

SB

115

TONY KNOWLES
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

PO Box 110001
Juneau, Alaska 99811 0001
1907 465-3500
Fax 1907 465-3532

March 6, 1995

The Honorable Drue Pearce
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear President Pearce:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the Uniform Interstate Family Support Act and the repeal of the Uniform Reciprocal Enforcement of Support Act.

The bill would repeal the laws currently found in AS 25.25, the Uniform Reciprocal Enforcement of Support Act (URESAs), and replace them with a new Uniform Act, the Uniform Interstate Family Support Act (UIFSA), with minor modifications. The bill also has the effect of amending Alaska Rules of Civil Procedure 79 and 82, and Alaska Rule of Administration 9. See secs. 6 and 7 of the bill. Under art. IV, sec. 15, of the Alaska Constitution, the legislature may change a court rule governing "practice and procedure." Although the bill has the effect of amending a court rule relating to filing fees that is designated as an "administrative" rule, I believe that the rule affects individuals' substantive rights regarding access to our justice system and, therefore, is one that the legislature is authorized to change. Additionally, the provision that has the effect of amending the administrative rule is an integral part of UIFSA.

The Uniform Interstate Family Support Act was drafted to update URESAs. The bill, like URESAs, applies to those actions relating to the establishment, modification, and enforcement of support orders and the determination of parentage in situations in which the parties reside in more than one state.

A major feature of UIFSA is that it does not require reciprocity of laws between states in order to take action under its provisions. In order to ease the transition between URESAs and UIFSA, the bill recognizes substantially similar state laws as equivalent to UIFSA for

The Honorable Drue Pearce

March 6, 1995

Page 2

purposes of interstate actions. See proposed AS 25.25.101(7) and (16) in sec. 1 of the bill. The bill also contains its own long-arm jurisdiction provision providing the home state of a supported family the maximum possible opportunity to secure personal jurisdiction over an absent parent.


The bill promotes, to the extent possible, the premise of continuing exclusive jurisdiction over support orders. Under the law as it exists under URESA, multiple orders for child support often result. UIFSA seeks to limit the existence of multiple support orders by limiting the circumstances under which subsequent support orders may be entered in states other than the initiating state.

The bill also recognizes the growing use of administrative procedures in addition to or in place of judicial proceedings in the establishment of paternity and the establishment and enforcement of support orders.

UIFSA was prepared by the National Conference of Commissioners on Uniform State Laws, which has approved and recommended it for enactment in all the states. Although it was first adopted by that conference in the summer of 1992, it has already been enacted in 21 states. There are indications that it will be introduced in as many as eight states this year. It has been endorsed by the United States Commission on Interstate Child Support, the American Bar Association, and the Conference of Chief Justices, and the bill has the support of Alaska's child support enforcement agency. Additional information from the National Conference of Commissioners on Uniform State Laws is available from my staff.

I urge your prompt consideration and passage of this bill.

Sincerely,



Tony Knowles
Governor

TONY KNOWLES, GOVERNOR

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JUNEAU ALASKA 99811-0300
PHONE (907) 465-3600
FAX (907) 465-6735

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

March 21, 1995

The Honorable Lyda Green
Alaska State Senate
Chairman, Senate Health, Education and Social Services Committee
P. O. Box V
Juneau, Alaska 99811

Re: SB 115 Amendment

Dear Senator Green:

I am the assistant attorney general who was charged with drafting the Uniform Interstate Family Support Act introduced as Senate Bill 115 (and House Bill 242). In reviewing the bill, we have determined that it would be preferable to allow the Supreme Court the opportunity to amend its own administrative rules, in order to avoid any potential separation of powers issue. Therefore we recommend deleting the reference to Alaska Rule of Administration 9 in the title of the bill, and deleting sec. 6 of the bill in its entirety. The change also would require conforming amendments in sec. 8 of the bill and the renumbering of bill sections.

Please contact me if you have any questions about this proposed amendment.

Sincerely,

BRUCE BOTELHO
ATTORNEY GENERAL

By: 

Marilyn May
Assistant Attorney General

MM:bld

cc: Bruce M. Botelho, Attorney General
Karen Perdue, Commissioner, Department of Health and Social Services
Wilson Condon, Commissioner, Department of Revenue
Pat Pourchot, Legislative Director
Deborah Behr, Assistant Attorney General

MAR 22 1995

STATE OF ALASKA

DEPARTMENT OF REVENUE

TONY KNOWLES, GOVERNOR

STATE OFFICE BUILDING
P.O. BOX 110410
JUNEAU, ALASKA 99811 0410

April 7, 1995

The Honorable Lyda Green, Chair
Senate HESS
Alaska State Senate, Room 423
State Capitol
Juneau, Alaska 99801

re: SB115 and SB116

Dear Senator Green:

Enclosed please find informational "bullets" pertaining to SB 116 related to paternity establishment, and SB 115 related to the Uniform Interstate Family Support Act (UIFSA). This information is being presented in the hopes that it might clarify how these two bills will enhance child support enforcement within this State and in co-operation with other states which have implemented UIFSA.

If you desire additional information please contact Glenda Straube, Director, Child Support Enforcement Division at (907) 269-6801.

Sincerely,



Bob Baratko

Legislative Liaison
Department Of Revenue

Enclosure

cc: Glenda Straube, Director, Child Support Enforcement Division

020172

APR 10 1995

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

TONY KNOWLES, GOVERNOR

PLEASE REPLY TO:

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March 8, 1995

Honorable Lyda Green, Chair
Senate HESS
Alaska State Senate
State Capitol, Room 423
Juneau, Alaska 99801

Re: SB 115

Dear Senator Green:

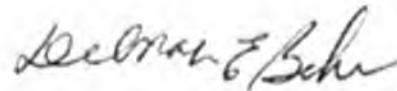
On behalf of the Uniform Law Commissioners for Alaska, I wish to request that SB 115 (an Act enacting the Uniform Interstate Family Support Act) be scheduled for an early hearing. The bill is important for keeping our laws relating to establishment and enforcement of child support obligations uniform across state lines. Please note that the Uniform Interstate Family Support Act has already been enacted by many states.

If you need additional information, please let me know. Enclosed is a copy of the governor's transmittal letter, which explains the bill in more detail.

Sincerely,

BRUCE M. BOTELHO
ATTORNEY GENERAL

By:



Deborah E. Behr
Assistant Attorney General

DEB:cl

MAR 09 1995

Hon. Lyda Green, Chair
Senate HESS

March 9, 1995
Page 2

cc: All Alaska Uniform Law Commissioners

Pat Pourchot, Legislative Director
Office of the Governor

Bob Baratko, Legislative Liaison
Department of Revenue

Elmer Lindstrom, Legislative Liaison
Department of Health and Social Services



State of Alaska
ombudsman
A Legislative Service Agency

Reply to:

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(FAX) 269-5291
- P.O. Box 113000
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(800) 478-4970
(FAX) 465-3330
- P.O. Box 74358
Fairbanks, AK 99707-4358
(907) 451-2880
(800) 478-3257
(FAX) 451-2957

April 5, 1995

The Honorable Lyda Green, Chairman
Senate Committee on Health, Education & Social Services
Alaska Legislature
State Capitol, Room 423
Juneau, Alaska 99811

Re: Senate Bill 115 - Uniform Interstate Family Support Act (UIFSA)

Dear Chairman Green:

The Office of the Ombudsman supports legislation to enact the Uniform Interstate Family Support Act (UIFSA). Two bills currently before the legislature, Senate Bill 115 and House Bill 242, as introduced, would accomplish that objective. Senate Bill 115 is scheduled for consideration by the Senate Health, Education & Social Services Committee at a hearing Wednesday, April 12, 1995.

The National Conference of Commissioners on Uniform State Laws drafted UIFSA to update the Uniform Reciprocal Enforcement of Support Act (URESA). UIFSA would allow Alaska maximum flexibility in securing personal jurisdiction over an absent parent and would apply to all actions relating to establishment, modification and enforcement of support orders and the determination of parentage in cases in which the parties reside in different states. This simplified process could mean more money for Alaskan parents to raise their children.

Enactment of UIFSA would assist many who have sought the Ombudsman's help with the Alaska Child Support Enforcement Division (CSED). In Fiscal Year 1994 and FY 1995, to date, the Ombudsman has assisted 1661 individuals with complaints against CSED, many of whom were custodial parents who depend upon CSED to collect child support from an out-of-state parent. A large number of those complaints came from single parents concerned about the slow pace of case establishment and child support collection. Enactment of UIFSA would streamline the establishment process which should, in turn, prompt speedier collections.

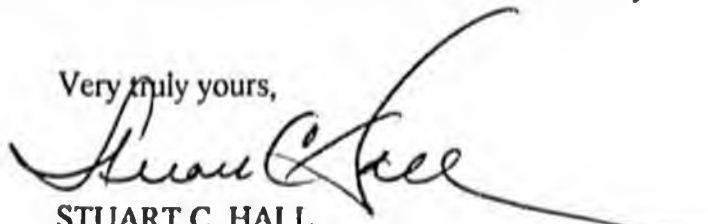
Both the state and custodial parents would benefit from enactment of UIFSA: the State of Alaska, because it could collect public assistance debts from absent parents, and custodial parents, because easier collection means money to raise their children. Perhaps more important, increased collections may help reduce the number of custodial parents forced to go on public assistance when there is no other source of support.

APR 05 1995

April 5, 1995

Your favorable consideration of legislation that would codify UIFSA into Alaska law this session is strongly recommended. Please feel free to call me at 465-4970 if my staff and I can be of further assistance.

Very truly yours,



STUART C. HALL
Ombudsman

cc: The Honorable Tony Knowles, Governor of Alaska
Att'n: Pat Pourchot, Legislative Director
Bruce M. Bothelo, Esq., Attorney General
Wilson L. Condon, Esq., Commissioner, Department of Revenue
Glenda Straube, Director, Child Support Enforcement Division, Department of Revenue
Marilyn May, Esq., Assistant Attorney General, Department of Law, Anchorage
Deborah Behr, Esq., Assistant Attorney General, Legislation/Regulations, Department of Law, Juneau; and, Commissioner for Alaska, National Conference of Commissioners on Uniform State Laws
Arthur H. Peterson, Esq., Commissioner for Alaska, National Conference of Commissioners on Uniform State Laws

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Ray R. Brown
Maun Long

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Telephone (907) 277-3400
Facsimile (907) 277-9896

March 10, 1995

Hon. Lyda Green, Chair
Senate Health, Education, and
Social Services Committee
Alaska State Legislature
Room 423, State Capitol
Juneau, Alaska 99801-1182

HAND-DELIVERED

Re: SB 115, Uniform Interstate Family Support Act

Dear Senator Green:

SB 115 has been referred to your committee, and I request that you schedule an early hearing on it. I urge a "Do Pass" report.

This bill proposes the Uniform Interstate Family Support Act (UIFSA), which is a product of the National Conference of Commissioners on Uniform State Laws (NCCUSL). It was promulgated in 1992 for the purpose of updating and replacing the Uniform Reciprocal Enforcement of Support Act (URESAs) -- also a NCCUSL product.

All 50 states plus the District of Columbia, Puerto Rico, and the U. S. Virgin Islands enacted URESAs. Already, at least 21 of those jurisdictions have repealed it and enacted UIFSA.

Eventually, for the protection of its people, especially its children, Alaska will have to enact UIFSA. We gain nothing by delay.

The most significant single point of this bill is its virtual elimination of the possibility of multi-state jurisdiction and conflicting support orders. That current flaw in URESAs has been the bane of both obligees and obligors, as well as of the state agencies and courts charged with administering the old Act. The expected result of the new Act is a system that is more efficient and cheaper to operate, and more easily understood and fairer to the parties involved in the process, thus producing a much higher level of meeting family support obligations.

UIFSA addresses other URESA problems too, generally updating and improving the law. For example, it adapts the traditional

MAR 13 1995

Lyda Green, Chair, Senate HESS Com.
Uniform Interstate Family Support Act
March 10, 1995

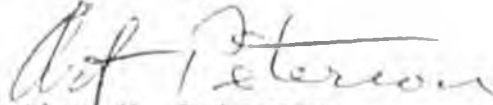
Page 2

"long arm" jurisdiction concept to this family support context.

Thank you for your consideration of this bill and this request.

Let me know if you want additional material on UIFSA.

Yours truly,


Arthur H. Peterson
Uniform Law Commissioner
for Alaska

cc: Hon. Wilson Condon, Commissioner
Department of Revenue

Hon. Karen Perdue, Commissioner
Department of Health & Social Services

Patrick Pourchot, Legis. Director
Governor's Office

Rest of Alaska's ULC Delegation:

Hon. Jay A. Rabinowitz
W. Grant Callow, Esq.
Tamara Brandt Cook, Esq.
L. S. Kurtz, Jr., Esq.
Deborah E. Behr, Esq.

MAR 13 1995

Uniform Interstate Family Support Act (UIFSA) HB 242 - SB 115

UIFSA provides improved procedures for establishing, modifying and enforcing child support orders where the obligor and the obligee reside in different states. Interstate cases represent about 44% of Alaska's child support caseload. UIFSA has already been enacted by at least 21 states and may soon be required for continued federal funding.

This bill promotes efficiency and minimizes confusion, and should therefore result in additional child support collections. UIFSA:

- Eliminates the multiple-order system existing under current law, whereby two or more states may each establish and enforce different child support judgments. UIFSA instead provides for one state to have "continuing, exclusive jurisdiction" and sets out the means for determining which state has that jurisdiction.
- Recognizes the speed and efficiency of administrative action by allowing the support enforcement agency to establish paternity and to establish, modify or enforce a child support order without having to go through a court.
- Provides broad long arm jurisdiction to reach out-of-state obligors to allow the forum state to obtain as much jurisdiction as is constitutionally permissible.
- Promotes efficiency by providing for use of federal forms in all interstate cases; exchange of child support information through an interstate computer network; taking of testimony by telephone; electronic transmission of documentary evidence; and special evidentiary rules to speed the introduction of evidence in support cases.
- Allows direct income withholding -- a support order may be mailed directly to an obligor's employer in another state, requiring immediate wage withholding, without first having a support hearing in that state (the obligor has the right to object and request a hearing).

UIFSA represents a dramatic improvement over the sometimes haphazard or even chaotic circumstances surrounding child support orders under Alaska's current interstate support law, the Uniform Reciprocal Enforcement of Support Act (URESA). The elimination of the multiple-order scenario alone justifies passage of UIFSA; that along with the many other benefits should assure widespread support among both obligees and obligors.

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

March 21, 1995

The Honorable Lyda Green
Alaska State Senate
Chairman, Senate Health, Education and Social Services Committee
P. O. Box V
Juneau, Alaska 99811

Re: SB 115 Amendment

Dear Senator Green:

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Please contact me if you have any questions about this proposed amendment.

Sincerely,

BRUCE BOTELHO
ATTORNEY GENERAL

By: Marilyn May
Marilyn May
Assistant Attorney General

MM:bld

cc: Bruce M. Botelho, Attorney General
Karen Perdue, Commissioner, Department of Health and Social Services
Wilson Condon, Commissioner, Department of Revenue
Pat Pourchot, Legislative Director
Deborah Behr, Assistant Attorney General

TONY KNOWLES, GOVERNOR

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MAR 22 1995

Uniform Interstate Family Support Act (UIFSA)
HB 242 - SB 115

UIFSA provides improved procedures for establishing, modifying and enforcing child support orders where the obligor and the obligee reside in different states. Interstate cases represent about 44% of Alaska's child support caseload. UIFSA has already been enacted by at least 21 states and may soon be required for continued federal funding.

This bill promotes efficiency and minimizes confusion, and should therefore result in additional child support collections. UIFSA:

- Eliminates the multiple-order system existing under current law, whereby two or more states may each establish and enforce different child support judgments. UIFSA instead provides for one state to have "continuing, exclusive jurisdiction" and sets out the means for determining which state has that jurisdiction.
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UIFSA represents a dramatic improvement over the sometimes haphazard or even chaotic circumstances surrounding child support orders under Alaska's current interstate support law, the Uniform Reciprocal Enforcement of Support Act (URESA). The elimination of the multiple-order scenario alone justifies passage of UIFSA; that along with the many other benefits should assure widespread support among both obligees and obligors.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

No. 4
BILL N Bill Version: SB 115
(S) Publish Date: 3/7/95

Revision Date: _____ Dept. Affected: Health and Social Services
Title: Uniform Interstate Family Support Act BRU: Assistance Payments
Component: AFDC
Sponsor: Rules
Requestor: Governor COMPONENT SERIAL NO. 220

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGES IN REVENUES	0	0	0	0	0	0
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	(170.0)	(340.0)	(340.0)	(340.0)	(340.0)	(340.0)
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	170.0	340.0	340.0	340.0	340.0	340.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

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

Estimate of any current year (FY95) cost: \$ NONE

ANALYSIS: (Attach a separate page if necessary)

The Child Support Enforcement Division projects increased collections on behalf of AFDC children to result from this legislation. This analysis is based on CSED's projections in their fiscal note on this legislation.

Fifty percent of child support collected on behalf of AFDC children is retained by the state. These revenues are transferred as GF Program Receipts to the AFDC component of the Assistance Payments BRU. These GF Program Receipts are used in place of GF Match funds.

Prepared by: Jim Nordlund, Director *for R. Lynn, acting dir*
Division: Division of Public Assistance
Approved by Com: K. Don Perdue
Agency: Department of Health & Social Services

Phone: 465-2680
Date: 3/7/95
Date: _____

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FISCAL NOTE

No. 3
Bill Version: SB 115
(S) Publish Date: 3/7/95

Revision Date: 3/3/95 Dept. Affected: Community & Regional Affairs
Title: An Act relating to the establishment, BRU: none
modification, and enforcement of support orders... Component none
Sponsor: Governor
Requestor: Governor COMPONENT SERIAL NO. _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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	0.0	0.0	0.0	0.0	0.0

REVENUE FUND SOURCE: _____

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	0	0	0	0	0
PART-TIME						
TEMPORARY						

Estimate of current (FY94) impact \$ none

ANALYSIS: (Attach a separate page if necessary)

There is no fiscal impact on DCRA from this bill.

Prepared by: Remond Henderson, Director *Remond Henderson* Phone: 465-4708
Division: Division of Administrative Services Date: 3/3/95
Approved by Commissioner: *Niberstein* Date: 3/3/95
Agency: Community & Regional Affairs

FISCAL NOTE

No. 2

Bill Version: SB 115

(S) Publish Date: 3/7/95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: _____
Title: Uniform Interstate Support Act (UIFSA)
Sponsor: Rules
Requestor: Governor

Department Affected: Revenue
BRU: Child Support Enforcement Division
Component: Child Support Enforcement Division
COMPONENT SERIAL NO. 111

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	00	00	00	00	00	00
CAPITAL EXPENDITURES	00	00	00	00	00	00
CHANGE IN REVENUES ()	170.0	340.0	340.0	340.0	340.0	340.0

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	00	00	00	00	00	00

Estimate of any current year (FY 95) cost: \$ 0.0

POSITIONS:

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS: (Attach a separate page if necessary.)

UIFSA applies to those actions relating to establishment, modification, and enforcement of support orders and the determining of parentage in situations where the parties reside in more than one state. The passage of this bill will improve service to case parties involved in interstate enforcement of child support orders by clarifying which state has jurisdiction. It authorizes the movement to a one order system for child support obligations that is honored by all states which pass UIFSA. UIFSA reduces agency response time in some areas in an effort to provide support collections sooner. AFDC collections will be increased by \$680,000 per year of which the state retains 50% or \$340,000. Since the effective date of the legislation in January, 1996 it would provide only \$170,000 for that fiscal year.

Prepared by: Glenda Straube
Division: Child Support Enforcement

Phone: 269-6801
Date: March 3, 1995

Approved by Commissioner: Deborah Vogt
Agency: Department of Revenue

Date: March 3, 1995

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

No. 1

Bill Version: SB 115

BII (S) Publish Date: 3/7/95

Revision Date: _____ Dept. Affected: Department of Law
 Title: "...establishment, modification, and enforcement BRU: Legal Services
of support orders ... in situations involving more than one state..." Component: Operations
 Sponsor: Rules by Request of the Governor
 Requester: Office of the Governor/OMB COMPONENT SERIAL NO. 0093

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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 EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (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

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill repeals the Uniform Reciprocal Enforcement of Support Act (URESAs), under AS 25.25, and replaces it with a new uniform Act known as the Uniform Interstate Family Support Act (UIFSA). First adopted by the National Conference of Commissioners on Uniform State Laws in 1992, the new Act has already been enacted by 21 states, and it may be introduced in as many as eight states this year, including Alaska.

The Uniform Interstate Family Support Act was drafted to update USERA. UIFSA, like USERA, applies to those actions relating to the establishment, modification, and enforcement of support orders and the determination of parentage in situations in which the parties reside in more than one state.

A major feature of UIFSA is that it does not require reciprocity of laws between states in order to take action under its provisions. The new Act also contains its own long-arm jurisdiction provision providing the home state of a supported family the maximum possible opportunity to secure personal jurisdiction over an absent parent.

The bill promotes, to the extent possible, the premise of continuing exclusive jurisdiction over support orders. Under the law as it exists under URESAs, multiple orders for child support often result. UIFSA seeks

Prepared by: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Division Date: 3/3/95
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 3/3/95
 Agency: Department of Law

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. _____

ANALYSIS CONTINUATION:

to limit the existence of multiple support orders by limiting the circumstances under which subsequent support orders may be entered in states other than the initiating state.

The bill also recognizes the growing use of administrative procedures in addition to or in place of judicial proceedings in the establishment of paternity and the establishment and enforcement of support orders.

The Uniform Interstate Family Support Act has been endorsed by the United States Commission on Interstate Child Support, the American Bar Association, and the Conference of Chief Justices.

The Department of Law is substantially involved in child support matters on behalf of the Child Support Enforcement Division, and the department provides all of the legal assistance required by the division. It is anticipated the department will have to provide additional legal advice and guidance to the division in implementing the provisions of UIFSA at the early stage. However, because the new Act provides several new efficiencies, this additional work will be easily offset by those efficiencies. Consequently, no fiscal impact is expected for the Department of Law.



State of Alaska
ombudsman
A Legislative Service Agency

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April 5, 1995

The Honorable Lyda Green, Chairman
Senate Committee on Health, Education & Social Services
Alaska Legislature
State Capitol, Room 423
Juneau, Alaska 99811

Re: Senate Bill 115 - Uniform Interstate Family Support Act (UIFSA)

Dear Chairman Green:

The Office of the Ombudsman supports legislation to enact the Uniform Interstate Family Support Act (UIFSA). Two bills currently before the legislature, Senate Bill 115 and House Bill 242, as introduced, would accomplish that objective. Senate Bill 115 is scheduled for consideration by the Senate Health, Education & Social Services Committee at a hearing Wednesday, April 12, 1995.

The National Conference of Commissioners on Uniform State Laws drafted UIFSA to update the Uniform Reciprocal Enforcement of Support Act (URESA). UIFSA would allow Alaska maximum flexibility in securing personal jurisdiction over an absent parent and would apply to all actions relating to establishment, modification and enforcement of support orders and the determination of parentage in cases in which the parties reside in different states. This simplified process could mean more money for Alaskan parents to raise their children.

Enactment of UIFSA would assist many who have sought the Ombudsman's help with the Alaska Child Support Enforcement Division (CSED). In Fiscal Year 1994 and FY 1995, to date, the Ombudsman has assisted 1661 individuals with complaints against CSED, many of whom were custodial parents who depend upon CSED to collect child support from an out-of-state parent. A large number of those complaints came from single parents concerned about the slow pace of case establishment and child support collection. Enactment of UIFSA would streamline the establishment process which should, in turn, prompt speedier collections.

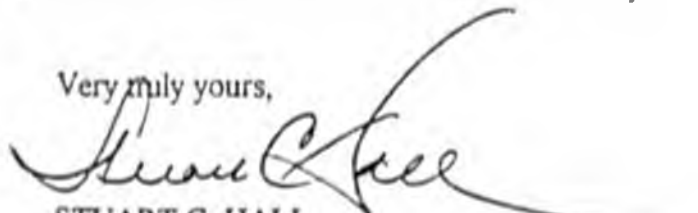
Both the state and custodial parents would benefit from enactment of UIFSA: the State of Alaska, because it could collect public assistance debts from absent parents, and custodial parents, because easier collection means money to raise their children. Perhaps more important, increased collections may help reduce the number of custodial parents forced to go on public assistance when there is no other source of support.

APR 05 1995

April 5, 1995

Your favorable consideration of legislation that would codify UIFSA into Alaska law this session is strongly recommended. Please feel free to call me at 465-4970 if my staff and I can be of further assistance.

Very truly yours,



STUART C. HALL
Ombudsman

cc: The Honorable Tony Knowles, Governor of Alaska
Att'n: Pat Pourchot, Legislative Director
Bruce M. Bothelo, Esq., Attorney General
Wilson L. Condon, Esq., Commissioner, Department of Revenue
Glenda Straube, Director, Child Support Enforcement Division, Department of Revenue
Marilyn May, Esq., Assistant Attorney General, Department of Law, Anchorage
Deborah Behr, Esq., Assistant Attorney General, Legislation/Regulations, Department of Law, Juneau; and, Commissioner for Alaska, National Conference of Commissioners on Uniform State Laws
Arthur H. Peterson, Esq., Commissioner for Alaska, National Conference of Commissioners on Uniform State Laws

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March 10, 1995

Hon. Lyda Green, Chair
Senate Health, Education, and
Social Services Committee
Alaska State Legislature
Room 423, State Capitol
Juneau, Alaska 99801-1182

HAND-DELIVERED

Re: SB 115, Uniform Interstate Family Support Act

Dear Senator Green:

SB 115 has been referred to your committee, and I request that you schedule an early hearing on it. I urge a "Do Pass" report.

This bill proposes the Uniform Interstate Family Support Act (UIFSA), which is a product of the National Conference of Commissioners on Uniform State Laws (NCCUSL). It was promulgated in 1992 for the purpose of updating and replacing the Uniform Reciprocal Enforcement of Support Act (URESA) -- also a NCCUSL product.

All 50 states plus the District of Columbia, Puerto Rico, and the U. S. Virgin Islands enacted URESA. Already, at least 21 of those jurisdictions have repealed it and enacted UIFSA.

Eventually, for the protection of its people, especially its children, Alaska will have to enact UIFSA. We gain nothing by delay.

The most significant single point of this bill is its virtual elimination of the possibility of multi-state jurisdiction and conflicting support orders. That current flaw in URESA has been the bane of both obligees and obligors, as well as of the state agencies and courts charged with administering the old Act. The expected result of the new Act is a system that is more efficient and cheaper to operate, and more easily understood and fairer to the parties involved in the process, thus producing a much higher level of meeting family support obligations.

UIFSA addresses other URESA problems too, generally updating and improving the law. For example, it adapts the traditional

MAR 13 1995

Lyda Green, Chair, Senate HESS Com.
Uniform Interstate Family Support Act
March 10, 1995

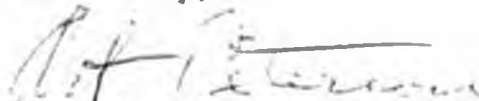
Page 2

"long arm" jurisdiction concept to this family support context.

Thank you for your consideration of this bill and this request.

Let me know if you want additional material on UIFSA.

Yours truly,


Arthur H. Peterson
Uniform Law Commissioner
for Alaska

cc: Hon. Wilson Condon, Commissioner
Department of Revenue

Hon. Karen Perdue, Commissioner
Department of Health & Social Services

Patrick Pourchot, Legis. Director
Governor's Office

Rest of Alaska's ULC Delegation:

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MAR 13 1995