

**HB**

**344**

# HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: January 23, 1998

FURTHER REFERRALS:

Judiciary  
Finance

Date of Committee Action: 2/17/98

The HEALTH, EDUCATION AND SOCIAL SERVICES 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 (HES)  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) \_\_\_\_\_

zero fiscal note(s) Admin  zero fiscal note(s) Revenue/1/23/98  
(2) Admin 1/23/98

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>[Signature]</i>			✓	
<i>Car Beards</i>	✓			
<i>Brian Fortee</i>	✓			
<i>[Signature]</i>		✓		
<i>[Signature]</i>		✓		
<i>Tom Bessie</i>			✓	

CHAIR'S SIGNATURE *Car Beards*

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

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FAX (907) 465-2029  
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130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

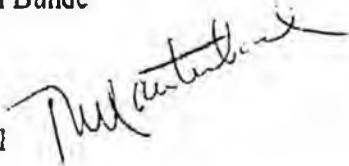
## MEMORANDUM

February 13, 1998

**SUBJECT:** Paternity; Support (CSHB 344(HES), version "E")

**TO:** Representative Con Bunde  
Attn: Lynne

**FROM:** Terri Lauterbach  
Legislative Counsel



Enclosed is a draft HES CS for HB 344. We have added the Porter amendment, as requested.

Since this was our first opportunity to review the underlying governor's bill, we have also made some technical changes at a number of other places in the bill, chief among them the following:

(1) changing the first part of the bill title so that it refers to "support orders" rather than "child support"; this change, or something similar, is needed because of the change in the definition of "support order" in sec. 26 of the bill; it appears that a support order may now include only an alimony order as long as a child is living in the same household;

(2) deletion of the phrase "occurring after the effective date of this bill section" in AS 25.27.075(a) and the addition of a corresponding applicability section at the end of the bill.

Please let us know if we can be of further assistance.

TML:lmb  
98-012.lmb

Enclosure

TONY KNOWLES  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

HB 344

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

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

# 1

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE PORTER

TO: HB 344

1 Page 1, following line 10:

2 Insert a new bill section to read:

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

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

8 Renumber the following bill sections accordingly.

9 Page 11, following line 20:

10 Insert a new bill section to read:

11 **\*\* Sec. 30.** AS 09.10.040(b) is repealed."

12 Renumber the following bill sections accordingly.

13 Renumber internal references to bill sections in accordance with this amendment. Internal  
14 bill section references occur in the following places:

15 Page 11, line 22

16 Page 11, line 23

17 Page 11, line 26

18 Page 11, line 27

# STATE OF ALASKA

## DEPARTMENT OF LAW

### OFFICE OF THE ATTORNEY GENERAL

April 15, 1998

TONY KNOWLES, GOVERNOR

PLEASE REPLY TO:

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ANCHORAGE, ALASKA 99501-1994  
PHONE: (907) 269-5100  
FAX: (907) 276-3697

KEY BANK BUILDING  
100 CUSHMAN ST., SUITE 400  
FAIRBANKS, ALASKA 99701-4679  
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P.O. BOX 110300-DIMOND COURT HOUSE  
JUNEAU, ALASKA 99811-0300  
PHONE: (907) 465-3600  
FAX: (907) 465-6735

The Honorable Joseph Green  
Chairman, House Judiciary Committee  
Capitol, Room 118  
Juneau, AK 99801-1182

Attention: Kevin Jardell

Re: CSHB 344 (HES) and  
Federal Child Support Mandates

Dear Representative Green:

Kevin Jardell, a member of your staff, contacted the Child Support Enforcement Division (CSED) on behalf of the House Judiciary Committee, and asked for written assurances that each and every provision of CSHB 344 (HES) is necessary to meet federal child support mandates. CSED has asked me to respond.

In its current form, CSHB 344 (HES) contains some provisions which we now know are not necessary to meet federal child support mandates. One of the non-mandated provisions, section two of the committee substitute, was added by operation of an amendment offered by Representative Porter. The other non-mandated provisions were part of the original bill. These provisions would subject someone to the loss of sport fishing and hunting licenses for failing to honor a paternity order or child support subpoena. At the time the bill was drafted, it was felt that these provisions were mandated by 42 U.S.C. § 666(a)(16). Federal child support authorities have subsequently provided assurances that the provisions are not mandated by federal child support laws.

At the time HB 344 was filed in the Alaska House, an identical bill, SB 252 was filed in the Alaska Senate. The non-mandated fish and game licensing provisions were removed from SB 252 by the Senate Health, Education and Social Services Committee when the committee adopted CSSB 252 (HES). A copy of the bill is enclosed. CSED then asked federal child support officials to review CSSB 252 (HES) to confirm that all the provisions of the bill are required by federal child support law. The request was met by Steve Henigson, Regional Administrator, Administration for

The Honorable Joseph Green  
Re: CSHB 344 (HES) and  
Federal Child Support Mandates

April 15, 1998  
Page 2

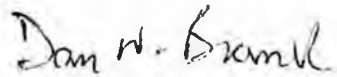
Children and Families, U.S. Department of Health and Human Services.

Mr. Henigson's letter to CSED Director, Barbara Miklos, is enclosed. In the letter, Mr. Henigson assures that, "We find that each of the provisions in SB 252 responds to mandates in PRWORA (Personal Responsibility and Work Opportunity Act of 1996). In addition, we do not find any provisions in SB 252 that go beyond the requirements of PRWORA." The Personal Responsibility and Work Opportunity Act of 1996 is the Federal Welfare Reform Act which added many child support mandates that states must satisfy, in order to avoid financial sanctions.

Please let me know if you have any additional questions.

Sincerely,

BRUCE M. BOTELHO  
ATTORNEY GENERAL

By:   
Dan N. Branch  
Assistant Attorney General

/DNB:ame

Enclosure

cc w/enc.: Patrick Pourchot, Legislative Director  
Office of the Governor

Deborah Vogt, Deputy Commissioner  
Department of Revenue

Barbara Miklos, Director  
Department of Revenue  
Child Support Enforcement Division

Deborah Behr, Assistant Attorney General  
Legislation, Regulations Section

Chrystal Smith, Legal Administrator  
Office of the Attorney General



DEPARTMENT OF HEALTH & HUMAN SERVICES

Administration for  
Children and Families

2201 Sixth Avenue, Suite 600  
Seattle, WA 98121-1827

Barbara Miklos, Director  
Child Support Enforcement Division  
Department of Revenue  
550 West 7th Avenue  
Anchorage, Alaska 99501-6699

APR 13

MAR 24 1998

RECEIVED  
APR 1 1998

Dear Ms. Miklos:

CSSED-DIRECTOR

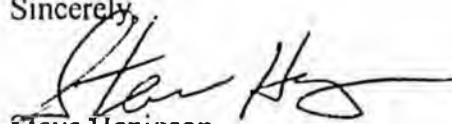
This letter is in response to your request, dated March 16, 1998, that our office determine whether the provisions in draft HES CS for SB 252 are required under Federal law. The draft Bill we are reviewing is dated March 11, 1998.

We reviewed the language in each section contained in HB 252, and compared it with the provisions in the Social Security Act (the Act) covering Child Support Enforcement, in particular the provisions of the Personal Responsibility and Work Opportunity Act of 1996 (PRWORA). We then evaluated whether the language in HB 252 responds to mandated language in the Act. The accompanying attachment includes the results of that comparison. We find that each of the provisions in SB 252 responds to mandates in PRWORA. In addition, we do not find any provisions in SB 252 that go beyond the requirements of PRWORA.

This determination is not a final assurance that each of the provisions cited in the attachment fully meets the mandates of PRWORA. It is also not a final assurance that the Bill, in its entirety, addresses all the requirements of PRWORA. Our final review will take longer than the time frame in which you requested a response, will evaluate enacted legislation in the context of Alaska's overall statutory and regulatory authorities, and will involve analysis and comments by other entities within ACF/OCSE. We appreciate this opportunity to review this draft Bill, and look forward to reviewing the final legislation when enacted.

If you have any further questions please contact Michael Furtado at (206) 615-2770, ext. 3045.

Sincerely,

  
Steve Henigson  
Regional Administrator

Enclosure

Attachment A:

SB 252, Sections 2 through 4 respond to mandates in Section 466(a)(16) of the Social Security Act (the Act), which requires the state to have the authority to withhold or suspend driver's, professional and occupational, and recreational and sporting licenses, of individual's owing overdue child support.

SB 252, Sections 5 through 7, and 25 respond to mandates in Section 466(a)(13) of the Act, regarding recording of Social Security Numbers.

SB 252, Sections 8 and 26 respond to mandates in Section 466(c)(1)(D) of the Act, which requires the IV-D agency have access to the records of other state agencies.

SB 252, Sections 9 and 10 respond to mandates in Section 466(f) of the Act, requiring the state to adopt model Uniform Interstate Family Support Act (UIFSA) language.

SB 252, Section 13 responds to mandates in Section 466(b) of the Act, requiring income withholding be applied to various forms of income including, but not exclusively, wages.

SB 252, Section 14 responds to mandates in Section 466(a)(19) of the Act, which requires notice of Medical Support Orders be sent to an obligor's new employer.

SB 252, Section 15 responds to mandates in Section 453A of the Act, which requires employers to report new hires without limiting the report to those employees employed beyond a certain timeframe.

SB 252, Section 16 responds to mandates in Section 466(a)(16) of the Act, which requires the state have the authority to withhold or suspend various licenses when, among other circumstances, an obligor fails to comply with a subpoena. It is unclear if AS 25.27.085(g), as amended by Section 16, gives this or additional authority. To the extent this section provides an authority beyond withholding licenses, it is not required by Federal law.

SB 252, Section 17 responds to mandates in Section 466(a)(5)(H) of the Act, which requires the state to establish paternity through a default order when a defendant has been served with process as defined in state law.

SB 252, Sections 19 and 20 respond to mandates in Section 466(a)(4) of the Act, which require liens to arise by operation of state law, and liens arising in other states be given Full Faith and Credit, and by 466(c)(1)(G), which requires the state to have the authority to enforce a lien without obtaining a court order.

SB 252, Section 21 responds to mandates in Section 466(a)(4)(B) of the Act, by allowing other parties to enforce properly recorded liens.

Page 2 - Attachment A

SB 252, Section 22 responds to mandates in Section 466(c)(1)(G) of the Act, which requires the state to have the authority to seize assets without obtaining a court order.

SB 252, Section 23 responds to mandates in Section 453(p) of the Act, which defines a support order to include support of a parent with whom a child resides.

SB 252, Section 24 responds to mandates in Section 466(b)(3)(B) of the Act, by defining an arrearage to be an obligation past due and equal to at least one month's obligation. It is also required by 466(a)(16) of the Act, which requires the state to have high volume automated administrative enforcement.

A M E N D M E N T #2

OFFERED IN THE HOUSE  
TO: CSHB 344(HES)

1 Page 1, following line 2:

2 Insert "relating to divorces, dissolutions, and actions to declare a marriage void;"

3 Page 3, following line 24:

4 Insert a new bill section to read:

5 **\* Sec. 11.** AS 25.20.050(n) is amended to read:

6 (n) Each [ON AND AFTER JULY 1, 1997, A] paternity order or [AN]  
7 acknowledgment made under this section must include in the records relating to the  
8 matter the social security numbers, if ascertainable, of the following persons:

- 9 (1) the father;
- 10 (2) the mother;
- 11 (3) the child."

12 Renumber the following bill sections accordingly.

13 Page 3, following line 30:

14 Insert new bill sections to read:

15 **\* Sec. 13.** AS 25.24.160(d) is amended to read:

16 (d) For each [IN A] judgment issued under this section, the court shall  
17 include in the records relating to the matter the social security numbers, if  
18 ascertainable, of the following persons:

- 19 (1) each party to the action;
- 20 (2) each child whose rights are addressed in the judgment.

21 **\* Sec. 14.** AS 25.24.210(e) is amended to read:

22 (e) If the petition is filed by both spouses under AS 25.24.200(a), the petition

1 must state in detail the terms of the agreement between the spouses concerning the  
2 custody of children, child support, visitation, spousal maintenance and tax  
3 consequences, if any, and fair and just division of property, including retirement  
4 benefits. Agreements on spousal maintenance and property division must fairly  
5 allocate the economic effect of dissolution and take into consideration the factors  
6 listed in AS 25.24.160(a)(2) and (4). In addition, the petition must state

- 7 (1) the respective occupations of the petitioners;  
8 (2) the income, assets, and liabilities of the respective petitioners at the  
9 time of filing the petition;  
10 (3) the date and place of the marriage;  
11 (4) the name, date of birth, and current marital, educational, and  
12 custodial status of each child born of the marriage or adopted by the petitioners who  
13 is under the age of 19;  
14 (5) whether the wife is pregnant;  
15 (6) whether either petitioner requires medical care or treatment;  
16 (7) whether any of the following has been issued or filed during the  
17 marriage by or regarding either spouse as defendant, participant, or respondent:  
18 (A) a criminal charge of a crime involving domestic violence;  
19 (B) a protective order under AS 18.66.100 - 18.66.180;  
20 (C) injunctive relief under former AS 25.35.010 or 25.35.020;  
21 or  
22 (D) a protective order issued in another jurisdiction and filed  
23 with the court in this state under AS 18.66.140;  
24 (8) whether either petitioner has received the advice of legal counsel  
25 regarding a divorce or dissolution;  
26 (9) other facts and circumstances that the petitioners believe should be  
27 considered;  
28 (10) that the petition constitutes the entire agreement between the  
29 petitioners; and  
30 (11) any other relief sought by the petitioners [;  
31 (12) THE SOCIAL SECURITY NUMBERS, IF ASCERTAINABLE,  
32 OF THE FOLLOWING PERSONS:

1 (A) BOTH SPOUSES TO THE MARRIAGE BEING  
2 DISSOLVED;

3 (B) EACH CHILD WHOSE RIGHTS ARE BEING  
4 ADDRESSED IN THE PETITION FOR DISSOLUTION].

5 \* Sec. 15. AS 25.24.210 is amended by adding a new subsection to read:

6 (f) A petition filed under this section must include or be accompanied by a  
7 record of the social security numbers, if ascertainable, of the following persons:

- 8 (1) both spouses to the marriage being dissolved;
- 9 (2) each child whose rights are being addressed in the petition for  
10 dissolution.

11 \* Sec. 16. AS 25.24.230(i) is amended to read:

12 (i) For each [IN A] judgment issued under this section, the court shall include  
13 in the records relating to the matter the social security numbers, if ascertainable,  
14 of the following persons:

- 15 (1) each party to the dissolution of marriage;
- 16 (2) each child whose rights are addressed in the judgment."

17 Renumber the following bill sections accordingly.

18 Renumber internal references to bill sections in accordance with this amendment. Below are  
19 all internal bill section references in this bill:

- 20 Page 11, line 27
- 21 Page 11, line 28
- 22 Page 11, line 31
- 23 Page 12, line 1
- 24 Page 12, line 5

*W. H. Brown*

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 344(HES)

1 Page 1, following line 2:

2 Insert "relating to modification of child custody and visitation orders;"

3 Page 3, following line 30:

4 Insert a new bill section to read:

5 **\*\* Sec. 12.** AS 25.20.110(b) is amended to read:

6 (b) When making a determination relating to child custody under (a) of this  
7 section, the court shall consider the past history of the parents with respect to their  
8 compliance with the child support payment provisions of temporary or permanent  
9 support orders or agreements relating to the child or to other children. The court  
10 may not modify the custody or visitation rights of a parent with respect to a child  
11 for whom the parent has been in arrears under a permanent support order if the  
12 arrears increased after the date the support order became final unless the other  
13 parent consents in writing to the modification or the court finds that failure to  
14 grant the modification would be detrimental to the best interests of the child.

15 Under this subsection, the court may consider a parent's failure to pay child support  
16 only if the parent had actual knowledge of the amount of the child support obligation  
17 and had funds available for payment of support or could have obtained those funds  
18 through reasonable efforts, as determined by the court."

19 Renumber the following bill sections accordingly.

20 Page 12, following line 3:

21 Insert a new bill section to read:

22 **\*\* Sec. 35. APPLICABILITY.** AS 25.20.110(b), as amended by sec. 12 of this Act,

1 applies to petitions for modification that are filed on or after the effective date of this Act."  
2 Renumber internal references to bill sections in accordance with this amendment. Below are  
3 all internal bill section references in this bill:

4 Page 11, line 27

5 Page 11, line 28

6 Page 11, line 31

7 Page 12, line 1

8 Page 12, line 5

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 344(HES)

1 Page 3, following line 24:

2 Insert a new bill section to read:

3 **"\* Sec. 11.** AS 18.50.310(h) is amended to read:

4 (h) Marriage license applications shall be open for public inspection or  
5 examination during normal business hours. The bureau may, in response to a  
6 request under AS 25.27.300, disclose to the child support enforcement agency  
7 whether the bureau has a record indicating that a person has remarried after the  
8 date specified by the agency."

9 Renumber the following bill sections accordingly.

10 Page 10, following line 15:

11 Insert a new bill section to read:

12 **"\* Sec. 27.** AS 25.27 is amended by adding a new section to read:

13 **Sec. 25.27.300. Requests pertaining to remarriage.** The agency shall, at the  
14 request of a person who is an obligor under a support order enforced by the agency  
15 that includes support for a parent with whom a child is living or at the request of a  
16 child support enforcement agency of another jurisdiction that is enforcing a support  
17 order that includes support for a parent with whom a child is living, request the  
18 Bureau of Vital Statistics to disclose to the agency whether the parent has remarried  
19 in the state after a specified date if the support order provides that the support for the  
20 parent is payable only until the parent remarries. The agency may disclose to the  
21 obligor or other child support enforcement agency, as applicable, the information  
22 provided by the bureau."

1 Renumber the following bill sections accordingly.

2 Renumber internal references to bill sections in accordance with this amendment. Below are

3 all internal bill section references in this bill:

4 Page 11, line 27

5 Page 11, line 28

6 Page 11, line 31

7 Page 12, line 1

8 Page 12, line 5



DEPARTMENT OF HEALTH & HUMAN SERVICES

Administration for  
Children and Families

2201 Sixth Avenue, Suite 600  
Seattle, WA 98121-1827

JAN 15 1998

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.

CONSEQUENCES IF A STATE FAILS TO ENACT LAWS OR COMFORM TO PRWORA


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. Henigson  
Regional Administrator

Attachment: Idaho Notice of Intent to Disapprove

## Proposed Child Support Legislation to Meet Federal Mandates

HB344 has been introduced to bring Alaska into compliance with mandates of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 as amended. This informal analysis shows how the proposed legislation is designed to comply with specific federal mandates.

- **Action Against Recreational Licenses:** 42 USC 666(a)(16) requires Alaska to have laws giving the state authority to withhold, suspend, or restrict recreational or sporting licenses of individuals owing overdue child support or who have failed, after receiving notice, to comply with a subpoena or warrant relating to paternity or child support. Sections 2, 3, 4, 5, 10, 18, and 20 of the bill are designed to bring Alaska into compliance with 42 USC 666(a)(16). These sections give Alaska courts, in criminal and civil proceedings, the authority to punish contempt of a child support order, or a child support or paternity subpoena, with the loss of hunting or sport fishing licenses.
- **Social Security Numbers on Licenses:** 42 USC 666(a)(13), as amended by technical amendments to the Personal Responsibility and Work Opportunity Act of 1996, now requires Alaska to have laws requiring that applicants for driver's licenses or recreational licenses record their social security numbers on applications and requiring the licensing agencies to share the numbers with the child support agency of this and other states. Sections 6, 7, 8, 9, 27 and 28 are designed to bring Alaska into compliance with 42 USC 666(a)(13).
- **Enforcing Paternity Testing Orders of Other States:** 42 USC 666(c)(1)(A) requires Alaska to have laws which provide for the recognition and enforcement of the genetic testing orders of other states. Section 20 would permit Alaska to honor this commitment by allowing a superior court in Alaska to enforce out of state genetic testing orders with the court's contempt powers.
- **Default Administrative Paternity Orders:** 42 USC 666(a)(5)(H) requires Alaska to have laws which permit the entry of default paternity orders. AS 25.20.050(g) currently allows such orders in court paternity cases. Section 19 of the bill would allow entry of default orders in administrative paternity cases.
- **Additional Amendments to UIFSA:** 42 USC 666(f) requires Alaska to adopt the most current version of the Uniform Interstate Family Support Act (UIFSA). The federal Office of Support Enforcement has stated that states must adopt a verbatim version of the uniform law. Alaska's version of UIFSA is not identical with the uniform law. An attorney for the National Conference of Commissioners on Uniform State Laws has reviewed Alaska's current version of UIFSA and found it acceptable, if amendments are made to two sections of Alaska's UIFSA. Sections 11 and 12 of the bill would make the suggested changes.

- **High Volume Enforcement of Interstate Orders:** 42 USC 666(a)(14) requires Alaska to have laws which permit child support agencies from other states to make electronic requests for high volume automated administrative enforcement of their out of state orders if Alaska provides such enforcement for Alaska orders. Sections 13, 14 and 26 would permit other states to make such a requests.
- **Requirements for honoring interstate withholding orders:** 42 USC 666(b)(6)(A)(I)(V) requires Alaska to have a law stating that employers who receive a withholding order from another state, must follow the laws of the issuing state concerning any terms of withholding that are not stated in the order. Section 14 would satisfy this requirement.
- **Definition of Income:** Section 15 of the bill would amend AS 25.27.062 so that income withholding orders issued by courts will reach all earnings which qualify as "income" under the federal definition of the term set out in 42 USC 666(b)(8). It would do this by replacing the word, "wages" with "earnings" and the words "an employer" with "a person receiving an income withholding order" in AS 25.27.062(e). The current version of AS 25.27.900(4) sets out a definition for "earnings" that is the same definition provided for "income" by 42 USC 666(b)(8). Since 666(b)(8) provides the definition of "income" for the mandatory income withholding provisions of 42 USC 666, section 15 would insure that Alaska will comply with those mandatory income withholding provisions.
- **Medical Support Orders:** In cases where a child support obligor changes employment and the new employer offers health care coverage for the obligor's children, 42 USC 666(a)(19) requires Alaska to have laws which require CSED to send a copy of a medical support order to the new employer. The federal mandate also requires Alaska to have laws which require that the obligor's children will be automatically enrolled in the health care coverage. Section 16 of the bill would comply with the mandates.
- **Employer New Hire:** 42 USC 653A requires Alaska to have a law requiring all employers in the state to report each new hire, rehire, or return to work of every employee to CSED within 20 days of the event. Section 17 of the bill would bring Alaska into compliance with this mandate.
- **Liens:** 42 USC 666(a)(4) requires Alaska to have laws which provide that child support liens arise by operation of law when the obligor is in arrears on his child support debt. The federal law also mandates that Alaska give full faith and credit to the child support liens of other states, and requires Alaska to allow the enforcement of intrastate and interstate child support liens without judicial notice or hearing. These mandates would be satisfied with the passage of sections 21, 22, and 23 of the bill.
- **Income Withholding:** 42 USC 666(c)(1)(G) requires Alaska to have laws which permit the seizure of a child support obligor's assets without the need to first obtain leave from the court or an administrative tribunal if the obligor is in arrears on his obligation. Section 24 would satisfy this mandate.

- **Definition of Support Order:** 42 USC 653(p) provides a definition of "support order" for purposes of the federal child support laws. In SB 154, Alaska adopted the then-current definition of "support order," however Congress subsequently amended 653(p). Section 25 of the bill would make corresponding amendments to "support order" in AS 25.27.900.
- **Definition of Arrearage:** 42 USC 666(b)(3)(B) describes what constitutes an arrearage for purposes of its mandatory income withholding provisions. Section 26 would adopt the same definition for Alaska's child support laws, thereby helping to insure that the Alaska income withholding provisions comply with the federal mandate.
- **Repealing Sunset Provision of SB 154:** In 1997 the Alaska Legislature passed SB 154 in an effort to comply with the mandates of the federal Personal Responsibility and Work Opportunity Reconciliation Act. Section 148(c) of SB 154 provides that all these necessary changes to state law will be repealed on July 1, 1999. Section 29 of the bill would repeal this sunset provision, thereby protecting Alaska from being found drastically out of compliance with federal law.



# Alaska State Legislature

Please enter into the record my testimony to the House Judicial Committee  
 committee name  
 committee on HB # 344, dated April 22, 1998  
 bill/subject

Please allow this bill HB # 344 to die peacefully for the sake of thousands of Alaskans; non-custodial parents and employers alike.

1. The fishermen and hunters of this State would not appreciate the possibility of loosing their hunting and fishing license. We, of "Parents United for Custodial Justice" have discussed the "real" possibility of "second families" who are paying child support to first families becoming impoverished, going hungry, and unable to pay other bills. This family situation would need the means to obtain their own food by means of fishing and / or hunting. By judicially removing their fishing and hunting privileges how is that family going to feed their children? I've talked to many men who feel that this is not an appropriate remedy for non-payment of child support. This bill would only create a situation for more people to go hungry. So what's the criteria to take away their hunting and fishing license?? How much arrearage should these hunters and fishermen have before legal and criminal action is taken ??? How long a period of non-payment?? A criteria wasn't even mention in the bill. Why Not??

2. We also have a problem with the sections # 12, 13, 14, 15, and 16 referring to employers sending employee names, SS #s, and addresses of new employees, and re-hiring employees, plus the additional work now required of employers if the bill passes. With this requirement employers will "not likely" be willing to hire non-custodial employees under a support order. Thus; non-custodial parents will not likely be hired, and may even be discriminated against as a candidate for the job.

Other factors relating to employers that has come into question: When employers are interviewing perspective candidates for the job would the employer have to ask a personal question, as "Are you required to pay child support?" A question of this nature would breech "personal confidentiality"! Just HOW would the legislature or CSED plan on informing each and every employer in this State of additional information required by employers if this bill would pass? PLEASE DON'T PASS THIS BILL # 344.

Signed: Carol Palmer  
 Testifier

myself & "Parents United for Custodial Justice"  
 Representing (Optional)

P.O. Box 2402, Palmer, AK 99645  
 Address

(907) 746-2863  
 Phone No.

*Carol*



# Alaska State Legislature

Please enter into the record my testimony to the House Judiciary  
 committee name  
 committee on HB # 340 , dated May 1, '98  
 bill/subject

For the most part, I have no problem with this bill regarding "foster care, or foster parents". But my concern lies with sec. 2, "False report of child abuse or neglect". I know that some people do this (false allegations), just to "get even", with a parent; but... really believes that their "allegations" are true. I bet a people may see an event and "stretch" it all out of proportions.

The problem basically is that DFYS believes these statements to be factual without "real evidence". I know this to be true from personal experience. People/parents are being accused all the time from something "constructed", distorted, a jump to conclusion, exaggerated - all so far from the truth. These accusers believe the exaggeration, distortion, or jump to conclusion. - The innocent parent isn't believed by any dept. & becomes "Nail" for something he/she didn't do & pays for it for years. This is an epidemic problem.

Signed:

Testifier

Carol Co Palmer

Representing (Optional)

P.O. Box 7402, Palmer, Alaska 99645

Address

(907) 746-2863

Phone No.

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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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 CF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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. 4

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

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

Revision Date: \_\_\_\_\_ Dept. Affected: Revenue  
 Title: Federal Welfare Reform BRU: Child Support Enforcement Division  
 Component: Child Support Enforcement Division  
 Sponsor: Rules  
 Requestor: Governor COMPONENT SERIAL NO. 111

**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						
<b>TOTAL OPERATING</b>	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	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						
<b>TOTAL</b>	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: Barbara Miklos, Director Phone: 269-6800  
 Division: Child Support Enforcement Division Date: 11/26/97  
 Approved by: [Signature] Date: 11/24/97  
 Commissioner: Wilson Condon  
 Agency: Dept. of Revenue

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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: 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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY98) cost: 0.0

**POSITIONS**

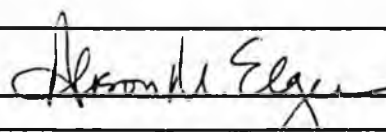
Full-time						
Part-time						
Temporary						

**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 & Struct res						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY98) cost: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Prepared by Brant McGee  
 Division Office of Public Advocacy

Approved by Mark Boyer, Commissioner  
 Agency Department of Administration

Phone 269-3500  
 Date \_\_\_\_\_

Date 11/28/97

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# 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 _____	Administration _____
Title _____	BRU _____	Legal and Advocacy Services _____
"An Act relating to paternity establishment and child support..."	Component _____	Public Defender Agency _____
Sponsor _____	Rules Committee _____	
Requester _____	Governor _____	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						
<b>TOTAL OPERATING</b>	***	***	***	***	***	***

<b>CAPITAL EXPENDITURES</b>	***	***	***	***	***	***
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<b>CHANGE IN REVENUES ( )</b>	***	***	***	***	***	***
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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)						
<b>TOTAL</b>	***	***	***	***	***	***

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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