subdivision (in accordance with the general rule for exemptions under subsection (d)).

(3) Procedures under which the State child support enforcement agency shall request, and the State shall provide, that for the purpose of enforcing a support order under any State plan approved under this part [42 USCS §§ 651 et seq.]—

(A) any refund of State income tax which would otherwise be payable to an absent parent will be reduced, after notice has been sent to that absent parent of the proposed reduction and the procedures to be followed to contest it (and after full compliance with all procedural due process requirements of the State), by the amount of any overdue support owed by such absent parent;

(B) the amount by which such refund is reduced shall be distributed in accordance with section 457(b)(4) or (d)(3) [42 USCS § 657(b)(4), (d)(3)] in the case of overdue support assigned to a State pursuant to section 402(a)(26) or 471(a)(17) [42 USCS §§ 602(a)(26), 671(a)(17)], or, in the case of overdue support which a State has agreed to collect under section 454(6) [42 USCS § 654(6)], shall be distributed, after deduction of any fees imposed by the State to cover the costs of collection, to the child or parent to whom such support is owed; and

(C) notice of the absent parent's social security account number (or numbers, if he has more than one such number) and home address shall be furnished to the State agency requesting the refund offset, and to the State agency enforcing the order.

(4) Procedures under which liens are imposed against real and personal property for amounts of overdue support owed by an absent parent who resides or owns property in the State.

(5)(A)(i) Procedures which permit the establishment of the paternity of any child at any time prior to such child's eighteenth birthday.

(ii) As of August 16, 1984, the requirement of clause (i) shall also apply to any child for whom paternity has not yet been established and any child for whom a paternity action was brought but dismissed because a statute of limitations of less than 18 years was then in effect in the State.

(B) Procedures under which the State is required (except in cases where the individual involved has been found under section 402(a)(26)(B) [42 USCS § 602(a)(26)(B)] to have good cause for refusing to cooperate) to require the child and all other parties, in a contested paternity case, to submit to genetic tests upon the request of any such party.

(6) Procedures which require that an absent parent give security, post a bond, or give some other guarantee to secure payment of overdue support, after notice has been sent to such absent parent of the proposed action and of the procedures to be followed to contest it (and after full compliance with all procedural due process requirements of the State).

(7) Procedures by which information regarding the amount of overdue support owed by an absent parent residing in the State will be made available to any consumer reporting agency (as defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) [15 USCS § 1681a(f)]) upon the request of such agency; except that (A) if the amount of the overdue support involved in any case is less than \$1,000, information regarding such amount shall be made available only at the option of the State, (B) any information with respect to an absent parent shall be made available under such procedures only after notice has been sent to such absent parent of the proposed action, and such absent parent has been given a reasonable opportunity to contest the accuracy of such information (and after full compliance with all procedural due process requirements of the State), and (C) a fee for furnishing such information, in an amount not exceeding the actual cost thereof, may be imposed on the requesting agency by the State.

(8)(A) Procedures under which all child support orders ^{not described in (B)} ~~which are initially issued in the State on or after January 1, 1994; and are not being enforced under this part [42 USCS §§ 651 et seq.]~~ will include provision for withholding from wages, in order to assure that withholding as a means of collecting child support is available if arrearages occur without the necessity of filing application for services under this part [42 USCS §§ 651 et seq.].

"(B) Procedures under which all child support orders which are initially issued in the State on or after January 1, 1994; and are not being enforced under this part [42 USCS §§ 651 et seq.] will include the following requirements:

"(i) The wages of an absent parent shall be subject to withholding, regardless of whether support payments by such parent are in arrears, on the effective date of the order; except that such wages shall not be subject to withholding under this clause in any case where (I) one of the parties demonstrates, and the court (or administrative process) finds, that there is good cause not to require immediate income withholding, or (II) a written agreement is reached between both parties which provides for an alternative arrangement.

"(ii) The requirements of subsection (b)(1) (which shall apply in the case of each absent parent against whom a support order is or has been issued or modified in the State, without regard to whether the order is being enforced under the State plan).

"(iii) The requirements of paragraphs (2), (5), (6), (7), (8), (9), and (10) of subsection (b), where applicable.

"(iv) Withholding from income of amounts payable as support must be carried out in full compliance with all procedural due process requirements of the State."

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(9) Procedures which require that any payment or installment of support under any child support order, whether ordered through the State judicial system or through the expedited processes required by paragraph (2), is (on and after the date it is due)—

(A) a judgment by operation of law, with the full force, effect, and attributes of a judgment of the State, including the ability to be enforced,

(B) entitled as a judgment to full faith and credit in such State and in any other State, and

(C) not subject to retroactive modification by such State or by any other State;

except that such procedures may permit modification with respect to any period during which there is pending a petition for modification, but only from the date that notice of such petition has been given, either directly or through the appropriate agent, to the obligee or (where the obligee is the petitioner) to the obligor.

(10)(A) Procedures to ensure that, beginning 2 years after the date of the enactment of this paragraph, if the State determines (pursuant to a plan indicating how and when child support orders in effect in the State are to be periodically reviewed and adjusted) that a child support order being enforced under this part [42 USCS §§ 651 et seq.] should be reviewed, the State must, at the request of either parent subject to the order, or of a State

child support enforcement agency, initiate a review of such order, and adjust such order, as appropriate, in accordance with the guidelines established pursuant to section 467(a) [this section].

(B) Procedures to ensure that, beginning 5 years after the date of the enactment of this paragraph or such earlier date as the State may select, the State must implement a process for the periodic review and adjustment of child support orders being enforced under this part [42 USCS §§ 651 et seq.] under which the order is to be reviewed not later than 36 months after the establishment of the order or the most recent review, and adjusted, as appropriate, in accordance with the guidelines established pursuant to section 467(a) [42 USCS § 667(a)], unless—

- (i) in the case of an order with respect to an individual with respect to whom an assignment under section 402(a)(26) [42 USCS § 602(a)(26)] is in effect, the State has determined, in accordance with regulations of the Secretary, that such a review would not be in the best interests of the child and neither parent has requested review; and
- (ii) in the case of any other order being enforced under this part [42 USCS §§ 651 et seq.], neither parent has requested review.

(C) Procedures to ensure that the State notifies each parent subject to a child support order in effect in the State that is being enforced under this part [42 USCS §§ 651 et seq.]—

- (i) of any review of such order, at least 30 days before the commencement of such review; and
- (ii) of the right of such parent under subparagraph (B) to request the State to review such order; and
- (iii) of a proposed adjustment (or determination that there should be no change) in the child support award amount, and such parent is afforded not less than 30 days after such notification to initiate proceedings to challenge such adjustment (or determination).

Notwithstanding section 454(20)(B) [42 USCS § 654(20)(B)], the procedures which are required under paragraphs (3), (4), (6), and (7) need not be used or applied in cases where the State determines (using guidelines which are generally available within the State and which take into account the payment record of the absent parent, the availability of other remedies, and other relevant considerations) that such use or application would not carry out the purposes of this part [42 USCS §§ 651 et seq.] or would be otherwise inappropriate in the circumstances.

(b) The procedures referred to in subsection (a)(1) (relating to the withholding from income of amounts payable as support) must provide for the following:

(1) In the case of each absent parent against whom a support order is or has been issued or modified in the State, and is being enforced under the State plan, so much of such parent's wages (as defined by the State for purposes of this section) must be withheld, in accordance with the succeeding provisions of this subsection, as is necessary to comply with the order and provide for the payment of any fee to the employer which may be required under paragraph (6)(A), up to the maximum amount permitted under section 303(b) of the Consumer Credit Protection Act (15 U.S.C. 1673(b)) [15 USCS § 1673(b)]. If there are arrearages to be collected, amounts withheld to satisfy such arrearages, when added to the amounts withheld to pay current support and provide for the fee, may not exceed the limit permitted under such section 303(b) [15 USCS § 1673(b)], but the State need not withhold up to the maximum amount permitted under such section in order to satisfy arrearages.

(2) Such withholding must be provided without the necessity of any application therefor in the case of a child (whether or not eligible for aid under part A [42 USCS §§ 601 et seq.]) with respect to whom services are already being provided under the State plan under this part [42 USCS §§ 651 et seq.], and must be provided in accordance with this subsection on the basis of an application for services under the State plan in the case of any other child in whose behalf a support order has been issued or modified in the State. In either case such withholding must occur without the need for any amendment to the support order involved or for any further action (other than those actions required under this part [42 USCS §§ 651 et seq.]) by the court or other entity which issued such order.

- (3)(A) The wages of an absent parent shall be subject to such withholding, regardless of whether support payments by such parent are in arrears, in the case of a support order being enforced under this part that is issued or modified on or after the first day of the 25th month beginning after the date of the enactment of this paragraph [enacted Oct. 13, 1988], on the effective date of the order; except that such wages shall not be subject to such withholding under this subparagraph in any case where (i) one of the parties demonstrates, and the court (or administrative process) finds, that there is good cause not to require immediate income withholding, or (ii) a written agreement is reached between both parties which provides for an alternative arrangement.
- (B) The wages of an absent parent shall become subject to such withholding, in the case of wages not subject to withholding under subparagraph (A), on the date on which the payments which the absent parent has failed to make under a support order are at least equal to the support payable for one month or, if earlier, and without regard to whether there is an arrearage, the earliest of—
- (i) the date as of which the absent parent requests that such withholding begin,
 - (ii) the date as of which the custodial parent requests that such withholding begin, if the State determines, in accordance with such procedures and standards as it may establish, that the request should be approved, or
 - (iii) such earlier date as the State may select.

(4)(A) Such withholding must be carried out in full compliance with all procedural due process requirements of the State, and (subject to subparagraph (B)) the State must send advance notice to each absent parent to whom paragraph (1) applies regarding the proposed withholding and the procedures such absent parent should follow if he or she desires to contest such withholding on the grounds that withholding (including the amount to be withheld) is not proper in the case involved because of mistakes of fact. If the absent parent contests such withholding on those grounds, the State shall determine whether such withholding will actually occur, shall (within no more than 45 days after the provision of such advance notice) inform such parent of whether or not withholding will occur and (if so) of the date on which it is to begin, and shall furnish such parent with the information contained in any notice given to the employer under paragraph (6)(A) with respect to such withholding.

(B) The requirement of advance notice set forth in the first sentence of subparagraph (A) shall not apply in the case of any State which has a system of income withholding for child support purposes in effect on the date of the enactment of this section [enacted Aug. 16, 1984] if such system provides on that date, and continues to provide, such procedures as may be necessary to meet the procedural due process requirements of State law.

(5) Such withholding must be administered by a public agency designated by the State, and the amounts withheld must be expeditiously distributed by the State or such agency in accordance with section 457

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[42 USCS § 657] under procedures (specified by the State) adequate to document payments of support and to track and monitor such payments, except that the State may establish or permit the establishment of alternative procedures for the collection and distribution of such amounts (under the supervision of such public agency) otherwise than through such public agency so long as the entity making such collection and distribution is publicly accountable for its actions taken in carrying out such procedures, and so long as such procedures will assure prompt distribution, provide for the keeping of adequate records to document payments of support, and permit the tracking and monitoring of such payments.

(6)(A)(i) The employer of any absent parent to whom paragraph (1) applies, upon being given notice as described in clause (ii), must be required to withhold from such absent parent's wages the amount specified by such notice (which may include a fee, established by the State, to be paid to the employer unless waived by such employer) and pay such amount (after deducting and retaining any portion thereof which represents the fee so established) to the appropriate agency (or other entity authorized to collect the amounts withheld under the alternative procedures described in paragraph (5)) for distribution in accordance with section 457 [42 USCS § 657].

(ii) The notice given to the employer shall contain only such information as may be necessary for the employer to comply with the withholding order.

(B) Methods must be established by the State to simplify the withholding process for employers to the greatest extent possible, including permitting any employer to combine all withheld amounts into a single payment to each appropriate agency or entity (with the portion thereof which is attributable to each individual employee being separately designated).

(C) The employer must be held liable to the State for any amount which such employer fails to withhold from wages due an employee following receipt by such employer of proper notice under subparagraph (A), but such employer shall not be required to vary the normal pay and disbursement cycles in order to comply with this paragraph.

(D) Provision must be made for the imposition of a fine against any employer who discharges from employment, refuses to employ, or takes disciplinary action against any absent parent subject to wage withholding required by this subsection because of the existence of such withholding and the obligations or additional obligations which it imposes upon the employer.

(7) Support collection under this subsection must be given priority over any other legal process under State law against the same wages.

(8) The State may take such actions as may be necessary to extend its system of withholding under this subsection so that such system will

include withholding from forms of income other than wages, in order to assure that child support owed by absent parents in the State will be collected without regard to the types of such absent parents' income or the nature of their income-producing activities.

(9) The State must extend its withholding system under this subsection so that such system will include withholding from income derived within such State in cases where the applicable support orders were issued in other States, in order to assure that child support owed by absent parents in such State or any other State will be collected without regard to the residence of the child for whom the support is payable or of such child's custodial parent.

(10) Provision must be made for terminating withholding.

(c) Any State may at its option, under its plan approved under section 454 [42 USCS § 654], establish procedures under which support payments under this part [42 USCS §§ 651 et seq.] will be made through the State agency or other entity which administers the State's income withholding system in any case where either the absent parent or the custodial parent requests it, even though no arrearages in child support payments are involved and no income withholding procedures have been instituted; but in any such case an annual fee for handling and processing such payments, in an amount not exceeding the actual costs incurred by the State in connection therewith or \$25, whichever is less, shall be imposed on the requesting parent by the State.

(d) If a State demonstrates to the satisfaction of the Secretary, through the presentation to the Secretary of such data pertaining to caseloads, processing times, administrative costs, and average support collections, and such other data or estimates as the Secretary may specify, that the enactment of any law or the use of any procedure or procedures requires by or pursuant to this section will not increase the effectiveness and efficiency of the State child support enforcement program, the Secretary may exempt the State, subject to the Secretary's continuing review and to termination of the exemption should circumstances change, from the requirement to enact the law or use the procedure or procedures involved.

(e) For purposes of this section, the term "overdue support" means the amount of a delinquency pursuant to an obligation determined under a court order, or an order of an administrative process established under State law, for support and maintenance of a minor child which is owed to or on behalf of such child, or for support and maintenance of the absent parent's spouse (or former spouse) with whom the child is living if and to the extent that spousal support (with respect to such spouse or former spouse) would be included for purposes of paragraph (4) or (6) of section 454 [42 USCS § 654(4), (6)]. At the option of the State, overdue support may include amounts which otherwise meet the definition in the first sentence of this subsection but which are owed to or on behalf of a child who is not a minor child. The option to include support owed to children

who are not minors shall apply independently to each procedure specified under this section.



OFFICE OF CHILD SUPPORT ENFORCEMENT

ADMINISTRATION FOR CHILDREN AND FAMILI
370 L'Enfant Promenade. S.W
Washington, D.C. 20447

Program Instruction

ACTION TRANSMITTAL
OCSE-AT-93-06

TO: STATE AGENCIES ADMINISTERING CHILD SUPPORT ENFORCEMENT PLANS UNDER TITLE IV-D OF THE SOCIAL SECURITY ACT AND OTHER INTERESTED INDIVIDUALS

SUBJECT: Statutory Requirements for Immediate Wage Withholding in All Child Support Orders Initially Issued In the State Not Being Enforced Under Title IV-D of the Social Security Act

STATUTORY REFERENCE: 42 U.S.C. 666(a)(8)(B)

EFFECTIVE DATE: January 1, 1994

BACKGROUND: Section 101 of the Family Support Act of 1988 (P.L. 100-485) amended section 466 of the Social Security Act (the Act) to require that States enact laws and implement procedures for immediate wage withholding in certain cases. For those cases being enforced under title IV-D of the Act, section 466(b)(3)(A) requires States to provide for immediate withholding, in all new or modified orders established on and after November 1, 1990, regardless of whether child support payments are in arrears, on the effective date of the order. Two exceptions to imposing immediate withholding are permitted: (1) if one of the parties demonstrates, and the court or administrative process finds good cause not to require withholding; (2) or a written agreement is reached between both parties for an alternative arrangement. Final regulations at 45 CFR 303.100 implementing this statutory mandate were published on July 10, 1992 [OCSE-AT-92-02].

Section 101 of the Family Support Act also requires that, effective January 1, 1994, States implement immediate withholding in all support orders initially issued in the State which are not being enforced under title IV-D. This program

Background info.

instruction provides guidance for States in enacting laws and developing procedures, in accordance with amended section 466(a)(8)(B) of the Act, under which all child support orders which are initially issued in the State on or after January 1, 1994, and are not being enforced under title IV-D of the Act are subject to immediate withholding.

ATTACHMENT: State Plan Preprint Page 2-12-8B

INQUIRIES: ACF Regional Administrators



Robert Harris
Acting Deputy Director
Office of Child Support Enforcement

I. Introduction

This Action Transmittal sets forth the statutory requirements which States must meet in implementing section 466(a)(3)(B) of the Act. States may choose to extend these immediate wage withholding requirements to apply to orders in non-IV-D cases which are modified after January 1, 1994, in addition to orders initially issued after that date. The instructions also address issues raised with respect to implementing immediate withholding in non-IV-D cases.

II. State Plan Requirements

As a condition of Federal funding, a State must comply with the statutory requirements of Section 454 of the Act. Section 454(20) requires that the State IV-D plan provide that the State shall have in effect all of the laws required under the mandatory procedures established in section 466 of the Act. Since the requirements for non-IV-D withholding are part of the mandatory procedures set forth in section 466, States must demonstrate conformity with these requirements as a condition for having an approved State IV-D plan. Section 466(a)(8)(B) of the Act specifies that each State must have laws requiring the use of procedures under which all child support orders initially issued in the State on and after January 1, 1994 and which are not being enforced under Title IV-D will include provisions for:

- Immediate withholding, with exceptions for good cause and alternative arrangements;
- D • Withholding for overdue support in addition to current support;
- Limitations on amounts withheld based on the Federal Consumer Credit Protection Act (CCPA);
- Withholding without the need to apply for IV-D services or amendment to the order or further action by court/administrative authority;
- Administration of withholding by a public agency or a publicly-accountable alternative;
- Prompt distribution of amounts withheld;
- Employer requirements; 25.27.250
- Priority over other legal process against the same wages under State law; 25.27.250 I
- Optional extension to other forms of income;
- Extension to enforcement of orders of other States; 25.29.022
- Provisions for terminating withholding. 7 AS25.27.0

These requirements will be described and discussed in the following section.

Attached, is a new State plan preprint page at page 2-12-8B, which must be submitted to the ACF Regional Office by March 31, 1994 (i.e., the end of the first quarter in which the requirement is effective). States failing to demonstrate conformity with the statutory requirements will be subject to State plan disapproval procedures outlined in OCSE-AT-86-21. Non-conformity could result in the suspension of all IV-D funding as well as a portion of title IV-A funding to the State.

III. Explanation of Non-IV-D Withholding Requirements

Section 466(a)(8)(B) of the Act requires immediate withholding for all non-IV-D child support orders initially issued in the State on or after January 1, 1994. In addition, by cross-reference, it extends the same statutory requirements applicable to title IV-D at paragraph (1) and, where applicable, paragraphs (2), (4), (5), (6), (7), (8), (9) and (10) of section 466(b). The specific requirements applicable in non-IV-D cases effective January 1, 1994, are:

A. When Immediate Withholding Is Required; Exceptions

The wages of a non-custodial parent must be subject to withholding, regardless of whether support payments by such parent are in arrears, on the effective date of the order. As in the case of orders being enforced in IV-D cases, two exceptions to immediate withholding are permitted. Wages shall not be subject to withholding in any case where: (1) one of the parties demonstrates, and the court (or administrative process) finds, that there is good cause not to require immediate withholding; or (2) a written agreement is reached between both parties which provides for an alternative arrangement.

B. Limitations on Amounts Withheld

(1) So much of the non-custodial parent's wages must be withheld as is necessary to comply with the order and provide for any fee to the employer which may be required, up to the maximum amount permitted under section 303(b) of the Consumer Credit Protection Act (15 U.S.C. 1673(b)) [CCPA].

(2) If there are arrearages to be collected, amounts withheld to pay such arrearages, when added to the amounts withheld to pay current support and provide for the fee, may not exceed the limit permitted under such section 303(b), but the State need not withhold up to the maximum amount permitted under such section in order to satisfy arrearages.

C. No Further Action By Court

Withholding must occur without the need for further action (other than those actions required under these procedures) by the court or other entity which issued such order.

D. Administration of Withholding by Public Agency

Withholding must be administered by a public agency designated by the State, and the amounts withheld must be expeditiously distributed by the State or such agency under procedures (specified by the State) adequate to document payments of support and to track and monitor such payments.

The law also allows a State to establish or permit the establishment of alternative procedures for the collection and distribution of such amounts (under the supervision of a public agency) otherwise than through a public agency so long as:

(a) The entity making the collection and distribution is publicly accountable for its actions taken in carrying out such procedures; and,

(b) The procedures assure prompt distribution, provide for the keeping of adequate records to document payments of support, and permit the tracking and monitoring of such payments.

E. Employer Responsibilities

1) The employer of any parent who is subject to immediate withholding in a non-IV-D case, upon being given notice of such action, must be required by the State to withhold from the non-custodial parent's wages the amount specified by the notice (which may include a fee, established by the State, to be paid to the employer unless waived by the employer).

(2) The employer must pay such amount (after deducting any fee) to the appropriate agency (or other entity authorized to collect such amounts withheld under the alternative procedure established by the State) for distribution.

(3) The notice given to the employer shall contain only such information as may be necessary for the employer to comply with the withholding order.

(4) Methods must be established by the State to simplify the withholding process for employers to the greatest extent possible, including permitting any employer to combine all withheld amounts into a single payment to each appropriate

agency or entity (with the portion which is attributable to each individual employee being separately designated).

(5) The employer must be held liable to the State for any amount which the employer fails to withhold from wages due an employee following receipt by the employer of notice, but the employer shall not be required to vary the normal pay and disbursement cycles in order to comply with this paragraph.

(6) Provision must be made for the imposition of a fine against any employer who discharges from employment, refuses to employ, or takes disciplinary action against a non-custodial parent subject to wage withholding because of the existence of the withholding or additional obligations which it imposes upon the employer.

F. Priority Over Other Legal Process

The State must provide that withholding of child support obligations be given priority over any other legal process under State law against the same wages.

G. Other Forms of Income

The State may take such actions as may be necessary to extend its system of withholding so that the system will include withholding from forms of income other than wages, in order to assure that child support owed by non-custodial parents in the State will be collected without regard to the types of such parents' income or the nature of their income-producing activities.

H. Interstate Requirements

The State must extend its withholding system so that such system will include withholding from income derived within the State in cases where the applicable support orders were issued in other States, in order to assure that child support owed by non-custodial parents in the State or any other State will be collected without regard to the residence of the child for whom the support is payable or of the child's custodial parent.

I. Termination

Provision must be made for terminating withholding.

J. Due Process Requirements

Withholding from income of amounts payable as support must be carried out in full compliance with all procedural due process requirements of the State.

IV. Availability of Federal Financial Participation (FFP)

Although States are required to enact laws and procedures for non-IV-D withholding as a condition of having an approved State IV-D plan, the activities mandated at section 466(a)(8)(B) of the Act are for cases not being enforced under a IV-D State plan. FFP is only available for services provided in cases receiving services under title IV-D of the Act. However, in cases where a State has chosen to use its IV-D agency to implement non-IV-D withholding, FFP would only be available for the IV-D costs incurred in implementing a cost allocation system to identify expenditures in IV-D and non-IV-D cases.

V. Exemptions

The provisions at section 466(d) of the Act with respect to exemptions apply to the non-IV-D withholding requirements. States may request, and OCSE may approve, an exemption from one or more of the requirements for the enactment of any law or the use of any procedure or procedures for non-IV-D withholding if the State can demonstrate that the adoption of such laws or procedures would not improve the effectiveness and efficiency of the State child support program. Requests should be sent the appropriate ACF Regional Office in accordance with regulations at 45 CFR 302.70(d) and program instructions set forth in OCSE-AT-88-19.

VI. Questions & Answers Regarding Statutory Requirements

1. Question: Must a public agency administer non-IV-D withholding? What are possible options a State may consider in meeting the administrative requirements?

Answer: The State must specify which public entity is responsible for immediate wage withholding in non-IV-D cases. As the Federal statute provides, States may establish, or permit the establishment of, alternative procedures to carry out non-IV-D withholding as long as the entity it designates is under the supervision of a public agency. The entity must follow procedures which will assure prompt distribution of amounts withheld, provide for the keeping of adequate records to document payments of support, and permit the tracking and monitoring of such payments.

A State could designate the IV-D agency, or the entity which administers withholding in IV-D cases, to be responsible for the administration of non-IV-D withholding. If so, there must be a system for allocating costs between IV-D and non-IV-D operations, since FFP is not available for providing services to non-IV-D cases.

Since October 1, 1985, States have had the option set forth in §302.57 of establishing procedures under which support payments are made through the IV-D agency or the entity designated by the State to administer the State's withholding system upon the request of either the non-custodial parent or custodial parent, regardless of whether or not arrearages exist or withholding procedures have been instituted. States may charge a fee for these services, not to exceed \$25 annually and not to exceed State costs. A State may adapt this option to meet the 1994 non-IV-D withholding requirements.

A State could also opt to designate clerks of court or other appropriate judicial entities to administer non-IV-D withholding, since immediate withholding is applied at the time the support order is initially entered.

Alternatively, the State could choose a private entity, such as a bank, to administer this activity in non-IV-D cases as long as the entity is publicly accountable for the collection and distribution of support withheld.

2. Question: Must the State designate only one entity in each jurisdiction to administer withholding?

Answer: No. Although IV-D regulations at 45 CFR 303.100(g)(2)(ii) require that States may designate only one entity to administer withholding in each jurisdiction, such a restriction does not apply to withholding in non-IV-D cases.

3. Question: If there is no FFP for non-IV-D withholding activities, may the State pass costs on to the user through fees or other cost recovery systems?

Answer: Yes. States may finance their withholding responsibilities in non-IV-D cases by charging fees and recovering costs. However, in cases where the State has elected to use the option set forth at 45 CFR 302.57, and all withholding payments are made through the IV-D agency or entity designated by the State to administer the State's IV-D withholding system, the fee must not exceed \$25 per year or actual costs (whichever is less). If the State designates a bank or other public entity (other than the agency designated to administer IV-D withholding), then these limitations do not apply.

4. Question: Is non-IV-D withholding subject to specific regulatory requirements at 45 CFR 303.100, for timeframes for distribution of amounts withheld?

Answer: No. Federal regulatory requirements applicable to IV-D cases do not apply to immediate wage withholding in non-IV-D cases.

5. **Question:** Must States meet the criteria in Federal regulations for a finding of good cause or for an alternative arrangement in IV-D cases in extending immediate withholding to non-IV-D cases?

Answer: No. Federal regulations at 45 CFR 303.100(b)(2) and (3), which set certain minimum criteria for good cause findings and alternative arrangements in IV-D cases, do not apply to non-IV-D cases. Consequently, States may develop their own criteria for non-IV-D cases which differ from or are consistent with those required under IV-D regulations.

6. **Question:** Is the State responsible for sending the notice of withholding to the employer in non-IV-D cases effective January 1, 1994?

Answer: No. Federal statutory requirements for withholding in non-IV-D cases do not require States to send the withholding notice to the employer. States may choose to do so or may direct the obligor, obligee, or their attorneys, to send the withholding notice to the employer as soon as the initial child support order is issued.

Many States have already developed standardized wage withholding notices which incorporate the information which must be given to employers. States may adapt these documents for use in non-IV-D situations.

7. **Question:** Is the State required to take enforcement actions in non-IV-D cases when there have been good cause findings, or alternative arrangements and the non-custodial parent subsequently becomes delinquent in an amount which would trigger an initiated withholding under IV-D requirements? Or when the non-custodial parent leaves employment and becomes delinquent?

Answer: No. The statute does not require the State to take enforcement actions, initiate, or to re-initiate withholding in non-IV-D cases beyond subjecting the non-custodial parent to immediate withholding when a child support order is initially issued in the State. Enforcement of withholding orders may be done by States or left to obligees or their attorneys to take such action. Any individual who wants child support enforcement services may also apply for IV-D services.

8. **Question:** What are the State's responsibilities with respect to allocation of withheld amounts when there are multiple withholding notices involving both non-IV-D and IV-D cases for a single non-custodial parent?

Answer: If multiple withholdings from a single non-custodial parent's earnings involve both a IV-D and a non-IV-D case, Federal requirements must be applied to all withholdings with respect to that non-custodial parent. Federal regulations at 45 CFR 303.100(a)(5), governing IV-D cases, require States, in cases where there are more than one withholding against a single non-custodial parent, to allocate withholding, but in no case should the allocation result in one family getting nothing. For consistency, States may choose to adopt allocation methods mandated in Federal regulations for IV-D cases for all withholdings, whether IV-D or non-IV-D. Since receipt of current support is essential to many families, the State should attempt to ensure that current support is paid first to any family due current support.

9. Question: Do the specific criteria for termination of withholding in IV-D cases apply to non-IV-D withholding?

Answer: No. Federal regulations at 45 CFR 303.100(a)(7) which set certain minimum criteria for termination of withholding in IV-D cases do not apply to non-IV-D cases.

A M E N D M E N T

OFFERED IN THE HOUSE

TO: HCS CSSB 190(STA) Draft 8-LS1001M

Page 11, after line 29:

Insert a new bill section to read:

"* Sec. 23. AS 25.27' is amended by adding a new section to read:

Sec. 25.27.229. ADVERSE ACTION AGAINST DELINQUENT OBLIGOR'S OCCUPATIONAL LICENSE. (a) The agency shall compile and maintain a list of obligors who are not in substantial compliance with a support order. The list must include the names, social security numbers, dates of birth, and last known addresses of the obligors. The list shall be updated by the agency on a monthly basis.

(b) The agency shall, on a monthly basis, provide a copy of the list to each licensing entity through a computer-readable magnetic medium. A licensing entity subject to this section shall implement procedures to accept and process the list. Notwithstanding any other law to the contrary, a licensing entity may not issue or renew a license for a person on the list except as provided in this section.

(c) Promptly after receiving an application from an applicant and before issuing or renewing a license, a licensing entity shall determine whether the applicant is on the most recent list provided by the agency. If the applicant is on the list, the licensing entity shall immediately serve notice under (e) or (f) of this section of the licensing entity's intent to withhold issuance or renewal of the license. The notice shall be made personally or by mail to the applicant's last known mailing address on file with the licensing entity.

(d) Except as provided for commercial fishing licenses under (e) of this section, a licensing entity shall issue a temporary license valid for a period of 150 days to an applicant whose name is on the list if the applicant is otherwise eligible for a license. The temporary license may not be extended. Only one temporary license may be issued during a regular license term and its validity shall coincide with

the first 150 days of that license term. A license for the full or remainder of the license term may be issued or renewed only upon compliance with this section. If a license or application is denied under this section, funds paid by the applicant or licensee may not be refunded by the licensing entity.

(e) If the Department of Fish and Game receives an application under AS 16.05.480 for issuance or renewal of a commercial fishing license, other than a crewmember fishing license, from an applicant whose name is on the list, the Department of Fish and Game shall issue the license if the applicant otherwise qualifies for it. Along with the license, the Department of Fish and Game shall send to the applicant a notice that the license will not be reissued or renewed the next time it is applied for if the applicant's name is on the list at the time of the subsequent application unless the department receives a release from the agency.

(f) Notices for use under (c) and (e) of this section, as applicable, shall be developed by each licensing entity under guidelines provided by the agency and are subject to approval by the agency. The notice must include the address and telephone number of the agency and shall emphasize the necessity of obtaining a release from the agency as a condition for the issuance or renewal of a license. The notice must inform an applicant whose license is governed by (d) of this section that the licensing entity shall issue a temporary license for 150 calendar days under (d) of this section if the applicant is otherwise eligible and that, upon expiration of that time period, the license will be denied unless the licensing entity has received a release from the agency. The notice must also inform the applicant that, if a license or application is denied under this section, funds paid by the applicant will not be refunded by the licensing entity. The agency shall also develop a form that the applicant may use to request a review by the agency. A copy of this form shall be included with each notice sent under (c) or (e) of this section.

(g) The agency shall establish review procedures consistent with this section to allow an applicant to have the underlying arrearage and relevant defenses investigated, to provide an applicant information on the process of obtaining a modification of a support order, or to provide an applicant assistance in the establishment of a payment schedule on arrearages if the circumstances warrant.

(h) If the applicant wishes to challenge being included on the list, the

applicant shall submit to the agency a written request for review within 30 days after receiving the notice under (c) or (e) of this section by using the form developed under (f) of this section. Within 30 days after receiving a written request for review, the agency shall inform the applicant in writing of the agency's findings. The agency shall immediately send a release to the appropriate licensing entity and the applicant if any of the following conditions is met:

(1) the applicant is found to be in substantial compliance with each support order applicable to the applicant or has negotiated an agreement with the agency for a payment schedule on arrearages and is in substantial compliance with the negotiated agreement; if the applicant fails to be in substantial compliance with an agreement negotiated under this paragraph, the agency shall send to the appropriate licensing entity a revocation of any release previously sent to the entity for that applicant;

(2) the applicant has submitted a timely request for review to the agency, but the agency will be unable to complete the review and send notice of findings to the applicant in sufficient time for the applicant to file a timely request for judicial relief within the 150-day period during which the applicant's temporary license is valid under (d) of this section or before the subsequent licensing period under (e) of this section; this paragraph applies only if the delay in completing the review process is not the result of the applicant's failure to act in a reasonable, timely, and diligent manner upon receiving notice from the licensing entity that the applicant's name is on the list;

(3) the applicant has, within 30 days after receiving the agency's findings following a request for review under (2) of this section, filed and served a request for judicial relief under this section, but a resolution of that relief will not be made within the 150-day period of the temporary license under (d) of this section or before the subsequent licensing period under (e) of this section; this paragraph applies only if the delay in completing the judicial relief process is not the result of the applicant's failure to act in a reasonable, timely, and diligent manner upon receiving the agency's notice of findings;

(4) the applicant has obtained a judicial finding of substantial compliance.

(i) An applicant is required to act with diligence in responding to notices from the licensing entity and the agency with the recognition that the temporary license granted under (d) of this section will lapse after 150 days or that a subsequent license will not be issued under (e) of this section and that the agency and, where appropriate, the court must have time to act within that 150-day period or before the subsequent license is needed, as applicable. An applicant's delay in acting, without good cause, that directly results in the inability of the agency to complete a review of the applicant's request or the court to hear the request for judicial relief within the required period does not constitute the diligence required under this section that would justify the issuance of a release.

(j) Except as otherwise provided in this section, the agency may not issue a release if the applicant is not in substantial compliance with the order for support or is not in substantial compliance with an agreement negotiated under (h)(1) of this section. The agency shall notify the applicant in writing that the applicant may request any or all of the following: (1) judicial relief from the agency's decision not to issue a release or the agency's decision to revoke a release under (h)(1) of this section; (2) a judicial determination of substantial compliance; (3) a modification of the support order. The notice must also contain the name and address of the court in which the applicant may file the request for relief and inform the applicant that the applicant's name shall remain on the list if the applicant does not request judicial relief within 30 days after receiving the notice. The applicant shall comply with all statutes and rules of court implementing this section. This section does not limit an applicant's authority under other law to request an order to show cause or notice of motion to modify a support order or to fix a payment schedule on arrearages accruing under a support order or to obtain a court finding of substantial compliance with a support order.

(k) A request for judicial relief from the agency's decision must state the grounds on which relief is requested and the judicial action shall be limited to those stated grounds. The court shall hold an evidentiary hearing within 20 calendar days of the filing of service on the opposing party. The court's decision shall be limited to a determination of each of the following issues:

- (1) whether there is a support order or a payment schedule on

arrearages:

(2) whether the petitioner is the obligor covered by the support order;
and

(3) whether the obligor is in substantial compliance with the support order or payment schedule.

(l) If the court finds that the obligor is in substantial compliance with the support order or payment schedule, the agency shall immediately send a release under (h) of this section to the appropriate licensing entity and the applicant.

(m) When the obligor is in substantial compliance with a support order or payment schedule, the agency shall mail to the applicant and the appropriate licensing entity a release stating that the applicant is in substantial compliance. The receipt of a release shall serve to notify the applicant and the licensing entity that, for the purposes of this section, the applicant is in substantial compliance with the support order or payment schedule unless the agency, under (a) of this section, certifies subsequent to the issuance of a release that the applicant is once again not in substantial compliance with a support order or payment schedule.

(n) The agency may enter into interagency agreements with the state agencies that have responsibility for the administration of licensing entities as necessary to implement this section to the extent that it is cost effective to implement the interagency agreements. The agreements shall provide for the receipt by the other state agencies and licensing entities of federal funds to cover that portion of costs allowable in federal law and regulation and incurred by the state agencies and licensing entities in implementing this section.

(o) Notwithstanding any other provision of law, the licensing entities subject to this section may levy a surcharge on a fee collected to cover the costs of implementing and administering this section.

(p) The process described in (h) of this section is the sole administrative remedy for contesting the issuance to the applicant of a temporary license or the denial of a license under this section. The procedures specified in AS 44.62.330 - 44.62.630 (Administrative Procedure Act) do not apply to the denial or failure to issue or renew a license under this section.

(q) The agency and licensing entities, as appropriate, shall adopt regulations

necessary to implement this section.

(r) In this section,

(1) "applicant" means a person applying for issuance or renewal of a license;

(2) "license"

(A) means, except as provided in (B) of this paragraph, a license, certificate, permit, registration, or other authorization that, at the time of issuance, will be valid for more than 150 days that may be acquired from a state agency to perform an occupation, including the following:

(i) license relating to boxing or wrestling under AS 05.10;

(ii) authorization to perform an occupation regulated under AS 08;

(iii) teacher certificate under AS 14.20;

(iv) commercial fishing license under AS 16.05.480, except for a crewmember fishing license;

(v) entry permit or interim use permit under AS 16.43;

(vi) authorization under AS 18.08 to perform emergency medical services;

(vii) asbestos worker certification under AS 18.31;

(viii) boiler operator's license under AS 18.60.395;

(ix) certificate of fitness under AS 18.62;

(x) hazardous painting certification under AS 18.63;

(xi) security guard license under AS 18.65.400 - 18.65.490;

(xii) license relating to insurance under AS 21.27;

(xiii) employment agency permit under AS 23.15.330 - 23.15.520;

(xiv) endorsement to operate a commercial motor vehicle or school bus under AS 28.15;

(xv) registration as a broker-dealer, agent, or investment adviser under AS 45.55.030;

(xvi) certification as a pesticide applicator under AS 46.03.320;

(xvii) certification as a storage tank worker or contractor under AS 46.03.375; and

(xviii) certification as a water and wastewater works operator under AS 46.30;

(B) does not include

(i) a vessel license issued under AS 16.05.490 or 16.05.530;

(ii) a license issued under AS 47.35; or

(iii) a business license issued under AS 43.70;

(3) "licensee" means a person holding a license or applying to renew a license;

(4) "licensing entity" means the state agency that issues or renews a license; in the case of a license issued or renewed by the Department of Commerce and Economic Development after an applicant's qualifications are determined by another agency, "licensing entity" means the department;

(5) "list" means the list of obligors compiled and maintained under (a) of this section:

(6) "substantial compliance with a support order or payment schedule" means that, with respect to a support order or a negotiated payment schedule under (g) of this section, the obligor has no more than \$2,500 past due and has cumulatively paid an amount equal to or greater than the amount due for one month during the past 12 months."

Renumber the following bill sections accordingly.

Page 15, after line 17:

Insert a new bill section to read:

"* Sec. 36. REPORT. (a) In furtherance of the public policy of increasing child support enforcement and collections, on or before November 1, 1996, the child support enforcement agency shall make a report to the legislature and the governor based on data collected by the

licensing entities and the agency in a format prescribed by the agency. The report must contain

(1) the number of delinquent obligors on the list maintained by the agency under AS 25.27.229, added by sec. 23 of this Act;

(2) the number of delinquent obligors who also were applicants or licensees subject to AS 25.27.229;

(3) the number of new licenses and renewals that were delayed or denied and temporary licenses issued subject to AS 25.27.229 and the number of new licenses and renewals granted following receipt by licensing entities of releases under AS 25.27.229 by May 1, 1996; and

(4) the costs incurred in the implementation and enforcement of AS 25.27.229.

(b) A licensing entity receiving an inquiry from the agency under (a) of this section shall cooperate with the agency. When queried as to the licensed status of an applicant who has had a license denied under AS 25.27.229 or has been granted a temporary license under AS 25.27.229, the licensing entity shall respond only that the license was denied or the temporary license was issued."

Renumber the following bill sections accordingly.

Page 16, line 1:

Delete "This Act takes"

Insert "Sections 1 - 22, 24 - 35, and 37 of this Act take"

Delete "it becomes"

Insert "those sections become"

MAR 09 1994

EMPLOYER REPORTING PROJECT STATUS AFTER THE FIRST TWO YEARS

The Alaska Legislature amended child support laws in the 1991 Legislative Session, to allow the Child Support Enforcement Division to require selected employers, with 20 or more employees, to report all new hires and rehires to the Alaska Child Support Enforcement Division within 30 days. Alaska was subsequently awarded a three year Employer Reporting Project demonstration grant which began in October of 1991. Alaska is in the third year of this three year demonstration grant.

The first year of the project targeted reporting from employers who reported 50 or more "obligor employees" during the proceeding three years. There was a 35% increase in collections from the prior year which were attributed to the Employer Reporting Project.

The second year of the project extended the target group to seasonal employers. Seasonally employed obligors were often missed due to the delay of information reported to the Department of Labor. There was a 35% increase in the number of obligors found among the seasonal workers and a 27% increase in collections from the prior year were attributed to the Employer Reporting Project.

In the third year of the project employers will be selected by industry type.

The Employer Reporting Project clearly demonstrates that the prompt identification of newly hired or rehired employees enables Alaska Child Support Enforcement Division to initiate withholding sooner with resulting increased collections. The early reporting of information also assisted in the location of alleged fathers thereby expediting the establishment of paternity and support orders.

Contact Vickie Mitchell, Interstate Manager, at 907-269-6900 please leave a message and she will return your call..



AER

ALASKA EDUCATIONAL RESOURCES

**EMPLOYER REPORTING PROJECT EVALUATION
(Second Year)**

PREPARED FOR

**CHILD SUPPORT ENFORCEMENT DIVISION
550 W. 7TH AVENUE, SUITE 310
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2/14/94

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ACKNOWLEDGEMENTS

This evaluation could not have been completed without the assistance of Alaska Child Support Enforcement Division Staff who worked closely with the evaluation team in the definition of the task, location and development of critical data, selection of comparison groups, and preparation of needed reports.

Vickie Mitchell was responsible for the overall project. She freely provided her time and expertise in helping the evaluation team to understand the functioning of CSED data systems, explaining the coding and processing of information, facilitating the collection of information, and serving as a liaison with other CSED staff.

The data processing staff played a special role in the completion of the evaluation. Susan Goodman participated in planning and problem solving meetings. Merrill Hagens developed and refined the reports on which the evaluation rests. Ms. Hagens freely shared her programming expertise, was unflagging in her assistance in providing useful reports, and was able to quickly resolve data related problems.

EXECUTIVE SUMMARY

The Alaska Child Support Enforcement Division of the Alaska Department of Revenue has successfully established a direct employer reporting program to aid in the identification of individuals who owe child support and to speed up the process of making collections. The second year of the federally funded pilot project has extended the program to include employers which have large numbers of known obligors, brought on during the first year, and those employing seasonal workers.

There were substantial increases in the number and amount of collections from project obligors. The goal of a 25% increase in collections was more than achieved with an actual increase of 27%. The percent of payments relative to obligations reached 77% for the original employers group and 81% for the seasonal employers.

There was a substantial increase in the dollar amount of child support orders with the average obligation for employees of firms participating in the program increasing by 12% (\$3,094 to \$3,472). This did not quite meet the program goal of a 15% increase.

There was a more than 500% increase in the number of withhold and distribute orders in the second year of the program with the most notable increase in successful locates being found in the newly added seasonal group. The number who were successfully located increased from 4 in the pre-project year to 362 in the first year of reporting for seasonal obligors.

There was a ten fold increase in the number of modifications from 6 to 61 which went far beyond the 12% called for in the proposal.

The cost effectiveness ratio surpassed the target of 1:3 with approximately \$3.09 collected for each dollar spent on the program. The total collection which might be attributed to the program based on an increase of 2.3 payments per obligor is \$621,690.

The employer reporting system has proved successful in meeting the program goals of implementing a direct employer reporting system which speeds up the location of obligors and increases the number of payments made for child support.

The Child Enforcement Support Division made a substantial effort to increase collections and the number of reviews and modifications for all obligors. This overall activity of CSED resulted in the employer reporting groups and the comparison groups to achieve statistically significant gains. While the employer reporting groups consistently have the highest obligations and percentage of collections, the comparison groups made notable gains and, perhaps because of the nature of the jobs and employers, have higher average payments. This suggests that the expansion of the employer reporting system to include additional employers will result in even greater gains in collections in year three of the program.

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**Child Support Enforcement
Employer Reporting Project
Second Year Evaluation - February, 1994**

INTRODUCTION

Child support enforcement is always difficult. Agencies must locate and attach the income of absent parents who often do not willingly pay for the support of their children. In 1990, only 38% of monthly scheduled obligations were collected and only 33% of those payments were made voluntarily. Alaskan children are due more than 30 million dollars in support.¹

Another continuing problem directly related to the support of children is establishing paternity. As many as 20% of the children born in the United States are born to single mothers. From 50-80% of children in the households receiving AFDC are born to unmarried parents. A key element in the collection of child support for the children of unmarried mothers is the identification and location of the absent father.²

Prior to the development of the Employer Reporting Project, the Child Support Enforcement Division (CSED) matched records of obligors against Alaska Department of Labor, Employment Security Division quarterly reports. The time from the employment of an obligor to the successful match of CSED files against the DOL files could take as long as five months. The five month lag made for a substantial delay in the collection of child support from some obligors and permitted other obligors who work in the highly seasonal Alaskan economy to completely avoid payments.

The Alaska Legislature recognized the problems related to the collection of child support and revised the laws in 1991 to speed up the process of obligor identification and collection. Beginning January 1, 1992, employers with 20 or more employees were required upon notification to provide information concerning new hires and rehires on a monthly basis directly to the Alaska Department of Revenue Child Support Enforcement Division.³

The employer reporting law is a "pilot project" with an expiration date of January 1, 1995. If the direct reporting of employers provides the benefit of increased child support without undue hardship to employers, it is expected that permanent legislation will be passed which will make direct employer reporting a continuing feature of child support enforcement.

¹Glenda Straube, Employer Reporting Project: First Year Evaluation - Alaska's Improvement Demonstration Grant. Child Support enforcement, Department of Revenue, State of Alaska, Juneau, AK, December, 1992.

²Child Support Technology Transfer Project, A Guide to Initiating A Paternity Consent Process, Office of Child support enforcement, 1989, p. 5.

³1991 Session Laws of Alaska, CSHB-43(FIN)am Chapter 75.

The Alaska Child Support Enforcement Division found funding for a three year direct employer reporting demonstration project from the United States Department of Health and Human Services Administration for Children. The CSED proposal called for the implementation of the Alaska Employer Reporting Project over three years.

- Year 1- establish the employer reporting project with employers who have historically hired large percentages of obligors.
- Year 2 - extend the employer reporting system to collections from seasonal workers who would have otherwise been missed entirely (fishing, tourism, construction).
- Year 3 - emphasize increased collections from employers in specified industries (SIC codes).

The same four hypotheses were set out for the three periods, changing only the groups of obligors identified for emphasis and analysis.¹ The hypotheses set out in the grant application are:

1. Collections will significantly increase from obligors who work for employers in the target, or experimental, groups.
2. Obligor in the target groups will be identified and served in a shorter period of time for purposes of paternity and order establishments.
3. There will be a greater proportion of child support modifications in AFDC cases in the target group than in the control group.
4. Modifications in the target group will generate an increase in monthly child support due.

The performance standards set out in the grant are ambitious and reflect high expectations about the effects of the project. These goals set out in the grant are a clear guide for use in judging the success of the project. It is expected that:

1. For purposes of total collections, the project will be considered successful if there is a 25% increase in the amount of collections from the targeted group.
2. The project will be considered successful if the cost/effectiveness ratio of collections for the target groups meets or exceeds \$3.00.

¹Glenda Straube, Employer Reporting Project: First Year Evaluation - Alaska's Improvement Demonstration Grant. Child Support enforcement, Department of Revenue, State of Alaska, Juneau, AK, December, 1992.

3. The project will be considered successful if there is a 12% increase in the successful locations of absent parents for paternity and order establishments.
4. The project will be considered successful if there is a 12% increase in the number of modifications and a 15% increase in the dollar amount of child support orders in the target group.

The CSED developed a series of procedures for direct reporting. Employers are encouraged to file reports on magnetic tape, computer disk, or paper reports. CSED staff met with employers and provided information to employers to assist in developing reporting procedures.

PARTICIPATING EMPLOYERS

Employers were selected for participation by the CSED, following the pattern proposed in the grant, with a first year emphasis on the employers with the largest numbers of obligors and second year expansion to employers with seasonal workforces. Companies were chosen from an Alaska Department of Labor report which identified the largest 100 employers in the state based on CSED experience with the employment patterns of obligors. Table 1 lists the participating employers and the number of obligors identified for each employer during the second year of the evaluation.

Employers in the first year included some of the largest retail and service companies in the state. Second year employers tended to be much more seasonal and include a number of businesses related to tourism, fishing, logging, and other summer activities. A few of the employers had no obligors during the second year of the project.

Table 1
Participating Employers - Year Two Obligor

Target Group 1 Employers	N	Target Group 2 Employers	N
S.E. Stevedoring Corp	71	Klukwan Forest Products	7
State of AK - Dept. of Administration	128	Anchorage Cold Storage	1
McDonalds	42	Taku Smokeries	2
Northwest Arctic Borough School. District	45	J.C. Penney Co.	8
West Coast Stevedoring Corp	2	Phoenix Logging	1
H.C. Price Cons. Co.	8	Tundra Tours	9
H.C. Price Co.	24	Icicle Seafoods	6
University of Alaska	39	Maniilaq Association	10
AK Pulp Corporation	20	Cominco Alaska	2
Carr Gottstein Foods Co.	52	Unalakleet Native Corp.	2
KTN Pulp Mill	9	Norton Sound Health Corp.	4
VRCA Environmental Services	18	Cook Inlet Processing Inc.	28
Houston Contracting Co - AK Ltd.	37	ERA Aviation	3
Osborne Consol Co. , Osborne Const.	18	Inlet Fisheries Inc	10
VECO Inc	40	Sheraton Anchorage Hotel	4
Burger King	17	Peak Oilfield Svc. Co.	16
Tesoro Northshore Co.	27	Nabors Alaska Drilling Inc.	6
North Slope Borough School Dist.	4	Beaver Village Council	1
Natchiq Inc.	4	Anchorage Westward Hilton Corp.	2
North Slope Borough	9	Trident Seafoods Corp.	6
AK Petroleum Contractors	56	Alaska Commercial Company	7
NANA Marriott Joint Venture	15	Fred Mever Shopping Centers	8
Westmark Hotels	5	Denali Commercial Mgmt. Co.	1
Pizza Hut	20	Hoovers Movers Inc.	1
Arco AK Inc.	3	Yukon Kuskokwim Health Svc. Co.	8
CONAM Const.	3	Hickel Investment	1
Anchorage School District.	40	SE AK Regional Health Corp.	1
NW. Restaurants - Burger King	2	Sea Land Freight Svc.	2
Tesoro Petroleum Corp.	4	Sea Alaska Heritage Foundation	1
Carr Gottstein Properties	1	Anchorage Daily News	2
Dragnet Fisheries Co.	3	Denali Foods Co.	8
Captain Cook Hotel	5	Tlingit & Haida Community Council	1

table cont

Participating Employers cont

Target Group 1 Employers	N	Target Group 2 Employers	N
Municipality of Anchorage	12	Port Graham village Council	1
Seahawk Seafoods Inc.	4	Lamonts Inc.	2
ABM Company of the West	24	Safeway Inc.	1
United Healthservices Inc.	3	Market Basket Inc.	4
Tesoro Northstore Co.	4	PACE Membership Warehouse	3
Fairbanks Memorial Hospital	4	U.I.C. Construction Inc.	1
Call Earl #1 Chevron	4	United Parcel Svc. Inc.	2
Delta Western	1	ARA Services	4
GE Operations Support	3	Campbell Inc.	1
Maniliaq Manpower	1	Woolworth Corp.	4
CONAM Alaska	1	Southeast Ak Regional Health Corp	2
Carr Gottstein Inc.	1	Peter Pan - King Cove	3
		Alaska Sales and Service	3
		Ribelin Lowell & Co.	1
		Klondike Painting and Decorating	1
		Sound Development	1
		North Pacific Processors	3
		Hope Cottages	0
		U-Haul of Alaska	3
		City of Kwethluk	1
		Tommys Inc.	2
		Spenard Builders Supply	3
		Costco Wholesale Corp.	2
		Earth Movers of Fairbanks	1
		ENSTAR Natural Gas Co.	1
		Markair Express Co.	1
		AK Specialized Ed. & Training	1
		Golden Frontier Enterprises	1
		Alaska Airlines	0
		Forty Niner Transportation Inc.	1
		AK Aviation Radio	1
		E.&S. Diversified Svcs	2
		Pavless Drug Stores	1
		Markair	4
		Sears Roebuck and Co	2
		1st National Bank of Anchorage	1
		Alaska USA Federal Credit Union	0

The evaluation for the first year (9 months) of the project found a 37% increase in collections from obligors, a cost effectiveness ratio of 2:1, and a 47% increase in the service of paternity and order establishments. The report failed to provide tests of significant differences for gains and did not address the increase in the percentage of modifications or the increase in dollar amount of support orders.

The second year evaluation extends the first year evaluation to cover the period 10/1/92 to 9/30/93. It examines the major questions identified in the grant proposal and extends the analysis to include statistical testing for the significance of differences.

METHODOLOGY

Alaska Educational Resources developed a research design based on the information provided by CSED, the data available from CSED data files, and the requirements of the grant. Target groups of first and second year participants and comparison groups were identified based on a uniform set of criteria. The criteria included the following:

- Each case must be an active case during the critical time periods.
- Each case must contain complete data.
- Each case must clearly fall into only one of the identified groups.

COMPARISON GROUPS		
GROUPS	PRE	POST
<u>TARGET #1</u>		
Obligors Represented by Employers with Large # Matches	1/1/91 - 9/30/91 ⁰ 10/1/91 - 9/30/92 ¹	1/1/92 - 9/30/92 ¹ 10/1/92 - 9/30/93 ²
<u>TARGET #2</u>		
Obligors Represented by Seasonal Employers	10/1/91 - 9/30/92 ⁰	10/1/92 - 9/30/93 ¹
<u>COMPARISON</u>		
Obligors Represented by Employers Not Reporting ^a	1/1/91 - 9/30/91 10/1/91 - 9/30/92	1/1/92 - 9/30/92 10/1/92 - 9/30/93
0	This period represents the time when employer reporting was not in effect.	
1	This time frame represents the first period employer reporting was in effect.	
2	This time frame represents the second period employer reporting was in effect.	
a	Two comparison groups were pulled for the '92-'93 period to match the size of each target group. The larger one is about 3 times the size of the smaller.	

Target and comparison groups were selected by CSED. The two target groups, first year companies and second year companies, were reviewed by Alaska Educational Resources. Cases excluded from the analysis included those with errors in data entry, coding problems, or missing transaction dates. Altogether, 80 of a potential 1,173 cases were excluded resulting in an exclusion rate of 6.8%.

CSED developed a series of reports which calculated the number of participants in various groups, averages of various amounts, actions with related time periods, and the standard deviations related to various averages. Alaska Educational Resources verified the calculations by independently calculating statistics from samples of data. Costs attributed to the employer reporting system, which included amortized costs of equipment and excluded the costs of evaluation, were provided by Vickie Mitchell of CSED.

Where appropriate, mean differences from pre- and post-periods and between target and comparison groups were tested using t-tests for repeated measures.¹ Computations were done using Excel 4.0 on a Macintosh computer. Statistics were then compared with a standard table to determine if the critical values required for statistical significance had been attained.²

RESULTS

Results, which follow, are presented as answers to a series of questions derived from the hypotheses and performance standards articulated in the CSED grant proposal. The emphasis in the analysis is on the growth from pre- to post-reporting periods and cost. Means for obligations and payments were statistically compared from pre- to post-periods and between Target and Comparison groups. Pre- and Post-test differences reported below are substantial and statistically significant. Worksheets showing the means, differences, t-test values, degrees of freedom, and levels of significance are attached in Appendix A.³

Did the program speed up the process of locating obligors and issuing orders?

The most direct measure of the effect of the process is the number of days between the date that an obligor is hired and the service of a withhold and deliver order. The fewer the days, the higher the number of potential payments and the more likely that a seasonally employed obligor will be located in time to make some collection. Similarly, the shorter the time, the more likely that an individual will be identified for the service of other potential orders.

¹Formulae for mean comparisons for averages and differences were derived from William L. Hays, *Statistics for the Social Sciences*, 2nd. NY: Holt, Rinehart and Winston, 1973. Formulae for calculating the degrees of freedom for testing the significance of differences between group differences were derived from Jay Devore, *Probability and Statistics for Engineering Science*, 2nd., Pacific Grove CA: Brooks Grove Publishers, 1991.

²E.S. Pearson and H.O. Hartley (eds.), *The Biometrika Tables for Statisticians*, vol. 1, *Biometrika*, 1966.

³Standard deviations are large because of distributions which reflect the differences between groups of obligors who make few payments and those who make regular payments. The data does not appear to have a normal distribution.

When the differences between the pre- and post-periods for the two selected target groups are considered, it is clear that the program is effective in shortening the time for service of withhold and delivers orders.

Table 2
Pre-Post Comparison of Orders - All Groups
Number of Orders and Average Number of Days

	Pre- Period						Post- Period					
	WID		Paternity		Admin		WID		Paternity		Admin	
	N	Days	N	Days	N	Days	N	Days	N	Days	N	Days
All	241	22	57	32	79	31	1,463	9	61	64	66	43
T-1	228	22	44	32	55	30	911	7	41	69	38	51
C-1	625	19	41	14	51	37	703	22	23	18	53	30
T-2	4	5	9	18	19	38	362	9	10	72	16	27
C-2	154	12	4	22	11	26	208	11	16	46	24	33

All = All obligors with employer reporting/ T-1 = First Year Emp./T-2 = Seasonal
 C-1 & C-2 = Related comparison groups

Overall, there is a substantial decrease in the time for a withhold and deliver order to be issued with a 9 day average in the post-reporting period and a 22 day average in the pre-reporting period. That is an overall gain of 13 days or approximately 60%.

When the original first year employer and seasonal employer groups are examined separately it appears that the 15 day gain made by the original group is greater than the 4 day gain for the seasonal groups. However, only 4 of the 362 seasonal obligors served in the second period had actually been found during the first period.

This increase from 4 to 362 obligors found in the seasonal group compares with an increase from 154 to 208 found in the control group, a 35% increase. This phenomenal increase in the number of obligors found among the seasonal workers may be the most significant result of the second year of the program.

The gain found in the number and the speed of issuance of withhold and deliver orders was not matched by increases in the issuance of other types of orders. The time for issuance of paternity orders increased from 32 to 64 days. The time lag for Administrative orders grew from 31 to 43 days. Of course, the issuance of Paternity and Administrative Orders are subject to a variety factors beyond those related to withhold and deliver orders and are less directly related to the identification of the initial place of employment.

Did the employer reporting system increase the amount collected?

The overall collections from 1173 individuals participating in employer reporting were \$3,145,239. This was an increase of \$667,173 or 27%. Part of this increase is due to administrative orders increasing some obligations to reflect increases in the rate of inflation. There was also an increase in the number of case reviews and administrative orders for all groups in 1993 over 1992 which is reflected in the substantial increases in the collections for both the target and comparison groups.

Tables 3, 4, and 5 provide a breakdown of the average collections by obligor for both of the Target groups. The first table reflects the pre- and post-periods for the first year (9 months) for Target Group 1. The two tables that follow indicate changes in collections for the current year. The substantial increases in percentages of collections reflect the overall increase in the efforts of CSED to review all cases and to increase collections.

Table 3
Pre-Post Change in Collections - Target Group 1
Average Total Collections per Obligor
1/1/91 through 9/30/91; 1/1/92 through 9/30/92

	Pre-Period	Post-Period	Change
	Collected	Collected	
Target Group 1 - Large # Matches N = 308	\$ 1,374	\$ 1,693	+ 23%
Comparison Group 1 N = 322	\$ 1,045	\$ 1,479	+ 42%

Table 4
Pre-Post Change in Collections - Target Group 1
Average Total Collections per Obligor
10/1/91 through 9/30/92; 10/1/92 through 9/30/93

	Pre-Period	Post-Period	Change
	Collected	Collected	
Target Group 1 - Large # Matches¹ N = 839	\$2,301	\$2,808	+22%
Comparison Group 1 N = 859	\$1,763	\$2,492	+41%

¹This is the second year of participation in employer reporting for this group.

Table 5
 Pre-Post Change in Collections- Target Group 2
 Average Total Collections per Obligor
 10/1/91 through 9/30/92; 10/1/92 through 9/30/93

	Pre-Period	Post-Period	Change
	Collected	Collected	
Target Group 2 - Seasonal N = 258	\$ 1,884	\$ 2,524	+ 34%
Comparison Group 2 N = 267	\$ 1,731	\$ 2,348	+ 36%

Examination of the tables shows that consistently higher amounts were collected from employer reporting groups. There were substantial, statistically significant¹ gains in the amounts collected for both the target and comparison groups.

Table 6 shows that employees who were under employer reporting tended to make more payments with a lower average payment than for the obligors indicated in the comparison groups. Target Group 1 obligors made an average of 12.5 payments of \$225 dollars while the members of the comparison group made only 9.8 payments of \$254. Obligor with the seasonal employers identified as Target 2, made an average of 10.2 payments of \$252 while comparison group 2 made on average 8.6 payments of \$274.07. The difference in payment amounts, of course, is related to both the amount of obligation and the wages available for collection. No effort was made to examine the average wages paid by the various companies though examination of the companies suggests that a large number of the institutions identified in the first year are engaged in retail trade or service industries where wages tend to be lower.

Table 6
 Collections and Obligations - All Groups
 Averages per Obligor

	Average # Payments	Average Obligation	Average Amount Paid Per Obligor	Average Payment	Percent of Oblig. Paid
Target Group 1 - Large # Matches	12.48	\$3,662.41	\$2807.89	\$224.96	76%
Comparison 1	9.8	\$3,629.29	\$2,492.13	\$253.61	69%
Target Group 2 - Seasonal	10.02	\$3,122.48	\$2,523.88	\$251.71	82%
Comparison 2	8.56	\$3,530.97	\$2,347.50	\$274.07	66%

¹See Appendix A for summary of statistical comparisons.

Comparison of the mean differences in payments shows that for both the Target 1 and Target 2 groups the increase in total paid obligations was statistically significant from the pre to post-periods. The average increase for the employee in the Target 1 group for the second year of group reporting was \$507 ($p < .01$, $t = 3.62$, $df = 838$). The average increase for the employee in the Target 2, Seasonal group for the first year of employer reporting over the prior year was \$639 ($P < .05$, $t = 2.64$, $df = 259$).

When the gains are examined as a percentage of the obligation, it is clear that the employer reporting system is having an effect. The Target Group 1 obligors in the employer reporting system are paying 77% of their annual obligation as opposed to those in the comparison group who are paying only 69%. For the seasonal group, the employer reporting group are paying an average of 81% of their obligations while those in the comparison group only paid 66%

It is likely that one of the primary reasons for the increase in the percentage of payments relative to obligation is due to the increased average number of payments for the employer reporting groups. The 2.7 additional payments generated for the employers with large numbers of obligors would translate into an average increase in payments of \$602.89 or approximately 16% of the total obligation. For the seasonal worker group, the average of 1.46 additional payments would result in an increase of \$367.49 or approximately 12% of the total obligation.

Increased payments are a means of reducing the gap which exists between payments and obligations. When examined as the difference in the ratio between payments and obligations over the two years, the percentages of gap reduction are notable and reflects the increases in percentage of obligation paid for both the employer reporting and the comparison groups. The Target Group 1, is, of course, in the second year of the employer reporting project and had notable increases in the amount of obligations and amount paid during the prior year. As a result Group 1 has a smaller gap to close.

Table 7
Payment to Obligation Gap Reduction - All Groups
Averages per Obligor

	Pre- Period		Post- Period		Pd/ Oblig Change	Gap Reduction
	Pd/Oblig	% Paid	Pd/Oblig	% Paid		
Target Group 1 - Large # Matches	\$2,301/3,346	69%	\$2,808/3,662	77%	+8%	12%
Comparison 1	\$1,763/3,045	58%	\$2,492/3,629	69%	+11%	19%
Target Group 2 - Seasonal	\$1,884/2,861	66%	\$2,524/3,122	81%	+15%	23%
Comparison 2	\$1,731/2,965	59%	\$2,348/3,531	67%	+8%	14%

While there were significant increases in the amount of collections for both target and comparison groups, the gains made by the employer reporting group had a greater impact on the reduction of the total percentage of obligation than the increases in collections for the comparison groups.

Did employer reporting result in an increase in successful locations for order establishments?

There are a variety of types of orders issued by CSED related to the establishment of obligations beyond the basic Withhold and Deliver Orders, which have been discussed extensively in a prior section. Other common orders relate to establishing paternity or the amount to be withheld and delivered by an employer. Table 2 above provides an overall view of the changes in orders between the pre- and post-comparison periods. The increase in Withhold and Deliver Orders from 241 to 1,463 reflects an increase of over 500% in successful services.

When the groups in employer reporting are contrasted with their comparison groups, the comparable gains are from 625 to 703 (12%) for Comparison Group 1 and 154 to 208 (35%) for comparison group 2. The increase for the Target Group 1 from 228 to 911, approximately 300%, suggests that the substantial gains experienced with a group of employers will continue as the project matures.

Table 8 indicates that the number of successful services for Paternity Complaints and Administrative Orders were not substantially different from period 1 to period 2 for those under employer reporting. Table 2 above shows similar small differences for the target and comparison groups.

Table 8
Pre-Post Comparison of Orders - All Obligor Under Employer Reporting
Number of Orders and Average Number of Days

Order	Pre-Period		Post-Period		Change in Service Days
	Number of Services	Average Number of Days	Number of Services	Average Number of Days	
Withhold and Deliver (WID)	241	22	1,463	9	-13
Paternity Complaint	57	32	61	64	+32
Admin	79	31	66	43	+12

Did employer reporting result in an increased number in modifications?

Modifications of cases take place for a number of reasons. Common reasons include administrative orders which result from changes in the status of the obligor and court orders. Modifications have not been tracked on a regular basis and were not included in the first year evaluation report because of incomplete data. This year, a special series of reports were prepared by CSED which include the information on the review and modification of cases. Some of this information may still be incomplete for some obligors but care is now being taken to include data on modifications. This should result in a further improvement in the information for the third year evaluation. While information on modifications is included here, it should be treated with caution.

Modifications may take more than a year to process and, with the increased emphasis on the review and potential modification of all CSED cases, large differences may be expected for both the target and the comparison groups. While the overall number of modifications is small for both the target and comparison groups, the increase in the number of modifications over the past two periods has been substantial. It is notable that there are greater increases in actual modifications for the target groups than for the comparison groups.

Table 9
Modification Summary - Target Group 1

	Pre-Period	Post-Period	
	N	N	% Change
Review Requests			
- Target	98	135	38%
- Comparison	114	154	35%
Review Completed			
- Target	7	37	429%
- Comparison	5	37	640%
Modifications			
- Target	4	40	900%
- Comparison	3	25	733%

Table 10
Modification Summary - Target Group 2

	Pre- Period	Post- Period	
	N	N	% Change
Review Requests			
- Target	23	53	130%
- Comparison	25	41	69%
Review Completed			
- Target	2	11	450%
- Comparison	4	9	125%
Modifications			
- Target	0	8	
- Comparison	3	4	33%

What are the effects of employer reporting by age group?

Employer reporting should impact all obligors because of the increase in the number of potential collections. A differential effect on collections by age group should be expected because of the traditional higher job turnover and seasonal employment of younger workers. However, this may have less of an effect in Alaska where all employers react to some extent to seasonal changes.

Table 11 shows that there has been a substantial increase in the percent of average obligation paid for all of the individuals participating in employer reporting as well as increases in the amount of obligations, 9%. While the average percent of obligation paid did increase from 11% to 24% for the youngest category reported, the small number in the group minimizes the impact. It is notable that a number of older obligors, those with higher obligations and collections, have percentages paid of over 100% showing that they are now paying down their arrears.

Table 11
Pre -Post Collections by Age- All Obligor Under Employer Reporting
Average Collections per Obligor

Age	N	Pre- Period			Post- Period			% Change
		Average Due per Obligor	Average Total Collected per Obligor	% Paid	Average Due per Obligor	Average Total Collected per Obligor	% Paid	
< 21	16	\$ 939	\$ 106	11%	\$2,925	\$ 697	24%	+13%
22 - 30	252	\$2,725	\$ 995	37%	\$3,536	\$1,696	48%	+11%
31 - 40	546	\$3,415	\$2,134	62%	\$3,711	\$2,689	72%	+10%
41 - 50	307	\$3,023	\$3,010	100%	\$3,196	\$3,546	111%	+11%
> 51	3 ^c	\$2,724	\$3,327	122%	\$2,593	\$3,559	137%	+15%
Unkn	13	\$2,279	\$ 513	23%	\$2,165	\$ 841	39%	+16%
Total	1173	\$3,095	\$2,113	68%	\$3,472	\$2,681	77%	+9%

% change \geq 100 indicates arrears were collected

What are the effects of employer reporting by area of Alaska and location of the obligation?

Alaska is a large and diverse state with a small population spread over the area equal to approximately a third of the contiguous United States, the "Lower 48." The state is characterized by concentrations of population in urban supply centers and very small rural communities. Many of the large employers are concentrated in the urban centers even though they may have employees in rural areas.

Table 12 provides some insight into the distribution of obligors and the relative success of employer reporting for various regions. Data is organized by the zip codes of employers. The table also includes a grouping of information by interstate and responding cases.

In general, it appears that the greatest success in increasing the percentage of obligation paid has been in the urban centers where employment may be more stable. However, the somewhat tenuous nature of the relationship between employer address and actual work location, suggests caution in making an assumption about the relative success of the system by region. All regions show an actual increase in the average total collected per obligor.

Table 12
Pre-Post Collections by Region- All Obligor Under Employer Reporting
Average Collections per Obligor

Area	N	Pre- Period			Post- Period			% Change
		Average Due per Obligor	Average Total Collected per Obligor	% Paid	Average Due per Obligor	Average Total Collected per Obligor	% Paid	
Inter-state	864	\$3,349	\$2,048	61%	\$3,721	\$2,625	71%	+10%
Respdg	309	\$2,383	\$2,292	96%	\$2,778	\$2,840	102%	+6%
Anch	641	\$3,073	\$2,104	68%	\$3,452	\$2,732	79%	+11%
Fbks	215	\$3,136	\$1,837	59%	\$3,368	\$2,383	71%	+12%
Jun	40	\$2,883	\$2,064	72%	\$3,532	\$2,910	82%	+10%
SE	114	\$3,209	\$2,546	79%	\$3,647	\$3,048	84%	+5%
Oth Ak	100	\$3,432	\$2,261	66%	\$3,758	\$2,543	68%	+2%
Other	63	\$2,553	\$2,151	84%	\$3,175	\$2,546	80%	-4%
Total	1,173	\$3,095	\$2,113	68%	\$3,472	\$2,681	77%	+9%

What are the effects of employer reporting on the number and amount of disbursements to AFDC and to other agencies?

The direct effect of employer reporting is an increase in the number and amount of disbursements made to agencies. The increase in number of payments and associated collections make more funds available for the reduction in obligations.

The average increase in disbursements for the second year of employer reporting for all obligors is 26%. There was a 32% increase in the number of disbursements to AFDC and a 31% increase in the total amount disbursed. The total increase in the amount collected from obligors and disbursed to agencies was over \$637,000. AFDC received an additional \$192,000.

Table 13
Pre-Post Disbursements - All Obligors Under Employer Reporting

Recipient	Pre- Period		Post- Period		% Change in Amount
	Number Disbursed	Amount Disbursed	Number Disbursed	Amount Disbursed	
Obligee /Other State	6,879	\$1,819,273	9,270	\$2,235,111	+23%
AFDC	2,679	\$ 618,209	3,530	\$ 810,214	+31%
Foster Care	58	\$ 6,186	78	\$ 16,105	+160%
Other	148	\$ 49,670	278	\$ 69,742	+40%
TOTAL	9,764	\$2,493,339	13,126	\$3,131,172	+26%

What special findings are related to the expansion of the program include to seasonal employers?

The seasonal employers added in the second year of the pilot test of direct employer reporting differ from the first year employers in that they have more transient work force, fewer employees, and fewer obligors.

As shown in Table 14, the largest number of obligors from the seasonal employers are still located in urban areas. When compared with the obligors from the first year target group, the obligors employed by the more seasonal employers had a larger percentage increase in the percent of obligation paid (15% vs 9%) and a higher overall increase in the amount of increased payments to AFDC and other agencies.

The most notable feature of the addition of the seasonal employers is the increase in the number of Withhold and Deliver Orders served on seasonal employees. The number of orders served increased from 4 in the prior period to 362 in the post reporting period. This has been the greatest gain made in any area by the employer reporting program. It demonstrates that the system is effective in locating a substantial number of transient, seasonal employees who would not otherwise be found and served.

Table 15 provides an additional picture of how collections have increased the amount of disbursements to agencies.

Table 14
Pre-Post Collections by Region- Target Group 2
Average Total Collections per Obligor

Area	N	Pre- Period			Post- Period			% Change
		Average Due per Obligor	Average Total Collected per Obligor	% Paid	Average Due per Obligor	Average Total Collected per Obligor	% Paid	
Inter-state	187	\$3,012	\$1,892	63%	\$3,336	\$2,404	72%	+9%
Respdg	73	\$2,475	\$1,866	75%	\$2,577	\$2,830	110%	+35%
Anch	142	\$3,113	\$2,019	65%	\$3,228	\$2,790	86%	+21%
Fbks	54	\$2,672	\$1,294	48%	\$3,041	\$1,886	62%	+14%
Jun	8	\$1,809	\$1,686	93%	\$3,445	\$2,407	70%	-23%
SE	15	\$2,432	\$1,971	81%	\$2,267	\$1,958	86%	+5%
Oth AK	22	\$2,893	\$1,760	61%	\$3,277	\$2,579	79%	+18%
Other	18	\$2,552	\$2,757	108%	\$2,964	\$2,827	95%	-13%
Total	260	\$2,861	\$1,884	66%	\$3,122	\$2,524	81%	+15%

Table 15
Pre-Post Disbursements - Target Group 2

Recipient	Pre- Period		Post- Period		% Change in Amount
	Number Disbursed	Amount Disbursed	Number Disbursed	Amount Disbursed	
Obligee /Other State	1,319	\$367,755	1,931	\$496,895	+35%
AFDC	482	\$112,408	608	\$140,130	+25%
Foster Care	18	\$ 1,302	12	\$ 2,385	+83%
Other	23	\$ 8,580	48	\$ 11,789	+37%
TOTAL	1,842	\$490,043	2,599	\$651,149	+33%

How cost effective is the employer reporting program?

The economic gains from implementation of the monthly direct employer reporting program most clearly stem from the increase in average collections per obligor generated by the increase in the number of payments. The gain may be estimated by considering the effects of added collections on the employer reporting groups.

A weighted average of the two comparison groups shows an average number of payments of 9.5. The average for all obligors under the employer reporting system is 11.6. This is a 2.3 payment advantage for employer reporting.

The 2.3 payment advantage results in an average increase in payments of \$530 for each obligor or an estimated \$622,000 for the program. This estimate is conservative given that the average payment made for the comparison group members is more than \$20.00 above the average for the current target groups suggesting that an extension of the program might yield an increase in payments to more than \$530 per obligor.

Table 16
Program Collections/CSED Cost Summary

Collections and Costs	Numbers
(a) Estimated Collections Attributed to Program ^(e X h)	\$ 621,690
(b) Program Costs	\$ 201,219
(c) Net Estimated Collections Attributed to Program ^(a-b)	\$ 420,471
(d) Cost/Benefit Ratio	1:3.1
(e) Number of Obligor in Program	1,173
(f) Program Cost per Report Received from Employers ^{(b/1227)¹}	\$ 164
(g) Estimated Collections per Report Received from Employers ^(a/1227)	\$ 506
(h) Estimated Collections per Obligor Attributed to Program ²	\$ 530
(i) Program Cost per Obligor ^(b / e)	\$ 172
(j) Estimated Net Collections per Obligor (Collections Attributed to Program) ^(h-i)	\$ 358

¹Estimated # Reports @ 1227 given data from 9 months

²Ave \$ per Pmt(230.60) X Extra # Payments Attributed to Program(2.3)

The \$621,690 in additional collections was offset by the \$201,219 cost of the program. This results in a cost benefit ratio of 1:3.1 and a net increase in collections over cost of \$420,471.

CONCLUSIONS

The Alaska Child Support Enforcement Division of the Alaska Department of Revenue has successfully established a direct employer reporting program to aid in the identification of individuals who owe child support and to speed up the process of making collections. The second year of the federally funded pilot project has extended the program to include employers of both large numbers of known obligors, brought on during the first year, and those employing seasonal workers.

There were substantial increases in the number and amount of collections from project obligors. The goal of a 25% increase in collections was more than achieved with an actual increase of 27%. This reflects an increase in the total collected for all obligors in the employer reporting system from \$2,478,066 to \$3,145,239.

There was a substantial increase in the dollar amount of child support orders with an average obligation for employees of firms participating in the program increasing by 12% from \$3,094 to \$3,472. This did not quite meet the program goal of a 15% increase.

There was a more than 500% increase in the number of Withhold and Deliver Orders in the second year of the program with the most notable increase in successful locates being found in the newly added seasonal group where the number who were successfully located increased from 4 to 362.

There was a ten fold increase in the number of modifications from 6 to 61 which went far beyond the 12% called for in the proposal.

The cost effectiveness ratio surpassed the target of 1:3 with approximately \$3.09 collected for each dollar spent on the program. The total collection which might be attributed to the program based on an increase of 2.3 payments per obligor is \$621,690.

The employer reporting system has proved successful in meeting the program goals of implementing a direct employer reporting system which speeds up the location of obligors and increases the number of payments made for child support.

The Child Enforcement Support Division made a substantial effort to increase collections and the number of reviews and modifications for all obligors. This overall activity of CSED resulted in the employer reporting groups and the comparison groups to achieve statistically significant gains. While the employer reporting groups consistently have the highest obligations and percentage of collections, the comparison groups made notable gains and, perhaps because of the nature of the jobs and employers, have higher average payments. This suggests that the expansion of the employer reporting system to include additional employers will result in even greater gains in collections in year three of the program.

APPENDIX A
TESTS OF SIGNIFICANCE

DIFFERENCE IN PRE-POST GROUPS
DIFFERENCE IN PRE-POST DIFFERENCES

THE
FOLLOWING
DOCUMENTS
ARE
POOR
ORIGINAL
COPIES

NEWCOSEDWKSIIH-REVSD

DIFFERENCE IN PRE-POST GROUPS	MEANS		STANDARD DEVIATIONS		SIZES		MEANS DIFFERENCE	t-Value	LEV OF SIG GT
	GROUP 1	GROUP 2	GROUP 1	GROUP 2	GROUP 1	GROUP 2			
SEASONAL COS									
PRE-POST-1-AVG-TOTAL PD	\$251.71	\$274.07	317.77	520.86	260	269	\$22	0.60	NSD
PRE-POST-2-AVG-TOTAL PD	\$2,523.88	\$2,347.50	2824.98	3213.62	260	269	(\$176)	-0.67	NSD
PRE-POST-3-AVG-TOTAL PD	\$2,861.25	\$3,122.48	3005.16	2902.29	260	260	(\$261)	-1.01	NSD
PRE-POST-4-AVG-TOTAL PD	\$1,884.39	\$2,523.88	2705.01	2824.98	260	260	(\$639)	-2.64	0.001
PRE-POST-5-AVG-TOTAL PD	\$2,964.92	\$3,530.97	3174.18	3181.02	269	269	(\$566)	-2.07	0.05
PRE-POST-6-AVG-TOTAL PD	\$1,730.77	\$2,347.50	2713.44	3213.62	269	269	(\$617)	-2.40	0.01
PRE-POST-7-AVG-TOTAL PD	\$1,884.39	\$1,730.77	2705.01	2713.44	260	269	\$154	0.65	0.1 - NSD
COS WITH LARGE # MATCHES									
YEAR 1-YEAR 2-AVG-TOTAL PD	\$224.96	\$253.62	278.72	311.95	839	859	(\$29)	-2.00	0.05
YEAR 1-YEAR 3-AVG-TOTAL PD	\$2,807.89	\$2,492.13	2830.56	3054.34	839	859	\$316	2.21	0.05
YEAR 1-YEAR 4-AVG-TOTAL PD	\$3,346.37	\$3,662.41	3134.03	3260.08	839	839	(\$316)	-2.02	0.05
YEAR 1-YEAR 5-AVG-TOTAL PD	\$2,301.35	\$2,807.89	2897.83	2830.56	839	839	(\$507)	-3.62	0.001
YEAR 1-YEAR 6-AVG-TOTAL PD	\$3,044.95	\$3,629.29	3236.88	3560.96	859	859	(\$584)	-3.56	0.001
YEAR 1-YEAR 7-AVG-TOTAL PD	\$1,763.28	\$2,492.13	2641.34	3054.34	859	859	(\$729)	-5.29	0.001
YEAR 1-YEAR 8-AVG-TOTAL PD	\$2,301.35	\$1,763.28	2897.83	2641.34	839	859	\$538	4.00	0.001
COMPARISON OF GROUPS									
PRE-POST-1-AVG-TOTAL PD	\$1,884.39	\$2,301.35	2705.01	2897.83	267	835	(\$417)	-2.15	0.001
PRE-POST-2-AVG-TOTAL PD	\$2,523.88	\$2,807.89	2824.98	2830.56	267	858	(\$284)	-1.43	NSD

csed diff tests

DIFFERENCE IN PRE-POST DIFFERENCES	MEANS				STANDARD DEVIATIONS	
	PRE-Target	POST- Target	PRE- C-1	POST- C-1	PRE-Target	POST- Target
Diff AVE obligation Target Group 1 vs C-1	2861.25	3122.48	2964.92	3530.97	3005.16	2902.29
Diff AVE paid Target Group 1 vs C-1	1884.39	2523.88	1730.77	2347.5	2705.01	2824.98
Diff Ave obligation Target Group 2 vs C-2	3346.37	3662.41	3044.95	3629.29	3134.03	3260.08
Diff Ave paid Target Group 2 vs C-2	2301.35	2807.89	1763.28	2492.13	2897.83	2830.56
Source for t-statistic:						
TEXT: STATISTICS FOR THE SOCIAL SCIENCES WILLIAM L. HAYS SECOND EDITION HOLT, RINEHART, AND WINSTON 1973						
Source for df · Smith Sattertwate t-test:						
TEXT: PROBABILITY AND STATISTICS FOR ENGINEERING AND SCIENCE JAY DEVORE SECOND EDITION PACIFIC GROVE CA: BROOKS GROVE PUB 1991						

cseed diff tests

PRE- C-1	POST- C-1	SIZES Target	Comparison	DIF GROUP 1	DIF GROUP 2	DIF STD DEV 1	DIF STD DEV 2	DIF OF DIFFS
3174.18	3181.02	260	269	-261.23	-566.05	259.098095	273.992286	304.82
2713.44	3213.62	260	269	-639.49	-616.73	242.563165	256.441984	-22.76
3236.88	3560.96	839	859	-316.04	-584.34	156.123578	164.192128	268.3
2641.34	3054.34	839	859	-506.54	-728.85	139.851311	137.775736	222.31

csed diff tests

T	SIGNIF T	DF
13.1505683	0.001	132.47
-1.0489861	NS	132.61
34.5121667	0.001	451.11
32.9902468	0.001	460.36