

SB

96

<target><bill>SB 96</bill><subject>SB
96</subject><comm>HFIN26</comm></target>

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSSB 96(HSS)
 (S) Publish Date: 3/3/09

Identifier (file name): CSSB96(HSS)-DOR-CSS-03-02-09 Dept. Affected: Revenue
 Title: Cash Medical Support for Minor Children RDU: Child Support Services Division
 Component: Child Support Services Division
 Sponsor: _____
 Requester: Governor Component Number: 111

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES								
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	0.0
CAPITAL EXPENDITURES								
CHANGE IN REVENUES ()								

FUND SOURCE (Thousands of Dollars)

	FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2009) cost: _____

POSITIONS

	FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

This legislation does not require any additional funding.

Prepared by: John Mallonee Phone 269-6801
 Division: Child Support Services Division Date/Time 12/12/2008 / 5:00pm
 Approved by: Jerry Burnett Date 12/15/2008
Department of Revenue

Adopted
4-16-09

Putzier
4/16/09

AMENDMENT #2

OFFERED IN THE HOUSE FINANCE COMMITTEE

By Rep. Thomas

TO: HCS CSSB 96 (JUD)

Page 2, line 8, following "order.":

Delete "In adopting UIFSA conforming amendments, the legislature does not intend to grant or restrict tribal jurisdiction to enter, modify, or enforce child support orders, and the amendments are not intended, either directly or impliedly, to acknowledge, expand, or restrict tribal jurisdiction."

Insert "In adopting UIFSA conforming amendments, the legislative intent is

(1) to remain neutral on the issue of the underlying child support jurisdiction, if any, for the entities listed in the amended definition of "state";

(2) not to expand or restrict the child support jurisdiction, if any, of the listed "state" entities in the amended definition; and

(3) not to assume or express any opinion about whether those entities have child support jurisdiction either in fact or in law."

Re-number accordingly.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

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Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	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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Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

This legislation does not require any additional funding.

Prepared by: John Mallonee
 Division: Child Support Services Division
 Approved by: Jerry Burnett
Department of Revenue

Phone 269-6801
 Date/Time 12/12/2008 / 5:00pm
 Date 12/15/2008

LEGAL SERVICES

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

(907) 465-3867 or 465-2450
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Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 27, 2009

SUBJECT: Sectional Summary (CSSB 96(); (Work Order No. 26-LS0485\E))

TO: Senator Betty Davis
Attn: Lynda Zaugg

FROM: Jean M. Mischel
Legislative Counsel

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

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

Section 1. Adds reference to cash medical support to the crime of aiding the nonpayment of child support in the second degree.

Section 2. Adds the Virgin Islands and Indian Tribes to the definition of "state."

Section 3. Amends order of support provision to include both parents, medical support, and insurance.

Section 4. Adds medical support to provision authorizing the initiation of administrative action to establish a duty of support.

Section 5. Amends periodic reviews of support orders to require a three year cycle of review.

Section 6. Deletes motion requirement for correcting an administrative mistake in a support order.

Section 7. Deletes motion requirement for vacating a support order that is based on a default amount.

Section 8. Redefines "arrearage" for child support purposes.

Section 9. Amends the definition of "support order" to include cash medical support

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Senator Betty Davis
February 27, 2009
Page 2

Section 10. Amends garnishment provision to include insurance and cash medical support.

Section 11. Amends the Alaska Native family assistance program to include obligations for cash medical support.

Section 12. Provides for an indirect court rule amendment to Rule 90.3, Alaska Rules of Civil Procedure for changes made in the bill.

Section 13. Makes bill changes applicable to child support actions filed on or after the bill's effective date.

Section 14. Authorizes the Department of Revenue to proceed to adopt regulations needed under the bill.

Section 15. Provides for a conditional effect for the court rule amendment in sec. 12 only for two-thirds majority vote.

Section 16. Makes sec. 14 effective immediately.

Section 17. Provides for a July 1, 2009, effective date for all other bill sections.

JMM:ljw
09-125.ljw

4/10

- 1. This bill adds an "Indian tribe" and "United States Virgin Islands" to the definition of state.**
- 2. This bill adds to existing law the authority for a tribunal to order either or both parents to pay cash medical support, if warranted.**
- 3. In addition, the bill directs Child Support Services Division (CSSD) to review child support orders for modification on a federally mandated three-year cycle.**
- 4. The bill adds cash medical support to the definition of arrearage and the definition of support order thereby enabling CSSD to use its existing enforcement tools to collect a cash medical support obligation on behalf of the child.**
- 5. Finally, the bill removes the language limiting who may request the correction of a clerical mistake in an administrative order or request the vacation of an administrative order based upon a default income.**

SB 96 puts Alaska in compliance with the federal requirements which assure that Alaska's children receive the medical support to which they are entitled.

In addition, adoption of SB 96 assures 85 million in federal dollars to Alaska for the Child Support Enforcement and Temporary Assistance for Needy Families (TANF) programs.

I appreciate your support of this important bill.

adopted
4-16-09

Putzier
4/16/09

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By Rep. Thomas

TO: HCS CSSB 96 (JUD)

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Insert "In adopting UIFSA conforming amendments, the legislative intent is

(1) to remain neutral on the issue of the underlying child support jurisdiction, if any, for the entities listed in the amended definition of "state";

(2) not to expand or restrict the child support jurisdiction, if any, of the listed "state" entities in the amended definition; and

(3) not to assume or express any opinion about whether those entities have child support jurisdiction either in fact or in law."

Remember accordingly.

Legislative Testimony

Robert Loescher
Tribal Judiciary Committee Member
Central Council Tlingit & Haida Indian Tribes of Alaska

**HEARING: (H) FIN Apr 16 1:30 PM HOUSE FINANCE 519 TELECONFERENCE
TELECONFERENCE**

RE: House CS for CS for SB 96 (JUD)

My name is Bob Loescher. I am a member of the Central Council Tlingit & Haida Indians of Alaska Tribal Judiciary Committee. Our testimony today is in support of the enactment of House CS for CS for Senate Bill No. 96 (JUD) with a proposed revised and amended Section (b), as follows:

(b) The proposed changes made in AS 25.25.101(19) under sec. 3 of this Act are conforming amendments that will result in procedural changes in Alaska for enforcement and modification of child support orders from other jurisdictions. UIFSA does not determine the authority of an Indian tribe to enter, modify, or enforce a child support order. ~~In adopting UIFSA conforming amendments, the legislature does not intend to grant or restrict tribal jurisdiction to enter, modify, or enforce child support orders, and the amendments are not intended, either directly or impliedly, to acknowledge, expand, or restrict tribal jurisdiction.~~ In adopting UIFSA conforming amendments, the legislative intent is to remain neutral on the issue of the underlying child support jurisdiction, if any, for the entities listed in the amended definition of "state." This legislation will not expand or restrict the child support jurisdiction, if any, of the listed "state" entities in the amended definition, nor does this legislation assume or express any opinion about whether those entities have child support jurisdiction either in fact or in law.

Mr. Chairman and members of the committee, we request that you amend the legislation as proposed above. We fully support the enactment of this law with these revisions.

4/10

Alaska State Legislature

Interim - May - June
716 W. 4th Ave
Anchorage, AK 99501
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Session - Jan - May
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Senator_Betty_Davis@legis.state.ak.us
<http://www.akdemocrats.org>

SB 96

TITLE: "An Act relating to nonpayment of child support: relating to certain judicial and administrative orders for medical support of a child;."

SPONSOR STATEMENT (c)

SB 96 brings the state into compliance with the federal Uniform Interstate Family Services Act (UIFSA) that require states to have guidelines addressing how either or both parents will provide for a child's healthcare needs and to include an "Indian tribe" in the definition of state. Both amendments to Alaska's child support state plan are conforming amendments which will result in procedural changes in Alaska for enforcement and modification of child support orders from other jurisdictions.

If a parent is ordered to pay for healthcare including cash medical support, the Child Support Services Division must enforce the ongoing medical support obligation as well as collect any cash medical support arrears. Including an "Indian tribe" in the definition of state does not expand or restrict tribal jurisdiction.

Failure to satisfy these mandated requirements jeopardizes 85 million dollars in federal funding for both Alaska's Child support program and Temporary Assistance To Needy Families (TANF).

Legislative Testimony

**Jessie M. Archibald
Staff Attorney, Tribal Child Support Unit
Central Council Tlingit & Haida Indian Tribes of Alaska
320 West Willoughby Ave., Suite 300
Juneau, Alaska 99801**

HEARING: (H) JUD Apr 13 8:00 AM CAPITOL 120 TELECONFERENCE

My name is Jessie Archibald. I represent the Central Council Tlingit and Haida Indian Tribes of Alaska Tribal child support program. I would like to request that my written testimony be entered into the record. The purpose of my testimony is to explain the Tribe's objection to the Section 1. (b) language regarding the Definition of "State"; Legislative Intent, contained in CS for House Bill 192 (HHS), and respectfully request that section (b) language be deleted.

Reasons for Objections:

1. Section (b) language is not necessary because UIFSA has built in procedures for the non-registrant to raise objections about the issuing tribunal's subject matter jurisdiction, personal jurisdiction, and other matters that may make a specific order not entitled to recognition and enforcement in Alaska's tribunals.
2. The language specifically segregates out tribal child support orders for particular scrutiny, and carries a not-very-thinly-veiled implication that that scrutiny should be hostile, and even suggests that the legislature is pre-judging the validity of an objection based on a lack of Indian country, essentially endorsing the principal that a child support obligor should be able to duck a child support obligation by objecting on that basis. The legislature should leave those issues to the individual litigants and the courts.
3. Child support is hard enough without the legislature of the State of Alaska putting into the statutes language that allows deadbeat parents to use legislative intent language to try to get out from under from having to pay support.

As an alternative, the Tribe would like to propose the following legislative intent language:

Section 1. The uncodified law of the State of Alaska is amended by adding a new section to read:

DEFINITION OF "STATE": LEGISLATIVE INTENT. (a)

(b) The legislature recognizes that child support enforcement programs are administered by Federal, State and Tribal entities that address the establishment of paternity and enforcement of

support orders with the intent of promoting the general economic welfare and the best interest of dependent children. UIFSA provides a vehicle for the non-registrant to raise objections about the issuing tribunal's subject matter jurisdiction, personal jurisdiction, and other matters that may make a specific order not entitled to recognition and enforcement in Alaska's tribunals. The intent of the legislature is that tribal child support orders should be subject to the same types of objections, and to the same extent, as child support orders from tribunals of other jurisdictions. It is the intent of the legislature is to provide a procedural vehicle for Tribal child support orders for such orders to be registered in Alaska state tribunals in the same manner child support orders from other tribunals are registered. This legislation is not intended to prejudice the validity of any specific order or the validity of any objections to a specific order.

Short Description of Central Council Tribe's Child Support Program

1. Initially, federal funding was only provided to States that operate federally funded and approved child support programs.
2. More recently, with the adoption of the Final Rule on Child Support Enforcement Programs at 45 CFR 309, federally recognized Indian Tribes became eligible to receive federal funding to operate their own child support programs.
3. With the adoption of the Final Rule, the enforcement of child support has now become a Federal-State-Tribal partnership.
4. To receive federal funding for child support, the Tribe is required to adopt a plan that meets the requirements outlined in 45 CFR 309 which is the Final Rule on Child Support Enforcement Programs.
5. Central Council received federal funding and approval to operate a Tribal Child Support Program in March of 2007.
6. When Alaska initially was required to adopt UIFSA, it did not include the definition of "State" to include an Indian Tribe.
7. Now that Alaska Tribes are beginning to receive federal funding to operate child support programs, it is necessary for Alaska to amend the State UIFSA in order to come into compliance with the rest of the nation.
8. Alaska stands alone as the only state that has not adopted the federal uniform guidelines that define "state" to include an Indian Tribe, probably because when Alaska first adopted the

federal version of UIFSA, it was not considered that Tribes would be receiving federal grants to operate child support programs.

9. The Tribal Child support program is located within the Tribe's Employment and Training Department. Our program is referred to as the "Tribal Child Support Unit."
10. The Tribe's goal is to ensure that Tlingit and Haida children receive the financial and emotional support of both their parents. The program strives to support and affirm the traditions of the Tribe and families. We believe that child support should be a reliable source of income for families. TCSU focuses its efforts on the needs of children, and in doing so, we empower parents to ensure their children's needs are met. Our program has a cooperative approach to establishing and enforcing support obligations.
11. Here are some statements we want to hear our children shout out:
 - I'm playing football this year, thanks Dad!
 - I made the basketball team, thanks Mom!
 - Thanks Dad, I'm getting good grades in school!
 - I'm playing soccer this year...thank you Mom!
 - I'm going to camp this summer, thank you Dad!
 - Even though you're not with me, I know you care! Thanks Mom!

End

Article

- 4. Establishment of Support Order (§ 25.25.401)
- 5. Direct Enforcement of Order of Another State Without Registration (§§ 25.25.501 -- 25.25.507)
- 6. Enforcement and Modification of Support Order After Registration (§§ 25.25.601 -- 25.25.614)
- 7. Determination of Parentage (§ 25.25.701)
- 8. Interstate Rendition (§§ 25.25.801, 25.25.802)
- 9. Miscellaneous Provisions (§§ 25.25.901 -- 25.25.903)

Cross references. -- For enforcement of support obligations determined in other states, see AS 25.27.022.

Legislative history reports. -- For governor's transmittal letter for ch. 57, SLA 1995 (CSSB

115(FIN)am), which enacted the Uniform Interstate Family Support Act, see 1995 Senate Journal 517. For legislative letter of intent on the same legislation, see 1995 Senate Journal 1405 and 1494 and 1995 House Journal 1996

NOTES TO DECISIONS

Public advocacy. -- Proceedings under the Uniform Reciprocal Enforcement of Support Act were not specifically among the classes of cases mentioned in

AS 44.21.410, concerning the powers and duties of the office of public advocacy. *State v. Superior Court*, 718 P.2d 466 (Alaska 1986).

Collateral references. -- 23 Am. Jur. 2d, Desertion and Nonsupport, § 73; 59 Am. Jur. 2d, Parent and Child, § 47; 73 Am. Jur. 2d, Support of Persons, § 25 et seq.

Construction and application of state statutes pro-

viding for reciprocal enforcement of duty to support dependents, 42 ALR2d 768.

Determination of paternity of child as within scope of proceeding under Uniform Reciprocal Enforcement of Support Act, 81 ALR3d 1175.

Secs. 25.25.010 -- 25.25.100. [Repealed, § 21 ch 57 SLA 1995.]

Article 1. General Provisions.

Section

- 101. Definitions
- 102. Tribunals of this state

Section

- 103. Remedies cumulative

Sec. 25.25.101. Definitions. In this chapter,

- (1) "child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent;
- (2) "child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state;
- (3) "duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support;
- (4) "home state" means the state in which a child lived with a parent or a person acting as a parent for at least six consecutive months immediately preceding the time of filing of a complaint or comparable pleading for support and, if a child is less than six months old, the state in which the child lived from birth with a parent or person acting as a parent; a period of temporary absence of a parent or person acting as a parent is counted as part of the six-month or other period;
- (5) "income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this state;
- (6) "income withholding order" means an order or other legal process directed to an obligor, an obligor's employer, an obligor's future employer, or another person, political

subdivision, or departure of the obligor or

(7) "initiating state" a proceeding is filed for procedure substantially similar to the Uniform Reciprocal Enforcement

(8) "initiating tribunal"

(9) "issuing state" renders a judgment de

(10) "issuing tribunal" judgment determining

(11) "law" includes force of law;

(12) "obligee" means (A) an individual to

a support order has been (B) a state or political support order have been

assistance provided to (C) an individual see

(13) "obligor" means (A) owes or is alleged

(B) is alleged but has (C) is liable under a

(14) "register" means a registering tribunal;

(15) "registering tribunal" determining parentage

(16) "responding state" proceeding is forwarded

procedure substantially similar to the Uniform Reciprocal Enforcement

(17) "responding tribunal"

(18) "spousal support obligor;

(19) "state" means Commonwealth of Puerto

jurisdiction of the United States enacted a law or established

that are substantially similar to the Uniform Reciprocal Enforcement

of Support Act;

(20) "support enforcement (A) enforcement of support

(B) establishment or (C) determination of

(D) the location of obligor (21) "support order" subject to modification,

provides for monetary include related costs as relief;

(§§ 25.25.501 -- 25.25.507,
 §§ 25.25.601 -- 25.25.614)

which enacted the Uniform Interstate
 Act, see 1995 Senate Journal 517. For
 of intent on the same legislation, see
 Journal 1405 and 1494 and 1995 House

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 ALR2d 768.
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 der Uniform Reciprocal Enforcement
 31 ALR3d 1175.

(1995.)

ONS.

cumulative

the age of majority, who is or
 parent or who is or is alleged
 parent;

child, including a child who has
 custody;

imposed by law to provide
 an unsatisfied obligation to

with a parent or a person acting
 preceding the time of filing
 child is less than six months
 parent or person acting as a
 acting as a parent is counted

payments to money from any
 support under the law of this

legal process directed to an
 or another person, political

subdivision, or department of the state, under AS 25.27 to withhold support from the
 income of the obligor under AS 25.27;

(7) "initiating state" means a state from which a proceeding is forwarded or in which
 a proceeding is filed for forwarding to a responding state under this chapter or a law or
 procedure substantially similar to this chapter, or under a law or procedure substantially
 similar to the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform
 Reciprocal Enforcement of Support Act;

(8) "initiating tribunal" means the authorized tribunal in an initiating state;

(9) "issuing state" means the state in which a tribunal issues a support order or
 renders a judgment determining parentage;

(10) "issuing tribunal" means the tribunal that issues a support order or renders a
 judgment determining parentage;

(11) "law" includes decisional and statutory law and rules and regulations having the
 force of law;

(12) "obligee" means

(A) an individual to whom a duty of support is or is alleged to be owed or in whose favor
 a support order has been issued or a judgment determining parentage has been rendered;

(B) a state or political subdivision to which the rights under a duty of support or
 support order have been assigned or that has independent claims based on financial
 assistance provided to an individual obligee; or

(C) an individual seeking a judgment determining parentage of the individual's child;

(13) "obligor" means an individual or the estate of a decedent who

(A) owes or is alleged to owe a duty of support;

(B) is alleged but has not been adjudicated to be a parent of a child; or

(C) is liable under a support order;

(14) "register" means to file a support order or judgment determining parentage with
 a registering tribunal;

(15) "registering tribunal" means the tribunal in which a support order or judgment
 determining parentage is registered;

(16) "responding state" means a state in which a proceeding is filed or to which a
 proceeding is forwarded for filing from an initiating state under this chapter or a law or
 procedure substantially similar to this chapter, or under a law or procedure substantially
 similar to the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform
 Reciprocal Enforcement of Support Act;

(17) "responding tribunal" means the authorized tribunal in a responding state;

(18) "spousal support order" means a support order for a spouse or former spouse of the
 obligor;

(19) "state" means a state of the United States, the District of Columbia, the
 Commonwealth of Puerto Rico, or any territory or insular possession subject to the
 jurisdiction of the United States; the term "state" includes a foreign jurisdiction that has
 enacted a law or established procedures for issuance and enforcement of support orders
 that are substantially similar to the procedures under this chapter or under the Uniform
 Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement
 of Support Act;

(20) "support enforcement agency" means a public official or agency authorized to seek

(A) enforcement of support orders or laws relating to the duty of support;

(B) establishment or modification of child support orders;

(C) determination of parentage; or

(D) the location of obligors or their assets;

(21) "support order" means a judgment, decree, or order, whether temporary, final, or
 subject to modification, for the benefit of a child, a spouse, or a former spouse, that
 provides for monetary support, health care, arrearages, or reimbursement, and may
 include related costs and fees, interest, income withholding, attorney fees, and other
 relief;

(22) "tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage. (§ 4 ch 57 SLA 1995; am §§ 48 — 50 ch 87 SLA 1997)

NOTES TO DECISIONS

Application for child support by custodian. — See *Saask v. Yandell*, 702 P.2d 1327 (Alaska 1985) (decided under former law).

Arrearages. — Under Alaska law, arrearages were recoverable in actions under the Uniform Reciprocal Enforcement of Support Act. *Bailey v. Haas*, 655 P.2d 764 (Alaska 1982) (decided under former law).

There was no requirement that a request for arrearages had to be reduced to judgment by the petitioning state. *Bailey v. Haas*, 655 P.2d 764 (Alaska 1982) (decided under former law).

Cited in *McCaffery v. Green*, 931 P.2d 407 (Alaska 1997); *Fowler v. State*, 168 P.3d 870 (Alaska 2007).

Collateral references. — Construction and application of Uniform Interstate Family Support Act. 90 ALR5th 1.

Sec. 25.25.102. Tribunals of this state. The superior court and the child support services agency are the tribunals of this state. (§ 4 ch 57 SLA 1995)

Revisor's notes. — In 2004, "child support enforcement agency" was changed to "child support services agency" in this section in accordance with § 12(a), ch. 107, SLA 2004.

NOTES TO DECISIONS

Collateral estoppel. — Father affirmatively and explicitly waived his argument that the superior court did not give proper legal effect to the administrative decision concerning child support when he appeared

and asked the superior court to proceed to decide support obligations for all years. *McDonald v. Trihub*, 173 P.3d 416 (Alaska 2007).

Sec. 25.25.103. Remedies cumulative. Remedies provided by this chapter are cumulative and do not affect the availability of remedies under other law. (§ 4 ch 57 SLA 1995)

Secs. 25.25.110 — 25.25.200. [Repealed, § 21 ch 57 SLA 1995.]

Article 2. Jurisdiction.

Section

- 201. Bases for jurisdiction over nonresident
- 202. Procedure when exercising jurisdiction over nonresident
- 203. Initiating and responding tribunal of this state
- 204. Simultaneous proceedings in another state
- 205. Continuing, exclusive jurisdiction

Section

- 206. Enforcement and modification of support order by tribunal having continuing jurisdiction
- 207. Recognition of controlling child support order
- 208. Multiple child support orders for two or more obligees
- 209. Credit for payments

Sec. 25.25.201. Bases for jurisdiction over nonresident. In a proceeding to establish, enforce, or modify a support order or to determine parentage, a tribunal of this state may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if

- (1) the individual is personally served with a citation, summons, or notice within this state;
- (2) the individual submits to the jurisdiction of this state by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;
- (3) the individual resided with the child in this state;

- (4) the individual resides with the child;
- (5) the child resides with the individual;
- (6) the individual is a child who has been conceived by the individual;
- (7) the individual is a child who has been born in Alaska as shown by the Vital Statistics under the laws of this state;
- (8) there is another state that has jurisdiction over the child for the exercise of its laws.

Jurisdiction found. — (1) In a proceeding for child support, if the petitioner is the husband of the respondent and the respondent has moved to Missouri as the result of the support proceedings in Alaska, the court shall have jurisdiction over the husband pursuant to the Uniform Interstate Family Support Act.

Sec. 25.25.202. Provisions of law of another state. Provisions of law of another state may apply to a proceeding under 25.25.201 if the provisions of law of that state are more favorable to the child than the provisions of law of this state. (§ 5 ch 57 SLA 1995)

Sec. 25.25.203. Initiation of proceedings in another state. A proceeding may be initiated in another state if the child resides in that state. (§ 5 ch 57 SLA 1995)

Sec. 25.25.204. Similar provisions of law of another state. Similar provisions of law of another state may exercise jurisdiction over a child if the provisions of law of that state are more favorable to the child than the provisions of law of this state. (§ 5 ch 57 SLA 1995)

(1) the complaint or petition is filed within the time allowed in the law of that state for the exercise of jurisdiction;

(2) the contesting party is a resident of that state;

(3) if relevant, this state is a party to the proceeding;

(b) A tribunal of this state may exercise jurisdiction over a child if the provisions of law of that state are more favorable to the child than the provisions of law of this state.

(1) the complaint or petition is filed within the time allowed in the law of that state for the exercise of jurisdiction;

(2) the contesting party is a resident of that state;

(3) if relevant, the other party to the proceeding is a resident of that state.

Sec. 25.25.205. Continuing jurisdiction over a child. A tribunal of this state may exercise continuing jurisdiction over a child if the child resides in this state and the child for whose benefit the support order is issued is a resident of this state.

quasi-judicial entity authorize parentage. (§ 4 ch 57

requirement that a request for be reduced to judgment by the *Bailey v. Haas*, 655 P.2d 764 ded under former law; *ry v. Green*, 931 P.2d 407 (Alaska ate, 168 P.3d 870 (Alaska 2007).

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by consent, by entering a ; the effect of waiving any

(4) the individual resided in this state and provided prenatal expenses or support for the child;

(5) the child resides in this state as a result of the acts or directives of the individual;

(6) the individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse;

(7) the individual acknowledged parentage in a writing deposited with the Bureau of Vital Statistics under AS 25.20.050; or

(8) there is another basis consistent with the constitutions of this state and the United States for the exercise of personal jurisdiction. (§ 5 ch 57 SLA 1995)

NOTES TO DECISIONS

Jurisdiction found. — Contrary to the husband's contention in his challenge to the child support modification order, the trial court had personal jurisdiction over the husband pursuant to AS 25.25.201 after he moved to Missouri as the husband participated in support proceedings in Alaska for several years. he

had lived in Alaska with one of the children, agreed to pay for the wife's expenses relating to her pregnancy with the parties' other child and his birth, and presumably conceived the children in Alaska. *Teseniar v. Teseniar*, 74 P.3d 910 (Alaska 2003).

Sec. 25.25.202. Procedure when exercising jurisdiction over nonresident. A tribunal of this state exercising personal jurisdiction over a nonresident under AS 25.25.201 may apply AS 25.25.316 to receive evidence from another state and AS 25.25.318 to obtain discovery through a tribunal of another state. In all other respects, AS 25.25.301 — 25.25.701 do not apply and the tribunal shall apply the procedural and substantive law of this state, including the rules on choice of law other than those established by this chapter. (§ 5 ch 57 SLA 1995)

Sec. 25.25.203. Initiating and responding tribunal of this state. Under this chapter, a tribunal of this state may serve as an initiating tribunal to forward proceedings to another state and as a responding tribunal for proceedings initiated in another state. (§ 5 ch 57 SLA 1995)

Sec. 25.25.204. Simultaneous proceedings in another state. (a) A tribunal of this state may exercise jurisdiction to establish a support order if the complaint or comparable pleading is filed after a complaint or comparable pleading is filed in another state only if

(1) the complaint or comparable pleading in this state is filed before the expiration of the time allowed in the other state for filing a responsive pleading challenging the exercise of jurisdiction by the other state;

(2) the contesting party timely challenges the exercise of jurisdiction in the other state; and

(3) if relevant, this state is the home state of the child.

(b) A tribunal of this state may not exercise jurisdiction to establish a support order if the complaint or comparable pleading is filed before a complaint or comparable pleading is filed in another state if

(1) the complaint or comparable pleading in the other state is filed before the expiration of the time allowed in this state for filing a responsive pleading challenging the exercise of jurisdiction by this state;

(2) the contesting party timely challenges the exercise of jurisdiction in this state; and

(3) if relevant, the other state is the home state of the child. (§ 5 ch 57 SLA 1995)

Sec. 25.25.205. Continuing, exclusive jurisdiction. (a) A tribunal of this state issuing a support order consistent with the law of this state has continuing, exclusive jurisdiction over a child support order

(1) as long as this state remains the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or

(2) until each individual party has filed written consent with the tribunal of this state for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction.

(b) A tribunal of this state issuing a child support order consistent with the law of this state may not exercise its continuing jurisdiction to modify the order if the order has been modified by a tribunal of another state under a law substantially similar to this chapter.

(c) If a child support order of this state is modified by a tribunal of another state under a law substantially similar to this chapter, a tribunal of this state loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in this state and may only

- (1) enforce the order that was modified as to amounts accruing before the modification;
- (2) enforce nonmodifiable aspects of that order; and
- (3) provide other appropriate relief for violations of that order that occurred before the effective date of the modification.

(d) A tribunal of this state shall recognize the continuing, exclusive jurisdiction of a tribunal of another state that has issued a child support order under a law substantially similar to this chapter.

(e) A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

(f) A tribunal of this state issuing a support order consistent with the law of this state has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. A tribunal of this state may not modify a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the law of that state. (§ 5 ch 57 SLA 1995)

NOTES TO DECISIONS

Order not entitled to full faith and credit. — A support order entered by a responding court pursuant to a Uniform Reciprocal Enforcement of Support Act petition, which did not specifically modify an order entered in the initiating state, had no effect on the validity of the earlier order and was not entitled to full faith and credit by courts of the initiating state. State, Dep't of Revenue ex rel. Valdez v. Valdez, 941 P.2d 144 (Alaska 1997) (decided under former law).

Order properly entered on waiver by parties of administrative decision. — Father affirmatively and explicitly waived his argument that the superior court did not give proper legal effect to the administrative decision concerning child support when he appeared and asked the superior court to proceed to decide support obligations for all years. McDonald v. Tribub, 173 P.3d 416 (Alaska 2007).

Interest on support arrearage. — Under the

Uniform Interstate Family Support Act, where the child resided in Alaska, the issuing state, Washington could not modify the original support order, and the Child Support Enforcement Division (now the Child Support Services Agency) was entitled to collect interest on father's support arrearage. State, Dep't of Revenue, Child Support Enforcement Div., ex rel. Walklace v. Delaney, 962 P.2d 187 (Alaska 1998).

Jurisdiction found. — Contrary to the husband's contention in his challenge to the child support modification order, the trial court had continuing, exclusive jurisdiction over the support order pursuant to AS 25.25.205(a)(1)-(2) after he moved to Missouri as the wife and the children still resided in Alaska and the parties filed no written consent for Missouri to modify the order. Teseniar v. Teseniar, 74 P.3d 910 (Alaska 2003).

Sec. 25.25.206. Enforcement and modification of support order by tribunal having continuing jurisdiction. (a) A tribunal of this state may serve as an initiating tribunal to request a tribunal of another state to enforce or modify a support order issued in that state.

(b) A tribunal of this state having continuing, exclusive jurisdiction over a support order may act as a responding tribunal to enforce or modify the order. If a party subject to the continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings the tribunal may apply AS 25.25.316 to receive evidence from another state and AS 25.25.318 to obtain discovery through a tribunal of another state.

(c) A tribunal of this state may not serve as a responding tribunal to request a tribunal of another state to enforce or modify a support order issued in that state. (§ 5 ch 57 SLA 1995)

Sec. 25.25.207. Recognition of support order. (a) If a proceeding is brought under this chapter to recognize or modify a support order of another state, the tribunal of this state shall recognize the order of that tribunal if:

(b) If a proceeding is brought under this chapter to recognize or modify a support order of another state, the tribunal of this state shall recognize the order of that tribunal if:

- (1) if only one of the tribunals of this state has issued a support order under this chapter, the order of that tribunal shall be recognized, but, if a child, the order most recent to the child;
- (2) if more than one of the tribunals of this state has issued a support order under this chapter, the order of that tribunal shall be recognized, but, if a child, the order most recent to the child;

(3) if none of the tribunals of this state has issued a support order under this chapter, the tribunal of this state shall recognize the order of that tribunal.

(c) If two or more child support orders of another state are in effect, the tribunal of this state shall recognize the order of that tribunal if:

(d) The tribunal of this state that issued the order of that tribunal is the tribunal of this state that issued the order of that tribunal.

(e) A tribunal of this state shall recognize the order of that tribunal if:

(f) Within 30 days after the order of that tribunal is issued, the party with each tribunal that had issued the order of that tribunal obtains the order of that tribunal.

Sec. 25.25.208. Multiple support orders. (a) If multiple support orders are in effect at the time a tribunal of this state issues a support order, the tribunal of this state shall recognize the order of that tribunal if:

Sec. 25.25.209. Credit for support order. (a) If a support order of another state is in effect at the time a tribunal of this state issues a support order, the tribunal of this state shall recognize the order of that tribunal if:

Secs. 25.25.210 — 25.25.219

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(c) A tribunal of this state that lacks continuing, exclusive jurisdiction over a spousal support order may not serve as a responding tribunal to modify a spousal support order of another state. (§ 5 ch 57 SLA 1995)

Sec. 25.25.207. Recognition of controlling child support order. (a) If a proceeding is brought under this chapter and only one tribunal has issued a child support order, the order of that tribunal is controlling and shall be recognized:

(b) If a proceeding is brought under this chapter and two or more child support orders have been issued by tribunals of this state or another state with regard to the same obligor and child, a tribunal of this state shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction:

(1) if only one of the tribunals would have continuing, exclusive jurisdiction under this chapter, the order of that tribunal is controlling and shall be recognized;

(2) if more than one of the tribunals would have continuing, exclusive jurisdiction under this chapter, an order issued by a tribunal in the current home state of the child shall be recognized, but, if an order has not been issued in the current home state of the child, the order most recently issued is controlling and shall be recognized;

(3) if none of the tribunals would have continuing, exclusive jurisdiction under this chapter, the tribunal of this state having jurisdiction over the parties shall issue a child support order, which is controlling and shall be recognized.

(c) If two or more child support orders have been issued for the same obligor and child and if the obligor or the individual obligee resides in this state, a party may request a tribunal of this state to determine which order controls and shall be recognized under (b) of this section. The request shall be accompanied by a certified copy of every support order in effect. Every party whose rights may be affected by a determination of the controlling order shall be given notice of the request for that determination.

(d) The tribunal that issued the order that shall be recognized as controlling under (a), (b), or (c) of this section is the tribunal that has continuing, exclusive jurisdiction in accordance with AS 25.25.205.

(e) A tribunal of this state that determines by order the identity of the controlling child support order under (b)(1) or (2) of this section, or that issues a new controlling child support order under (b)(3) of this section, shall include in that order the basis upon which the tribunal made its determination.

(f) Within 30 days after issuance of the order determining the identity of the controlling order, the party obtaining that order shall file a certified copy of that order with each tribunal that had issued or registered an earlier order of child support. Failure of the party obtaining the order to file a certified copy as required under this subsection subjects that party to appropriate sanctions by a tribunal in which the issue of failure to file arises, but that failure has no effect on the validity or enforceability of the controlling order. (§ 5 ch 57 SLA 1995; am § 51 ch 87 SLA 1997)

Sec. 25.25.208. Multiple child support orders for two or more obligees. In responding to multiple registrations or complaints for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, when at least one of the orders was issued by a tribunal of another state, a tribunal of this state shall enforce those orders in the same manner as if the multiple orders had been issued by a tribunal of this state. (§ 5 ch 57 SLA 1995)

Sec. 25.25.209. Credit for payments. Amounts collected and credited for a particular period under a support order issued by a tribunal of another state shall be credited against the amounts accruing or accrued for the same period under a support order issued by the tribunal of this state. (§ 5 ch 57 SLA 1995)

Secs. 25.25.210 — 25.25.270. [Repealed, § 21 ch 57 SLA 1995.]

Article 3. Civil Provisions of General Application.

Section

- 301. Proceedings under this chapter
302. Action by minor parent
303. Application of law of this state
304. Duties of initiating tribunal
305. Duties and powers of responding tribunal
306. Inappropriate tribunal
307. Duties of child support services agency
309. Private counsel
310. Duties of state information and locator agency
311. Pleadings and accompanying documents

Section

- 312. Nondisclosure of information in exceptional circumstances
313. Costs and fees
314. Limited immunity of petitioner
315. Nonparentage as defense
316. Special rules of evidence and procedure
317. Communications between tribunals
318. Assistance with discovery
319. Receipt and disbursement of payments

Sec. 25.25.301. Proceedings under this chapter. (a) Except as otherwise provided in this chapter, AS 25.25.301 — 25.25.319 apply to all proceedings under this chapter.

(b) This chapter provides for the following proceedings:

- (1) establishment of an order for child support or spousal support under AS 25.25.401;
(2) enforcement of a support order and income withholding order of another state without registration under AS 25.25.501 — 25.25.507;
(3) registration of an order for child support or spousal support of another state for enforcement under AS 25.25.601 — 25.25.614;
(4) modification of an order for child support or spousal support issued by a tribunal of this state under AS 25.25.203 — 25.25.206;
(5) registration of an order for child support of another state for modification under AS 25.25.601 — 25.25.614;
(6) determination of parentage under AS 25.25.701; and
(7) assertion of jurisdiction over nonresidents under AS 25.25.201 — 25.25.202.

(c) An individual or a support enforcement agency may commence a proceeding authorized under this chapter by filing a complaint or a comparable pleading in an initiating tribunal for forwarding to a responding tribunal or by filing a complaint or a comparable pleading directly in a tribunal of another state that has or can obtain personal jurisdiction over the respondent. (§ 6 ch 57 SLA 1995; am § 52 ch 87 SLA 1997)

Sec. 25.25.302. Action by minor parent. A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child. (§ 6 ch 57 SLA 1995)

Sec. 25.25.303. Application of law of this state. Except as otherwise provided by this chapter, a responding tribunal of this state shall

- (1) apply the procedural and substantive law, including the rules on choice of law, generally applicable to similar proceedings originating in this state and may exercise all powers and provide all remedies available in those proceedings; and
(2) determine the duty of support and the amount payable under the law and support guidelines of this state. (§ 6 ch 57 SLA 1995)

NOTES TO DECISIONS

Role of Child Support Enforcement Division (now Child Support Services Agency). — Where the state's Child Support Enforcement Division (now the Child Support Services Agency) acted as a responding tribunal, the court appropriately applied state law to modification of a child support order originally issued in another state. State v. Bromley, 987 P.2d 183 (Alaska 1999).

Construction with other provisions. — Because AS 25.25.604 defines when a state may diverge from local law, and because this section provides that local law applies except "as otherwise provided," the sections, when read together, imply that forum law applies in all circumstances not expressly identified by the Uniform Interstate Family Support Act. State v. Bromley, 987 P.2d 183 (Alaska 1999).

Sec. 25.25.304. Duties of initiating tribunal. (a) Upon the filing of a complaint or

comparable pleading and forward three copies of documents

- (1) to the responding responding state; or
(2) if the identity of t agency of the responding tribunal and that receipt
(b) If a responding sta this chapter, a tribunal o findings required by the jurisdiction, the tribunal documents necessary to § 1995; am § 53 ch 87 SLA

Sec. 25.25.305. Duties of initiating tribunal of this state tribunal or directly unde filed and notify the petit

- (b) A responding tribu by law, may do one or m
(1) issue or enforce a s to determine parentage;
(2) order an obligor to manner of compliance;
(3) order income with.
(4) determine the amc
(5) enforce orders by c
(6) set aside property
(7) place liens and orc
(8) order an obligor to address, telephone numt the place of employment
(9) issue a bench warr a hearing ordered by th computer systems for cr
(10) order the obligor
(11) award reasonable
(12) grant any other a
(c) A responding tribu this chapter, or in the dc support order is based.

- (d) A responding trib order issued under this c
(e) If a responding t tribunal shall send a co initiating tribunal, if an

Arrearages. — Under Alas recoverable in actions under Enforcement of Support Act. F 764 (Alaska 1992) (decided in

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83 (Alaska 1999).

e filing of a complaint or

comparable pleading authorized by this chapter, an initiating tribunal of this state shall forward three copies of the complaint or comparable pleading and its accompanying documents

(1) to the responding tribunal or appropriate support enforcement agency in the responding state; or

(2) if the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

(b) If a responding state has not enacted a law or procedure substantially similar to this chapter, a tribunal of this state may issue a certificate or other documents and make findings required by the law of the responding state. If the responding state is a foreign jurisdiction, the tribunal may specify the amount of support sought and provide other documents necessary to satisfy the requirements of the responding state. (§ 6 ch 57 SLA 1995; am § 53 ch 87 SLA 1997)

Sec. 25.25.305. Duties and powers of responding tribunal. (a) When a responding tribunal of this state receives a complaint or comparable pleading from an initiating tribunal or directly under AS 25.25.301(c), it shall cause the complaint or pleading to be filed and notify the petitioner where and when it was filed.

(b) A responding tribunal of this state, to the extent otherwise specifically authorized by law, may do one or more of the following:

(1) issue or enforce a support order, modify a child support order, or render a judgment to determine parentage;

(2) order an obligor to comply with a support order, specifying the amount and the manner of compliance;

(3) order income withholding;

(4) determine the amount of any arrearages, and specify a method of payment;

(5) enforce orders by civil or criminal contempt, or both;

(6) set aside property for satisfaction of the support order;

(7) place liens and order execution on the obligor's property;

(8) order an obligor to keep the tribunal informed of the obligor's current residential address, telephone number, employer, address of employment, and telephone number at the place of employment;

(9) issue a bench warrant for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant in any local and state computer systems for criminal warrants;

(10) order the obligor to seek appropriate employment by specified methods;

(11) award reasonable attorney fees and other fees and costs; and

(12) grant any other available remedy.

(c) A responding tribunal of this state shall include in a support order issued under this chapter, or in the documents accompanying the order, the calculations on which the support order is based.

(d) A responding tribunal of this state may not condition the payment of a support order issued under this chapter upon compliance by a party with provisions for visitation.

(e) If a responding tribunal of this state issues an order under this chapter, the tribunal shall send a copy of the order to the petitioner and the respondent and to the initiating tribunal, if any. (§ 6 ch 57 SLA 1995; am §§ 54, 55 ch 87 SLA 1997)

NOTES TO DECISIONS

Arrearages. — Under Alaska law, arrearages were recoverable in actions under the Uniform Reciprocal Enforcement of Support Act. *Bailey v. Haas*, 655 P.2d 764 (Alaska 1982) (decided under former law).

There was no requirement that a request for arrearages must be reduced to judgment by the petitioning state. *Bailey v. Haas*, 655 P.2d 764 (Alaska 1982) (decided under former law).

The petition's failure to include a prayer for arrearages did not justify dismissal of the claim since the function of a pleading is to give notice of the type of claim asserted, the body of the petition stated that defendant had contributed nothing toward the support for his daughter, and, the motion for an order of support specifically requested arrearages; therefore, defendant had notice of the claim for arrearages at the very latest by the date when the motion was filed. *Bailey v. Haas*, 655 P.2d 764 (Alaska 1982) (decided under former law).

Enforcement of support obligation for nonvisitation. — In the appeal of an action to enforce an Oregon judgment for accrued and unpaid

child support, a provision in the judgment requiring the father to pay the mother \$25.00 for each weekend without visitation for child care expenses unless the mother requested no visitation was interpreted according to the rule of contract interpretation that conditions are disfavored. The payments were treated as an absolute obligation that was part of the child support obligation without conditions concerning geographical limitation, impracticality, lack of information about the mother's whereabouts, reimbursement for actual child care expenses or credit for nonweekend visitation. *Logghe v. Jasmer*, 686 P.2d 694 (Alaska 1984) (decided under former law).

Sec. 25.25.306. Inappropriate tribunal. If a complaint or comparable pleading is received by an inappropriate tribunal of this state, it shall forward the complaint or pleading, and accompanying documents, to an appropriate tribunal in this state or another state and notify the petitioner where and when the complaint or pleading was sent. (§ 6 ch 57 SLA 1995; am § 56 ch 87 SLA 1997)

Sec. 25.25.307. Duties of child support services agency. (a) The child support services agency of this state, upon request, shall provide services to a petitioner in a proceeding under this chapter.

(b) In providing services under this chapter to the petitioner, the child support services agency shall, as appropriate,

(1) take all steps necessary to enable an appropriate tribunal in this state or another state to obtain jurisdiction over the respondent;

(2) request an appropriate tribunal to set a date, time, and place for a hearing;

(3) make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;

(4) send written notice from an initiating, responding, or registering tribunal to the petitioner within two days of receipt, exclusive of Saturdays, Sundays, and legal holidays;

(5) send a copy of a written communication from the respondent or the respondent's attorney to the petitioner within two days of receipt, exclusive of Saturdays, Sundays, and legal holidays; and

(6) notify the petitioner if jurisdiction over the respondent cannot be obtained.

(c) This chapter does not create or negate a relationship of attorney and client or other fiduciary relationship between the child support services agency or the attorney for the agency and the individual being assisted by the agency. (§ 6 ch 57 SLA 1995; am § 57 ch 87 SLA 1997)

Revisor's notes. — In 2004, "child support enforcement agency" was changed to "child support services agency" in this section in accordance with § 12(a), ch. 107, SLA 2004.

Sec. 25.25.309. Private counsel. An individual may employ private counsel to represent the individual in proceedings authorized by this chapter. (§ 6 ch 57 SLA 1995)

Sec. 25.25.310. Duties of state information and locator agency. The child support services agency is the state information agency under this chapter, and it shall

(1) compile and maintain a current list, including addresses, of the tribunals in this state that have jurisdiction under this chapter and the appropriate agency offices in this state and transmit a copy to the state information agency of every other state;

(2) maintain a register of tribunals and support enforcement agencies received from other states;

(3) forward to the appropriate tribunal in this state all documents concerning a proceeding under this chapter received from an initiating tribunal or the state information agency of the initiating state; and

(4) obtain information within this state that is not available through state locator services, except where the address from employers, if the address is in extent not prohibited by law, is not available. enforcement, taxation, or other law. SLA 1995; am § 58 ch 87

Revisor's notes. — In 2004, "child support enforcement agency" was changed to "child support services agency" in this section in accordance with § 12(a), ch. 107, SLA 2004.

Sec. 25.25.311. Pleading to establish or modify support. A pleading under this chapter shall not be ordered under AS 25.25.311 unless it includes a pleading or accompanying documents that include residential address, and name, sex, residential address, and name of whom support is sought. The pleading shall include a certified copy of any supporting documents that include other information.

(b) The complaint or comparable pleading shall include with the requirements imposed by the support enforcement agency.

Sec. 25.25.312. Nondismissal of proceedings. Upon a finding, which may be made by the court, that a child would be unreasonably harmed if an existing order so procured by a party or other identifying person is not filed in a proceeding under this chapter,

Sec. 25.25.313. Costs. A pleading including a rule of the Alaska Superior Court is filed under this chapter, including a filing fee or other costs.

(b) If an obligee prevails in a proceeding, including fees that would be assessed against the obligee and the obligee's attorney, the obligee and the obligee's attorney shall be awarded costs, and may be ordered to pay the attorney's own name, including costs, and expenses assessed against the obligee.

(c) The tribunal shall not award costs, including filing fees that would be assessed against the obligee, in a hearing under this chapter unless the costs have been requested primarily by the obligee without change; however, the tribunal may rebut this presumption. (§

vision in the judgment requiring mother \$25.00 for each weekend child care expenses unless the visitation was interpreted according to contract interpretation that ordered. The payments were treated as a condition of the child support without conditions concerning geographical impracticality, lack of information regarding the obligor's whereabouts, reimbursement of care expenses or credit for overpayment. *Logghe v. Jasmer*, 686 P.2d 1004 (Alaska, 1984) (decided under former law).

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the child support services in this state or another

place for a hearing; on, including information

registering tribunal to the days, and legal holidays; and the respondent's days of Saturdays, Sundays,

cannot be obtained. attorney and client or other party or the attorney for the 57 SLA 1995; am § 57 ch

is section in accordance with 2004.

employ private counsel to represent. (§ 6 ch 57 SLA 1995)

tor agency. The child support order under this chapter, and it shall be a condition of the tribunals in this state agency offices in this state or any other state; and the agencies received from

documents concerning a child or the state informa-

(4) obtain information concerning the location of the obligor and the obligor's property within this state that is not exempt from execution by postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and social security. (§ 6 ch 57 SLA 1995; am § 58 ch 87 SLA 1997)

Revisor's notes. -- In 2004, "child support enforcement services agency" in this section in accordance with "enforcement agency" was changed to "child support enforcement agency" § 12(a), ch. 107, SLA 2004.

Sec. 25.25.311. Pleadings and accompanying documents. (a) A petitioner seeking to establish or modify a support order or to determine parentage in a proceeding under this chapter shall verify the complaint or comparable pleading. Unless otherwise ordered under AS 25.25.312, or otherwise prohibited by law, the complaint or comparable pleading or accompanying documents must provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee, and the name, sex, residential address, social security number, and date of birth of each child for whom support is sought. The complaint or comparable pleading must be accompanied by a certified copy of any support order in effect. The complaint or comparable pleading may include other information that may assist in locating or identifying the respondent.

(b) The complaint or comparable pleading must specify the relief sought. The complaint or comparable pleading and accompanying documents must conform substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency. (§ 6 ch 57 SLA 1995)

Sec. 25.25.312. Nondisclosure of information in exceptional circumstances. Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this chapter. (§ 6 ch 57 SLA 1995; am § 59 ch 87 SLA 1997)

Sec. 25.25.313. Costs and fees. (a) Notwithstanding any other provision of law, including a rule of the Alaska Supreme Court, at the time a complaint or comparable pleading is filed under this chapter, a tribunal may not require the petitioner to pay a filing fee or other costs.

(b) If an obligee prevails, a responding tribunal may assess against an obligor filing fees, including fees that were waived under (a) of this section, reasonable attorney fees, other costs, necessary travel expenses, and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or the responding state except as required by other law or court rule. Attorney fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs, and expenses assessed under this subsection.

(c) The tribunal shall order the payment of costs and reasonable attorney fees, including filing fees that were waived under (a) of this section, by a party who requests a hearing under this chapter if it determines that the hearing was requested primarily for delay. In a proceeding under AS 25.25.601 — 25.25.612, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change; however, the party who requested the hearing may present evidence to rebut this presumption. (§ 6 ch 57 SLA 1995)

Cross references. — For effect of this section on Alaska Rules of Civil Procedure 79 and 82, see § 22, ch. 57, SLA 1995 in the Temporary and Special Acts.

Sec. 25.25.314. Limited immunity of petitioner. (a) Participation by a petitioner in a proceeding before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the petitioner in another proceeding.

(b) A petitioner is not amenable to service of civil process while physically present in this state to participate in a proceeding under this chapter.

(c) The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this chapter committed by a party while present in this state to participate in the proceeding. (§ 6 ch 57 SLA 1995)

Sec. 25.25.315. Nonparentage as defense. A party whose parentage of a child has been previously determined under law may not plead nonparentage as a defense to a proceeding under this chapter. (§ 6 ch 57 SLA 1995)

Sec. 25.25.316. Special rules of evidence and procedure. (a) The physical presence of the petitioner in a responding tribunal of this state is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage.

(b) A verified complaint or comparable pleading, affidavit, document substantially complying with federally mandated forms, and a document incorporated by reference in any of them, not excluded under the hearsay rule if given in person, is admissible in evidence if given under oath by a party or witness residing in another state.

(c) A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it and is admissible to show whether payments were made.

(d) Copies of bills for testing for parentage, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least 10 days before trial or other proceeding, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

(e) Documentary evidence transmitted from another state to a tribunal of this state by telephone, telecopier, or other means that do not provide an original writing may not be excluded from evidence on an objection based on the means of transmission.

(f) In a proceeding under this chapter, a tribunal of this state may permit a party or witness residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means at a designated tribunal or other location in that state. A tribunal of this state shall cooperate with tribunals of other states in designating an appropriate location for the deposition or testimony.

(g) If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

(h) A privilege against disclosure of communications between spouses does not apply in a proceeding under this chapter.

(i) The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this chapter. (§ 6 ch 57 SLA 1995)

NOTES TO DECISIONS

Cited in *Teseniar v. Teseniar*, 74 P.3d 910 (Alaska 2003).

Sec. 25.25.317. Communications between tribunals. A tribunal of this state may

communicate with a tribu to obtain information con decree, or order of that t tribunal of this state may another state. (§ 6 ch 57

Sec. 25.25.318. Assist
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Sec. 25.25.319. Recei
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Article

Section
401. Complaint to establish sup

Sec. 25.25.401. Comp
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communicate with a tribunal of another state in writing, or by telephone or other means, to obtain information concerning the laws of that state, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding in the other state. A tribunal of this state may furnish similar information by similar means to a tribunal of another state. (§ 6 ch 57 SLA 1995)

Sec. 25.25.318. Assistance with discovery. A tribunal of this state may (1) request a tribunal of another state to assist in obtaining discovery; and (2) upon request, compel a person over whom it has jurisdiction to respond to a discovery order issued by a tribunal of another state. (§ 6 ch 57 SLA 1995)

NOTES TO DECISIONS

Cited in Teseniar v. Teseniar, 74 P.3d 910 (Alaska 2003).

Sec. 25.25.319. Receipt and disbursement of payments. The child support services agency of this state shall disburse promptly any amounts received under a support order, as directed by the order. The agency shall furnish to a requesting party or tribunal of another state a certified statement by the custodian of the record of the amounts and dates of all payments received. (§ 6 ch 57 SLA 1995)

Revisor's notes. — In 2004, "child support enforcement agency" was changed to "child support services agency" in this section in accordance with § 12(a), ch. 107, SLA 2004.

Article 4. Establishment of Support Order.

Section 401. Complaint to establish support order

Sec. 25.25.401. Complaint to establish support order. (a) If a child support order entitled to recognition under this chapter has not been issued, a responding tribunal of this state may issue a child support order if

- (1) the individual seeking the order resides in another state; or
 - (2) the support enforcement agency seeking the order is located in another state.
- (b) The tribunal may issue a temporary child support order if
- (1) the respondent has signed a verified statement acknowledging parentage;
 - (2) the respondent has been determined under law to be the parent; or
 - (3) there is other clear and convincing evidence that the respondent is the child's parent.

(c) If a spousal support order entitled to recognition under this chapter has not been issued, a responding superior court of this state may issue a spousal support order if

- (1) the individual seeking the order resides in another state; or
- (2) the support enforcement agency seeking the order is located in another state.

(d) If, after providing an obligor with notice and opportunity to be heard, an appropriate tribunal finds that the obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders under AS 25.25.305.

(e) Before issuing an order under (b) of this section, the child support services agency shall adopt regulations for issuing such an order. (§ 6 ch 57 SLA 1995)

Revisor's notes. — In 2004, "child support enforcement agency" was changed to "child support services agency" in (e) of this section in accordance with § 12(a), ch. 107, SLA 2004.

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Article 5. Direct Enforcement of Order of Another State Without Registration.

Section

- 501. Employer's receipt of income withholding order of another state
- 502. Employer's compliance with income withholding order of another state
- 503. Compliance with multiple income withholding orders

Section

- 504. Immunity from civil liability
- 505. Penalties for noncompliance
- 506. Contest by obligor
- 507. Administrative enforcement of orders

Sec. 25.25.501. Employer's receipt of income withholding order of another state. An income withholding order issued in another state may be sent to the person or entity defined as the obligor's employer under AS 25.27 without first filing a complaint or comparable pleading or registering the order with a tribunal of this state. (§ 6 ch 57 SLA 1995; am § 60 ch 87 SLA 1997)

NOTES TO DECISIONS

Personal jurisdiction required for foreign judgment enforcement. — Although personal jurisdiction was not required to register a foreign support judgment under the Uniform Reciprocal Enforcement of Support Act, such jurisdiction was required for enforcement of the foreign judgment. *Lagerwey v. Lagerwey*, 681 P.2d 309 (Alaska 1984).

Post-judgment dismissal of underlying paternity suit. — The effect of a post-judgment dismissal of the underlying California paternity suit on a final Alaska judgment was determined according to Alaska law. *Rubalcava v. Hall*, 674 P.2d 767 (Alaska 1983).

Arrears on a pendente lite child support order were due despite the dismissal of the underlying paternity suit. *Rubalcava v. Hall*, 674 P.2d 767 (Alaska 1983).

Waiver of objection to judgment. — Defendant waived any objection that he could have asserted to an arrears judgment by voluntarily dismissing his appeal from the judgment after the California superior court had dismissed the paternity action pursuant to which the original California pendente lite order had been issued. *Rubalcava v. Hall*, 674 P.2d 767 (Alaska 1983).

Sec. 25.25.502. Employer's compliance with income withholding order of another state. (a) Upon receipt of an order under AS 25.25.501, the obligor's employer shall immediately provide a copy of the order to the obligor.

(b) The employer shall treat an income withholding order issued in another state that appears regular on its face as if it were issued by a tribunal of this state.

(c) Except as provided by (d) of this section and AS 25.25.503, the employer shall withhold and distribute the funds as directed in the withholding order by complying with the terms of the order, as applicable, that specify

(1) the duration and the amount of periodic payments of current child support, stated as a sum certain;

(2) the person or agency designated to receive payments and the address to which the payments are to be forwarded;

(3) medical support, whether in the form of periodic cash payment, stated as a sum certain, or an order to the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment;

(4) the amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney, stated as sums certain; and

(5) the amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.

(d) The employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to

(1) the employer's fee for processing an income withholding order;

(2) the maximum amount permitted to be withheld from the obligor's income; and

(3) the time periods within which the employer must implement the withholding order and forward the child support payment. (§ 6 ch 57 SLA 1995; am § 61 ch 87 SLA 1997)

Sec. 25.25.503. Compliance. If an obligor's employer receives notice of an income withholding order from the state of another state, the employer shall comply with the order if the employer complies with the order of employment to establish the order for multiple child support or

Sec. 25.25.504. Immunity. An income withholding order issued in another state is not subject to contest by the employer's withholding of child support payments.

Sec. 25.25.505. Penalties. An income withholding order is subject to the enforcement of an order issued by a tribunal of another state.

Sec. 25.25.506. Contest. An income withholding order issued in another state may be contested by an employer in this state if the provisions of this section are satisfied:

(b) The obligor shall give notice to:

(1) a support enforcement agency;

(2) each employer that has a duty to enforce the order;

(3) if

(A) a person or an agency is designated to receive the order, to that person or agency;

(B) no person or agency is designated to receive the order, to the obligee. (§ 62 ch 87 SLA 1995)

Sec. 25.25.507. Administrative enforcement. An income withholding order issued in another state may be enforced by the support services agency of this state. (b) Upon receipt of the order, the support services agency shall seek to register the order, procedure authorized by the withholding order, or both. If the order need not be registered for enforcement of the order, the order shall be enforced under this chapter. (§ 62 ch 87 SLA 1995)

Revisor's notes. — In 2004, "enforcement agency" was changed to "support services agency."

Article 6. Enforcement of Order of Another State Without Registration.

Section

- 601. Registration of order for enforcement
- 602. Procedure to register order for enforcement
- 603. Effect of registration for enforcement
- 604. Choice of law
- 605. Notice of registration of order
- 606. Procedure to contest validity of registered order

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Sec. 25.25.503. Compliance with multiple income withholding orders. If an obligor's employer receives multiple orders to withhold support from the earnings of the same obligor, the employer shall be considered to have satisfied the terms of the multiple orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for multiple child support orders. (§ 62 ch 87 SLA 1997)

Sec. 25.25.504. Immunity from civil liability. An employer who complies with an income withholding order issued in another state in accordance with AS 25.25.501 -- 25.25.505 is not subject to civil liability to an individual or agency with regard to the employer's withholding of child support from the obligor's income. (§ 62 ch 87 SLA 1997)

Sec. 25.25.505. Penalties for noncompliance. An employer who wilfully fails to comply with an income withholding order issued by another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this state. (§ 62 ch 87 SLA 1997)

Sec. 25.25.506. Contest by obligor. (a) An obligor may contest the validity or enforcement of an income withholding order issued in another state and received directly by an employer in this state in the same manner as if the order were issued by a tribunal of this state. The provisions of AS 25.25.604 apply to the contest.

(b) The obligor shall give notice of the contest to

- (1) a support enforcement agency providing services to the obligee;
- (2) each employer that has directly received an income withholding order; and
- (3) if

(A) a person or an agency is designated to receive payments in the income withholding order, to that person or agency; or

(B) no person or agency is designated to receive payments in the income withholding order, to the obligee. (§ 62 ch 87 SLA 1997)

Sec. 25.25.507. Administrative enforcement of orders. (a) A party seeking to enforce a support order or an income withholding order, or both, issued by a tribunal of another state may send the documents required for registering the order to the child support services agency of this state.

(b) Upon receipt of the documents, the child support services agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of this state to enforce a support order or an income withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the child support services agency shall register the order under this chapter. (§ 62 ch 87 SLA 1997)

Revisor's notes. — In 2004, "child support enforcement agency" was changed to "child support services agency" in this section in accordance with § 12(a), ch. 107, SLA 2004.

Article 6. Enforcement and Modification of Support Order After Registration.

Section

- 601. Registration of order for enforcement
- 602. Procedure to register order for enforcement
- 603. Effect of registration for enforcement
- 604. Choice of law
- 605. Notice of registration of order
- 606. Procedure to contest validity or enforcement of registered order

Section

- 607. Contest of registration or enforcement
- 608. Confirmed order
- 609. Procedure to register child support order of another state for modification
- 610. Effect of registration for modification
- 611. Modification of child support order of another state

Section

612. Recognition of order modified in another state
613. Jurisdiction to modify support order of another state when individual parties reside in this state

Section

614. Notice to issuing tribunal of modification

Sec. 25.25.601. Registration of order for enforcement. A support order or an income withholding order issued by a tribunal of another state may be registered in this state for enforcement. (§ 6 ch 57 SLA 1995)

Sec. 25.25.602. Procedure to register order for enforcement. (a) A support order or income withholding order of another state may be registered in this state by sending the following documents and information to a tribunal of this state:

- (1) a letter of transmittal to the tribunal requesting registration and enforcement;
- (2) two copies, including one certified copy, of all orders to be registered, including any modification of an order;
- (3) a sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearage;
- (4) the name of the obligor and, if known,
 - (A) the obligor's address and social security number;
 - (B) the name and address of the obligor's employer and any other source of income of the obligor; and
 - (C) a description and the location of property in this state of the obligor not exempt from execution; and
- (5) the name and address of the obligee and, if applicable, the agency or person to whom support payments are to be remitted.

(b) On receipt of a request for registration, the registering tribunal shall file the order as a foreign judgment, together with one copy of the documents and information, regardless of their form.

(c) A complaint or comparable pleading seeking a remedy that must be affirmatively sought under other law of this state may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought. (§ 6 ch 57 SLA 1995; am § 63 ch 87 SLA 1997; am § 19 ch 132 SLA 1998)

Cross references. — For purpose and findings this section, see § 1, ch. 132, SLA 1998 in the 1998 provisions related to the 1998 amendments affecting Temporary and Special Acts.

Sec. 25.25.603. Effect of registration for enforcement. (a) A support order or income withholding order issued in another state is registered when the order is filed in the registering tribunal of this state.

(b) A registered order issued in another state is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this state.

(c) Except as otherwise provided in AS 25.25.601 — 25.25.612, a tribunal of this state shall recognize and enforce, but may not modify, a registered order if the issuing tribunal had jurisdiction. (§ 6 ch 57 SLA 1995)

NOTES TO DECISIONS

Collateral estoppel held inapplicable. — While it was proper for the Arizona court to consider a father's contention that he was improperly served, that court's determination that a father was not

properly served with a 1993 Alaska child support order should not have had preclusive effect so as to invalidate the Alaska order. *Bartlett v. State ex rel. Bartlett*, 125 P.3d 328 (Alaska 2005).

Sec. 25.25.604. Choice of law. (a) The law of the issuing state governs the nature, extent, amount, and duration of current payments and other obligations of support and the payment of arrearages under the order.

(b) In a proceeding for or of the issuing state, w

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328 (Alaska 2005).

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(b) In a proceeding for arrearages, the statute of limitation under the laws of this state or of the issuing state, whichever is longer, applies. (§ 6 ch 57 SLA 1995)

NOTES TO DECISIONS

Construction with other provisions. — Because this section defines when a state may diverge from local law, and because AS 25.25.303 provides that local law applies except "as otherwise provided," the sections, when read together, imply that forum law applies in all circumstances not expressly identified by the Uniform Interstate Family Support Act. *State v. Bromley*, 987 P.2d 183 (Alaska 1999).

Interest on support arrearage. — Under the

Uniform Interstate Family Support Act, where the child resided in Alaska, the issuing state, Washington could not modify the original support order, and the Child Support Enforcement Division (now the Child Support Services Agency) was entitled to collect interest on father's support arrearage. *Stau, Dep't of Revenue, Child Support Enforcement Div., ex rel. Walklace v. Delaney*, 962 P.2d 187 (Alaska 1998).

Sec. 25.25.605. Notice of registration of order. (a) When a support order or income withholding order issued in another state is registered, the registering tribunal shall notify the nonregistering party. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

(b) The notice must inform the nonregistering party

(1) that a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state;

(2) that a hearing to contest the validity or enforcement of the registered order must be requested within 20 days after notice;

(3) that failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted; and

(4) of the amount of alleged arrearages.

(c) Upon registration of an income withholding order for enforcement, the registering tribunal shall notify the obligor's employer under AS 25.27. (§ 6 ch 57 SLA 1995; am §§ 64, 65 ch 87 SLA 1997)

Sec. 25.25.606. Procedure to contest validity or enforcement of registered order. (a) A nonregistering party seeking to contest the validity or enforcement of a registered order in this state shall request a hearing within 20 days after the notice of the registration. The nonregistering party may seek to vacate the registration, to assert a defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of alleged arrearages under AS 25.25.607.

(b) If the nonregistering party fails to contest the validity or enforcement of the registered order in a timely manner, the order is confirmed by operation of law.

(c) If a nonregistering party requests a hearing to contest the validity or enforcement of the registered order, the registering tribunal shall schedule the matter for hearing and give notice to the parties of the date, time, and place of the hearing. (§ 6 ch 57 SLA 1995; am §§ 66, 67 ch 87 SLA 1997)

Sec. 25.25.607. Contest of registration or enforcement. (a) A party contesting the validity or enforcement of a registered order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

(1) the issuing tribunal lacked personal jurisdiction over the contesting party;

(2) the order was obtained by fraud;

(3) the order has been vacated, suspended, or modified by a later order;

(4) the issuing tribunal has stayed the order pending appeal;

(5) there is a defense under the law of this state to the remedy sought;

(6) full or partial payment has been made; or

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(b) Modification of a registered child support order is subject to the same require-
 ments, procedures, and defenses that apply to the modification of an order issued by a
 tribunal of this state and the order may be enforced and satisfied in the same manner.

(c) A tribunal of this state may not modify any aspect of a child support order that may
 not be modified under the law of the issuing state. If two or more tribunals have issued
 child support orders for the same obligor and child, the order that is controlling and must
 be recognized under the provisions of AS 25.25.207 establishes the nonmodifiable aspects
 of the support order.

(d) On issuance of an order modifying a child support order issued in another state, a
 tribunal of this state becomes the tribunal of continuing, exclusive jurisdiction.

(e) [Repealed, § 148 ch 87 SLA 1997.] (§ 6 ch 57 SLA 1995; am §§ 69, 70, 148 ch 87
 SLA 1997; am § 20 ch 132 SLA 1998)

Cross references. — For purpose and findings this section, see § 1, ch. 132, SLA 1998 in the 1998
 provisions related to the 1998 amendments affecting Temporary and Special Acts.

NOTES TO DECISIONS

Construction. — The use of the term "require-
 ments" in this section means that Alaska substantive
 law applies when the state assumes exclusive juris-
 diction to modify a child support order. *State v.*
Bromley, 987 P.2d 183 (Alaska 1999).

Assumption of jurisdiction. — Where parents
 and child no longer resided in the state in which a
 child support order had been issued, where the out-
 of-state mother sought modification through the state
 child support enforcement agency (now the child sup-
 port services agency), and where the father was sub-
 ject to that agency's personal jurisdiction, the Alaska
 court could modify the original order and assume
 continuing jurisdiction. *State v. Bromley*, 987 P.2d
 183 (Alaska 1999).

Interest on support arrearage. — Under the
 Uniform Interstate Family Support Act, where the

child resided in Alaska, the issuing state, Washington
 could not modify the original support order, and the
 Child Support Enforcement Division (now the Child
 Support Services Agency) was entitled to collect inter-
 est on father's support arrearage. *State, Dep't of*
Revenue, Child Support Enforcement Div., ex rel.
Wallace v. Delaney, 962 P.2d 187 (Alaska 1998).

Jurisdiction found. — Contrary to the husband's
 contention in his challenge to the child support mod-
 ification order, the trial court had continuing, exclu-
 sive jurisdiction over the support order after the
 husband moved to Missouri as none of the exceptions
 in AS 25.25.202 applied, the issuing state was Alaska,
 the wife and the children lived in Alaska, and the
 parties filed no written consent for Missouri to modify
 the order. *Teseniar v. Teseniar*, 74 P.3d 910 (Alaska
 2003).

Sec. 25.25.612. Recognition of order modified in another state. A tribunal of
 this state shall recognize a modification of its earlier child support order by a tribunal of
 another state that assumed jurisdiction under this chapter or a law or procedure
 substantially similar to this chapter and, upon request, except as otherwise provided in
 this chapter, shall

(1) enforce the order that was modified only as to amounts accruing before the
 modification;

(2) enforce only nonmodifiable aspects of that order;

(3) provide other appropriate relief only for violations of that order that occurred
 before the effective date of the modification; and

(4) recognize the modifying order of the other state, upon registration, for the purpose
 of enforcement. (§ 6 ch 57 SLA 1995; am § 71 ch 87 SLA 1997)

**Sec. 25.25.613. Jurisdiction to modify support order of another state when
 individual parties reside in this state.** (a) If all of the individual parties reside in this
 state and the child does not reside in the issuing state, a tribunal of this state has
 jurisdiction to enforce and to modify the issuing state's child support order in a
 proceeding to register that order.

(b) A tribunal of this state exercising jurisdiction as provided in this section shall apply
 the provisions of AS 25.25.101 — 25.25.209 and 25.25.601 — 25.25.614 to the enforce-
 ment or modification proceeding. AS 25.25.301 — 25.25.507, 25.25.701, 25.25.801, and
 25.25.802 do not apply, and the tribunal shall apply the procedural and substantive law
 of this state. (§ 72 ch 87 SLA 1997)

Sec. 25.25.614. Notice to issuing tribunal of modification. Within 30 days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order and with each tribunal in which the party knows that an earlier order has been registered. Failure of the party obtaining the order to file a certified copy as required subjects that party to appropriate sanctions by a tribunal in which the issue of failure to file arises, but that failure has no effect on the validity or enforceability of the modified order of the new tribunal of continuing, exclusive jurisdiction. (§ 72 ch 87 SLA 1997)

Article 7. Determination of Parentage.

Section

701. Proceeding to determine parentage

Sec. 25.25.701. Proceeding to determine parentage. (a) A tribunal of this state may serve as an initiating or responding tribunal in a proceeding brought under this chapter or a law or procedure substantially similar to this chapter, a law or procedure substantially similar to the former provisions of this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act to determine whether the petitioner is a parent of a particular child or to determine whether a respondent is a parent of that child.

(b) In a proceeding to determine parentage, a responding tribunal of this state shall apply the procedural and substantive law of this state and the rules of this state on choice of law. (§ 6 ch 57 SLA 1995; am § 73 ch 87 SLA 1997)

Collateral references. — Determination of paternity of child as within scope of proceeding under Uniform Reciprocal Enforcement of Support Act, 81 ALR3d 1175.

Article 8. Interstate Rendition.

Section

801. Grounds for rendition
802. Conditions of rendition

Collateral references. — Extradition under state statutes providing for reciprocal enforcement of duty to support dependents. 42 ALR2d 768.

Sec. 25.25.801. Grounds for rendition. (a) The governor or a designee of the governor may

(1) demand that the governor of another state surrender an individual found in the other state who is charged criminally in this state with having failed to provide for the support of an obligee; or

(2) on the demand by the governor of another state, surrender an individual found in this state who is charged criminally in the other state with having failed to provide for the support of an obligee.

(b) A provision for extradition of individuals not inconsistent with this chapter applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled from that state. (§ 6 ch 57 SLA 1995)

Sec. 25.25.802. Conditions of rendition. (a) Before making demand that the governor of another state surrender an individual charged criminally in this state with

having failed to provide for the support of an obligee, the designee of the governor of the other state shall demand that the governor of the other state surrender the individual to whom a demand for support has been initiated previously or that the individual is criminally charged in that state.

(b) If, under this chapter, a demand for support is made under the provisions of this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act, the individual to whom a demand for support has been initiated may require a prosecutor to prosecute the individual if the demand for support has been initiated effective but has not been prosecuted for a reasonable period of time.

(c) If a proceeding for support is initiated under the provisions of this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act, and the individual is complying with the demand for support, the individual is not liable for criminal penalties under the laws of the state in which the individual is residing.

Post-judgment dismissal of a child support suit. — The effect of a post-judgment dismissal of a child support suit on the underlying California paternity suit.

Article

Section

901. Uniformity of application of law
902. Severability clause

Sec. 25.25.901. Uniformity of application of law. The law of this state shall be applied and construed in the same manner and with the same effect to all persons and to all property within this state, regardless of the state of which they or the property are domiciled or situated, and regardless of whether the law is substantive or procedural, except as otherwise provided in this chapter.

Sec. 25.25.902. Severability clause. If any provision of this chapter or its application to any person or circumstance is held to be invalid, the invalidity does not affect other provisions of this chapter or the application of other provisions of this chapter to any person or circumstance, unless the court determines that the invalidity of the provision affects the entire chapter or the application of other provisions of this chapter to any person or circumstance.

Sec. 25.25.903. Short title. This chapter may be cited as the Family Support Act. (§ 6 ch 57 SLA 1995)

Chapter 27.

Section

- 10. Creation of child support order
20. Duties and responsibilities of parent
22. Establishment and enforcement of support order in other states
25. Rate of interest
30. Establishment of fund
40. Determination of paternity
45. Determination of support obligation
50. Legal assistance
60. Order of support
61. Payment of support to 18-year-old child

modification. Within 30 days after obtaining the modification shall file a petition that had continuing, exclusive jurisdiction in which the party knows that the party obtaining the order to file a petition is subject to appropriate sanctions by a tribunal in which the party has no effect on the validity or effect of continuing, exclusive jurisdiction.

Paternity.

Section 25.25.901. (a) A tribunal of this state proceeding brought under this chapter, a law or procedure under this chapter, the Uniform Reciprocal Enforcement of Support Act, or any other law or procedure applicable to a particular child or to determine

the jurisdiction of a tribunal of this state shall be determined by the rules of this state on choice of law.

Uniform Reciprocal Enforcement of Support Act, 81

Section.

governor or a designee of the

an individual found in the state who has failed to provide for the

under an individual found in the state who has failed to provide for the

in accordance with this chapter applies to a person who was not in the state when the demand was not in the state and has not fled from that

making demand that the individual be held liable in this state with

having failed to provide for the support of an obligee, the governor of this state or the designee of the governor may require a prosecutor of this state to demonstrate that the obligee had initiated proceedings for support under this chapter at least 60 days previously or that the proceeding would be of no avail.

(b) If, under this chapter or a law substantially similar to this chapter, the former provisions of this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act, the governor of another state makes a demand that the governor of this state surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor or a designee of the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor or designee may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

(c) If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the governor or the designee of the governor may decline to honor the demand. If the petitioner prevails and the individual whose rendition is demanded is subject to a support order, the governor or designee may decline to honor the demand if the individual is complying with the support order. (§ 6 ch 57 SLA 1995)

NOTES TO DECISIONS

Post-judgment dismissal of underlying paternity suit. — The effect of a post-judgment dismissal of the underlying California paternity suit on a final Alaska judgment was determined according to Alaska law. *Rubalcava v. Hall*, 674 P.2d 767 (Alaska 1983) (decided under former law).

Article 9. Miscellaneous Provisions.

Section	Section
901. Uniformity of application and construction	903. Short title
902. Severability clause	

Sec. 25.25.901. Uniformity of application and construction. This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it. (§ 6 ch 57 SLA 1995)

Sec. 25.25.902. Severability clause. Under AS 01.10.030, if a provision of this chapter or its application to a person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application. (§ 6 ch 57 SLA 1995)

Sec. 25.25.903. Short title. This chapter may be cited as the Uniform Interstate Family Support Act. (§ 6 ch 57 SLA 1995)

Chapter 27. Child Support Services Agency.

Section	Section
10. Creation of child support services agency	62. Income withholding order for support
20. Duties and responsibilities of the agency	63. Medical support order
22. Establishment and enforcement requests from other states	65. Waiver of child support
25. Rate of interest	70. Order to assign wages for support
30. Establishment of fund	75. Employment information
40. Determination of paternity	80. Enforcement of support orders
45. Determination of support obligation	85. Subpoenas
50. Legal assistance	86. Subpoenas issued by agency of another state
60. Order of support	95. Agency exempt from execution
61. Payment of support to 18-year-olds	100. All persons may use agency
	103. Payments to agency

State of Alaska

Department of Revenue
Administrative Services Division



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April 11, 2009

The Honorable Jay Ramras
Chair, Judiciary Committee
Alaska House of Representatives
Alaska State Capitol, Room 120
Juneau, AK 99801

Dear Representative Ramras;

There is only one difference between the Senate CS for SB 96 and the House CS for HB 192. On page 2 of both bills, Sec 1 included paragraph (a) of intent language but the Senate CS inadvertently left out paragraph (b) which is in CSHB 192 as follows:

“(b) The proposed changes made in AS 25.25.101(19) under sec. 3 of this Act are conforming amendments that will result in procedural changes in Alaska for enforcement and modification of child support orders from other jurisdictions. UIFSA does not determine the authority of an Indian tribe to enter, modify, or enforce a child support order. In Alaska, the scope of tribal authority to enter, modify, or enforce a child support order is an unsettled legal question, due in part to the lack of Indian country in most of the state. In adopting UIFSA conforming amendments, the legislature does not intend to grant or restrict tribal jurisdiction to enter, modify, or enforce child support orders, and the amendments are not intended to either directly or impliedly, to acknowledge, expand, or restrict tribal jurisdiction.”

The Department supports including this intent language in CSSB 96 if that bill is to pass (H)JUD and move to (H)FIN for further consideration

Thank you for working with us on this issue.

Sincerely,

Ginger Blaisdell
Director