

HB

362

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 362

Revision Date: _____ Dept. Affected: Revenue
 Title: An Act establishing the crime of aiding the nonpayment of child support BRU: Child Support Enforcement Division
 Sponsor: Representative Martin Component: Child Support Enforcement Division
 Recuestor: (H)HES COMPONENT SERIAL NO. 111

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0					
REVENUE FUND SOURCE:	0.0					

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

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

ANALYSIS: (Attach a separate page if necessary.)
NONE

Prepared by: Marv Gav, Director
 Division: Child Support Enforcement Division
 Approved by Commissioner: Darrel J. Rexwinkel
 Title: Department of Revenue

Phone: 263-6270
 Date: 1-20-94
 Date: 1/21/94

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For further d' _____ legislative Office

SPONSOR SUMMARY

HB 362

HB 362 is an anti-obstructionist bill with the intent of helping a child-support obligor from evading his obligation through the deferment of his salary or through compensation via another channel.

This law makes it a crime for any person who intentionally withholds information, fails to disclose financial information, or aids the obligor in any way to evade his/her responsibility for paying child support.

An example of how this happens: Joe owes \$500 a month in child support and doesn't feel that amount is fair, so he looks for ways not to have to pay it. He enlists the help of an employer, friend, or relative and they work out an agreement whereby Joe will work for wages under the table. Joe gets paid in cash or in a barter arrangement, so there is no way to trace an income and the employer, friend or relative is uncooperative if the Child Support Enforcement Agency (CSED) is trying to garnish the wages of Joe.

In this case, the bill would make it a crime for the employer, friend or relative to aid Joe in avoiding his responsibility. Because they knowingly and intentionally help Joe bypass this responsibility, the State would like to go after these people, and could do so with this bill. The more money owed, then the more severe the penalty.

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

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130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

January 14, 1994

SUBJECT: Sectional Summary of HB 362, a Bill Establishing the Crime of Aiding the Nonpayment of Child Support (Work Order No. 8-LS1459AE)

TO: Representative Terry Martin
ATTN: Nancy

FROM: Terri Lauterbach 
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1.

Establishes a new crime for persons who, by withholding information about a child support obligor, or by entering into business transactions with a child support obligor, intentionally assist the obligor in avoiding the payment of child support.

TML:gc
94-033.glc

State of Alaska/Department of Revenue
 Child Support Enforcement Division
 Top 100 Non-Payers of Child Support in the State of Alaska
 (Defined as obligators owing the most back child support)

CITY/STATE/ZIP	AKREARS	CITY/STATE/ZIP	AKREARS
HAINES AK99827	191,039.46	SCAMMON BAY AK99662	134,247.74
FAIRBANKS AK99701	167,868.61	HINTO AK99758	235,663.61
QUIZINKI AK99644	137,250.57	ANCHORAGE AK99504	161,696.71
EMMONAK AK99581	151,157.31	ALAKAMUK AK99554	171,549.40
ST. GEORGE IS. AK99660	207,324.82	COPPER CENTER AK99573	144,215.14
KETCHIKAN AK99901	191,384.92	FAIRBANKS AK99706	152,963.62
ANCHORAGE AK995109999	133,991.56	KING COVE AK99612	153,719.23
ELIM AK99739	144,438.29	METLAKATLA AK99926	131,647.31
FAIRBANKS AK, :10	134,161.93	FAIRBANKS AK99708	146,504.09
JUNEAU AK99801	196,828.70	ANCHORAGE AK99503	172,321.13
ANCHORAGE AK99508	141,695.77	SAND POINT AK996610117	138,811.77
FAIRBANKS AK99707	142,937.81	ANCHORAGE AK99504	138,526.52
HYDABURG AK99922	131,727.41	KOYUK AK99753	147,038.60
ATMAUTLUAK AK99559	151,334.19	JUNEAU AK99801	168,468.37
DILLINGHAM AK99576	133,299.72	FOK AK99780	143,624.48
FAIRBANKS AK997014151	145,688.74	ANCHORAGE AK99509	165,142.78
ANCHORAGE AK99508	154,888.84	CHIGNIK LAKE AK99548	142,850.10
HOME, AK99742	140,821.91	TUNTUTULIAK AK99680	185,466.44
ALAKAMUK AK99554	311,343.40	BETHEL AK99559	214,834.16
WILLOW AK99688	149,954.66	FAIRBANKS AK99701	142,102.69
ANCHORAGE AK99508	135,019.67	ANCHORAGE AK99501	180,779.65
COPPER CENTER AK99573	193,260.43	KOTZEBUE AK99752	135,755.83
HOME AK99762	245,450.31	WASILLA AK996876451	187,535.11
PALMER AK996450919	164,738.99	ANCHORAGE AK99507	144,975.06
ANCHORAGE AK99503	143,646.63	ANCHORAGE AK99508	153,680.33
EMMONAK AK99581	155,664.85	RED DEVIL AK99656	172,099.35
CHUGIAK AK99567	138,230.09	ANCHORAGE AK99517	153,501.12
ANCHORAGE AK99508	196,311.07	ANCHORAGE AK99514	151,898.97
FAIRBANKS AK99701	157,012.07	METLAKATLA AK99926	173,753.06
ANCHORAGE AK99503	157,695.67	BETHEL AK995592163	140,925.39
BETHEL AK99559	157,589.43	ANCHORAGE AK995085901	187,995.09
ANCHORAGE AK99508	158,119.47	BIG LAKE AK99552	135,387.69
GAMBELL AK99742	234,673.63	ANCHORAGE AK99501	149,110.46
HEALY AK99743	204,400.54	JUNEAU AK99801	181,726.38
ELEGIK AK99579	163,595.50	KENAI AK99611	134,597.17
SEWARD AK99664	145,913.44	SOLDOTNA AK996693010	191,415.92
ANCHORAGE AK99508	214,624.84	FAIRBANKS AK99701	189,727.61
BIG LAKE AK99652	147,101.88	EAGLE RIVER AK99577	162,202.62
ANCHORAGE AK995104675	139,084.97	DILLINGHAM AK99576	136,689.52
ANCHORAGE AK99508	132,134.91	FAIRBANKS AK99701	132,581.72
ANCHORAGE AK99503	144,787.34	NAPASKIAK AK99559	172,292.38
TELLER AK99778	179,123.32	BARROW AK997231205	146,124.64
HINTO AK99758	161,526.84	UNALAKLEET AK99684	143,514.11
ANCHORAGE AK995161212	180,228.93	ANCHORAGE AK995083183	135,953.80
UNALAKLEET AK99684	161,831.00	BETHEL AK99559	136,405.28
CHEVAK AK99563	142,805.52	FAIRBANKS AK99709	147,518.95
ANCHORAGE AK99507	140,026.42	SELDOVIA AK99663	172,993.07
KIANA AK99749	143,576.47	BETHEL AK99559	167,524.11
JUNEAU AK99801	143,386.80	MTH VILLAGE AK99632	204,211.00
		KETCHIKAN AK99901	144,435.53
		ST PAUL IS AK99660103	219,489.16

TOP 100 NON-PAYERS
OF CHILD SUPPORT

Total owed
on Top 100 cases
\$16,227,134

Re: HB362 - Child Support Obstructionist Bill

Attached is a letter referencing a current child support situation in which the mother (Debbie) isn't paying her support payments and her new husband (Mark) is helping her avoid this responsibility..

The ex-husband (John) has custody of the three girls. Per the letter to John, "working for an employer would not be wise" because of the threat of garnishment of wages, so instead, Debbie is freelancing as an independent contractor. Mark (the author of this letter) is the "obstructionist". He is helping Debbie evade her responsibilities from paying the child support. Our bill, HB362 is aimed this type of obligatory evasion.

It appears as if both parties are suffering from this divorce, which thereby creates further unresolved issues. However, Debbie is legally obligated to pay child support for her three girls. By passing HB362, Mark could face legal consequences for his actions.

def 7
PO Box 4114
San Diego, CA 92164

March 17, 1994

John Van Santford
1025 Lathrop Street
Fairbanks, AK 99701

Dear John:

I am writing this letter to hopefully clear up some issues that have arisen between Debbie and yourself. The two of you do not appear to be communicating well at the present time. Hopefully this letter will help fill in some gaps made by your mutual inability to clear up issues that have prevailed for many months.

Forfeiture of Parental Rights

Several months ago you sent Debbie legal documents that in effect had her signing away her legal interest in her own children. We believe this was the most destructive and abusive action a parent could take towards undermining a child's right to establish a relationship with the non-custodial parent (please see attached "Rights for Children of Divorce"). Debbie just wants to re-iterate that she will not now nor in the future sign away her legal right to have an interest in raising her children. She cares very deeply for them and will do everything in her power to help them grow up to be emotionally healthy and happy adults.

Just to set the record straight about my situation with own children . . . I didn't just sign my parental rights away by agreeing to an adoption. I was asked by my children's stepfather if I would mind if they took on his name. I am still very much a part of my children's lives. I just cannot fill the role of parent. I would rather be a friend to my children and not have to be the disciplinarian. My ex and her husband did not do this to intentionally cut me out of the kids' lives. Unfortunately in your case, you have admitted that this IS your intent. You want Debbie to bow out of their lives permanently.

We have asked ourselves many times why would a parent want to do such a thing? Could it be that there is some kind of abuse going on in the home? As far as we know, if this is true, the children themselves can take their own legal action against you when they reach the age of 18.

Child Support

This issue has seemed to be a perpetual reason on your part to create a barrier that makes it impossible to see over and move on to other issues. Every time the both of you talk on the phone, this issue is put as a first priority by yourself instead of the children's welfare.

After hearing about your lifestyle from yourself and people who have visited you over the months, we believe that you are not in any kind of dire straits with your financial situation. We believe that paying the additional \$250 or so that Debbie has been ordered to pay directly to you would not be in the best interest of the children. There are several

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reasons why we believe this. One being that you seem to be able to afford many amenities such as a new full sized truck. According to Debbie's TRW report, you are paying almost \$500 per month to keep it in your driveway. You also say that you are sending the children to a private school. We consider these expenses extravagant; too extravagant for someone who is committed to providing for his children.

We both agree that the arrears owed should be caught up and I have come up with a plan to do just that. We have talked to our CPA and have been advised that the most advantageous use of the money would be to set up a custodial account in each child's name as a fund for their college tuition. The money will earn between 15% and 20% and will be available to them when they reach the age of 18. We have already initiated this plan and Debbie deposits \$250 into this fund monthly. We will gladly send you a quarterly statement as soon as it's available as proof that this money is being put aside for the children.

If you don't like this arrangement, I say, do something about it instead of throwing threats at Debbie. Hire yourself a California lawyer and we'll battle it out here in family court.

Threats and Garnishments

Oftentimes on the phone you have made threats of garnishing wages. Some greedy lawyer has given you the impression that you get what you want when you file these papers. Not so, especially here in California. When I left Washington I was ordered to pay a little over \$650 per month. When my case finally came to court here a year after the papers were filed in Washington, I was only ordered to pay \$350 per month.

By the way, after all the threats you've made over the months we decided that working for an "employer" would not be wise. Debbie now works a private contractor. We have worked together as a team to secure a few clients Debbie does medical transcription for at home that pays for her basic living expenses. Debbie loves the flexible hours and not having to go into the office. It's like a dream come true!

So you see, an attempt at garnishing wages would be a waste of good money that could be used for the benefit of the children. My ex-wife spent hundreds, maybe thousands of dollars to trying to get money from me and she may have if I would have found a civil service job here, but I didn't. Her lawyer promised her everything and ended up getting nothing. Of course the lawyer was happy because she got what she wanted.

Visitation

Of all the issues to be discussed this is the most important one in our opinion. For months now, we believe that you have been purposely and intentionally interfering with Debbie's visitation with her children. This must stop! I personally will do anything in my power to turn this situation around whether it be through legal or political means.

Having a relationship with your parent is a very basic right for a child that we don't believe anyone should interfere with. No court in this country would deny that. Unfortunately in your case, the children have gotten stuck in the middle between your own personal hatred and insecurity over me being married to Debbie and her emotional pain over not having equal access to her children.

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Visitation over the phone is a very important for Debbie because of the great distance involved. She must use this as a vital way of communicating and being a part of her children's lives.

Here are a list of circumstances surrounding phone visitation that we believe have been created on your part:

- 1) You have established a separate phone line for your normal calls so that anyone you don't want talking directly to the children, especially Debbie and her parents, will be discouraged of doing so.

Here's how you appear to play the phone game: Debbie calls. You tell her that the children are not home and that she should call back in an hour knowing full well you have no intention of answering the phone. Oftentimes you simply unplug the phone so that it never answers.

- 2) You have not provided an open pathway for the children to keep in contact with Debbie even though we have provided you with a toll free number they can use to call Debbie day or night. Nor do you encourage them to call their mother when they feel the need. On the contrary, you discourage them and say hurtful things like "Your mother doesn't love you anymore, that's why she left."
- 3) On the rare occasion Debbie is permitted to talk with the children, you stand over them and monitor everything they say. You do not let them have their privacy when interacting with their mother. You are so afraid that they might tell her something that you don't want her to hear that you have gone so far as to mislead school administrators into thinking that you have some legal document like a restraining order in place to bar Debbie from speaking to her children out of your home where you can't have control over their words.
- 4) Often times during phone conversations you will jerk the phone away from the children and start personal attacks on Debbie. How is this beneficial for the children? If you continue this, I feel they will form a deep resentment for you and will eventually want to get as far away from you as possible.

Last summer, June of 1993, you refused to grant the children visitation during the agreed time. You deliberately put the children in a school for the summer, so you say, so that you could use that as a valid reason for denying them visitation. Our guess is that the children were never really in school or were only in school for part of the summer.

As far as summer visitations go, all Debbie asks is that you put one or more of the children on a plane in Fairbanks. We checked with Alaska Air about the youngest child flying alone. We were told that it was fine but we'd have to pay extra. All the children should be able to travel alone whenever they choose as long as it doesn't interfere with their regular school year. The "regular school year" does not include special schools you choose to put them in for the summer. If you attempt this tactic again, we will consider it a intentional obstruction of the children's visitation rights.

This coming summer, Debbie is demanding that Dianna visit her for at least one month starting shortly after summer school break begins. She is also demanding that her parents in Bremerton have time with her. Debbie is not requiring you help her with the

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cost of travel as agreed to previously. If this visitation works out then she will request that the other two children come to see her at another time during the summer.

Debbie will send you Diana's itinerary a few months before her flight, then send her round trip ticket on Alaska Airlines a week or so before her flight date via Federal Express. Because of the distance involved, it makes it almost impossible for Debbie to personally supervise and escort Diana on her flight. That is why we will be going to great lengths to make sure that Diana is personally escorted by the flight attendants before and during the flight. I have had my children travel alone on Alaska Air and it has been a very present experience for them. I'm sure it will be the same for Diana.

Bill of Rights for Children of Divorce

Even though you will not find them in any law book, we believe that all children of divorced parents have rights. We have requested help to deal with Debbie's visitation problems from a group that calls itself "Mothers Without Custody" (MWOC). They have come up with a list of rights for children of divorced parents that we are in total agreement with. Please, John, read this list over and honestly ask yourself if you have supported these rights in your dealings with Debbie and your children.

If you ask us what our intentions will be when seeking legal action and eventually making changes in your current visitation agreement, here is what we will strive to make happen for the children:

- 1) The Right to know that the parent's decision to divorce is solely their decision, and that the child need not feel any responsibility for this decision.
- 2) The Right to have a relaxed, secure relationship with both parents without feeling a need to manipulate one parent against the other.
- 3) The Right to have the issue of custody truly and honestly decided without sexual prejudice or bias (permitting a continued parent-child relationship through joint custody, equal to that prior to divorce) with the best interest of the child and BOTH parents as the only consideration.
- 4) The Right to continuing care, guidance and support from both parents, and the freedom to receive and express love for both without guilt.
- 5) The Right to honest answers to questions about the changing family relationships and living conditions.
- 6) The Right to be free from physical and mental abuse and pressure from both parents and from judicial abuse by the State.
- 7) The Right to know that expression of love from one parent in no way will detract from the love for the other parent, and the Right to express love and affection for each parent without having to suppress that love because of fear of disapproval by the other parent.
- 8) The Right to a secure relationship during scheduled times with the non-custodial parent, and to know in advance when these specified times are to be canceled by either parent for any reason.

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- 9) The Right to know, and be able to visit grandparents, aunts, uncles, cousins and other relatives on both sides of the family so that a heritage may be conveyed.
- 10) The Right to be free from any new social class forced upon the child by the State Courts which order and decree single parent custody, denying one parent an equal legal and personal relationship with the child and producing a family model which has not been proven to be either psychologically healthier or constitutionally sound.
- 11) The Right to privacy and protection, justice and fairness in both the custodial and non-custodial homes.
- 12) The Right to know and appreciate what is good in each parent without one parent degrading the other.
- 13) The Right to request an increase in the time specified for interaction with the non-custodial parent.
- 14) The Right to express a preference to live with either of the parents most of the time.
- 15) The Right to mature to adulthood, secure in the love and respect of both parents and with confidence in the ability to establish love and nurture a stable family.

Old Debt

In the last couple of months we have been made aware of a debt that was made when you were married to Debbie. We were contacted by a collection agency in Tacoma, Washington that called itself "Equifax Collection Services".

I talked to a woman called named "Karen Hirst". She also told us that you had already started making payments on the debt. I told her, as I will tell you, under no circumstances will we deal with a collection agency. I have done my homework on this subject and have familiarized myself with their tactics. I have already exercised my legal right as a consumer by sending them a legal notice, and have stopped them from ever calling us again, as I have done with many other agencies. If you want to learn how to do this yourself, purchase a book called "Stop It" by Bud Hibbs, published by Equitable Media Services, Fort Worth, Texas. If you like I will gladly send you a prepared legal document customized to this particular account so that you can sign it and send it certified mail.

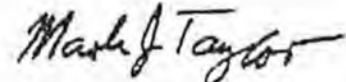
I have advised Debbie not to claim any responsibility for this debt until you get the collection agency out of the picture by sending the legal notice I talked about above. After that, we can negotiate down the added fees that were added after the debt went into collection with Kitsap Federal Credit Union. Keep in mind that when a debt goes into collection, the original creditor has written it off as a "bad debt" and then simply lists it on their profit and loss statement. Most creditors hope to get only half the original amount of the debt because of the tremendous mark-up by the collection agency when they "buy" the bad debt from the creditor. All of this is explained in the book I mentioned.

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The next step in this matter is yours. If you just want to continue paying what you have and take the responsibility for the debt, that's up to you. I'm offering you a way to renegotiate the added fees and not have any negative items put on your credit report.

Speaking of credit reports, I don't see why Debbie should have records of your auto loans listed on her credit report, do you? You have the truck and whatever other possessions you bought with the money. Could you please contact Ford Motor Credit and ask them to remove your loan information from Debbie's TRW credit listing? We don't need to know about your personal finances.

We have taken the time and energy to write this letter in the interest of making this whole divorce process less painful on the children. Now it's your turn. If we don't see a response in 30 days from the date of this letter, we will assume that your response to all our requests is no and that you agree with everything we alleged in this letter.

Yours truly,



Mark J. Taylor

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Representative Con Bunde
State Capitol
Juneau, AK 99801-1182

March 31, 1994

Dear Representative Bunde,

RE: HOUSE BILL 422

There are many State Statutes, Regulations and Court Rules that protect the rights of the NON custodial parents rights to visitation. On the other hand nothing that protects the custodial parents in this area. We are expected to send our children; (In my case three little girls ages 7, 9, and 11 to the San Diego area of which I have only a BLIND PO BOX NUMBER) for NON custodial visitation and Pray we get them back. Much less than, in time to take care of Dental work, Eye exams, New glasses, shopping for school clothes, etc.

THIS FEAR OF THE NON CUSTODIAL PARENTS FAILURE TO RETURN THE CHILDREN TO THE CUSTODIAL PARENT IS THE WORST KIND OF NIGHTMARE.

When the NON custodial parent openly and blatantly fails to comply with the Court Order to pay child support, this fear becomes very real.

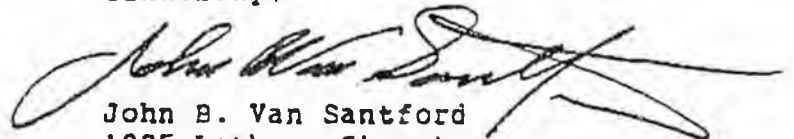
Yes there are regulations and statues in place to collect child support; such as, attempts to garnish wages, seizure of property, notifying the credit bureau with negative report, threats of arrest, etc. Even though they have evaded the system for years, the courts will side with the NON custodial parent is in contempt of a court order issued by the same Judge that is hearing the case against the custodial parent for withholding visitation.

This condition must be corrected. TO PROTECT ALASKA'S MOST PRECIOUS RESOURCES, "OUR CHILDREN", MUST BE A PRIORITY.

9/9
I respectfully request that you amend your
HOUSE BILL 422 to include the following provision's.

1. VISITATION OF NON CUSTODIAL PARENT WHO RESIDES
OUTSIDE THE STATE OF ALASKA.
 - a. Visitation rights are here by suspended
until all back child support is paid up to
date.
 - b. Supervised visitation will be allowed in
the local area of children's residence at
the NON custodial parents expense if they do
not comply with Par: a.
 - c. If there is sufficient reason to believe
that the NON custodial parent might abduct
the children: towit past record of failure
or evasion of child support payments to
date, they be required to post a PERFORMANCE
BOND of no less than FIFTY THOUSAND DOLLARS
(\$50000.00). To be paid to the custodial
parent within 72 hours of the failure to
return the children at the agreed time
(time notification to be in written form).
Bond funds to be used for the recovery of
the abducted children and remaining balance
to be placed in a account for child support
or college.
 - d. All court cost are the responsibility of the
NON custodial parent pertaining to the above
Par: a, b, c.

Sincerely,



John B. Van Santford
1025 Lathrop Street
Fairbanks, AK 99701
PH. 907-451-6502
FX. 907-452-7749

cc Governor Mickel
LT Governor Coghill
Sen. Steve Frank
Bart Sharp
Mike Miller
Spe. Ramona Barnes

cc Rep. Jeannette James
Brian Porter
Jerry Sanders
Joe Sitton
Gene Therriault
Al Vezey

118 Holdinghausen Dr.
Crystal City, MO 63019
February 17, 1994

Representative Terry Martin
House of Representative
State Capitol
Juneau, AK 99801-1182

Dear Representative Martin,

For the last six years I have not received child support in any regular fashion from my ex-husband for the support of my four children. Most money has come from the seizure of dividend checks. He is presently \$23,729.54 behind in back child support.

While we were married my ex-husband supported the family by working as a contractor. Primarily the income came from the sell of custom built homes, rental property, and the sell of undeveloped lots. He would also do jobs requiring heavy equipment. After the divorce he filed for bankruptcy and the business ended. Through various means he has been supporting his life style. He talked at different times of a home he was building in the Delta Junction area. He has a vehicle, a boat, and a snowmobile. He took a business trip to Seattle one year for training in insulation spraying. One summer he could afford a trip to Missouri, but left town the same day he went to court for harassment and nonpayment of child support. There is presently a warrant for his arrest for failure to appear at the next scheduled court date.

The divorce awarded assets to both of us. The monthly payments on the sell of undeveloped lots was part of the assets he received. One person who was making payments paid off the debt with a boat. The others, I am presuming, made the payments. These would be cashed rather than deposited. After having an account seized no other accounts in his name have been located in the state that I have been made aware of.

Evasion of payments for child support through parents claiming no or little income when in fact there is appears to be a common practice. My ex-husband has stated numerous times that he is untraceable by any government agency and will not pay child support... Thus far he has succeeded through the aid of others who are willing to assist him.

One tactic used by my ex-husband has been to transfer real estate property to a family member's name. This was done prior

to his filing for bankruptcy so he could retain the lake front property. Another tactic was putting vehicles he owned in someone else's name. Another way of trying to be untraceable was by not obtaining a current driver's license.

I am also aware of him approaching others to assist him in his deception by asking to operate a business under their contractor's license. More specifically, he approached Weidner Construction, out of Delta Junction, asking to operate under their contractor's license. For whatever reasons Weidner Construction declined.

He has also purchased equipment from U.C.S.C. in Fairbanks to run a business. He paid four thousand dollars in cash for this equipment. The business that he had in mind was apparently to do insulation work while traveling the rivers to Nome where he could make money that would be untraceable.

Through the process of bartering he has been able to perform jobs and be paid in cash or receive ivory that he can sell later for untraceable cash. He has talked of other jobs that he has done to make money. One being cutting trees in the Delta Junction area, another working on a fishing boat, I believe near Nome, and trapping.

Family member have played a large role in my ex-husband's evasion of responsibility to his children through knowingly assisting him as mentioned already. The other is people willing to pay in cash or trade for services he performed.

The past six years after my divorce have been very difficult. At one point I was working three jobs along with attending college to obtain a bachelor's degree. I also sold everything I could live without to pay for educational costs and to support the children. I applied for educational loans, was awarded grants and received scholarships to be able to afford the costs.

During this time my children have gone without basic human needs to the point that some might call it neglect. Dental care was postponed till I could afford it. Eye glasses were not purchased as needed. Food was bought as the money was available. Of course there is aid to dependent children and medical assistance available through the government, but I chose to do it myself. If put into the same situation today - recently divorce, no job skills, and four children - I'm not for certain which route I'd take.

I am presently working full-time as a special education teacher, am attending graduate school, with a caseload of nine hours per semester, and teach summer school while raising four children ages nine to fifteen. It has been very stressful and quite frankly I'm exhausted.

These experiences while being exhausting in themselves have also been exasperating especially given that numerous contacts have been made in the past six years to the Child Support Enforcement Agency urging them to please help me in obtaining this support. Only recently has any real action begun on this case. At this time information is being compiled to take to the attorney general to see if charges will be filed.

The laws as they are presently written are not a great enough deterrent for nonpaying parents and those who conspire to assist them in this criminal act of nonsupport. Parents who do not support their children by evading this responsibility are committing a heinous crime. Persons who enable this behavior by aiding the nonsupport paying parent are also guilty of a heinous crime against children. Until the laws are changed and aiders are forced to accept the consequences of their actions the cycle will not change.

I actively support the passage of House Bill 362. This letter may be forwarded to other individuals concerned with the passage of House Bill 362.

Sincerely,

Beth Bach

Mary "Beth" Bach

8-LS1459R
Lauterbach
4/27/94

SENATE CS FOR CS FOR HOUSE BILL NO. 362(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES MARTIN, B.Davis

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the statute of limitations for actions brought upon a child
2 support judgment; and establishing the crime of aiding the nonpayment of child
3 support."

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

5 * Section 1. AS 09.10.040 is amended to read:

6 Sec. 09.10.040. ACTION UPON JUDGMENT OR SEALED INSTRUMENT
7 IN 10 YEARS. Except as provided in (b) of this section. a [NO] person may not
8 bring an action upon a judgment or decree of a court of the United States, or of a state
9 or territory within the United States, and an [NO] action may not be brought upon a
10 sealed instrument, unless the action is commenced within 10 years.

11 * Sec. 2. AS 09.10.040 is amended by adding a new subsection to read:

12 (b) An action may be brought to establish a judgment for child support
13 payments that are 30 or more days past due under a support order, as defined in

1 AS 25.27.900, if the action is commenced by the date on which the youngest child
2 covered by the support order becomes 21 years of age. An action after the
3 establishment of the judgment is governed by (a) of this section.

4 * Sec. 3. AS 11.51 is amended by adding a new section to read:

5 Sec. 11.51.122. AIDING THE NONPAYMENT OF CHILD SUPPORT. (a)

6 A person commits the crime of aiding the nonpayment of child support if the person

7 (1) knows that an obligor has a duty under an administrative or judicial
8 order for payment of child support; and

9 (2) intentionally

10 (A) withholds information about the residence or employment
11 of the obligor when that information is requested by a child support
12 enforcement agency; or

13 (B) participates in a commercial, business, or employment
14 arrangement with the obligor, knowing at the time that the arrangement is made
15 that it will allow the obligor to avoid paying all or some of the support when
16 it is due or to avoid having a lien placed on assets for the payment of
17 delinquent support; receipt of a substantial asset for less than fair market value
18 from an obligor after the obligor's support order has been established
19 constitutes a rebuttable presumption that the person receiving the asset knew
20 that the transfer would allow the obligor to avoid paying all or some of the
21 support or to avoid having a lien placed on the asset.

22 (b) In a prosecution under (a)(2)(B) of this section, it is not a defense that the

23 (1) defendant did not intend to assist the obligor in the nonpayment of
24 child support; or

25 (2) obligor did not intend to avoid paying child support.

26 (c) This section does not prohibit an arrangement entered into with an attorney
27 for the purpose of paying the attorney who represents the child support obligor in
28 proceedings to contest or modify a child support order.

29 (d) Aiding the nonpayment of child support is a class A misdemeanor.