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Alaska State Legislature

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Senator Bettye 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).

A M E N D M E N T

LS04585/C SB 96

BY COGHILL

1 Page 2, lin2 5:

2 Insert new subsection:

3 (b) The proposed changes made in AS 25.25.101(19) under sec. 3 of this Act
4 are conforming amendments that will result in procedural changes in Alaska
5 for enforcement and modification of child support orders from other jurisdictions.

6 UIFSA does not determine the authority of an Indian tribe to enter, modify, or
7 enforce a child support order. *[*In Alaska, the scope of tribal authority to enter, modify,
8 or enforce a child support order is an unsettled legal question*]* In adopting UIFSA
9 conforming amendments, the legislature does not intend to grant or restrict tribal
10 jurisdiction to enter, modify, or enforce child support orders, and the amendments
11 are not intended, either directly or impliedly, to acknowledge, expand, or restrict
12 tribal jurisdiction.

*Am #1 to
Am #1 passed*

- 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.

LEGAL SERVICES

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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.

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

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: 773-09-0026
 () Publish Date: _____

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	0.0

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

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

Estimate of any current year (FY2009) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

This legislation does not require any additional funding.

Prepared by: Jane Maloney Phone: 286-8801
 Division: Child Support Services Division Date/Time: 10/12/2008 5:00pm
 Approved by: Jerry Burnett Date: 12/15/2008
 Department of Revenue

State of Alaska

Department of Revenue
Administrative Services Division



SARAH PALIN, GOVERNOR

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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

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 prejudge 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 department
- income of the obligor or
- (7) "initiating state" means
- a proceeding is filed for
- procedure substantially
- similar to the Uniform
- Reciprocal Enforcement
- (8) "initiating tribunal" means
- (9) "issuing state" means
- renders a judgment determining
- (10) "issuing tribunal" means
- judgment determining parentage
- (11) "law" includes the
- force of law;
- (12) "obligee" means
- (A) an individual to whom
- a support order has been
- (B) a state or political
- support order have been
- assistance provided to a
- (C) an individual seeking
- (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" means
- determining parentage
- (16) "responding state" means
- proceeding is forwarded
- procedure substantially
- similar to the Uniform
- Reciprocal Enforcement
- (17) "responding tribunal" means
- (18) "spousal support
- obligor;
- (19) "state" means the
- Commonwealth of Puerto Rico
- jurisdiction of the United States
- enacted a law or established
- that are substantially similar to
- 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" means
- subject to modification,
- provides for monetary
- include related costs and
- 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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reciprocal enforcement of duty to support
 ALR2d 768.

of paternity of child as within scope
 under Uniform Reciprocal Enforcement
 31 ALR3d 1175.

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the age of majority, who is or
 parent or who is or is alleged
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child, including a child who has
 state;

imposable by law to provide
 an unsatisfied obligation to

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

lements 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 has been conceived by that individual;
- (7) the individual is a decedent under the Vital Statistics under Alaska law;
- (8) there is another basis for jurisdiction in this state for the exercise of jurisdiction.

Jurisdiction found. — Contention in his challenge to the modification order, the trial court's jurisdiction over the husband pursuant to the support proceedings in Alaska

Sec. 25.25.202. Pro tribunal of this state 25.25.201 may apply 25.25.318 to obtain disclosure 25.25.301 — 25.25.701 substantive law of this state established by this chapter

Sec. 25.25.203. Init chapter, a tribunal of proceedings to another another state. (§ 5 ch 57 SLA 1995)

Sec. 25.25.204. Sim this state may exercise comparable pleading is state only if

- (1) the complaint or the time allowed in the exercise of jurisdiction
- (2) the contesting party and
- (3) if relevant, this state
- (b) A tribunal of this the complaint or comparable is filed in another state
- (1) the complaint or expiration of the time allowed exercise of jurisdiction
- (2) the contesting party
- (3) if relevant, the other

Sec. 25.25.205. Con issuing a support order jurisdiction over a child (1) as long as this state the child for whose benefit

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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erior court to proceed to decide for all years. McDonald v. Trihub, ca 2007).

ided by this chapter are r other law. (§ 4 ch 57 SLA

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and modification of support order aving continuing jurisdiction 'controlling child support order . support orders for two or more ments

dent. In a proceeding to arentage, a tribunal of this dividual or the individual's

mons, or notice within this

by consent, by entering a g 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, Dept 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. Trihub, 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, Dept 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 support order may not serve of another state. (§ 5 ch 57

Sec. 25.25.207. Recogni ing is brought under this cha the order of that tribunal is

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(c) If two or more child su and if the obligor or the ind tribunal of this state to deter of this section. The request sl in effect. Every party whose order shall be given notice o

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(f) Within 30 days after controlling order, the party with each tribunal that had i of the party obtaining the or subjects that party to approp file arises, but that failure ha order. (§ 5 ch 57 SLA 1995;

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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 authorized under this chapter, forward three copies of the following documents

- (1) to the responding tribunal of the responding state; or
 - (2) if the identity of the responding tribunal is not known to the initiating tribunal and that receipt is not obtained, to the responding state.
- (b) If a responding state is required to file this chapter, a tribunal of the responding state, in the jurisdiction, the tribunal shall file the documents necessary to support its findings. 1995; am § 53 ch 87 SLA

Sec. 25.25.305. Duties of responding tribunal of this state. A responding tribunal of this state, directly or indirectly under this chapter, shall file and notify the petitioner of the following:

- (b) A responding tribunal of this state, by law, may do one or more of the following:
 - (1) issue or enforce a support order to determine parentage;
 - (2) order an obligor to comply with a support order in a manner of compliance;
 - (3) order income withholding;
 - (4) determine the amount of support;
 - (5) enforce orders by contempt;
 - (6) set aside property;
 - (7) place liens and orders;
 - (8) order an obligor to provide an address, telephone number, and the place of employment;
 - (9) issue a bench warrant or a hearing ordered by the court;
 - (10) order the obligor to comply with a support order;
 - (11) award reasonable attorney's fees;
 - (12) grant any other relief.

- (c) A responding tribunal of this state, under this chapter, or in the discharge of a support order is based.
- (d) A responding tribunal of this state, under this chapter, shall send a copy of a support order issued under this chapter to the initiating tribunal, if an

Arrearages. — Under Alaska law, arrearages are recoverable in actions under the Uniform Interstate Family Support Act. *State v. Bromley*, 987 P.2d 183 (Alaska 1999).

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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 concerning the individual within this state that is not available through state locator services, excluding information from employers, to the extent not prohibited by other law, for enforcement, taxation, motor vehicle title, SLA 1995; am § 58 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. 25.25.311. Pleading to establish or modify support. A pleading under this chapter shall verify the facts ordered under AS 25.25.310. The pleading or accompanying documents shall include residential address, and social security number, name, sex, residential address, and social security number of whom support is sought. The pleading shall include a certified copy of any support order that includes other information.

(b) The complaint or comparable pleading shall include with the requirements imposed by AS 25.25.310 filed by a 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 by an existing order so proceeding in another party or other identifying information filed in a proceeding under this chapter.

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

(b) If an obligee prevail in a proceeding, including fees, including fees that would be assessed against other costs, necessary travel expenses of obligee and the obligee's wife or other party against the obligee or the responding state except as otherwise provided, as costs, and may be order the attorney's own name. The costs, and expenses assessed against the obligee.

(c) The tribunal shall include with the requirements imposed by AS 25.25.310 including filing fees that would be assessed against a hearing under this chapter. In a proceeding under this chapter that has not been requested primarily by the obligee, without change; however, the presumption. (§ 6 ch 57 SLA 1995)

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 that was part of the child support without conditions concerning geographical impracticality, lack of information regarding whereabouts, reimbursement of care expenses or credit for payment. *Logghe v. Jasmer*, 686 P.2d 1000 (Alaska, 1984) (decided under former law).

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ator agency. The child support order under this chapter, and it shall be the duty of the tribunals in this state and the tribunals in any other state; and the tribunals in this state shall receive from

documents concerning a hearing 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 agency" was changed to "child support services agency" in this section in accordance with § 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 tribunal to obtain information concerning a decree, or order of that tribunal of this state may be enforced in another state. (§ 6 ch 57 SLA 1995)

Sec. 25.25.318. Assistance.
 (1) request a tribunal of another state to issue a discovery order issued by

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

Sec. 25.25.319. Receipt of support payments. The support enforcement agency of this state shall, as directed by the order of another state, certify the dates of all payments received.

Revisor's notes. — In 2004, the support enforcement agency was changed.

Article 4

Section 401. Complaint to establish support

Sec. 25.25.401. Complaint to establish support. A tribunal of this state may issue a child support order if:
 (1) the individual seeking the order is the parent of the child;
 (2) the support enforcement agency of the state of origin has issued a support order directed to the respondent;
 (3) there is other clear and convincing evidence that the respondent is the parent.

(c) If a spousal support order is issued, a responding support enforcement agency of this state may issue a child support order if:
 (1) the individual seeking the order is the parent of the child;
 (2) the support enforcement agency of the state of origin has issued a support order directed to the respondent;
 (d) If, after providing notice to the respondent, a support order directed to the respondent is issued, the respondent shall adopt regulations for

Revisor's notes. — In 2004, the support enforcement agency was changed.

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(§ 6 ch 57 SLA 1995)

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.

A tribunal of this state may

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

Sec. 25.25.504. Immunity from civil liability. An income withholding order issued under AS 25.25.505 is not subject to civil liability of the employer's withholding of child support payments.

Sec. 25.25.505. Penalties for noncompliance. An employer who fails to comply with an income withholding order is subject to the same penalties as an employer who fails to comply with an order issued by a tribunal of this state.

Sec. 25.25.506. Contest by obligor. An income withholding order issued by an employer in this state is not subject to contest by the obligor in this state. The provisions of this section apply to

(b) The obligor shall give notice to

(1) a support enforcement agency;

(2) each employer that has

(3) if

(A) a person or an agency is the obligor's employer, to that person or agency;

(B) no person or agency is the obligor's employer, to the obligee. (§ 62 ch 87 SLA 1995)

Sec. 25.25.507. Administrative enforcement of order. An income withholding order issued by a tribunal of another state may send the order to the support services agency of this state for enforcement.

(b) Upon receipt of the document, the support services agency shall seek to register the order, in accordance with the procedure authorized by the support services agency, if the order is not already registered. If the order need not be registered, the support services agency shall enforce the order, the same as if it were issued by a tribunal of this state. (§ 62 ch 87 SLA 1995)

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

Article 6. Enforcement of Order

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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Hall, 674 P.2d 767 (Alaska 1983).
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5; am § 61 ch 87 SLA 1997)

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 enforcement of the issuing state, wh

Construction with other provisions. This section defines when a state's local law applies except "as other sections, when read together, in applies in all circumstances not by the Uniform Interstate Family Support Act, v. Bromley, 987 P.2d 183 (Alaska 1999). **Interest on support arrearages.**

Sec. 25.25.605. Notice of nonregistration. (a) A nonregistering tribunal shall notify the nonregistering tribunal of the registered order and the date of registration. (b) The notice must inform the nonregistering tribunal (1) that a registered order is enforceable in this state in the same manner as an order issued in this state; (2) that a hearing to contest the order may be requested within 20 days of the date of registration; (3) that failure to contest the order in this manner will result in confirmation of the order and preclusion of the nonregistering tribunal from asserting a defense to the order; (4) of the amount of alleged arrearages; and (c) Upon registration of a nonregistering order, the registering tribunal shall notify the obligor of the order. (§§ 64, 65 ch 87 SLA 1997)

Sec. 25.25.606. Procedure for nonregistration. (a) A nonregistering tribunal shall file a nonregistering order in this state for registration. The nonregistering tribunal shall file a defense to an allegation of nonregistration if remedies being sought or the nonregistering tribunal is to be registered in a timely manner. (b) If the nonregistering tribunal is to be registered in a timely manner, the nonregistering tribunal shall give notice to the parties of the nonregistration. (§§ 66, 67 ch 87 SLA 1997)

Sec. 25.25.607. Contest of nonregistration. (a) A nonregistering tribunal may contest the validity or enforcement of a nonregistering order if the burden of proving one or more of the following conditions is met: (1) the issuing tribunal lacked jurisdiction; (2) the order was obtained by fraud; (3) the order has been vacated; (4) the issuing tribunal has no jurisdiction; (5) there is a defense under the law of the issuing state; or (6) full or partial payment has been made.

(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. *State, 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

(7) the statute of limitation under AS 25.25.604 precludes enforcement of some or all of the arrearages.

(b) If a party presents evidence establishing a full or partial defense under (a) of this section, the tribunal may stay enforcement of the registered order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered order may be enforced by all remedies available under the law of this state.

(c) If the contesting party does not establish a defense under (a) of this section to the validity or enforcement of the order, the registering tribunal shall issue an order confirming the order. (§ 6 ch 57 SLA 1995)

NOTES TO DECISIONS

Collateral estoppel held inapplicable. — While it was proper for an Arizona court to consider 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 a preclusive effect so as to invalidate the Alaska order. *Bartlett v. State ex rel. Bartlett*, 125 P.3d 328 (Alaska 2005).

Sec. 25.25.608. Confirmed order. Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to a matter that could have been asserted at the time of registration. (§ 6 ch 57 SLA 1995)

Sec. 25.25.609. Procedure to register child support order of another state for modification. If a party or the child support services agency seeks to modify, or to modify and enforce, a child support order issued in another state but not registered in this state, the party or agency shall register that order in this state in the same manner provided in AS 25.25.601 — 25.25.608. A complaint for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification. (§ 6 ch 57 SLA 1995; am § 68 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. 25.25.610. Effect of registration for modification. A tribunal of this state may enforce a child support order of another state registered for purposes of modification in the same manner as if the order had been issued by a tribunal of this state, but the registered order may be modified only if the requirements of AS 25.25.611 have been met. (§ 6 ch 57 SLA 1995)

Sec. 25.25.611. Modification of child support order of another state. (a) After a child support order issued in another state has been registered in this state, unless the provisions of AS 25.25.613 apply, the responding tribunal of this state may modify that order only if, after notice and an opportunity for hearing, it finds that

- (1) the following requirements are met:
 - (A) the child, the individual obligee, and the obligor do not reside in the issuing state;
 - (B) a petitioner who is not a resident of this state seeks modification; and
 - (C) the respondent is subject to the personal jurisdiction of the tribunal of this state;
 or
- (2) the child, or a party who is an individual, is subject to the personal jurisdiction of the tribunal and all of the parties who are individuals have filed a written consent in the issuing tribunal providing that a tribunal of this state may modify the support order and assume continuing, exclusive jurisdiction over the order; however, if the issuing state is a foreign jurisdiction that has not enacted a law or procedure substantially similar to this chapter, the written consent of an individual residing in this state is not required for the tribunal to assume jurisdiction to modify the child support order.

(b) Modification of a registry, procedures, and deferment of this state and the

(c) A tribunal of this state may not be modified under the law of this state. Child support orders for the state may be recognized under the provisions of the support order.

(d) On issuance of an order, the tribunal of this state becomes

(e) [Repealed, § 148 ch 87 SLA 1997; am § 20 ch 132 S

Cross references. — For provisions related to the 1998 amendments

Construction. — The use of the term "tribunal" in this section means that Alaska law applies when the state assumes jurisdiction to modify a child support order. *Bromley*, 987 P.2d 183 (Alaska 1999)

Assumption of jurisdiction. — If a child no longer resided in the state when the child support order had been issued, and the out-of-state mother sought modification of the child support enforcement agency (in this state), and where the child support services agency, and where the child support services agency is subject to that agency's personal jurisdiction, the court could modify the original or continuing jurisdiction. *State v. B.*, 183 (Alaska 1999).

Interest on support arrearages. Uniform Interstate Family Support Act

Sec. 25.25.612. Recognition of child support order of another state. This state shall recognize a child support order of another state that assumes jurisdiction substantially similar to this chapter, shall

- (1) enforce the order that was issued;
- (2) enforce only nonmodified arrearages;
- (3) provide other appropriate relief before the effective date of the order;
- (4) recognize the modification of the order.

Sec. 25.25.613. Jurisdiction over individual parties reside in another state. If a child support order of another state and the child does not reside in this state and the child does not reside in the issuing state, the provisions of AS 25.25.611 do not apply, and the provisions of AS 25.25.802 do not apply, and the provisions of this state. (§ 72 ch 87 SLA 1997)

(b) A tribunal of this state may not be modified under the law of this state. Child support orders for the state may be recognized under the provisions of the support order.

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 : substantially similar to this
 : state is not required for the
 order.

(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.
 Walklace 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 designee of the governor obligee had initiated previously or that the p

(b) If, under this cha provisions of this chapter Revised Uniform Recipro makes a demand that criminally in that state individual to whom a dut may require a prosecutor support has been initiate effective but has not bee demand for a reasonable

(c) If a proceeding for s demanded prevails, the g demand. If the petitione subject to a support orde the individual is complyi

Post-judgment dismissal o nity suit. — The effect of a pos of the underlying California pat

Artic

Section

901. Uniformity of application a
902. Severability clause

Sec. 25.25.901. Unifor
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Sec. 25.25.902. Severa
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Sec. 25.25.903. Short
Family Support Act. (§ 6 c

Chapter 27.

Section

- 10. Creation of child support ser
- 20. Duties and responsibilities o
- 22. Establishment and enforcem
other states
- 25. Rate of interest
- 30. Establishment of fund
- 40. Determination of paternity
- 45. Determination of support obl
- 50. Legal assistance
- 60. Order of support
- 61. Payment of support to 18-yea

modification. Within 30 days after retaining the modification shall file 1 that had continuing, exclusive al in which the party knows that erty obtaining the order to file a ropriate sanctions by a tribunal in has no effect on the validity or of continuing, exclusive jurisdic-

Parentage.

ge. (a) A tribunal of this state proceeding brought under this is chapter, a law or procedure apter, the Uniform Reciprocal procal Enforcement of Support articular child or to determine

ing tribunal of this state shall the rules of this state on choice

ocal Enforcement of Support Act, 81

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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



**ALASKA STATE LEGISLATURE
HOUSE RULES COMMITTEE
REPRESENTATIVE JOHN COGHILL, CHAIRMAN**

State Capitol Juneau, AK 99801-1182 (907) 465-3719
3340 Badger Road Suite #290, North Pole, AK 99705 (907) 488-5725

Sponsor Statement

HB192 -- Child Support Enforcement Amendments

House Bill 192 amends existing statute to conform to the new medical support regulations set by the federal government in July 2008. Three issues required by federal law are addressed in this piece of legislation.

Cash medical support orders are added to sections of the law that apply to child support orders, child support, and health insurance AND the requirement can be the responsibility of either parent or both parents. This makes both parents responsible for the health care needs of the children regardless of who has the custodial order.

Sec. 2. Adds cash medical support to the crime of aiding the nonpayment of child support in the second degree.

Sec. 4. Adds cash medical support to Order of Support administered by Child Support Services Agency.

Sec. 5. Adds cash medical support for either or both parents and adds cash medical support to required notice provisions.

Sec. 9. Adds cash medical support to the definition of "arrearages".

Sec. 10. Adds cash medical support to the definition of "support order".

Section 11. Adds cash medical support and insurance to garnishment provisions for medical support orders.

Sec. 12. Adds cash medical support to parents liable for medical support under the Alaska Native family grant assistance grants.

Section 3 of the bill redefines the word "state" to include "the United States Virgin Islands" and "an Indian tribe. This gives a tribunal the authority to order either or both parents to pay cash medical support.

Sections 5, 7 & 8 now require the Child Support Services Agency to review support orders not less than every three years and removes language limiting who may request a clerical mistake correction on an administrative order or vacating an administrative order based upon a default income. The practices of the agency already comply with the requirement but HB 192 replaces the word "periodic" with "a three-year cycle" as direction for future agency directors.

CS FOR HOUSE BILL NO. 192(HSS)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH AND SOCIAL SERVICES COMMITTEE

Offered: 4/1/09
Referred: Judiciary

Sponsor(s): REPRESENTATIVES COGHILL, Muñoz

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to nonpayment of child support; relating to certain judicial and**
2 **administrative orders for medical support of a child; relating to periodic review and**
3 **adjustment of child support orders; relating to relief from administrative child support**
4 **orders; relating to child support arrearages; relating to medical support of a child and**
5 **the Alaska Native family assistance program; amending Rule 90.3, Alaska Rules of Civil**
6 **Procedure; and providing for an effective date."**

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

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

10 **DEFINITION OF "STATE"; LEGISLATIVE INTENT.** (a) It is the intent of the
11 legislature that in order to bring Alaska into conformity with the nationwide Uniform
12 Interstate Family Support Act (UIFSA), as approved by the American Bar Association on
13 February 9, 1993, and as in effect on August 22, 1996, including any amendments officially

1 adopted as of that date by the National Conference of Commissioners on Uniform State Laws,
 2 it is necessary to amend AS 25.25.101 to include "an Indian tribe" and "the United States
 3 Virgin Islands" in the definition of "state."

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

13 * **Sec. 2.** AS 11.51.122(a) is amended to read:

14 (a) A person commits the crime of aiding the nonpayment of child support in
 15 the second degree if the person knows that an obligor has a duty under an
 16 administrative or judicial order for periodic payment of child support, **for cash**
 17 **medical support**, or for the provision of health care coverage for a child under a
 18 medical support order **or a cash medical support order, or both** and

19 (1) being a person with a statutory duty to disclose information to a
 20 child support enforcement agency intentionally withholds the information when it is
 21 requested by a child support enforcement agency;

22 (2) being an employer of the obligor, intentionally withholds
 23 information about the residence or employment of the obligor, the eligibility of the
 24 obligor's children for coverage under the employer's health insurance plan, or the cost
 25 of the coverage of the children under the plan, when that information is requested by a
 26 child support enforcement agency or when the employer is required by state or federal
 27 law to report the information without a request by a child support enforcement agency;
 28 or

29 (3) intentionally participates in a commercial, business, employment,
 30 or other arrangement with the obligor, knowing at the time that the arrangement is
 31 made that it will allow the obligor to avoid paying all or some of the support when it is

1 due or to avoid having a lien placed on assets for the payment of delinquent support;
 2 receipt of a substantial asset for less than fair market value from an obligor after the
 3 obligor's support order has been established constitutes a rebuttable presumption that
 4 the person receiving the asset knew that the transfer would allow the obligor to avoid
 5 paying all or some of the support or to avoid having a lien placed on the asset.

6 * **Sec. 3.** AS 25.25.101(19) is amended to read:

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

15 * **Sec. 4.** AS 25.27.060(c) is amended to read:

16 (c) In a court or administrative proceeding where the support of a minor child
 17 is at issue, the court or agency, as applicable, may order either parent or both parents
 18 to pay the amount necessary for support, maintenance, nurture, and education of the
 19 child. Regardless of whether a support order for periodic payments is issued, the court
 20 or agency shall issue a medical support order, a cash medical support order, or
 21 both. The medical support order shall require health care insurance coverage for the
 22 child if health care insurance coverage is available to either parent or both parents for
 23 the child at a reasonable cost. The court or agency shall consider whether the child is
 24 eligible for services through the Indian Health Service or other insurance coverage
 25 before ordering either parent or both parents to provide health care coverage through
 26 insurance, cash medical support, or other means or a combination of insurance,
 27 cash medical support, or other means. The court or agency shall allocate equally the
 28 cost of health care insurance for the child between the parents unless there is good
 29 cause to allocate the costs unequally. If the obligor has the duty to make periodic
 30 payments for non-medical child support, the obligor's periodic payments shall be
 31 decreased by the amount of the other parent's portion of payments for health insurance

1 ordered by the court or agency and actually paid by the obligor. If the obligor has a
 2 duty to make periodic payments for non-medical child support, the periodic payments
 3 shall be increased by the obligor's portion of payments for health insurance if the other
 4 parent is ordered to and actually does obtain and pay for insurance. The court or
 5 agency shall allocate equally between the parents the cost of reasonable health care
 6 expenses not covered by private insurance unless there is good cause to allocate the
 7 costs unequally. One parent shall reimburse the other parent for the first parent's share
 8 of the uncovered expenses paid by the parent within 30 days after receipt by the first
 9 parent of the bill for the health care, payment verification, and, if applicable, a health
 10 insurance statement indicating what portion of the cost is uncovered. The medical
 11 support order must meet the requirements of AS 25.27.063. Upon a showing of good
 12 cause, the court may order the parents required to pay support to give reasonable
 13 security for payments.

14 * **Sec. 5.** AS 25.27.160(c) is amended to read:

15 (c) If the agency is establishing only [A] medical support [ORDER], the
 16 notice and finding of financial responsibility must state

17 (1) that health care insurance shall be provided for the child to whom
 18 the duty of support is owed if health care insurance is available to the alleged obligor
 19 at a reasonable cost and that the alleged obligor and the other parent shall share
 20 equally the cost of the health care insurance and the costs of reasonable health care
 21 expenses not covered by insurance;

22 (2) the sum of periodic payments of cash medical support for
 23 which either parent or both parents are found to be responsible under this
 24 chapter;

25 (3) the name of the alleged obligee and the obligee's custodian;

26 (4) [(3)] that the alleged obligor may appear and show cause in a
 27 hearing held by the agency why the finding is incorrect, should not be finally ordered,
 28 and should be modified or rescinded, because

29 (A) no duty of support is owed;

30 (B) health care insurance for the child is not available to the
 31 alleged obligor at a reasonable cost;

1 (C) adequate health care is available to the child through the
2 Indian Health Service or other insurance coverage; or

3 (D) there is good cause to allocate the costs of health insurance,
4 cash medical support, or uninsured health care expenses unequally between
5 the parents;

6 (5) [(4)] that, if the person served with the notice under this subsection
7 does not request a hearing within 30 days, a copy of the medical support order will be
8 sent to the person's employer under AS 25.27.063(b) without further notice or hearing
9 for inclusion of the child in family health coverage if it is available through the
10 person's employer.

11 * **Sec. 6.** AS 25.27.193 is amended to read:

12 **Sec. 25.27.193. Periodic review or adjustment of support orders.** As
13 necessary to comply with 42 U.S.C. 666, the agency, by regulation, shall provide
14 procedures and standards for the modification, through a three-year cycle of
15 [PERIODIC] review or adjustment, of a support order. Regulations adopted under this
16 section must include procedures for periodic notice of the right to request review,
17 procedures for hearings, and standards for adjustments regarding future periodic
18 support payments. A modification under this section may be made without a showing
19 of a material change in circumstances.

20 * **Sec. 7.** AS 25.27.195(a) is amended to read:

21 (a) A clerical mistake in an administrative order issued by the agency or an
22 error arising from an oversight or omission by the agency may be corrected by the
23 agency at any time [ON THE MOTION OF AN OBLIGOR].

24 * **Sec. 8.** AS 25.27.195(b) is amended to read:

25 (b) The [UPON THE MOTION OF AN OBLIGOR, THE] agency may, at any
26 time, vacate an administrative support order issued by the agency under AS 25.27.160
27 that was based on a default amount rather than on the obligor's actual ability to pay.

28 * **Sec. 9.** AS 25.27.900(2) is repealed and reenacted to read:

29 (2) "arrearage" means a debt that is past due and equal to at least one
30 monthly obligation under the support order for one or more of the following:

31 (A) monetary support;

- 1 (B) cash medical support;
 2 (C) payment of health care costs or maintenance of health
 3 insurance;
 4 (D) reimbursement of related costs;
 5 (E) payment of attorney fees and legal costs and other fees;
 6 (F) penalty, interest, and other relief as required by a support
 7 order;

8 * **Sec. 10.** AS 25.27.900(12) is amended to read:

9 (12) "support order" means any judgment, decree, or order that is
 10 issued by a tribunal for the support and maintenance of a child or of a parent with
 11 whom the child is living; "support order" includes a judgment, decree, or order

12 (A) on behalf of a child who has reached the age of majority if
 13 the judgment, decree, or order was lawfully issued; and

14 (B) for any or all of the following:

15 (i) monetary support, including arrearages;

16 (ii) payment of health care costs or maintenance of
 17 health insurance;

18 **(iii) payment of cash medical support;**

19 **(iv)** [(iii)] reimbursement of related costs;

20 **(v)** [(iv)] payment of attorney fees and legal costs and
 21 other fees; or

22 **(vi)** [(v)] penalty, interest, and other relief as required
 23 by a tribunal;

24 * **Sec. 11.** AS 47.07.025(b) is amended to read:

25 (b) Through the child support services agency or on its own behalf, the
 26 department may garnish the wages, salary, or other employment income of a person
 27 who

28 (1) is required by a medical support order, **cash medical support**
 29 **order, or both,** under AS 25.27.060(c) to provide **insurance or cash** coverage of the
 30 costs of medical care to a child who is eligible for medical assistance under this
 31 chapter;

1 (2) has received payment from a third party for the costs of the
2 services; and

3 (3) has not used the payments to reimburse, as appropriate, the other
4 parent or custodian of the child, the provider of the services, or the department.

5 * **Sec. 12.** AS 47.27.200(o) is amended to read:

6 (o) The applicability of AS 25.27 in the case of a recipient under an Alaska
7 Native family assistance program includes the following:

8 (1) an obligor is liable to the Alaska Native family assistance program
9 in the amount of the family assistance provided by the program to a child to whom the
10 obligor owes a duty of support except that, if a support order has been entered, the
11 liability of the obligor for assistance provided by an Alaska Native family assistance
12 program may not exceed the amount of support provided for in the support order, and,
13 if a medical support order, cash medical support order, or both, [ORDER OF
14 SUPPORT] has been entered, the liability of the obligor for assistance granted under
15 AS 47.07 may not exceed the amount of support provided for in the medical support
16 order, cash medical support order, or both, [ORDER OF SUPPORT]; the child
17 support services agency shall send notice of accruing liability under this paragraph in
18 the same manner as required under AS 25.27.120(c), and, if the agency fails to comply
19 with the notice requirement of this paragraph, interest does not accrue on the liability
20 to the Alaska Native family assistance program unless a support order or medical
21 support order, or cash medical support order, as applicable, has been entered;

22 (2) the child support services agency may appear in an action
23 authorized under AS 25.27.045 at the agency's own discretion if an obligor under
24 AS 25.27 is liable to the Alaska Native family assistance program under (1) of this
25 subsection;

26 (3) an Alaska Native family assistance program to which the child
27 support services agency erroneously disburses an overpayment of child support under
28 an income withholding order is liable to the state for the amount disbursed, plus
29 interest at the rate imposed under AS 25.27.062(f)(1);

30 (4) when the right to receive child support has been assigned to an
31 Alaska Native family assistance program, an agreement under AS 25.27.065(a) that

1 has not been adopted as an administrative order of the child support services agency is
2 not effective during a period when the obligee is receiving assistance under an Alaska
3 Native family assistance program;

4 (5) the child support services agency, on behalf of an Alaska Native
5 family assistance program, shall take all necessary action permitted by law to enforce
6 child support orders entered under AS 25.27, including petitioning the court for orders
7 to aid in the enforcement of child support;

8 (6) if an obligor under AS 25.27 is liable to an Alaska Native family
9 assistance program under (1) of this subsection, the state is subrogated to the rights of
10 the obligee to take actions authorized under AS 25.27.130(a);

11 (7) notwithstanding AS 25.27.130(c), the recovery of an amount for
12 which an obligor under AS 25.27 is liable that exceeds the total assistance granted
13 under AS 47.07 and this chapter shall be paid to the obligee;

14 (8) except as provided in AS 25.27.130(f), if an obligee under
15 AS 25.27 is not receiving assistance under AS 47.07 or this chapter at the time the
16 state recovers money in an action under AS 25.27.130(d) or (1) of this subsection, the
17 recovery of any amount for which the obligor is liable shall be distributed to the
18 obligee for support payments, including medical support payments, that had become
19 due and unpaid since the termination of assistance under AS 47.07 or this chapter
20 under a support order in favor of the obligee;

21 (9) after payment to the obligee under (8) of this subsection, the state
22 may retain an amount not to exceed the total unreimbursed assistance paid on behalf
23 of the obligee under AS 47.07 or this chapter;

24 (10) if an alleged obligor is liable to an Alaska Native family
25 assistance program under (1) of this subsection, and a support order has not been
26 entered, the child support services agency may, at its own discretion, undertake an
27 action to establish paternity and a duty of support using the procedures prescribed in
28 AS 25.27 and may enforce a duty of support using the procedures prescribed in
29 AS 25.27; the agency may also institute administrative proceedings to determine the
30 paternity of a child born out of wedlock upon application of an Alaska Native family
31 assistance program; the agency may not recover costs of genetic tests required under

1 this paragraph from a person who is a recipient of assistance under an Alaska Native
2 family assistance program;

3 (11) when a hearing officer makes a determination under
4 AS 25.27.170(d), the hearing officer shall, in addition to the factors described in
5 AS 25.27.170(e), consider the amount of the alleged obligor's liability to an Alaska
6 Native family assistance program under (1) of this subsection;

7 (12) notwithstanding AS 25.27.255(a), the child support services
8 agency may not pay to an obligee any money that has been assigned to an Alaska
9 Native family assistance program.

10 * **Sec. 13.** The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 **INDIRECT COURT RULE AMENDMENT.** AS 25.27.060(c), amended by sec. 4 of
13 this Act, has the effect of changing Rule 90.3, Alaska Rules of Civil Procedure, by changing
14 standards for issuance of medical and other support orders by the court.

15 * **Sec. 14.** The uncodified law of the State of Alaska is amended by adding a new section to
16 read:

17 **APPLICABILITY.** This Act applies to actions filed on or after the effective date of
18 this section and to motions filed on or after the effective date in proceedings filed before, on,
19 or after the effective date of this section.

20 * **Sec. 15.** The uncodified law of the State of Alaska is amended by adding a new section to
21 read:

22 **TRANSITION: REGULATIONS.** The Department of Revenue may proceed to adopt
23 regulations necessary to implement this Act. The regulations take effect under AS 44.62
24 (Administrative Procedure Act), but not before July 1, 2009.

25 * **Sec. 16.** The uncodified law of the State of Alaska is amended by adding a new section to
26 read:

27 **NO CONDITIONAL EFFECT.** Because Rule 90.3, Alaska Rules of Civil Procedure,
28 is a substantive rule, sec. 4 of this Act takes effect even if sec. 13 of this Act fails to receives a
29 two-thirds majority vote of each house.

30 * **Sec. 17.** Section 15 of this Act takes effect immediately under AS 01.10.070(c).

31 * **Sec. 18.** Except as provided in sec. 17 of this Act, this Act takes effect July 1, 2009.

STATE OF ALASKA

DEPARTMENT OF REVENUE

CHILD SUPPORT SERVICES DIVISION

SARAH PALIN, GOVERNOR

Please Reply To:

CSSD, MS DIR
550 WEST 7th AVE., SUITE 310
ANCHORAGE, AK 99501-6699

March 26, 2009

Rynniewa Moss
Representative John Coghill's Office
Juneau AK 99801

RE: HB 192

Dear Ms. Moss:

As per your request, following is a sectional analysis of HB 192:

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

Section 2. Amends order of support provision to include both parents, medical support, and insurance.

Section 3. Adds medical support to provision authorizing the initiation of administrative action to establish a duty of support.

Section 4. Amends periodic reviews of support orders to require a three year cycle of review.

Section 5. Deletes motion requirement for correcting an administrative mistake in a support order.

Section 6. Deletes motion requirement for vacating a support order that is based on a default amount.

Section 7. Redefines "arrearage" for child support purposes.

Section 8. Amends the definition of "support order" to include cash medical support.

Section 9. Amends garnishment provision to include insurance and cash medical support.

Section 10. Amends the Alaska Native family assistance program to include obligations for cash medical support.

Section 11. Provides for an indirect court rule amendment to Rule 90.3, Alaska Rules of Civil Procedure for changes made in the bill.

TOLL FREE (In-state, outside Anchorage): (800) 478-3300
ANCHORAGE: (907) 269-6900 FAX: (907) 269-6813 or 6914

SOUTHEAST: (907) 465-5887
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Page 2

HB 192

March 26, 2009

Section 12. Makes bill changes applicable to child support actions filed on or after the bill's effective date.

Section 13. Authorizes the Department of Revenue to proceed to adopt regulations needed under the bill.

Section 14. Provides for a conditional effect for the court rule amendment in sec. 11 only for two-thirds majority vote.

Section 15. Makes sec. 13 effective immediately.

Section 16. Provides for a July 1, 2009 effective date for all other bill sections.

Let me know if you have any questions concerning this analysis.

Thank you,

Sincerely,



John Mallonee

Director

LAT/JM

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HOUSE BILL NO. 192

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE COGHILL

Introduced: 3/18/09

Referred: Health and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to nonpayment of child support; relating to certain judicial and
 2 administrative orders for medical support of a child; relating to periodic review and
 3 adjustment of child support orders; relating to relief from administrative child support
 4 orders; relating to child support arrearages; relating to medical support of a child and
 5 the Alaska Native family assistance program; amending Rule 90.3, Alaska Rules of Civil
 6 Procedure; and providing for an effective date."

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

8 * Section 1. AS 11.51.122(a) is amended to read:

9 (a) A person commits the crime of aiding the nonpayment of child support in
 10 the second degree if the person knows that an obligor has a duty under an
 11 administrative or judicial order for periodic payment of child support, for cash
 12 medical support, or for the provision of health care coverage for a child under a
 13 medical support order or a cash medical support order, or both and

1 (1) being a person with a statutory duty to disclose information to a
 2 child support enforcement agency intentionally withholds the information when it is
 3 requested by a child support enforcement agency;

4 (2) being an employer of the obligor, intentionally withholds
 5 information about the residence or employment of the obligor, the eligibility of the
 6 obligor's children for coverage under the employer's health insurance plan, or the cost
 7 of the coverage of the children under the plan, when that information is requested by a
 8 child support enforcement agency or when the employer is required by state or federal
 9 law to report the information without a request by a child support enforcement agency;
 10 or

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

19 * **Sec. 2.** AS 25.27.060(c) is amended to read:

20 (c) In a court or administrative proceeding where the support of a minor child
 21 is at issue, the court or agency, as applicable, may order either parent or both parents
 22 to pay the amount necessary for support, maintenance, nurture, and education of the
 23 child. Regardless of whether a support order for periodic payments is issued, the court
 24 or agency shall issue a medical support order, a cash medical support order, or
 25 both. The medical support order shall require health care insurance coverage for the
 26 child if health care insurance coverage is available to either parent or both parents for
 27 the child at a reasonable cost. The court or agency shall consider whether the child is
 28 eligible for services through the Indian Health Service or other insurance coverage
 29 before ordering either parent or both parents to provide health care coverage through
 30 insurance, cash medical support, or other means or a combination of insurance,
 31 cash medical support, or other means. The court or agency shall allocate equally the

1 cost of health care insurance for the child between the parents unless there is good
 2 cause to allocate the costs unequally. If the obligor has the duty to make periodic
 3 payments for non-medical child support, the obligor's periodic payments shall be
 4 decreased by the amount of the other parent's portion of payments for health insurance
 5 ordered by the court or agency and actually paid by the obligor. If the obligor has a
 6 duty to make periodic payments for non-medical child support, the periodic payments
 7 shall be increased by the obligor's portion of payments for health insurance if the other
 8 parent is ordered to and actually does obtain and pay for insurance. The court or
 9 agency shall allocate equally between the parents the cost of reasonable health care
 10 expenses not covered by private insurance unless there is good cause to allocate the
 11 costs unequally. One parent shall reimburse the other parent for the first parent's share
 12 of the uncovered expenses paid by the parent within 30 days after receipt by the first
 13 parent of the bill for the health care, payment verification, and, if applicable, a health
 14 insurance statement indicating what portion of the cost is uncovered. The medical
 15 support order must meet the requirements of AS 25.27.063. Upon a showing of good
 16 cause, the court may order the parents required to pay support to give reasonable
 17 security for payments.

18 * **Sec. 3.** AS 25.27.160(c) is amended to read:

19 (c) If the agency is establishing only [A] medical support [ORDER], the
 20 notice and finding of financial responsibility must state

21 (1) that health care insurance shall be provided for the child to whom
 22 the duty of support is owed if health care insurance is available to the alleged obligor
 23 at a reasonable cost and that the alleged obligor and the other parent shall share
 24 equally the cost of the health care insurance and the costs of reasonable health care
 25 expenses not covered by insurance;

26 (2) the sum of periodic payments of cash medical support for
 27 which either parent or both parents are found to be responsible under this
 28 chapter;

29 (3) the name of the alleged obligee and the obligee's custodian;

30 (4) [(3)] that the alleged obligor may appear and show cause in a
 31 hearing held by the agency why the finding is incorrect, should not be finally ordered,

1 and should be modified or rescinded, because

2 (A) no duty of support is owed;

3 (B) health care insurance for the child is not available to the
4 alleged obligor at a reasonable cost;

5 (C) adequate health care is available to the child through the
6 Indian Health Service or other insurance coverage; or

7 (D) there is good cause to allocate the costs of health insurance,
8 cash medical support, or uninsured health care expenses unequally between
9 the parents;

10 (5) [(4)] that, if the person served with the notice under this subsection
11 does not request a hearing within 30 days, a copy of the medical support order will be
12 sent to the person's employer under AS 25.27.063(b) without further notice or hearing
13 for inclusion of the child in family health coverage if it is available through the
14 person's employer.

15 * Sec. 4. AS 25.27.193 is amended to read:

16 **Sec. 25.27.193. Periodic review or adjustment of support orders.** As
17 necessary to comply with 42 U.S.C. 666, the agency, by regulation, shall provide
18 procedures and standards for the modification, through a three-year cycle of
19 [PERIODIC] review or adjustment, of a support order. Regulations adopted under this
20 section must include procedures for periodic notice of the right to request review,
21 procedures for hearings, and standards for adjustments regarding future periodic
22 support payments. A modification under this section may be made without a showing
23 of a material change in circumstances.

24 * Sec. 5. AS 25.27.195(a) is amended to read:

25 (a) A clerical mistake in an administrative order issued by the agency or an
26 error arising from an oversight or omission by the agency may be corrected by the
27 agency at any time [ON THE MOTION OF AN OBLIGOR].

28 * Sec. 6. AS 25.27.195(b) is amended to read:

29 (b) The [UPON THE MOTION OF AN OBLIGOR, THE] agency may, at any
30 time, vacate an administrative support order issued by the agency under AS 25.27.160
31 that was based on a default amount rather than on the obligor's actual ability to pay.

1 * **Sec. 7.** AS 25.27.900(2) is repealed and reenacted to read:

2 (2) "arrearage" means a debt that is past due and equal to at least one
3 monthly obligation under the support order for one or more of the following:

4 (A) monetary support;

5 (B) cash medical support;

6 (C) payment of health care costs or maintenance of health
7 insurance;

8 (D) reimbursement of related costs;

9 (E) payment of attorney fees and legal costs and other fees;

10 (F) penalty, interest, and other relief as required by a support
11 order;

12 * **Sec. 8.** AS 25.27.900(12) is amended to read:

13 (12) "support order" means any judgment, decree, or order that is
14 issued by a tribunal for the support and maintenance of a child or of a parent with
15 whom the child is living; "support order" includes a judgment, decree, or order

16 (A) on behalf of a child who has reached the age of majority if
17 the judgment, decree, or order was lawfully issued; and

18 (B) for any or all of the following:

19 (i) monetary support, including arrearages;

20 (ii) payment of health care costs or maintenance of
21 health insurance;

22 (iii) payment of cash medical support;

23 (iv) [(iii)] reimbursement of related costs;

24 (v) [(iv)] payment of attorney fees and legal costs and
25 other fees; or

26 (vi) [(v)] penalty, interest, and other relief as required
27 by a tribunal;

28 * **Sec. 9.** AS 47.07.025(b) is amended to read:

29 (b) Through the child support services agency or on its own behalf, the
30 department may garnish the wages, salary, or other employment income of a person
31 who

1 (1) is required by a medical support order, cash medical support
 2 order, or both, under AS 25.27.060(c) to provide insurance or cash coverage of the
 3 costs of medical care to a child who is eligible for medical assistance under this
 4 chapter;

5 (2) has received payment from a third party for the costs of the
 6 services; and

7 (3) has not used the payments to reimburse, as appropriate, the other
 8 parent or custodian of the child, the provider of the services, or the department.

9 * **Sec. 10.** AS 47.27.200(o) is amended to read:

10 (o) The applicability of AS 25.27 in the case of a recipient under an Alaska
 11 Native family assistance program includes the following:

12 (1) an obligor is liable to the Alaska Native family assistance program
 13 in the amount of the family assistance provided by the program to a child to whom the
 14 obligor owes a duty of support except that, if a support order has been entered, the
 15 liability of the obligor for assistance provided by an Alaska Native family assistance
 16 program may not exceed the amount of support provided for in the support order, and,
 17 if a medical support order, cash medical support order, or both, [ORDER OF
 18 SUPPORT] has been entered, the liability of the obligor for assistance granted under
 19 AS 47.07 may not exceed the amount of support provided for in the medical support
 20 order, cash medical support order, or both, [ORDER OF SUPPORT]; the child
 21 support services agency shall send notice of accruing liability under this paragraph in
 22 the same manner as required under AS 25.27.120(c), and, if the agency fails to comply
 23 with the notice requirement of this paragraph, interest does not accrue on the liability
 24 to the Alaska Native family assistance program unless a support order or medical
 25 support order, or cash medical support order, as applicable, has been entered;

26 (2) the child support services agency may appear in an action
 27 authorized under AS 25.27.045 at the agency's own discretion if an obligor under
 28 AS 25.27 is liable to the Alaska Native family assistance program under (1) of this
 29 subsection;

30 (3) an Alaska Native family assistance program to which the child
 31 support services agency erroneously disburses an overpayment of child support under

1 an income withholding order is liable to the state for the amount disbursed, plus
2 interest at the rate imposed under AS 25.27.062(f)(1);

3 (4) when the right to receive child support has been assigned to an
4 Alaska Native family assistance program, an agreement under AS 25.27.065(a) that
5 has not been adopted as an administrative order of the child support services agency is
6 not effective during a period when the obligee is receiving assistance under an Alaska
7 Native family assistance program;

8 (5) the child support services agency, on behalf of an Alaska Native
9 family assistance program, shall take all necessary action permitted by law to enforce
10 child support orders entered under AS 25.27, including petitioning the court for orders
11 to aid in the enforcement of child support;

12 (6) if an obligor under AS 25.27 is liable to an Alaska Native family
13 assistance program under (1) of this subsection, the state is subrogated to the rights of
14 the obligee to take actions authorized under AS 25.27.130(a);

15 (7) notwithstanding AS 25.27.130(c), the recovery of an amount for
16 which an obligor under AS 25.27 is liable that exceeds the total assistance granted
17 under AS 47.07 and this chapter shall be paid to the obligee;

18 (8) except as provided in AS 25.27.130(f), if an obligee under
19 AS 25.27 is not receiving assistance under AS 47.07 or this chapter at the time the
20 state recovers money in an action under AS 25.27.130(d) or (1) of this subsection, the
21 recovery of any amount for which the obligor is liable shall be distributed to the
22 obligee for support payments, including medical support payments, that had become
23 due and unpaid since the termination of assistance under AS 47.07 or this chapter
24 under a support order in favor of the obligee;

25 (9) after payment to the obligee under (8) of this subsection, the state
26 may retain an amount not to exceed the total unreimbursed assistance paid on behalf
27 of the obligee under AS 47.07 or this chapter;

28 (10) if an alleged obligor is liable to an Alaska Native family
29 assistance program under (1) of this subsection, and a support order has not been
30 entered, the child support services agency may, at its own discretion, undertake an
31 action to establish paternity and a duty of support using the procedures prescribed in

1 AS 25.27 and may enforce a duty of support using the procedures prescribed in
 2 AS 25.27; the agency may also institute administrative proceedings to determine the
 3 paternity of a child born out of wedlock upon application of an Alaska Native family
 4 assistance program; the agency may not recover costs of genetic tests required under
 5 this paragraph from a person who is a recipient of assistance under an Alaska Native
 6 family assistance program;

7 (11) when a hearing officer makes a determination under
 8 AS 25.27.170(d), the hearing officer shall, in addition to the factors described in
 9 AS 25.27.170(e), consider the amount of the alleged obligor's liability to an Alaska
 10 Native family assistance program under (1) of this subsection;

11 (12) notwithstanding AS 25.27.255(a), the child support services
 12 agency may not pay to an obligee any money that has been assigned to an Alaska
 13 Native family assistance program.

14 * **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to
 15 read:

16 **INDIRECT COURT RULE AMENDMENT.** AS 25.27.060(c), amended by sec. 2 of
 17 this Act, has the effect of changing Rule 90.3, Alaska Rules of Civil Procedure, by changing
 18 standards for issuance of medical and other support orders by the court.

19 * **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to
 20 read:

21 **APPLICABILITY.** This Act applies to actions filed on or after the effective date of
 22 this section and to motions filed on or after the effective date in proceedings filed before, on,
 23 or after the effective date of this section.

24 * **Sec. 13.** The uncodified law of the State of Alaska is amended by adding a new section to
 25 read:

26 **TRANSITION: REGULATIONS.** The Department of Revenue may proceed to adopt
 27 regulations necessary to implement this Act. The regulations take effect under AS 44.62
 28 (Administrative Procedure Act), but not before July 1, 2009.

29 * **Sec. 14.** The uncodified law of the State of Alaska is amended by adding a new section to
 30 read:

31 **CONDITIONAL EFFECT.** Section 2 of this Act takes effect only if sec. 11 of this Act

1 receives the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution
2 of the State of Alaska.

3 * **Sec. 15.** Section 13 of this Act takes effect immediately under AS 01.10.070(c).

4 * **Sec. 16.** Except as provided in sec. 15 of this Act, this Act takes effect July 1, 2009.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB 192
() Publish Date: _____

Identifier (file name): HB192-DOR-CSS-03-30-09 Dept. Affected: Revenue
Title: Cash Medical Support for Minor Children RDU: Child Support Services Division
Sponsor: Representative Coghill Component: Child Support Services Division
Requester: _____ 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								
Debt Service								
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)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1092 MHTAAR								
Bond Proceeds								
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2009) cost: 0.0

POSITIONS

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 3/30/2009 at 12:00 PM
Approved by: Ginger Blaisdell, Director Date 3/30/2009
Administrative Services Division



DEPARTMENT OF HEALTH & HUMAN SERVICES

Administration for
Children and Families

2201 Sixth Avenue, RX-70
Seattle, WA 98121

MAR 27 2009

Mr. John Mallonee, Director
Child Support Services Division
550 West 7th Avenue, Suite 310
Anchorage, AK 99501

Dear Mr. Mallonee:

This is in response to your request for clarification of the potential Federal consequences if a State fails to enact laws to meet the State plan requirements with section 466(f) of the Social Security Act (the Act). The Act mandates that on and after January 1, 1998, each State must have in effect the Uniform Interstate Family Support Act (UIFSA), as approved by the American Bar Association on February 9, 1993, and as in effect on August 22, 1996, including any amendments officially adopted as of such date by the National Conference of Commissioners on Uniform States Laws. Specifically, Alaska State's UIFSA does not include Indian tribes in the definition of 'State'.

In order for a State to receive Federal funding for the operation of its child support enforcement program, it must have an approved State IV-D plan which meets the requirements of section 454 of the Social Security Act (the Act). One of those requirements, specified at section 454(20)(A), is that the State must have in effect all of the laws required by section 466.

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

Therefore, a determination that a State IV-D plan is disapproved may result in immediate suspension of all Federal payments for the State's child support enforcement program, and such payments will continue to be withheld until the State IV-D plan can be approved by OCSE. This suspension includes the Federal share of administrative expenditures as well as any performance based incentive payments to the State.

In addition, in order to be eligible for a block grant for Temporary Assistance to Needy Families (TANF), section 402(a)(2) of the Act requires a State to certify that it will operate a child support enforcement program under the State plan approved under part D. Therefore, Alaska should be aware that TANF funds may also be at risk if the State does not enact conforming child support legislation.

Page 2 - Mr. John Mallonee

In Federal Fiscal Year (FFY) 2008, the Federal share of Alaska's IV-D expenditures was \$14,657,800 and the State's TANF award amount was \$46,732,590. In addition, Alaska received \$1,794,516 in child support incentives for FFY 2007 (the latest year with available data).

We trust this statement of requirements and penalties clarifies our position. We are attaching our Action Transmittal 97-05 issued April 28, 1997 which outlines our procedures for determining that a State IV-D Plan is disapproved. Due to the gravity of the consequences that may result, we urge you to take all necessary steps to have the required UIFSA legislation enacted and implemented as soon as possible.

If you have any questions, please contact John Cheng at (206) 615-2566.

Sincerely,



Linda Gillett

Regional Program Manager, Region 10
Office of Child Support Enforcement

Enclosure: Action Transmittal 97-05

cc: Ms. Donna Bonar, Acting Commissioner, OCSE



U.S. Department of Health and Human Services

Administration for Children & Families

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THE OFFICE OF CHILD SUPPORT ENFORCEMENT

Giving Hope and Support to America's Children

PROGRAM INSTRUCTION

ACTION TRANSMITTAL

OCSE-AT-97-05

April 28, 1997

TO: STATE AGENCIES ADMINISTERING CHILD SUPPORT ENFORCEMENT PLANS APPROVED UNDER TITLE IV-D OF THE SOCIAL SECURITY ACT AND OTHER INTERESTED INDIVIDUALS

SUBJECT: Procedures for Determining That a State IV-D Plan is Disapproved

BACKGROUND: Title III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), P.L. 104-193, made a number of amendments to sections 454 and 466 of the Social Security Act (the Act), requiring States to either establish new, or modify existing, procedures effective either October 1, 1996, March 1, 1997 or October 1, 1997. For States which require legislation in order to conform their State IV-D plans to the revised statute, section 395(b)(2) of PRWORA provides a grace period until not later than the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that begins after the date of enactment of PRWORA (August 22, 1996). In cases which require that the State constitution be amended, section 395(c) of PRWORA provides a grace period until one year after the effective date of the State constitutional amendment, but no later than five years after the date of enactment of PRWORA.

CSE is tracking the progress of each of the States in enacting the new State plan requirements and mandatory laws, and is noting the date when each State's 1997 legislative session ends in order to ascertain when these laws are required to be in effect and when the State must submit new or amended State plan material for approval by OCSE in order to operate a Child Support Enforcement program according to the requirements of title IV-D of the Act. If a State fails to submit the necessary State plan amendments, OCSE will have to determine that the State does not have an approvable State plan. A determination that a State IV-D plan is disapproved will result in immediate suspension of all Federal payments for the State's child support enforcement program, and such payments will continue to be withheld until the State IV-D plan can be approved by OCSE.

STATUTORY

AUTHORITY: Section 455(a)(1)(A) of the Act specifies that funds appropriated under title IV-D shall be paid to States with approved State IV-D plans. There is no authority to expend Federal funds under title IV-D of the Act for the operation of a Child Support Enforcement program unless such State has an approved State IV-D plan.

Section 466 of the Act requires that all States, as a condition for approval of their State IV-D plan, must have in effect laws requiring the use of mandatory procedures to increase the effectiveness of their Child Support Enforcement programs. As a condition for State plan approval, section 454(20) of the Act provides that, to the extent required by section 466, States must have laws in effect and implement the procedures prescribed in or pursuant to such laws.

Section 454 of the Act sets the statutory requisites for the State IV-D plan. In addition, regulations at 45 CFR 301.10 define the State IV-D plan as a comprehensive statement submitted by the IV-D agency describing the nature and scope of its program. The State IV-D plan contains all the information necessary for the Office of Child Support Enforcement (OCSE) to determine whether the plan can be approved, as a basis for Federal financial participation in the State IV-D program.

Section 452(a)(3) of the Act requires that OCSE review and approve State plans for Child Support Enforcement programs under title IV-D of the Act. The authority to approve State plans is delegated to the Regional Office, but OCSE retains authority for determining that a State IV-D plan is not approvable.

As stated above, a determination that a State IV-D plan is disapproved will result in immediate suspension of all Federal payments for the State's child support enforcement program, and such payments will continue to be withheld until the State IV-D plan can be approved by OCSE. If a State is dissatisfied with OCSE's decision, reconsideration may be requested pursuant to 45 CFR 301.14. Withholding of Federal payments cannot be stayed pending reconsideration.

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

Although it is not required under Title IV-D of the Act, OCSE will give States an advance notice of "Intent to Disapprove" a previously approved State IV-D plan. The State will then be permitted the opportunity to waive reconsideration of the OCSE's final decision and to exercise, prior to the State plan approval/disapproval decision, the right to a hearing under the procedures set forth in 45 CFR Part 213. If the State elects to pursue its hearing rights prior to issuance of OCSE's decision, no further administrative appeal will be allowed.

ATTACHMENT: Instructions for State Plan Disapproval

Timetable of Effective Dates

1997 Legislative Calendar

SUPERSEDED

MATERIAL: OCSE-AT-86-21

INQUIRIES: ACF Regional Administrators

/ S /

Anne F. Donovan

Acting Deputy Director

Office of Child Support Enforcement

Instructions for State Plan Disapproval

I. Notice of Intent to Disapprove

OCSE will issue a Notice of Intent to Disapprove a State Plan to the State umbrella agency head when it has been determined that either of the following situations exist:

Pursuant to the requirements at 45 CFR 301.13(d) the State IV-D plan no longer meets the requirements for an approved State plan based on relevant Federal statutes and guidelines.

Pursuant to the requirements at 45 CFR 301.13(e) or (f) the State IV-D plan or amendment submitted for approval does not meet the requirements under title IV-D of

the Act and regulations issued pursuant to the Act.

II. Notice Of Opportunity For Hearing

The Notice of Intent to Disapprove will provide opportunity for the State to request a hearing prior to the issuance of the final decision if the State waives its right to a reconsideration of OCSE's decision under 45 CFR 301.14. The State must request a hearing within 60 days of the date of the Notice of Intent to Disapprove. If the State does not request a hearing, OCSE shall proceed according to the procedures set forth under Determination to Withhold outlined below.

Upon request of the State for a hearing, OCSE will issue a Notice of Hearing which will state the time and place of the hearing, the issues which will be considered, and shall be published in the Federal Register. The hearing procedures contained in regulations at 45 CFR Part 213 shall apply to these proceedings.

III. Negotiations

As provided in regulations at 45 CFR 213.1(b) the hearing process does not preclude or limit negotiations between OCSE and the State, whether before, during or after the hearing to resolve the issues which are, or otherwise would be, considered at the hearing. Such negotiations and resolution of the issues are not part of the hearing, and are not governed by the hearing procedures, except as expressly provided for in such procedures.

IV. Determination to Withhold

If OCSE concludes that the State does not have an approved State IV-D plan under section I of these instructions, it will notify the State that further Federal payments under title IV-D of the Act will not be made to the State until a State IV-D plan is submitted and approved. Until a State IV-D plan is approved, no further Federal payments under title IV-D will be made to the State for any child support enforcement activities. Pursuant to 45 CFR 213.33, the effective date for the withholding of Federal funds shall not be earlier than the date of OCSE's decision and shall not be later than the first day of the next calendar quarter following such decision.

V. Reconsideration

Any State which has not waived its right to reconsideration and is dissatisfied with OCSE's decision that the State does not have an approvable State plan may request reconsideration of the decision pursuant to regulations at 45 CFR 301.14. Funding, however, will be suspended and may not be restored unless OCSE subsequently determines that the original decision to withhold Federal IV-D funding was incorrect.

CHILD SUPPORT LEGISLATION IN 104TH CONGRESS

TIMETABLE OF EFFECTIVE DATES FOR STATE REQUIREMENTS

Based on Dates in Text of Title III of PL 104-193

Personal Responsibility and Work Opportunity Reconciliation Act of 1996

Section 395 states that, except as specifically provided in the legislation, the effective date for provisions of PL 104-193 is 10/1/96 for provisions under "454 & 466 of the Act. Section 395 allows a grace period for State law changes and State constitutional amendments. For State law changes, the grace period is until the effective date of the State implementing provisions, but no later than the first day of the first quarter after the close of the first regular legislative session that begins after enactment of PL 104-193. For State constitutional amendments, the grace period is until one year after the effective date of the State constitutional amendment, but no later than five years after enactment of PL 104-193.

Requirements Effective 10/1/96

Income withholding ['314] -- '466(a)(1) and (b)

Locator networks; access to motor vehicle and law enforcement data ['315] -- '466(a)(12)

SSNs on applications for professional, commercial drivers, occupational and marriage licenses; on records of divorce decrees, support orders, and paternity determinations; and death records & certificates ['317] -- '466(a)(13)

Administrative enforcement in interstate cases ['323] -- '466(a)(14)

State laws providing expedited procedures, including:

Ordering genetic testing for paternity establishment; Issuing subpoenas for information and impose penalties for failure to respond; Requiring all entities in a State to promptly respond to inquiries by State agency and sanction failure to respond; Obtaining access to records of other State and local government agencies and records held by private entities including public utilities and financial institutions; Changing payee in cases subject to an assignment; Ordering income withholding; Securing assets to satisfy arrearages by intercepting or seizing periodic or lump-sum payments from a State or local agency and judgments, settlements, and lotteries; attach assets held by financial institutions; attach retirement funds; and impose liens; Increasing the amount of monthly support payments to include amounts for arrearages; Filing of information on location/identity of parties in State case registry upon entry of order; Statewide jurisdiction over orders and transfer of cases between local jurisdictions without additional filing; and Using of automated system to maximum extent feasible to implement expedited administrative procedures ['325] -- "466(c) & 454A(h)

State laws concerning paternity establishment, including:

Establish paternity before age 21 (retroactive to 8/16/84); Genetic tests in contested cases upon request w/sworn affidavits; Payment for genetic testing; Provide for a simple civil process for voluntarily acknowledging paternity with prior explanation/written notice to parents; Birth record agency must offer voluntary paternity establishment services, and other may; Name of father included on birth record only if both mother and father have signed an acknowledgment, or court or administrative authority has adjudicated paternity; Development of affidavit for voluntary acknowledgment of paternity which must be given full faith and credit in any other State; Procedures where voluntary acknowledgments and adjudication of paternity are filed with the State registry of birth records for comparison with State case registry; Admissibility of test results if performed by accredited laboratory; Rescission timeframe of 60 Days for signed voluntary paternity acknowledgments; elimination of judicial/administrative ratification proceedings on unchallenged paternity acknowledgments; Default orders; No right to jury trial in paternity cases; Issuance of temporary support orders in paternity cases; Evidentiary treatment of birth expenses/bills; and Opportunity for putative fathers to initiate paternity proceedings ['331(a)] -- '466(a)(5)

State plan requirements for paternity outreach activities ['332] -- '454(23)

Cooperation/good cause ['333] -- '454(29)

State use of definitions for collecting & reporting data ['343(b)] -- '454(30)

Simplified review & adjustment process ['351] -- '466(a)(10)

Voiding of fraudulent transfers ['364] -- '466(g)

Work requirement for persons owing child support ['365] -- '466(a)(15)

Reporting arrearages to credit bureaus ['367] -- '466(a)(7)

Liens on real/personal property by operation of law; full faith and credit to liens without registration of order ['368] -- '466(a)(4)

State law authorizing the suspension of licenses ['369] -- '466(a)(16)

International CSE -- State treatment of international requests ['371(b)] -- '454(32)

Financial institution data matches ['372] -- '466(a)(17)

Enforcing orders against grandparents in cases of minors ['373] -- '466(a)(18)

State cooperative agreements with Indian Tribes ['375(a)] -- '454(33)

Enforcement of orders for health care coverage ['382] -- '466(a)(19)

Explicit statutory requirement that Title IV-D services be provided to nonresident applicants; enforce child support & support due on behalf of child's custodian ['301(a)] -- "454(4)&(6)

Continuation of IV-D services for former recipients of IV-A assistance [301(b)] -- '454(25)

Requirements Effective 3/1/97

Use of forms by States in interstate cases ['324(b)] -- '454(9)(E)

Requirements Effective 10/1/97

Annual State self-reviews & reports ['342(a)] -- '454(15)

Data submitted on compliance with Federal performance requirements ['342(a)] --'454(15)

State privacy safeguards ['303(a)] -- '454(26)

State procedures-notices & copies of orders ['304(b)] -- 454(12)

State directory of new hires ['313] -- 454 (28)

ADP systems meeting all IV-D requirements enacted on or before Family Support Act ['344] -- '454(24)

Denial/restriction/revocation of passport if arrears greater than \$5000 ['370] -- "452(k) & 454(31)

Requirements Effective 1/1/98

Adoption of UIFSA (with modifications) ['321] -- '466(f)

Requirements Effective 10/1/98

All support orders established or modified on or after 10/1/98 included in State central registry, which must be in place by 10/1/2000 ['311 and '344(a)(2)] -- '454A

Centralized automated unit for collections and disbursements ['312] -- '454(27)

Collection through State centralized collection unit of orders under wage withholding['312] -- '454B

State new hire reporting systems in existence prior to P.L. 104-193 must meet rest of new requirements ['313] -- '454(28)

Requirements Effective 10/1/99

End of optional exception period for local court collection of child support in lieu of State centralized collection unit ['312] -- '454B

Requirements Effective 10/1/2000

ADP systems must meet all IV-D requirements enacted on or before this law (with additional time tied to regulation issuance) ['344(A)(4)] -- '454(24)

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Administration for Children and Families • 370 L'Enfant Promenade, S.W. • Washington, D.C. 20447

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State of Alaska
Department of Revenue
Administrative Services Division



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Juneau, Alaska 99811-0405
Phone: (907) 465-2300
Fax: (907) 465-2394

March 27, 2009

The Honorable John Coghill
Rules Chair, House of Representatives
Alaska State Capitol, Room 214
Juneau, AK 99801

Dear Representative Coghill;

A separate letter should be entered on the record to clarify a sentence in the March 16, 2009 letter to Senator Hollis French. This sentence has been used on correspondence to your office as well. The letter is posted on-line in Basis under "Documents" for SB96. The clarification letter should include the following:

"This letter clarifies that the proposed Uniform Interstate Family Support Act (UIFSA) amendment to SB 96 does not grant authority to Indian tribes either to issue or serve an income withholding order on an employer in the State of Alaska. UIFSA defines the employer's responsibility when the employer receives an income withholding order. Employers in the State of Alaska will be required to comply with income withholding orders issued by an Indian tribe as provided in AS 25.25.501-07."

The same sentence is also found in the March 20, 2009 letter to Representative Coghill.

Thank you for working with us on this issue.

Sincerely,

Ginger Blaisdell
Director

State of Alaska

Department of Revenue
Administrative Services Division



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March 27, 2009

The Honorable John Coghill
Rules Chair, House of Representatives
Alaska State Capitol, Room 214
Juneau, AK 99801

Dear Representative Coghill;

In consideration of a letter of intent for HB 192 Child Support / Cash Medical, I am offering the following language that would clarify the changes to AS 25 and conform to Uniform Code.

It is the intent of the legislature that in order to bring Alaska into conformity with the nationwide Uniform Interstate Family Support Act (UIFSA) as approved by the American Bar Association on February 9, 1993, and as in effect on August 22, 1996 including any amendments officially adopted as of such date by the National Conference of Commissioners on Uniform State Laws, it is necessary to amend AS 25.25.101 to include "an Indian tribe" and "the United States Virgin Islands" in the definition of "state."

The proposed UIFSA amendments are conforming amendments which 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 child support orders 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 either to grant or restrict tribal jurisdiction, if any, which may exist 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.

Thank you for working with us on this issue.

Sincerely,

Ginger Blaisdell
Director

State of Alaska
Department of Revenue
Administrative Services Division



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March 20, 2009

The Honorable John Coghill
Chair, House Rules Committee
Alaska State Legislature
State Capitol, Room 214
Juneau, AK 99801

Dear Representative Coghill;

The Department of Revenue, with support of the Governor asked you to introduce legislation regarding Child Support Services needs for legislative change to their statutes. Thank you for sponsoring this legislation and introducing HB 192 last week. This letter outlines the need for the legislation to pass during this legislative session both for content of the bill and fiscal impact to the citizens of the state.

The Alaska Child Support Services Division (CSSD) needs to amend state law on three issues.

1. The requirement for cash medical support
2. The three year review cycle
3. The change of the definition of state in UIFSA

The first two amendments are less controversial and only require that child support orders include a provision for obligors to pay cash medical assistance to the custodial parent to help with health costs when insurance is not provided for that child, and that the division performs regular reviews of its cases.

The third amendment could be considered more sensitive. The Uniform Interstate Family Support Act (UIFSA) contains a definition of "state." Under federal law, all states must adopt the uniform act's definition of "state" that includes "the United States Virgin Islands" and "an Indian tribe." For Alaska, the impact of adopting a definition that would include Indian tribes, means Indian tribes can issue and serve income-withholding orders on employers. The obligor would be entitled to contest the jurisdiction of the tribe to issue the order and the usual rights to contest the validity or enforcement of an order by an obligor would still apply. The change would also affect the process for state recognition of tribal orders. A tribal child support order would be registered in the Alaska state courts under the UIFSA procedures instead of a comity process. These changes are consistent with the purpose of UIFSA. The purpose of UIFSA is to unify state laws relating to child support orders, to provide efficient procedures for collecting child support in interstate cases, and to eliminate multiple support orders that were permitted under prior child support laws.

One question raised by the changes required by UIFSA is whether the tribal amendment would result in an expansion of tribal authority. The Department of Law has examined this question and came to the

following conclusion:

“UIFSA’s underlying purpose is not to define jurisdiction. Nor does the state have the ability to define tribal jurisdiction. The overall purpose of UIFSA is simply to unify state laws relating to child support orders, to provide efficient procedures for collecting child support in interstate cases, and to eliminate multiple support orders that were permitted under prior child support laws. These purposes do not trigger broader jurisdictional concerns.”

Intent language could be included in the introduced child support legislation (SB 96) to ease concerns of legislators who are not comfortable with issues related to Indian tribes. Or a letter of intent could be attached as a separate letter to the bill. I might suggest the following as an amendment:

LEGISLATIVE FINDINGS AND INTENT. (a) The legislature finds that

(1) failure to bring AS 25.25.101 into compliance with the federal Social Security Act Title IV-D could result in the loss of approximately \$17,000,000 in administrative funding;

(2) of the 33 states that have federally recognized tribes, Alaska is the only state that has not yet passed conforming legislation; and

(3) to bring Alaska into conformity with UIFSA, the legislature finds that it is necessary to amend AS 25.25.101 to include “an Indian tribe” and “the United States Virgin Islands” in the definition of “state.”

(b) It is the intent of the legislature that this Act not alter or expand in any way the governmental relationship between federally recognized tribes and the state.

A zero fiscal note accompanies the legislation because passage of the bill would result in no additional impact to the Department of Revenue, Child Support Services Division. The fiscal impact to non-passage of SB96, or another like bill, could be detrimental to 62,000 Alaska’s children under age 19. If the state remains out of compliance after this legislative session, CSSD could lose nearly the entire operating budget required to operate the child support activities mandated by state and federal law and could jeopardize the entire TANF block grant received by the Department of Health and Social Services, Division of Public Assistance. (The division currently has a budget of \$174,000 General Funds.)

\$11,000,000	Federal receipts paid through Title IV-D of the Social Security Act for child support services.
\$12,708,403	Each year CSSD collects funds from families who also receive state benefits through the State’s TANF (Temporary Assistance for Needy Families) program. The collections received on behalf of the children receiving funding through TANF are retained by CSSD and used as match to obtain additional federal funding for child support, \$6,070,137 state match, and \$6,638,266 to be used as part of the total federal receipts to be paid to CSSD for its services. *FY08 totals

ALASKA STATE LEGISLATURE HOUSE JUDICIARY COMMITTEE

Representative Jay Ramras

Chairman

(907) 465-3004

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Committee Members:

Representative Nancy Dahlstrom,

Vice-Chairman

Representative John Coghill

Representative Bob Lynn

Representative Carl Gatto

Representative Max Gruenberg

Representative Lindsey Holmes

State Capitol, Room 120

Juneau, Alaska 99801

Fax

To: Leg. Legal

Fax #: (907) 465-2029

Number of pages including cover: 2

From: Jane W. Pierson

Date: April 13, 2009

Re: SB96 – An Act relating to nonpayment of child support: relating to certain judicial and administrative orders for medical support of a child.

Today the HJUD Committee passed out SB96 version 26-LS0485\C with the following amendment as amended:

Delete the sentence on lines 6 & 7 beginning with "In Alaska," and ending with "unsettled legal question."

AMENDMENT #1

V.C

LS04585/C SB 96

BY COGHILL

1 Page 2, lin2 5:

2 Insert new subsection:

3 (b) The proposed changes made in AS 25.25.101(19) under sec. 3 of this Act
 4 are conforming amendments that will result in procedural changes in Alaska
 5 for enforcement and modification of child support orders from other jurisdictions.
 6 UIFSA does not ~~determine~~ ^{expand or restrict} the authority of an Indian tribe to enter, modify, or
 7 enforce a child support order. ^{STATE OF ALASKA} In Alaska, the scope of tribal authority to enter, modify,
 8 or enforce a child support order is an unsettled legal question. In adopting UIFSA
 9 conforming amendments, the legislature does not intend to grant or restrict tribal
 10 jurisdiction to enter, modify, or enforce child support orders, and the amendments
 11 are not intended, either directly or impliedly, to acknowledge, expand, or restrict
 12 tribal jurisdiction.

- HOLMES
Amend # 1
to Amend #

~~expands or restricts~~

Amend # 1 to Amend # 1 - Passed

Amendment # 1 -

Y - Coghill, Gatto, Lynn, Dahl, Ran (5)

N - Gruen, Holmes

(2)