

HB

344

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 29, 1998

FURTHER REFERRALS:

Date of Committee Action: 5/5/98

The FINANCE Committee considered:

HB 344

HOUSE BILL NO. 344

PATERNITY/CHILD SUPPORT/NONSUPPORT CRIMES

“An Act relating to paternity establishment and child support; relating to the crimes of criminal nonsupport and aiding the nonpayment of child support; and amending Rule 37(b)(2)(D), Alaska Rules of Civil Procedure; and providing for an effective date.”

recommends it be replaced with the following committee substitute CS HB 344 (Fin) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) _____ fiscal note(s) DOA; 1/23/98

zero fiscal note(s) CRA zero fiscal note(s) (2) DOA, 1/23/98
(1) REV, 1/23/98, (1) DOA 2/18/98

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Gene Theriault</i>			X	
<i>Victor K. ...</i>		X		
<i>John ...</i>			✓	
<i>Henry ...</i>			X	
<i>Gleason ...</i>			X	
<i>Terry Martin</i>	X			

CHAIR'S SIGNATURE *Gene Theriault*

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO: CSSB 334 (FIN)

Revision Date: _____ Dept. Affected: Community & Regional Affairs
 Title: Job Training Programs/AHRIC BRU: Employment/Training/Rural Development
 Component: Job Training Partnership Act
 Sponsor: Senate Finance Committee
 Requestor: House Finance Committee **COMPONENT SERIAL NO. 1180**

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
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	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
Revenue Code						

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 98) impact: \$ 0.00

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.) In FY98 the Job Training Partnership Office (JTPO) provided \$124,000.00 toward the support of the AHRIC. We have projected \$95,000.00 for AHRIC in the FY99 budget. The .75% assessment on the combined JTPO and Service Delivery Area FY99 budget (\$25,027,200) would be \$187,704.00. This amount is based on the projected amounts to be received in the JTPO and the Statewide Service Delivery area excluding STEP. The Statewide Service Delivery area receives funds directly from the federal government through an arrangement with the JTPO because it is another section within the same department and division, but JTPO retains ultimate responsibility for and oversight of the programs.

JTPO is essentially a federally funded function with a general administrative cap of 15% imposed by federal regulation. JTPO shares the administrative portion with the three Service Delivery Areas with whom it contracts for services. The JTPO generally retains a relatively small portion for its own operation; e.g. for FY98 JTPO retained approximately 3.91%. This is an extremely tight budget with little leeway for contributions to other activities. Any increase in the assessment fee will jeopardize the JTPO section's ability to provide training and technical assistance to program participants.

Prepared By: Remond Henderson, Director *Remond Henderson* Phone: 465-4708
 Division: Administrative Services Date: 4/23/98
 Approved by Commissioner: Mike Irwin *Mike Irwin* Date: 4/23/98
 Agency: Mike Irwin, Dept. of Community & Reg. Affairs

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FISCAL NOTE

No: 5

Bill Version: CSHB 344 (HES)

(H) Publish Date: 2/18/98

**STATE OF ALASKA
1998 LEGISLATIVE SESSION**

Revision Date: (Note if correction)
 Title: "An Act relating to paternity establishment and child support...."
 Sponsor: Rules by Request of Governor
 Requestor: (H) HES

Department Affected: Administration
 BRU: Public Defender Agency
 Component: Public Defender Agency
 COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
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						
----------------------	--	--	--	--	--	--

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

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 98) cost: \$ none

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Department of Administration.

Prepared by: Barbara Brink, Director
 Division: Public Defender Agency

Phone: 264-4414
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 2/10/98

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FISCAL NOTE

No. 1

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Bill Ver 1: HB 344
 (H) Publish Date: 1/23/98

Revision Date: _____	Dept. Affected: <u>Revenue</u>
Title: <u>Federal Welfare Reform</u>	BRU: <u>Child Support Enforcement Division</u>
	Component: <u>Child Support Enforcement Division</u>
Sponsor: <u>Rules</u>	
Requestor: <u>Governor</u>	COMPONENT SERIAL NO. <u>111</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
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 ()	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
1016 Federal Incentive Payments						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: \$ 0.0

POSITIONS

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS: (Attach a separate page if necessary)

This legislation was developed so that Alaska will be in compliance with the mandates of 1996 federal welfare reform and subsequent technical amendments. This legislation is required to avoid fiscal sanctions that the federal government will impose if the state does not comply with federal law. Failure to satisfy the mandates could mean a drastic reduction in federal funding of Alaska's Child Support Enforcement and Public Assistance Divisions.

The legislation requires employers to report all new hires or rehires within 20 days; gives courts the authority to revoke sport fishing and hunting licenses if the license holder fails to honor a child support or paternity subpoena or is substantially in arrears on child support; mandates that social security numbers be provided on applications for drivers' licenses and hunting and sport fishing licenses and that the information will be shared with child support enforcement agencies; and gives support liens from other states the same standing as Alaskan liens and provides for

(Continued on Page 2)

Prepared by: <u>Barbara Miklos, Director</u>	Phone: <u>269-6800</u>
Division: <u>Child Support Enforcement Division</u>	Date: <u>11/26/97</u>
Approved by:	Date: <u>11/24/97</u>
Commissioner: <u>Wilson Condon</u>	
Agency: <u>Dept. of Revenue</u>	

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**DEPARTMENT OF REVENUE
CHILD SUPPORT ENFORCEMENT DIVISION**

Federal Welfare Reform
November 26, 1997
Work Draft #0007
Page 2 of 2

Fiscal Note Analysis. continued

liens to arise as a matter of law. This legislation also makes changes in statutes to assure that the Alaskan child support program is able to operate under federal requirements.

Child support enforcement is a cornerstone of federal welfare reform. Congress has recognized that it is very difficult for families with low incomes to adequately support their children without the assistance of both parents. Therefore, the federal legislation increases requirements for CSED to meet various deadlines and improve processes for obtaining child support.

CSED does not associate increased costs directly with this legislation. Therefore, the fiscal note is zero. However, it must be recognized that changes mandated by welfare reform not addressed in this legislation require additional resources in order for CSED to meet federal requirements.

FISCAL NOTE

No: 1

**STATE OF ALASKA
1998 LEGISLATIVE SESSION**

Bill Version: HB 344
(H) Publish Date: 1/23/98

Revision Date (Note if correction) _____	Dept. Affected <u>Administration</u>
Title _____	BRU <u>Legal and Advocacy Services</u>
"An Act relating to paternity establishment and child support..."	Component <u>Public Defender Agency</u>
Sponsor <u>Rules Committee</u>	
Requester <u>Governor</u>	Component Serial No. <u>1631</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	***	***	***	***	***	***
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	***	***	***	***	***	***

CAPITAL EXPENDITURES	***	***	***	***	***	***
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CHANGE IN REVENUES ()	***	***	***	***	***	***
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	***	***	***	***	***	***
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	***	***	***	***	***	***

Estimate of any current year (FY98) cost: 0.0

POSITIONS

Full-time	***	***	***	***	***	***
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The main concern the Public Defender Agency has with this bill is the effect it will have on people who need "sport" fishing and hunting licenses for subsistence. Although it is obviously important to comply with federal law, there should be an exception or temporary licensing provision for subsistence hunting and fishing.

This bill may result in a slight increase to the Public Defender Agency caseload. Adding loss of sport fishing and hunting licenses to the already existing criminal laws on non-support probably would not have an effect, although given the importance of sport fishing and hunting licenses in Alaska, more cases may go to trial. The main effect would most likely be in contempt of court cases. Indigent putative fathers who do not complete genetic testing would have a right to a court-appointed attorney in contempt of court.

Prepared by <u>Barbara K. Brink, Director</u>	Phone <u>7-264-4414</u>
Division <u>Public Defender Agency</u>	Date _____
Approved by <u>Commissioner Mark Boyer</u>	Date <u>11/28/97</u>
Agency <u>Department of Administration</u>	

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FISCAL NOTE

No: 3

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Bill Version: HB 344
(H) Publish Date: 1/23/98

Revision Date (Note if correction) _____	Dept. Affected _____	Administration _____
Title "An Act relating to paternity establishment and child support" _____	BRU _____	Division of Motor Vehicles _____
Sponsor Rules Committee _____	Component _____	Field Services _____
Requester Governor _____	Component Serial No. _____	2150 _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
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 ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

No fiscal impact anticipated.

Prepared by Juanita Hensley
Division Motor Vehicles

Approved by Mark Boyer, Commissioner
Agency Department of Administration

Phone 465-5648
Date 12/17/97

Date 12/17/97

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FISCAL NOTE

No: 2

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Bill Version: HB 344
(H) Publish Date: 1/23/98

Revision Date (Note if correction) _____	Dept. Affected _____	Administration _____
Title "An Act relating to paternity establishment and child support..."	BRU	Office of Public Advocacy
Sponsor Rules Committee	Component	Office of Public Advocacy
Requester Governor	Component Serial No.	43

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
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 ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by	Brant McGee	Phone	269-3500
Division:	Office of Public Advocacy	Date	
Approved by	Mark Boye, Commissioner	Date	11/28/97
Agency	Department of Administration		

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

MEMORANDUM

May 4, 1998

SUBJECT: CSHB 344(FIN) (Child Support, etc.)

TO: Representative Gene Therriault
Attn: Mike Tibbles

FROM: Terri Lauterbach *TLauterbach*
Legislative Counsel

Enclosed is the FIN CS you requested for HB 344.

I think that secs. 3 and 24 probably would put the state out of compliance with federal requirements. There is a requirement under 42 U.S.C. 666(a)(16) that the state have the authority to withhold, suspend, or restrict recreational licenses when a person fails to comply with subpoenas or warrants relating to "paternity or child support proceedings".

Secs. 3 and 24 limit the license actions for recreational licenses to situations where the person has failed to pay money or already has a child support obligation. Obviously, these situations are much narrower than "paternity or child support proceedings" because there is not necessarily a debt yet or a requirement to pay money in a paternity or child support proceeding. The paternity or child support proceeding might be for the very purpose of establishing whether or not a child support order is appropriate in the first place. Failure to comply with a subpoena in these types of proceedings may thwart or delay the ability of the state or another party to get the order established.

Under this CS, a person who fails to comply with a subpoena in a paternity or child support proceeding would not jeopardize his or her recreational license unless the person already owed money. I think that's too narrow to comply with the federal requirements.

TML:glc
98-265.glc

Enclosure

0-GH2007F
Lauterbach
5/4/98

Amended
pg 10 +
pg 14

CS FOR HOUSE BILL NO. 344(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

**Offered:
Referred:**

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to paternity establishment and to support orders; relating to the
2 crime of criminal nonsupport; relating to divorces, dissolutions, and actions to
3 declare a marriage void; and providing for an effective date."

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

5 * **Section 1. PURPOSE.** The primary purpose of this Act is to amend the Alaska Statutes
6 to comply with the mandates of the federal Personal Responsibility and Work Opportunity
7 Reconciliation Act of 1996 and other federal law to ensure continued federal financial
8 participation for Alaska's child support enforcement, public assistance, and unemployment
9 programs.

10 * **Sec. 2.** AS 09.10.040(a) is amended to read:

11 (a) A [EXCEPT AS PROVIDED IN (b) OF THIS SECTION, A] person may
12 not bring an action upon a judgment or decree of a court of the United States, or of
13 a state or territory within the United States, and an action may not be brought upon
14 a sealed instrument, unless the action is commenced within 10 years.

1 employee and either a labor organization or another employer not to supply the
2 required report or to supply a false or incomplete report concerning an employee.

3 (g) In this section,

4 (1) "employee" has the meaning given in 26 U.S.C. 3401(c);
5 "employee" does not include an employee of a federal or state agency performing
6 intelligence or counterintelligence functions if the head of that agency has determined
7 that reporting under this section on the employee could endanger the safety of the
8 employee or compromise an ongoing investigation or intelligence mission;

9 (2) "employer" has the meaning given in 26 U.S.C. 3401(d);
10 "employer" includes a governmental entity and a labor organization;

11 (3) "labor organization" has the meaning given in 29 U.S.C. 152; "labor
12 organization" includes an entity that is used by the labor organization and another
13 employer to carry out hiring or other requirements described in 29 U.S.C. 158(f)(3) in
14 accordance with an agreement between the labor organization and the other employer.

15 * Sec. 24. AS 25.27.085 is amended by adding a new subsection to read:

16 (g) If a person fails to comply with a subpoena issued under this section, the
17 agency may apply to the court for an order to compel obedience by proceedings for
18 contempt as in the case of disobedience of the requirements of a subpoena issued by
19 a court. In addition to the other remedies available to the court to compel compliance
20 with a subpoena under this section, the court may take an action described in
21 AS 09.50.020(b) regarding hunting and sport fishing licenses of a person who ^{owes overdue} ~~has a~~
22 child support obligation and fails to comply with the subpoena.

23 * Sec. 25. AS 25.27.165(c) is amended to read:

24 (c) A person served with a notice of paternity and financial responsibility and
25 accompanying orders under (b) of this section shall file a response, admitting or
26 denying paternity and providing the required financial information, within 20 days after
27 the date of service of the notice of paternity and financial responsibility. If the
28 putative father admits paternity, the agency shall issue, within 20 days after the
29 admission of paternity, a decision establishing paternity. If the putative father denies
30 paternity, the putative father shall submit to genetic testing, as provided in (b) of this
31 section, within 30 days after the date of service of the notice of paternity and financial

1 (4) contain other information that the department may reasonably
2 require to determine the applicant's identity, competency, and eligibility.

3 * Sec. 35. AS 28.15.061 is amended by adding a new subsection to read:

4 (g) Upon request, the department shall provide a social security number
5 provided under this section to the child support enforcement agency created in
6 AS 25.27.010, or the child support agency of another state, for child support purposes
7 authorized by law.

8 * Sec. 36. AS 09.10.040(b) is repealed.

9 * Sec. 37. Section 148(c), ch. 87, SLA 1997, ~~is repealed.~~ Amended

10 * Sec. 38. APPLICABILITY. The report required under AS 25.27.075(a), enacted by sec.
11 23 of this Act, applies to the hiring, rehiring, or return to work of an employee that occurs on
12 or after the effective date of this Act.

13 * Sec. 39. This Act takes effect immediately under AS 01.10.070(c).

to extend sunset to 2001

Jennifer S. Hebden-Taylor
P. O. Box 424
Craig, Alaska 99921
907- 826 3066

April 20th, 1998

Constituent testimony concerning House Bill 375 and House Bill 344, in the Legislature of the State of Alaska, Twentieth Legislature, Second Session. I submit my testimony to the attention of The House Judiciary Committee, Chairman, Joseph Green, respectfully requesting its distribution to each Committee member.

HB 375 in its work draft as of April 1, 1998 contained two sections relating to the criminal non-support of dependent children. The HESS committee recommended these sections be entirely deleted and explained an intent to address these in another bill. Can HB 344 accommodate these criminal non-support sections considering HB 344 relates to crimes of criminal non-support of children?

It is a compelling Alaskan government interest to expedite the state's obligation to provide child support enforcement services as the federal Personal Responsibility Work Opportunity Reconciliation Act of 1996 , HR 3734 , Sec.344 (B) (i -ii) gives a vehicle for Alaska to administer CSED by recovering up to 90% of costs, plus incentive reimbursements, upon compliance with this process. Foremost, it is compelling for the government to assume the responsibility to enforce the collections and payment of child support for the benefit of every Alaskan child determined by court or administrative order to be in need of their deserved support.

Abandonment by one parent who subsequently refuses to support their child, is absolute and cruel neglect in its most devastating form. It would be considered preposterous for the government to expect state appointed foster parents to burden the entire cost of dependent children's support to the detriment of the children. Likewise, all court and administrative orders for child support must be seriously

Page two

upheld to prevent the most basic neglect of children and ensure that their real physical needs are fully met.

The federal Personal Responsibility and Work Opportunity Act of 1996 presumes child support collections will replace in part the financial support previously allowed to dependent children in the form of welfare. Another expectation is that a large part of the children's future support will derive directly from the custodial parent's earnings. There is a severe shortage of prospective, non-seasonal employment, and no adequate child care in most rural, Alaskan communities. The Alaska Dept. of Labor statistics used to demographically illustrate unemployment are not reflective of the large numbers of adults who have taken on the commitment of full-time care of a family of young children, and subsequently have no recent work history to document. Almost weekly, we hear of the newly discovered long-term benefits for children who have been breast fed, held frequently, and given full adult attention as babies and toddlers; The needs of the children are paramount and obvious and cannot be diminished by politics.

The welfare of Alaskan children is being endangered by legislation which refuses to acknowledge these needs and lacks the courage time and again to impose any real sanctions or clear conditions of culpability for parents who chronically refuse to support their children.

The most innovative designs for improving child support determinations and collections will have no bearing without serious penalties facilitating enforcement. Under Alaska law, a mother driven to seek welfare for dependent children abandoned by their father will be charged with a class C Felony, AS11.46.130(a) and AS 11.46180, if the children's and her resources exceed \$1000. Conversely, the parent who takes no responsibility for the children and has neglected their daily needs, stealing over \$50,000 (in arrearages) from what has been determined by the

Page three

state to be the children's deserved support, will very rarely be prosecuted by the state of Alaska for the existing maximum penalty of a class A misdemeanor [AS 11.51.120 a, (Criminal Nonsupport)]. HB 375, Sec. 42 gives sufficient grounds to terminate the parental rights of the custodial parent, conceivably incarcerated for five years for the welfare fraud described above.

The parent left with sole physical custody in Alaska by "default", has the very tangible burden of shouldering double the responsibility of that of a parent in a unified family. Child Support Civil Rule 90.3 Commentary section VI (B) freely acknowledges the, "percentage of income approach used in Alaska tends to understate support relative to the national average for cases in which the custodial parent has child care expenses."

Extreme poverty of Alaskan children of single parent households not only elevates their susceptibility to abuse from stressed-out parents, poverty is the most documented indicator of poor performance in school, and the lack of adequate nutrition and sanitation required for proper growth and health. A perverse and pervasive trend has young, financially distraught single mothers seeking security with boyfriends who are too often impatient and indifferent to the children and subject the children to abusive torment, and sometimes murder.

Child support arrearages have been accumulating all over Alaska in direct inverse proportion to the custodial parents' morale, and the children's' diminishing standard of living; As the nurturing parent's resources rapidly dwindle, the real problem is not how to absolve the non custodial parent's arrearages, but how do we feed, provide and heat homes, buy adequate clothing for winter, and ensure the continued nurturing care of our children.

Page four

Opposition to the welfare of Alaskan children comes in the guise of displaced anger from resentful parents who have abandoned, or are otherwise separated from their children. Often times, in cases where domestic violence was precipitated by drug and alcohol abuse, and culminated in restraining orders, non-support of the children is used by the offender to punish the custodial parent for involving "outside" authorities in the protection of the very children due the support .

Significant opposition to the daily needs of innocent and defenseless children, prohibited by law from working to support themselves, is heard by you time and again from parents who never formed adequate parental bonds with their children, and lacked incentive to ensure familial ties. More often than not, the absent parents who abandoned their children have moved onto second families and their priorities are dominated by new spouses who resent the economic and emotional competition of spouse's prior relationships.

The dedication given to Alaskan children by their government should be realized by every one of them. Unfortunately, too many of our Alaskan youth are well-aware of their lack of support and are growing up resentful, with the confirmed belief that their government, as well as at least one of their parents, threw them away. The support is their reassurance their government is working for them to keep them alive, healthy and secure. All these Alaskan children are in the unique position of being tax paying citizens (due to their Permanent Fund Dividends) and they deserve some representation. Aleksandre Baranov knew in the 1790's that civil relations amongst his growing colony depended upon enforcing the responsibility of the Russian fathers to support their half-Native children while in the custody of their Native mothers. Were Alaskan children sold out with Russian America?

Page five

According to the Alaska Constitution criminal statutes must address, (1) the specific criminal behavior, (2) be clearly written in simple language for purposes of general comprehension, (3) must state specific penalties for the criminal action in question. Problems with the sections 11.51.120 and 11.51.115 , Criminal nonsupport of HB 375 were (1), that culpability was determined solely by a monetary condition which was ambiguous given that every child support order varies in dollar amounts and that the criminal act of nonsupport is fundamentally based upon the flagrant noncompliance of paying child support ordered on a timely schedule. Culpability should be the same for a poor person or a wealthy person regardless of the amount ordered to be paid monthly which differs in as much as income varies; Parameters of culpability must be made clear and equal for all persons. The state culpability for criminal nonsupport of children should match the federal conditions since Alaskan children are tax paying citizens deserving of the same protection and benefits as any other American children. The term "lawful excuse" needs to be adjudicated by a jury, not statute.

House Bill, 375, Section 20, Teacher certification:

How does this section protect children exposed to any other school employee working directly with minors and unsupervised, such as teacher's aides, and substitute teachers, and also having direct, unsupervised contact with minors on school grounds, such as janitors? Should n't the minors be protected equally from all potential offenders?

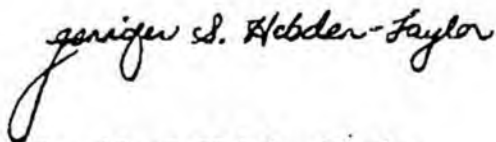
Could 4AAC 12.010 (b) and As Sec 14.20.020 (f) facilitate a more thorough and efficient system of doing background checks by bringing representatives of the Alaska Automated Fingerprint Identification System into Alaskan schools on an annual basis to "roll" fingerprints of school employees and also to mainstream the process. Currently the fingerprinting process creates unfair duress for rural Alaskan teachers when the finger print cards (made by local law enforcement agencies) are

Page six

repeatedly rejected as illegible due to no fault of the teacher. The process of waiting for certification held up by fingerprints rejected because of illegibility can be over one year since the initial application was made.

Thankyou for the opportunity to voice my opinion and have it heard by the Alaskan House of Representatives Judiciary Committee.

Respectfully,

A handwritten signature in cursive script that reads "Jennifer S. Hebden-Taylor". The signature is written in dark ink and is positioned above the printed name.

Jennifer S. Hebden-Taylor

FY 1998 Child Support Enforcement Bill

Background

In 1996, the federal government enacted a welfare reform law which made substantial changes to child support mandates for all states and requires significant reorganization of Alaska child support enforcement laws. Alaska responded to this challenge in 1997 by passing into law SB 154, which met most, but not all, of the federal child support mandates. More needs to be done if Alaska is to avoid large fiscal sanctions the federal government will impose if the state does not comply with federal law. Failure to satisfy the mandates could mean a drastic reduction in federal funding of Alaska's Child Support Enforcement and Public Assistance Divisions. This bill focuses on compliance with these federal mandates. If adopted, the bill will:

- Require all employers to report all new hires or rehires within 20 days.
- Give courts the authority to revoke sport fishing and hunting licenses in some criminal cases if the license holder fails to honor a child support subpoena or a genetic testing order, or is substantially in arrears on child support.
- Mandate that social security numbers be provided for child support purposes, on applications for drivers' licenses, and hunting and sport fishing licenses.
- Give child support liens from other states the same standing as Alaskan liens and provide for liens to arise as a matter of law.
- Give the courts authority to hold a person in contempt for failing to honor an administrative child support subpoena or a genetic testing order of this or another state.
- Amend the definition of "support order" provided for Alaska's child support laws.
- Allow the entry of default judgments in administrative paternity cases.
- Permit child support agencies of other states to make electronic requests for high-volume, automated administrative enforcement assistance.
- Clarify which state's law an employer must follow when served with an interstate income withholding order.
- Provide a method for Alaska's child support agency to help a child support obligor's children to receive health care coverage when the obligor changes employment.
- Improve income withholding provisions of Alaska's child support laws.
- Repeal the sunset provisions of SB 154.
- Make technical changes to two sections of the Uniform Interstate Family Support Act.



DEPARTMENT OF HEALTH & HUMAN SERVICES

Administration for
Children and Families2201 Sixth Avenue, Suite 600
Seattle, WA 98121-1827

Barbara Miklos, Director
Child Support Enforcement Division
550 West 7th, 4th Floor
Anchorage, AK 99501-3556

Dear Ms. Miklos:

This is in response to your request for clarification of:

- The consequences if a State fails to enact laws or otherwise conform to the requirements of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Public Law 104-193, and
 - Nationwide information on state compliance with PRWORA.
1. In order for a State to receive Federal funding for the operation of its child support enforcement program, it must have an approved State IV-D plan which meets the requirements of section 454 of the Social Security Act (the Act). One of those requirements, specified at section 454(20)(A), is that the State must have in effect all of the laws required by section 466.

PRWORA made numerous changes to sections 454 and 466 of the Act. When a State fails to comply with all statutory requisites, its plan is subject to disapproval by the Office of Child Support Enforcement (OCSE). In accordance with sections 452(a)(3) and 455(a)(1)(A) of the Act, there would then be no authority to expend Federal funds under Title IV-D of the Act for the operation of the State's child support enforcement program.

Therefore, a determination that a State IV-D plan is disapproved will result in immediate suspension of all Federal payments for the State's child support enforcement program, and such payments will continue to be withheld until the State IV-D plan can be approved by OCSE. Alaska received approximately \$12.4 million in Title IV-D funding for the administration of its child support program in FY 1997, and over \$3.2 million in Title IV-D performance related child support incentives.


Page 2 - Barbara Miklos

In addition, in order to be eligible for a block grant for Temporary Assistance to Needy Families (TANF), section 402(a)(2) of the Act requires a State to certify that it will operate a child support enforcement program under the State plan approved under part D. Therefore, TANF funding would also be jeopardized if the State failed to enact the required child support legislation on a timely basis. Alaska's Federal funding for IV-A for FY 1997 was approximately \$63 million.

2. Data on state compliance with PRWORA changes frequently. We are therefore unable to provide you with an accurate and up to date listing of which states have fully complied with its provisions. Most states have either passed legislation that has been found complete, or is under review. Alaska is in the category of states which did not pass enabling legislation in 1997, but which have expressed an intent to do so and are working with its Regional Office to develop such legislation. Only one state, Idaho, has failed to enact enabling legislation and has stated it is unwilling to do so. Attached is a "notice of intent" to disapprove Idaho's state plan, with the resulting loss of Federal funding. If proposed legislation is not enacted in Alaska, our office would begin the process of issuing a similar notice of intent to disapprove.

Please contact Michael Furtado at (206) 615-2552, ext. 3045 if you have any further questions.

Sincerely,


Stephen S. Hennigson
Regional Administrator

Attachment: Idaho Notice of Intent to Disapprove

Dec-18-97 02:03P ACF-OCSE

202-401-3444

P.02



DEPARTMENT OF HEALTH & HUMAN SERVICES

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

December 18, 1997

Linda Caballero, Director
Department of Health and Welfare
P.O. Box 83720-10th Floor
Boise, Idaho 83720-0036

Dear Ms. Caballero:

In accordance with sections 452(a)(3), 454(20) and 455(a) of the Social Security Act (the Act), and 45 CFR 301.10 and 301.13, this constitutes formal notice of my intent, subject to an opportunity for hearing, to disapprove Idaho's State IV-D plan. The basis for my intent to disapprove is Idaho's failure to enact the following mandated legislation, in whole or in part, required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), P.L. 104-193:

- ▶ Idaho has failed to enact laws or procedures providing for income withholding in accordance with the requirements at sections 466(a)(1) and (b)(1) of the Act, as amended by section 314 of P.L. 104-193.
- ▶ Idaho has failed to enact laws or procedures providing for the collection and use of social security numbers in accordance with the requirements at section 466(a)(13) of the Act, as amended by Section 317 of P.L. 104-193.
- ▶ Idaho has failed to enact laws or procedures providing for the use of expedited procedures, in accordance with the requirements regarding: a change in payee at section 466(c)(1)(E) of the Act; income withholding at section 466(c)(1)(F) of the Act; an increase in monthly payments to include arrearages at section 466(c)(1)(H) of the Act; and, procedures under which each party to any paternity or child support proceeding is required (subject to privacy safeguards) to update, as appropriate, certain information on location and identity of the party at section 466(c)(2)(A)(i) of the Act, as amended by section 325 of P.L. 104-193.
- ▶ Idaho has failed to enact laws or procedures with respect to work requirements, in accordance with requirements at section 466(a)(15) of the Act, as amended by section 365 of P.L. 104-193.
- ▶ Idaho has failed to enact laws or procedures requiring the State to provide full faith and credit to liens arising in another State, in accordance with requirements at section 466(a)(4), as amended by section 368 of P.L. 104-193.

Dec-18-97 02:04P ACF-OCSE

202-401-3444

P.03

Ms. Caballero -- Page 2

As provided in program instructions issued in OCSE-AT-97-05, prior to issuance of a final determination to disapprove your State plan, you have the option to request a hearing under procedures at 45 CFR Part 213. Election of a hearing prior to the final decision to approve or disapprove the State IV-D plan will constitute a waiver of reconsideration hearing rights contained in 45 CFR 301.14.

You have 60 days from the date of this letter to request a formal hearing regarding the matters at issue in the proposed disapproval. Requests for a hearing should be sent to the Assistant Secretary for Children and Families. If Idaho requests such pre-decision review, a Notice of Hearing will be issued setting forth the time and place of the hearing and the issues which will be considered therein. This notice will be published in the Federal Register.

Should the Department of Health and Human Services conclude following the hearing that Idaho does not have an approved State plan, you will be notified that further Federal payments under title IV-D of the Act will not be made until a State IV-D plan is submitted and approved. The effective date for the withholding of Federal funds shall not be earlier than the date of my decision and shall not be later than the first day of the next calendar quarter following such decision.

Should Idaho decline the opportunity for a hearing at this time, a determination will be made whether the IV-D plan must be disapproved for failure to conform with the requirements of section 454 of the Act. If you are dissatisfied with my decision, you may request reconsideration of the decision pursuant to regulations at 45 CFR 301.14. Federal funding, however, will be suspended and may not be stayed pending reconsideration. If I subsequently determine that my original decision was incorrect, restitution of funds withheld or otherwise denied will immediately be certified in a lump sum.

I urge you to take the necessary steps to enact the legislation required by P.L. 104-193 and confirm your compliance with the Regional Office. Although Idaho is completely and independently responsible for preparation, submission, and content of its State IV-D plan, technical assistance may be obtained from our Regional Office.

In addition, section 402(a)(2) of the Act (as amended by PRWORA) provides that the chief executive officer of a State must certify that it will operate a child support enforcement program under an approved IV-D plan as a condition for eligibility for a TANF block grant under title IV-A of the Act. Therefore, Idaho should be aware that TANF funds may also be at risk.

JAN-15-88 THU 02:58 PM HH

FAX NO. 12088152575

P. 08

Dec-18-97 02:04P ACF-OCSE

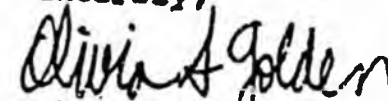
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P.04

Ms. Caballero -- Page 3

Should you have any questions in regard to this Notice, please contact your ACF Regional Administrator, Mr. Steve Henigson at (206) 615-2547.

Sincerely,



Olivia A. Golden
Assistant Secretary
for Children and Families

Enclosure: OCSE-AT-97-05

cc: Stephen S. Henigson
ACF Regional Administrator
Seattle Regional Office

TONY KNOWLES
GOVERNOR



HB 344

P O Box 110001
Juneau Alaska 99811 0001
(907) 465-3500
Fax (907) 465-3532

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 21, 1998

The Honorable Gail Phillips
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Phillips:

While federal welfare reform law gave our state greater flexibility for providing public assistance, it also required Alaska and other states to make extensive changes to their state child support laws. The attached bill is needed to satisfy mandates placed on Alaska by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Failure to comply with the federal child support mandates may result in a significant reduction in federal financial participation to the state for public assistance, unemployment, and child support enforcement programs.

The state's enactment of Senate Bill 154 last year met most, but not all, of the federal child support mandates of federal welfare reform. More needs to be done to finish the job. This bill will do that by making additional changes to Alaska's statutes.

Under this bill, all employers in the state would be required to report each new hire to the state child support enforcement agency within 20 days. The state will share this information with the federal child support agency and the child support agencies of other states. Timely access to this information may help avoid significant delays in support payments for some children.

The bill would also fine-tune state procedures for establishing paternity and for enforcing child support orders. The bill would also make state law conform to new federal requirements regarding reporting of social security numbers for certain licensees not already required to report under state law. The social security numbers provide an invaluable means of ensuring that support payments are timely received and accurately recorded.

The Honorable Gail Phillips

January 21, 1998

Page 2

The bill also amends the Uniform Interstate Family Support Act (UIFSA), which Alaska enacted in 1995, to reflect subsequent changes to the uniform Act adopted by the National Conference of Commissioners on Uniform State Laws. Congress requires that our state child support laws be consistent with the uniform Act.

Finally, this bill will give state courts the power to suspend or revoke, in appropriate circumstances, the recreational hunting and fishing licenses and certain permits of obligors who are out of compliance with child support laws.

I urge your prompt attention to this important matter. Alaska's children are our most precious resource and they deserve timely access to child support necessary for their care.

Sincerely,



Tony Knowles
Governor