

**SB**

**96**

**SENATE COMMITTEE REPORT**  
**First Committee of Referral**

DATE: 2/4/09

FURTHER: Judiciary  
 Finance

Date of 5-Day Notice: 2/19/09  
 (in accordance with Uniform Rule 23)

DATE TURNED  
 IN TO OFFICE: 3/2/09

Health and Social Services Committee considered SENATE BILL NO. 96

**SB 96 CHILD SUPPORT/ CASH MEDICAL SUPPORT**

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

and recommends:

- be replaced with  SCS or  CS SB 96 (HSS)
- adopt previous  SCS or  CS \_\_\_\_\_
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

<b>SENATE BILL:</b>
<input type="checkbox"/> Same Title
<input checked="" type="checkbox"/> New Title
<b>HOUSE BILL:</b>
<input type="checkbox"/> Same Title
<input type="checkbox"/> Technical Title Change
<input type="checkbox"/> New Title w/ SCR # _____

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet	Zero	FN#
REV	12/12			✓	1

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS	PRINTED LASTNAME	DO PASS	DO NOT PASS	NO REC	AMEND
<i>Joe Paskvan</i>	PASKVAN	X			
<i>Joe Thomas</i>	Thomas			✓	
<i>Joe Ellis</i>	ELLIS			X	
CHAIR: <i>Benny Davis</i>	DAVIS	X			

# SENATE COMMITTEE REPORT

DATE: 3/3/09

FURTHER: Finance

DATE TURNED  
IN TO OFFICE: 3/16/09

Judiciary Committee considered SENATE BILL NO. 96

## SB 96 CHILD SUPPORT/ CASH MEDICAL SUPPORT

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

and recommends:

- be ~~replaced~~ <sup>previous</sup> with  SCS or  CS SB 96 (HSS)
- adopt previous  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

<b>SENATE BILL:</b>	
<input type="checkbox"/>	Same Title
<input checked="" type="checkbox"/>	New Title
<hr/>	
<b>HOUSE BILL:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

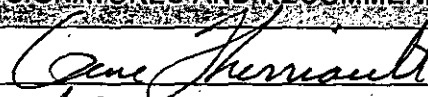
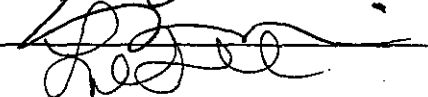
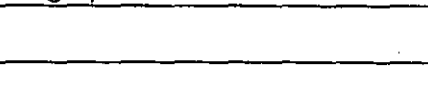

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indel	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indel	Zero	FN#
REV	12/15/08			✓	

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Theriault			✓	
	Wielechowski			✓	
	Wielechowski			✓	
CHAIR: 	French	✓			

26-LS0485P  
Mischel  
4/7/09

**CS FOR SENATE BILL NO. 96( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SIXTH LEGISLATURE - FIRST SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): SENATE HEALTH AND SOCIAL SERVICES COMMITTEE**

**A BILL**  
**FOR AN ACT ENTITLED**

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

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

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

11 **DEFINITION OF "STATE"; LEGISLATIVE INTENT.** (a) It is the intent of the  
12 legislature that in order to bring Alaska into conformity with the nationwide Uniform  
13 Interstate Family Support Act (UIFSA), as approved by the American Bar Association on

1 February 9, 1993, and as in effect on August 22, 1996, including any amendments officially  
2 adopted as of that date by the National Conference of Commissioners on Uniform State Laws,  
3 it is necessary to amend AS 25.25.101 to include "an Indian tribe" and "the United States  
4 Virgin Islands" in the definition of "state."

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

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

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

14 (2) being an employer of the obligor, intentionally withholds  
15 information about the residence or employment of the obligor, the eligibility of the  
16 obligor's children for coverage under the employer's health insurance plan, or the cost  
17 of the coverage of the children under the plan, when that information is requested by a  
18 child support enforcement agency or when the employer is required by state or federal  
19 law to report the information without a request by a child support enforcement agency;  
20 or

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

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

30 (19) "state" means a state of the United States, the District of  
31 Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or

1 any territory or insular possession subject to the jurisdiction of the United States; the  
2 term "state" includes an Indian tribe and a foreign jurisdiction that has enacted a law  
3 or established procedures for issuance and enforcement of support orders that are  
4 substantially similar to the procedures under this chapter or under the Uniform  
5 Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal  
6 Enforcement of Support Act;

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

8 (c) In a court or administrative proceeding where the support of a minor child  
9 is at issue, the court or agency, as applicable, may order either parent or both parents  
10 to pay the amount necessary for support, maintenance, nurture, and education of the  
11 child. Regardless of whether a support order for periodic payments is issued, the court  
12 or agency shall issue a medical support order, a cash medical support order, or  
13 both. The medical support order shall require health care insurance coverage for the  
14 child if health care insurance coverage is available to either parent or both parents for  
15 the child at a reasonable cost. The court or agency shall consider whether the child is  
16 eligible for services through the Indian Health Service or other insurance coverage  
17 before ordering either parent or both parents to provide health care coverage through  
18 insurance, cash medical support, or other means or a combination of insurance,  
19 cash medical support, or other means. The court or agency shall allocate equally the  
20 cost of health care insurance for the child between the parents unless there is good  
21 cause to allocate the costs unequally. If the obligor has the duty to make periodic  
22 payments for non-medical child support, the obligor's periodic payments shall be  
23 decreased by the amount of the other parent's portion of payments for health insurance  
24 ordered by the court or agency and actually paid by the obligor. If the obligor has a  
25 duty to make periodic payments for non-medical child support, the periodic payments  
26 shall be increased by the obligor's portion of payments for health insurance if the other  
27 parent is ordered to and actually does obtain and pay for insurance. The court or  
28 agency shall allocate equally between the parents the cost of reasonable health care  
29 expenses not covered by private insurance unless there is good cause to allocate the  
30 costs unequally. One parent shall reimburse the other parent for the first parent's share  
31 of the uncovered expenses paid by the parent within 30 days after receipt by the first

1 parent of the bill for the health care, payment verification, and, if applicable, a health  
2 insurance statement indicating what portion of the cost is uncovered. The medical  
3 support order must meet the requirements of AS 25.27.063. Upon a showing of good  
4 cause, the court may order the parents required to pay support to give reasonable  
5 security for payments.

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

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

9 (1) that health care insurance shall be provided for the child to whom  
10 the duty of support is owed if health care insurance is available to the alleged obligor  
11 at a reasonable cost and that the alleged obligor and the other parent shall share  
12 equally the cost of the health care insurance and the costs of reasonable health care  
13 expenses not covered by insurance;

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

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

18 (4) [(3)] that the alleged obligor may appear and show cause in a  
19 hearing held by the agency why the finding is incorrect, should not be finally ordered,  
20 and should be modified or rescinded, because

21 (A) no duty of support is owed;

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

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

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

29 (5) [(4)] that, if the person served with the notice under this subsection  
30 does not request a hearing within 30 days, a copy of the medical support order will be  
31 sent to the person's employer under AS 25.27.063(b) without further notice or hearing

1 for inclusion of the child in family health coverage if it is available through the  
2 person's employer.

3 \* **Sec. 6.** AS 25.27.193 is amended to read:

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

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

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

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

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

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

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

23 (A) monetary support;

24 (B) cash medical support;

25 (C) payment of health care costs or maintenance of health  
26 insurance;

27 (D) reimbursement of related costs;

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

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

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

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

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

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

7 (i) monetary support, including arrearages;

8 (ii) payment of health care costs or maintenance of  
 9 health insurance;

10 (iii) payment of cash medical support;

11 (iv) reimbursement of related costs;

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

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

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

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

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

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

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

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

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

31 (1) an obligor is liable to the Alaska Native family assistance program

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

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

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

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

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

31 (6) if an obligor under AS 25.27 is liable to an Alaska Native family

1 assistance program under (1) of this subsection, the state is subrogated to the rights of  
2 the obligee to take actions authorized under AS 25.27.130(a);

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

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

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

16 (10) if an alleged obligor is liable to an Alaska Native family  
17 assistance program under (1) of this subsection, and a support order has not been  
18 entered, the child support services agency may, at its own discretion, undertake an  
19 action to establish paternity and a duty of support using the procedures prescribed in  
20 AS 25.27 and may enforce a duty of support using the procedures prescribed in  
21 AS 25.27; the agency may also institute administrative proceedings to determine the  
22 paternity of a child born out of wedlock upon application of an Alaska Native family  
23 assistance program; the agency may not recover costs of genetic tests required under  
24 this paragraph from a person who is a recipient of assistance under an Alaska Native  
25 family assistance program;

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

30 (12) notwithstanding AS 25.27.255(a), the child support services  
31 agency may not pay to an obligee any money that has been assigned to an Alaska

1 Native family assistance program.

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

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

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

9 APPLICABILITY. This Act applies to actions filed on or after the effective date of  
10 this section and to motions filed on or after the effective date in proceedings filed before, on,  
11 or after the effective date of this section.

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

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

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

19 CONDITIONAL EFFECT. Section 4 of this Act takes effect only if sec. 13 of this Act  
20 receives the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution  
21 of the State of Alaska.

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

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

# Alaska State Legislature

*Interim: (May - Dec.)*  
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[Senator\\_Betty\\_Davis@legis.state.ak.us](mailto:Senator_Betty_Davis@legis.state.ak.us)  
<http://www.akdemocrats.org>

## Senator Bettye Davis

*3/30 - 1st hearing -  
Set aside -*

Date: 3/16/2009

To: Senator Stedman, Co-Chair  
Senate Finance Committee

From: Senator Bettye Davis *BD*

Re: CS for SB 96 "An act relating to nonpayment of child support, to the definition of the term "state" for the purposes of the Uniform Interstate Family Support Act, to certain judicial and administrative orders for medical support of a child, to periodic review and adjustment of child support orders, to relief from administrative child support order, to child support arrearages, and to medical support of a child and the Alaska Native family assistance program: amending Rule 90.3, Alaska Rules of civil Procedure; and providing for an effective date."

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This is a request that you schedule a hearing on CS for SB 96 at the earliest possible date.

Please find attached a copy of the CS for SB 96, the bill, a sponsor statement, a fiscal note and a sectional analysis. Your attention to this request would be appreciated. Thank you.

26-LS0556~~CE~~  
Mischel  
4/116/09

**CS FOR SENATE BILL NO. 105(HSSEDC)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-SIXTH LEGISLATURE - FIRST SESSION**

**BY THE SENATE HEALTH AND SOCIAL SERVICES EDUCATION COMMITTEE**

**Offered:**

**Referred:**

**Sponsor(s): SENATORS DAVIS, Ellis**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to continuing the secondary public education of a homeless student;**  
2 **relating to the purpose of certain laws as they relate to children; relating to tuition**  
3 **waivers and medical assistance for a child placed in out-of-home care by the state;**  
4 **relating to foster care; relating to children in need of aid; and relating to out-of-home**  
5 **care transition to independent living."**

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

7 **\* Section 1. AS 14.03 is amended by adding a new section to read:**

8 **Sec. 14.03.096. Continuing the public education of a homeless student. (a)**  
9 **Except as provided in (b) and (d) of this section, the governing body of a school**  
10 **district shall comply with the requirements for continuing the public education of a**  
11 **homeless student in the student's school of origin and for providing comparable**  
12 **education and transportation services for the remainder of the current school year or, if**  
13 **the student is attending school for a summer term, for the remainder of the summer**

1 term, under 42 U.S.C. 11431 - 11435 (McKinney-Vento Homeless Education  
2 Assistance Improvement Act of 2001), as those provisions existed on February 1,  
3 2009.

4 (b) The requirements in (a) of this section do not apply if the student moves to  
5 a school district other than the school district in which the student's school of origin is  
6 located.

7 (c) If a homeless student is transferred to a school other than the student's  
8 school of origin, the school of origin shall provide a copy of the student's records to  
9 the student's new school within seven<sup>7</sup> school days after notification of the transfer.  
10 The student's new school shall allow the student to attend school while awaiting the  
11 transfer of records under this subsection.

12 (d) A school district is required to comply with this section only

13 (1) if the legislature appropriates funds for the purpose; and

14 (2) to the extent possible using funds appropriated for the purpose.

15 (e) In this section,

16 (1) "homeless student" has the meaning given in 42 U.S.C. 11434a for  
17 "homeless child or youth," and the phrase "awaiting foster care placement" in that  
18 definition shall be interpreted to include all students who are placed in out-of-home  
19 care and in the custody of the Department of Health and Social Services under  
20 AS 47.10.080(c) or who are committed to the custody of the Department of Health and  
21 Social Services under AS 47.12.120(b)(1) or (3);

22 (2) "school of origin" means the school in which the student was last  
23 enrolled.

24 \* **Sec. 2.** AS 14.43 is amended by adding a new section to read:

25 **Article 3A. Free Tuition for a Person Who Was in Out-of-Home Care.**

26 **Sec. 14.43.086. Free tuition and fees for a person who was in out-of-home**  
27 **care.** (a) A person who enrolls as a student in good standing in a state-supported  
28 educational institution in the state is entitled to a waiver of tuition, fees, and room and  
29 board expenses if the person provides adequate proof that the person

30 (1) was in the custody of the state under AS 47.10 or AS 47.14;

31 (2) was placed in out-of-home care for a period of not less than six

1 consecutive months on or after the person became 16 years of age; and

2 (3) is under 29 years of age.

3 (b) The amount of the waiver to which a person is entitled under this section is  
4 the amount of unmet need for tuition, room, and board expenses, as determined by the  
5 institutioneommission, after deducting funding for the school year from education  
6 loans, grants, or scholarships received by a person eligible for a waiver.

7 (c) The proceeds of an education loan, grant, or scholarship received by a  
8 person eligible for a waiver under this section must be paid to the educational  
9 institution to offset the person's tuition, fees, and room and board expenses.

10 (d) A state-supported educational institution in the state is required to provide  
11 a waiver under (a) of this section only if the legislature appropriates funds for the  
12 purpose of offsetting waivers under this section. If an appropriation is not sufficient to  
13 fully offset waivers for each person entitled to a waiver under (a) of this section, the  
14 institution may offer full or partial waivers to eligible applicants as funding permits  
15 and at the discretion of the institution.

16 (e) In this section, ~~\* Sec. 3. AS 14.43.160 is amended by adding a new paragraph to read:~~

17 (7) "out-of-home care" has the meaning given in AS 47.14.400.

18 \* Sec. 34. AS 36.30.850(b)(42) is amended to read:

19 (42) grants and contracts with qualified entities for services under  
20 AS 47.18.330 for the out-of-home [FOSTER] care transition program;

21 \* Sec. 4.5. AS 47.05.060 is amended to read:

22 **Sec. 47.05.060. Purpose and policy relating to children.** The purpose of this  
23 title as it relates to children is to secure for each child the care and guidance,  
24 preferably in the child's own home, as well as an adequate education, that will serve  
25 the moral, emotional, mental, intellectual, and physical welfare of the child and the  
26 best interests of the community; to preserve and strengthen the child's family ties  
27 unless efforts to preserve and strengthen the ties are likely to result in physical or  
28 emotional damage to the child, removing the child from the custody of the parents  
29 only as a last resort when the child's welfare or safety or the protection of the public  
30 cannot be adequately safeguarded without removal; and, when the child is removed  
31 from the family, to secure for the child adequate custody, education, and care and

1 adequate planning for permanent placement of the child.

2 \* Sec. 5.6. AS 47.05.065 is amended to read:

3 **Sec. 47.05.065. Legislative findings related to children.** The legislature finds  
4 that

5 (1) parents have the following rights and responsibilities relating to the  
6 care and control of their child while the child is a minor:

7 (A) the responsibility to provide the child with food, clothing,  
8 shelter, education, and medical care;

9 (B) the right and responsibility to protect, nurture, train, and  
10 discipline the child, including the right to direct the child's medical care and  
11 the right to exercise reasonable corporal discipline;

12 (C) the right to determine where and with whom the child shall  
13 live;

14 (D) the right and responsibility to make decisions of legal or  
15 financial significance concerning the child;

16 (E) the right to obtain representation for the child in legal  
17 actions; and

18 (F) the responsibility to provide special safeguards and care,  
19 including appropriate prenatal and postnatal protection for the child;

20 (2) it is the policy of the state to strengthen families and to protect  
21 children from child abuse and neglect; the state recognizes that, in some cases,  
22 protection of a child may require removal of the child from the child's home; however,

23 (A) except in those cases involving serious risk to a child's  
24 health or safety, the Department of Health and Social Services should provide  
25 time-limited family support services to the child and the child's family in order  
26 to offer parents the opportunity to remedy parental conduct or conditions in the  
27 home that placed the child at risk of harm so that a child may return home  
28 safely and permanently; and

29 (B) the state also recognizes that when a child is removed from  
30 the home, visitation between the child and the child's parents or guardian and  
31 family members reduces the trauma for the child and enhances the likelihood

1 that the child will be able to return home; therefore, whenever a child is  
2 removed from the parental home, the Department of Health and Social  
3 Services should encourage frequent, regular, and reasonable visitation of the  
4 child with the child's parent or guardian and family members;

5 (3) it is the policy of the state to recognize that, when a child is a ward  
6 of the state, the child is entitled to reasonable safety, adequate care, and adequate  
7 treatment and that the Department of Health and Social Services as legal custodian and  
8 the child's guardian ad litem as guardian of the child's best interests and their agents  
9 and assignees, each should make reasonable efforts to ensure that the child is provided  
10 with reasonable safety, adequate care, and adequate treatment for the duration of time  
11 that the child is a ward of the state;

12 (4) it is in the best interests of a child who has been removed from the  
13 child's own home for the state to apply the following principles in resolving the  
14 situation:

15 (A) the child should be placed in a safe, secure, and stable  
16 environment;

17 (B) the child should not be moved unnecessarily;

18 (C) a planning process should be followed to lead to permanent  
19 placement of the child;

20 (D) every effort should be made to encourage psychological  
21 attachment between the adult caregiver and the child;

22 (E) frequent, regular, and reasonable visitation with the parent  
23 or guardian and family members should be encouraged; [AND]

24 (F) parents and guardians must actively participate in family  
25 support services so as to facilitate the child's being able to remain in the home;  
26 when children are removed from the home, the parents and guardians must  
27 actively participate in family support services to make return of their children  
28 to the home possible; and

29 (G) the child should continue to attend the child's school of  
30 origin as provided under AS 14.03.096;

31 (5) numerous studies establish that

1 (A) children undergo a critical attachment process before the  
2 time they reach six years of age;

3 (B) a child who has not attached with an adult caregiver during  
4 this critical stage will suffer significant emotional damage that frequently leads  
5 to chronic psychological problems and antisocial behavior when the child  
6 reaches adolescence and adulthood; and

7 (C) it is important to provide for an expedited placement  
8 procedure to ensure that all children, especially those under the age of six  
9 years, who have been removed from their homes are placed in permanent  
10 homes expeditiously.

11 \* ~~Sec. 6.7.~~ AS 47.07.020(b) is amended to read:

12 (b) In addition to the persons specified in (a) of this section, the following  
13 optional groups of persons for whom the state may claim federal financial  
14 participation are eligible for medical assistance:

15 (1) persons eligible for but not receiving assistance under any plan of  
16 the state approved under 42 U.S.C. 1381 - 1383c (Title XVI, Social Security Act,  
17 Supplemental Security Income) or a federal program designated as the successor to the  
18 aid to families with dependent children program;

19 (2) persons in a general hospital, skilled nursing facility, or  
20 intermediate care facility, who, if they left the facility, would be eligible for assistance  
21 under one of the federal programs specified in (1) of this subsection;

22 (3) persons under 21 years of age who are under supervision of the  
23 department, for whom maintenance is being paid in whole or in part from public  
24 funds, and who are in out-of-home care [FOSTER HOMES] or private child-care  
25 institutions;

26 (4) aged, blind, or disabled persons, who, because they do not meet  
27 income and resources requirements, do not receive supplemental security income  
28 under 42 U.S.C. 1381 - 1383c (Title XVI, Social Security Act), and who do not  
29 receive a mandatory state supplement, but who are eligible, or would be eligible if  
30 they were not in a skilled nursing facility or intermediate care facility to receive an  
31 optional state supplementary payment;

1 (5) persons under 21 years of age who are in an institution designated  
2 as an intermediate care facility for the mentally retarded and who are financially  
3 eligible as determined by the standards of the federal program designated as the  
4 successor to the aid to families with dependent children program;

5 (6) persons in a medical or intermediate care facility whose income  
6 while in the facility does not exceed \$1,656 a month but who would not be eligible for  
7 an optional state supplementary payment if they left the hospital or other facility;

8 (7) persons under 21 years of age who are receiving active treatment in  
9 a psychiatric hospital and who are financially eligible as determined by the standards  
10 of the federal program designated as the successor to the aid to families with  
11 dependent children program;

12 (8) persons under 21 years of age and not covered under (a) of this  
13 section [,] who would be eligible for benefits under the federal program designated as  
14 the successor to the aid to families with dependent children program, except that they  
15 have the care and support of both their natural and adoptive parents;

16 (9) pregnant women not covered under (a) of this section and who  
17 meet the income and resource requirements of the federal program designated as the  
18 successor to the aid to families with dependent children program;

19 (10) persons under 21 years of age not covered under (a) of this section  
20 who the department has determined cannot be placed for adoption without medical  
21 assistance because of a special need for medical or rehabilitative care and who the  
22 department has determined are hard-to-place children eligible for subsidy under  
23 AS 25.23.190 - 25.23.210;

24 (11) persons who can be considered under 42 U.S.C. 1396a(e)(3) (Title  
25 XIX, Social Security Act, Medical Assistance) to be individuals with respect to whom  
26 a supplemental security income is being paid under 42 U.S.C. 1381 - 1383c (Title  
27 XVI, Social Security Act) because they meet all of the following criteria:

28 (A) they are 18 years of age or younger and qualify as disabled  
29 individuals under 42 U.S.C. 1382c(a) (Title XVI, Social Security Act);

30 (B) the department has determined that

31 (i) they require a level of care provided in a hospital, nursing facility, or

1 intermediate care facility for the mentally retarded;

2 (ii) it is appropriate to provide their care outside of an institution; and

3 (iii) the estimated amount that would be spent for medical assistance for their  
4 individual care outside an institution is not greater than the estimated amount that  
5 would otherwise be expended individually for medical assistance within an  
6 appropriate institution;

7 (C) if they were in a medical institution, they would be eligible  
8 for medical assistance under other provisions of this chapter; and

9 (D) home and community-based services under a waiver  
10 approved by the federal government are either not available to them under this  
11 chapter or would be inappropriate for them;

12 (12) disabled persons, as described in 42 U.S.C.  
13 1396a(a)(10)(A)(ii)(XIII), who are in families whose income, as determined under  
14 applicable federal regulations or guidelines, is less than 250 percent of the official  
15 poverty line applicable to a family of that size according to the United States  
16 Department of Health and Human Services, and who, but for earnings in excess of the  
17 limit established under 42 U.S.C. 1396d(q)(2)(B), would be considered to be  
18 individuals with respect to whom a supplemental security income is being paid under  
19 42 U.S.C. 1381 - 1383c; a person eligible for assistance under this paragraph who is  
20 not eligible under another provision of this section shall pay a premium or other cost-  
21 sharing charges according to a sliding fee scale that is based on income as established  
22 by the department in regulations;

23 (13) persons under 19 years of age who are not covered under (a) of  
24 this section and whose household income does not exceed 175 percent of the federal  
25 poverty line as defined by the United States Department of Health and Human  
26 Services and revised under 42 U.S.C. 9902(2);

27 (14) pregnant women who are not covered under (a) of this section and  
28 whose household income does not exceed 175 percent of the federal poverty line as  
29 defined by the United States Department of Health and Human Services and revised  
30 under 42 U.S.C. 9902(2);

31 (15) persons who have been diagnosed with breast or cervical cancer

1 and who are eligible for coverage under 42 U.S.C. 1396a(a)(10)(A)(ii)(XVIII);

2 (16) persons under 21 years of age who were in the custody of the  
3 department under AS 47.10 or AS 47.14 and who were placed in out-of-home  
4 care for a period of not less than six consecutive months on or after reaching 16  
5 years of age.

6 \* Sec. ~~7.8~~, AS 47.07.020 is amended by adding a new subsection to read:

7 (o) In this section, "out-of-home care" has the meaning given in AS 47.14.400.

8 \* Sec. ~~8.9~~, AS 47.10.080(c) is amended to read:

9 (c) If the court finds that the child is a child in need of aid, the court shall

10 (1) order the child committed to the department for placement in an  
11 appropriate setting for a period of time not to exceed two years or in any event not to  
12 extend past the date the child becomes 19 years of age, except that the department or  
13 the child's guardian ad litem may petition for and the court may grant in a hearing

14 (A) one-year extensions of commitment that do not extend  
15 beyond the child's 19th birthday if the extension is in the best interests of the  
16 child; and

17 (B) one-year extensions of commitment that do not extend  
18 beyond the child's 21st birthday [AN ADDITIONAL ONE-YEAR PERIOD  
19 OF STATE CUSTODY PAST 19 YEARS OF AGE] if the continued state  
20 custody is in the best interests of the person and the person consents to it;

21 (2) order the child released to a parent, adult family member, or  
22 guardian of the child or to another suitable person, and, in appropriate cases, order the  
23 parent, adult family member, guardian, or other person to provide medical or other  
24 care and treatment; if the court releases the child, it shall direct the department to  
25 supervise the care and treatment given to the child, but the court may dispense with  
26 the department's supervision if the court finds that the adult to whom the child is  
27 released will adequately care for the child without supervision; the department's  
28 supervision may not exceed two years or in any event extend past the date the child  
29 reaches 19 years of age, except that the department or the child's guardian ad litem  
30 may petition for and the court may grant in a hearing

31 (A) one-year extensions of supervision that do not extend

1 beyond the child's 19th birthday if the extensions are in the best interests of the  
2 child; and

3 (B) an additional one-year period of supervision past 19 years  
4 of age if the continued supervision is in the best interests of the person and the  
5 person consents to it; or

6 (3) order, under the grounds specified in (o) of this section or  
7 AS 47.10.088, the termination of parental rights and responsibilities of one or both  
8 parents and commit the child to the custody of the department, and the department  
9 shall report quarterly to the court on efforts being made to find a permanent placement  
10 for the child.

11 \* ~~Sec. 9.10.~~ AS 47.10.080 is amended by adding a new subsection to read:

12 (v) A social worker employed by or under contract with the department shall,  
13 not less than monthly, conduct visits with a child committed to the custody of the  
14 department under (c) of this section. The visits must be of sufficient substance and  
15 duration to address issues pertinent to case planning and service delivery to ensure the  
16 child's safety, permanency, and well-being. The majority of the visits conducted under  
17 this subsection must be at the location of the child's current placement. Nothing in this  
18 paragraph creates a private right of action against the department or the department's  
19 contractors. In this subsection, "visit" means face-to-face contact between social  
20 worker and child.

21 \* ~~Sec. 10.11.~~ AS 47.10.990(3) is amended to read:

22 (3) "child" means a person who is

23 (A) under 18 years of age;

24 (B) [AND A PERSON] 19 years of age if that person was  
25 under 18 years of age at the time that a proceeding under this chapter was  
26 commenced; and

27 (C) under 21 years of age if that person is living in out-of-  
28 home care;

29 \* ~~Sec. 11.12.~~ AS 47.10.990 is amended by adding a new paragraph to read:

30 (33) "out-of-home care" has the meaning given in AS 47.14.400.

31 \* ~~Sec. 12.13.~~ AS 47.18.300(a) is amended to read:

1 (a) The department, in coordination with local public and private agencies,  
2 shall design, develop, and implement an out-of-home care [A FOSTER CARE]  
3 transition program to provide support and services to individuals who

4 (1) reach or have reached the age of 16 or older while in state custody  
5 and placed in out-of-home [FOSTER] care and have not yet reached 23 years of age;  
6 and

7 (2) meet other eligibility criteria established by the department under  
8 (b) of this section.

9 \* ~~Sec. 13.14.~~ AS 47.18.310 is amended to read:

10 **Sec. 47.18.310. Program design.** The department, in coordination with local  
11 public and private agencies, shall design the program as a continuation of the training  
12 efforts related to independent living skills that were initiated for a child in state  
13 custody who was placed in out-of-home care and [WHEN THE STATE FOSTER  
14 CARE RECIPIENTS WERE] identified as being likely to remain in out-of-home  
15 [STATE FOSTER] care until reaching not less than the age of 18. The program  
16 design must require that program participants are directly involved in identifying the  
17 program activities that will prepare them for independent living.

18 \* ~~Sec. 14.15.~~ AS 47.18.320(a) is amended to read:

19 (a) Subject to the availability of an appropriation made for the purposes of  
20 AS 47.18.300 - 47.18.390, the program may provide

21 (1) education and vocational training;

22 (2) assistance in obtaining basic education and training;

23 (3) career and employment services;

24 (4) training in basic life skills;

25 (5) housing and utility assistance;

26 (6) mentoring and counseling; and

27 (7) other appropriate services to complement the efforts of former state  
28 foster care recipients or a child who was in state custody and placed in out-of-  
29 home care to achieve self-sufficiency.

30 \* ~~Sec. 1516.~~ AS 47.18 is amended by adding a new section to read:

31 **Sec. 47.18.335. Monetary living expense stipend.** (a) The department shall

1 provide a monthly monetary living expense stipend for a period not to exceed nine  
2 months in an amount described in (b) of this section to an individual eligible for  
3 services under the program who

4 (1) has left out-of-home care at age 18 or older;

5 (2) is participating in services in the program; and

6 (3) has a monthly contact with a social worker involved in the  
7 program.

8 (b) A stipend provided under this section shall be in an amount necessary to  
9 meet an eligible individual's living expense as determined set by the department. The  
10 amount may not exceed

11 (1) for the first six months of eligibility, that is not more than the daily  
12 rate provided to a licensed foster parent; or

13 (2) for a period not to exceed three additional months during the period  
14 that follows the first six months of eligibility, half of the daily rate provided to a  
15 licensed foster parent.

16 (c) The department shall pay the stipend provided under this section until the  
17 later of the date that the individual

18 (1) reaches 21 years of age; or

19 (2) has left out-of-home care for six months.

20 (d) ~~for necessary living expenses. The stipend shall continue for a period of~~  
21 ~~not more than one year and shall end before the individual is 23 years of age. The~~  
22 ~~department may adopt regulations to implement this section.~~

23 \* Sec. 1617. AS 47.18.390(1) is amended to read:

24 (1) "program" means the out-of-home [FOSTER] care transition  
25 program authorized under AS 47.18.300 - 47.18.390;

26 \* Sec. 17.18. AS 47.18.390(3) is repealed and reenacted to read:

27 (3) "out-of-home care" has the meaning given in AS 47.14.400.

# LEGAL SERVICES

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

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101


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

## MEMORANDUM

February 16, 2009

**SUBJECT:** Definition of "state" in the Uniform Interstate Family Support Act (CSSB 96( )); Work Order No. 26-LS0485\E)

**TO:** Senator Bette Davis  
Chair of the Senate Health and Social Services Committee  
Attn: Lynda Zaugg

**FROM:**   
Donald M. Bullock Jr.  
Legislative Counsel

Enclosed is a draft CS that includes the amended definition of "state" for purposes of the Uniform Interstate Family Support Act (UIFSA). The amended definition is in sec. 2 of the draft bill and is reflected in the title. Please review this draft carefully to ensure that it is consistent with your intent.

The definition of "state" in AS 25.25.101(19) is amended to include the United States Virgin Islands and Indian tribes. The amendment now encompasses all jurisdictions named in the definition of "state" in the UIFSA. Thus, the substance of the definition in AS 25.25.101(19) matches that in the UIFSA.

However, the definition in the amendment still varies from the most recent version of UIFSA that was last amended or revised in 2001.<sup>1</sup> The differences do not seem to be substantive, but you may wish to ask the Department of Law whether this is the time to align the definition of "state" in the state's version of UIFSA as closely as possible with the most recent official version of UIFSA. ?

If I may be of further assistance, please advise.

DMB:med  
09-004.med

Enclosure

<sup>1</sup> The latest version of the UIFSA is published on the Internet at <http://www.law.upenn.edu/bll/archives/ulc/uifsa/final2001.pdf> (accessed Feb. 13, 2009). Federal law requires that UIFSA, as amended and as in effect on August 22, 1996, must be effective in each state. 42 U.S.C. 666. Thus the latest version of UIFSA is not required under current federal law.

*Request to match a earlier version*

# Alaska State Legislature

Senator Bettye Davis, Chair  
Senator Joe Paskvan, Vice Chair  
State Capitol, Room 30  
Juneau, Alaska 99801  
Phone: (907) 465-3822  
Fax: (907) 465-3756



Committee Members:  
Senator Johnny Ellis  
Senator Joe Thomas  
Senator Fred Dyson

## Senate Health & Social Services Committee

February 13, 2009

To: Legislative Legal

From: Lynda Zaugg, aide to Sen. Davis

Re: CS for SB 96  
#26-LS0485\R

Sen. Davis is requesting a CS for SB 96 to include the information attached under "Amendment" pg1 and pg2.

Attachments: DOL letter dated 2/9/09  
"Amendment"

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February 13, 2009

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#26-LS0485\R

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Attachments: DOL letter dated 2/9/09  
"Amendment"

# STATE OF ALASKA

DEPARTMENT OF LAW  
OFFICE OF THE ATTORNEY GENERAL

SARAH PALIN, GOVERNOR

1031 W 4<sup>TH</sup> AVENUE, SUITE 200  
ANCHORAGE, ALASKA 99501-5903

PHONE: (907) 269-5100

FAX: (907) 278-3458

February 9, 2009

Honorable Bettye Davis  
Senate  
State Capitol  
MS 3100, Room 30  
Juneau, AK 99801-1182

RE: UIFSA Amendment  
SB 96

Dear Senator Davis:

SB 96 is currently in the Senate Health and Social Services Committee. We are contacting you to request your assistance in adding an amendment to SB 96 (see attachment) that will ensure that Alaska continues to receive federal funding for child support programs. That funding amounted to 17 million dollars in the 08 fiscal year.

Specifically, we are proposing to amend a definition in Alaska's Uniform Interstate Family Support Act (AS 25.25.101(19)) in order to make Alaska's law consistent with the Uniform Act approved by the National Conference of Commissioners on Uniform State Laws. A brief explanation of the history of AS 25.25 will illustrate the issue.

In 1995, Alaska enacted a version of the Uniform Act that contained a different definition of "state" than contained in the Uniform Act. The following year, 1996, Congress passed legislation that mandated that States adopt the Uniform Act in order to be eligible to receive federal funding for child support programs. In Alaska's Uniform Interstate Family Support Act (UIFSA), the definition of "state" does not include two entities that are included in the Uniform Act. Those two entities are "the United States Virgin Islands" and "an Indian tribe." The amendment we are proposing would eliminate that difference.

I should also tell you that the State of Alaska recently requested a waiver from the U.S. Department of Health and Human Services concerning this issue. On January 29, 2009, we learned that our request had been denied. So, we are now in a

Letter: Sen. Davis  
February 9, 2009

UIFSA Amendment/SB 96  
Page 2

position where we must change the existing definition of "state" to conform to the Uniform Act, or risk losing our federal funds for child support programs.

We believe that the amendment does not constitute a substantive change to the jurisdiction of the State of Alaska in the area of child support programs. Specifically, it is our view that while enactment of the amendment is required in order to ensure that the State will continue to receive its share of federal child support funding, this change will not alter or diminish the authority of the State of Alaska in the area of child support programs.

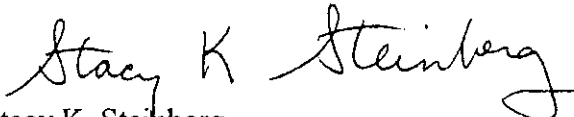
That being said, if the amendment is enacted there is one difference that will result from this proposed change. Specifically, employers will be required to comply with income-withholding orders issued by an Indian tribe. I would note that in this context, "employer" includes all employers in Alaska, including the State of Alaska. The usual rights to contest the validity or enforcement of an order by an obligor would still apply to such an order.

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. We believe the proposed amendment is consistent with this purpose.

If have any questions on this matter please do not hesitate to contact me.

Sincerely yours,

TALIS J. COLBERG  
ATTORNEY GENERAL

By:   
Stacy K. Steinberg  
Chief Assistant Attorney General

SKS/sks

AMENDMENT

OFFERED IN THE SENATE HEALTH AND  
SOCIAL SERVICES COMMITTEE  
TO: SB 96

BY \_\_\_\_\_

1 Page 1, line 1, following "support;":

2 Insert:

3 "relating to the definition of 'state' for purposes of the Uniform Interstate Family  
4 Support Act;"

5

6 Page 2, following line 18:

7 Insert:

8 "\* Sec. 2. AS 25.25.101(19) is amended to read:

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

16

17 Renumber the following bill sections accordingly.

18

19 Page 8, line 16:

20 Delete "sec. 2"

21 Insert "sec. 3"

- 1 Page 8, line 31:
- 2 Delete "Section 2"
- 3 Insert "Section 3"
- 4 Delete "sec. 11"
- 5 Insert "sec. 12"
- 6
- 7 Page 9, line 3:
- 8 Delete "Section 13"
- 9 Insert "Section 14"
- 10
- 11 Page 9, line 4:
- 12 Delete "sec. 15"
- 13 Insert "sec. 16"

**SENATE COMMITTEE REPORT**  
**First Committee of Referral**

DATE: 2/4/09

FURTHER: Judiciary  
 Finance

Date of 5-Day Notice: \_\_\_\_\_  
 (in accordance with Uniform Rule 23)

DATE TURNED  
 IN TO OFFICE: \_\_\_\_\_

Health and Social Services Committee considered SENATE BILL NO. 96

**SB 96 CHILD SUPPORT/ CASH MEDICAL SUPPORT**

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

and recommends:

- be replaced with  SCS or  CS SB 96 (HSS)
- adopt previous  SCS or  CS \_\_\_\_\_ (\_\_\_\_)
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

<b>SENATE BILL:</b>	
<input type="checkbox"/>	Same Title
<input checked="" type="checkbox"/>	New Title
<hr/>	
<b>HOUSE BILL:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet	Zero	FN#
REV	12/12			✓	

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
<i>Joe Parkian</i>	PARKIAN	X			
<i>Joe Thomas</i>	Thomas			✓	
<i>Joe Ellis</i>	ELLIS			X	
CHAIR: <i>Benny Davis</i>	DAVIS	X			

Putzier  
4/16/09

AMENDMENT

OFFERED IN THE HOUSE FINANCE COMMITTEE

TO: HCS CSSB 96 (JUD)

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

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

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

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

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

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

**Sen. Bettye Davis**

RECEIVED

APR 15 2009

**From:** Jessie Archibald [jarchibald@ccthita.org]  
**Sent:** Wednesday, April 15, 2009 2:42 PM  
**To:** Sen. Bettye Davis; Nancy Barnes; Rep. Reggie Joule; Kaci Schroeder; Kendra Kloster; Rep. Max Gruenberg; Rep. Beth Kerttula; anna.kim@alaska.gov; Rep. John Coghill; Rynnieva Moss  
**Cc:** Robert Loescher; Jessie Archibald  
**Subject:** Agreement on Intent provision for House CS for CS for SB No. 96 (JUD)  
**Attachments:** peter.pdf; Newest 4-16-09 Legislative Testimony.doc

This e-mail is written for Bob Loesher:

Please find attached a communication from Peter Putzier, Alaska Department of Law, and proposed revisions to Section (b) intent language.

Additionally, please find attached our proposed testimony in support of the legislation when it is heard before the House Finance Committee at 1:30 p.m. this Thursday.

If the state attorney general and the administration is able to secure concurrence of this revision with other legislative parties, the Central Council would support a committee substitute amendment to the legislation as indicated in the attachments to this e-mail and in our newest draft testimony.

If you have any comments, questions, or concerns on this matter, we would appreciate it if you would call me at 723-8516 or reply to this e-mail.

Best Wishes,

Bob Loescher  
Central Council Tlingit & Haida Tribal Judiciary Committee

## Legislative Testimony

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

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

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

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

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

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

**Jessie Archibald**

---

**From:** Putzier, Peter K (LAW) [peter.putzier@alaska.gov]  
**Sent:** Wednesday, April 15, 2009 1:23 PM  
**To:** Jessie Archibald  
**Subject:** SB 96  
**Attachments:** Amended UIFSA Intent Language (proposed).doc

RECEIVED  
APR 15 2009

Jessi:

Thank you for meeting today to discuss SB 96. I found it helpful to hear directly from you and Mr. Loescher.

I understand that we have an agreement to the language in the attached document. I have included the deleted language, and the proposed addition, for your convenience. If you spot something that doesn't look right, please call me so we can fix it. (952-2034, or (temporary) office phone, 465-4927).

Thank you.

Peter Putzier  
Assistant Attorney General  
Email: [peter.putzier@alaska.gov](mailto:peter.putzier@alaska.gov)

The new intent language, subsection (b) would read as follows:

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

**Sen. Bettye Davis**

---

**From:** Jessie Archibald [jarchibald@ccthita.org]  
**Sent:** Wednesday, April 15, 2009 8:52 AM  
**To:** representative\_reggie\_joule@legis.state.ak.us; kaci\_Schroeder@legis.state.ak.us;  
 sen.bettye.davis@legis.state.ak.us; Nancy.Barnes@legis.state.ak.us;  
 kendra\_kloster@legis.state.ak.us; randall.ruaro@alaska.gov  
**Cc:** Robert Loescher; Eddie Brakes; Jessie Archibald  
**Subject:** Robert Loescher legislative testimony for House Finance  
**Importance:** High  
**Attachments:** T & H AMENDMENT.doc; T & H AMENDMENT CLEAN COPY (2).doc; New 3-14-09  
 Legislative Testimony.doc

To: Senator Bettye Davis  
 Representative Reggie Joule  
 Representative Bill Thomas  
 Representative Kathy Munoz

RECEIVED  
 APR 15 2009

This e-mail is written for Robert Loescher:

Attached is my revised position statement to be given at the House Finance Committee regarding the Tribe's objection to section (b) language. The hearing date is set for tomorrow at 1:30 p.m. Also attached is Central Council's counter proposal regarding this section. The first copy of the amendment shows what language we want inserted and language we want deleted. The second copy of the amendment is a clean copy of the amendment we wish to propose.

We truly request your support for our request to amend SB 96.

**Jessie M. Archibald**  
 Tribal Child Support Attorney  
 Central Council Tlingit and Haida  
 320 West Willoughby Ave. Suite 300  
 Juneau, Alaska 99801  
 Phone: (907) 463-7114  
[jarchibald@ccthita.org](mailto:jarchibald@ccthita.org)

**Confidentiality Notice:** This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply via e-mail and destroy all copies of the original message.

AMENDMENT

LS04585/C SB 96

1 Page 2, lin2 5:

2 Insert new subsection:

3 (b) The legislature recognizes that child support enforcement is a program of legislative  
4 policies and procedures developed and administered by federal, state and tribal entities  
5 that address the establishment of paternity and enforcement of support orders with  
6 UIFSA as the guide for the promotion of the general economic welfare in the best interest  
7 of dependent children, as required by the federal regulations. The proposed changes  
8 made in AS 25.25.101(19) under sec.3 of this Act are conforming amendments that will  
9 result in procedural changes in Alaska for enforcement and modification of child support  
10 orders from other jurisdictions. UIFSA does not determine the authority of an Indian tribe  
11 to enter, modify, or enforce a child support order. [~~In adopting UIFSA conforming~~  
12 ~~amendments, the legislature does not intend to grant or restrict tribal jurisdiction to enter,~~  
13 ~~modify, or enforce child support orders, and the amendments are not intended, either~~  
14 ~~directly or impliedly, to acknowledge, expend, or restrict tribal jurisdiction.]~~

## AMENDMENT

LS04585/C SB 96

1 Page 2, lin2 5:

2 Insert new subsection:

3 The legislature recognizes that child support enforcement is a program of legislative  
4 policies and procedures developed and administered by federal, state and tribal entities  
5 that address the establishment of paternity and enforcement of support orders with  
6 UIFSA as the guide for the promotion of the general economic welfare in the best interest  
7 of dependent children, as required by the federal regulations. The proposed changes  
8 made in AS 25.25.101(19) under sec.3 of this Act are conforming amendments that will  
9 result in procedural changes in Alaska for enforcement and modification of child support  
10 orders from other jurisdictions. UIFSA does not determine the authority of an Indian  
11 tribe to enter, modify, or enforce a child support order.

## Legislative Testimony

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

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

**RE: SB 96 and HB 192 Section (b)**

Before discussing specific objections to Section (b) language in SB 96 and HB 192, I would like to acknowledge support for SB 178, that requires the state administration's proposed amendment to amend the Alaska Employment Security Act to include a "federally recognized Indian tribe." Failure to bring Alaska in compliance by adding this amendment could result in the loss of up to 131 million dollars. Now if we look at the cost of failing to be in compliance with the child support statute, which is 85 million dollars, the cost of these two words "Indian Tribe" would total a 216 million dollar negative impact to the state's operating budget.

Here is the current language in SB 96 and HB 192 regarding legislative intent:

(b) The proposed changes made in AS 25.25.101(19) under sec. 3 of this Act are conforming amendments that will result in procedural changes in Alaska for enforcement and modification of child support orders from other jurisdictions. UIFSA does not determine the authority of an Indian Tribe to enter, modify or enforce a child support order. [In adopting UIFSA, conforming amendments, the legislature does not intend to grant or restrict tribal jurisdiction to enter, modify, or enforce child support orders, and the amendments are not intended, either directly or impliedly, to acknowledge, expand, or restrict tribal jurisdiction.]

The above underlined and bracketed language is what the Central Council Tribe objects to.

### **Counter-Proposal:**

- 1) Eliminate section (b) language. Accept the SB 96 Legislative intent language prior to insertion of (b) intent language.
- 2) Alternatively, delete the last sentence of section (b) and add the following language as a preface to (b):

"The legislature recognizes that child support enforcement is a program of legislative policies and procedures developed and administered by Federal, State and Tribal entities that address the establishment of paternity and enforcement of support orders with UIFSA as the guide for the promotion of the general economic welfare in the best interest of dependent children, as required by the federal regulations."

## Introduction:

First of all, we have a problem with the last sentence in section (b) because it states that the legislature does not acknowledge tribal jurisdiction. We object to this language because "Indian Tribes" do exist in Alaska.

Central Council Tlingit and Haida Indian Tribes of Alaska is a federally recognized tribe. By granting federal recognition, the U.S. government acknowledges that Central Council has the immunities and privileges available to all other federally recognized Indian Tribes by virtue of their government to government relationship with the United States as well as the responsibilities, powers and limitations and obligations of such tribes. Along with this federal recognition, Central Council possesses the inherent right and sovereignty to govern ourselves to oversee the internal affairs of tribal members and family matters, which we native people have exercised for thousands of years.

The Alaska State Supreme Court in John v. Baker, 982 P.2d 738 Alaska, 1999. Sep 08, 1999 addressed this very issue:

*Issue:* Do Alaska Native Tribes have inherent, non-territorial sovereignty allowing them to resolve domestic disputes between their own members?

*Held:* Alaska Native tribes, by virtue of their inherent powers as sovereign nations, do possess inherent, non-territorial sovereignty to resolve domestic disputes between tribal members. State and tribal courts have concurrent jurisdiction so long as the children are members or eligible for membership with the Tribe.

Next, Central Council objects to the above bracketed and underlined language in SB 96 and HB 192 for the following reasons:

1. Overall purpose of UIFSA is to provide a procedural vehicle for efficient processing of interstate child support cases.
2. The problem with the underlined, bracketed sentence is that it appears to be "disclaimer" language. The concern is when the state CSSD sees this language, what will it do with our child support orders when we request services, such as PFD garnishment, or when we request CSSD to provide any other service that it should be providing to our child support program?
3. Will the State CSSD tell us "Sorry, we do not "acknowledge" your authority to establish, enforce or modify child support orders, so we will not provide this single action PFD

service.” This is contrary to federal rules requiring states and Tribes to cooperate towards the common goal of providing child support.

4. This language will put Alaska out of compliance with the intent of the UIFSA requirement that the definition of State includes the word, “Indian Tribe.” The federal regulations require states and tribes to cooperate to ensure children and families receive child support services in interstate cases.
5. There are two separate federal regulations that govern the relationship between states and tribes for child support services.
  - a. 45 CFR 302 details the state plan requirement for states to cooperate with other states in interstate child support cases. Section 302.36(a) (2) was modified to require states to provide the full range of services available under its child support program to all Tribal federally funded child support programs.
  - b. 45 CFR 309.120 provides that the Tribe must extend the full range of services available in its plan to respond to all requests from and cooperate with State and other Tribal federally funded programs.
6. The problem is the proposed “disclaimer” language included in the section (b) amendment sends mixed messages to the CSSD agency, telling them they can’t provide the Tribe with the full range of services because CSSD cannot acknowledge the Tribe’s authority to create, enforce or modify child support orders.
7. Does this mean that every time our agency wants assistance from the State, that the state CSSD will say, “Sorry, we cannot acknowledge you.” Thus, specifically, we have difficulty with the inclusion of the word, “acknowledgement” in section (b). The State CSSD’s answer should be, “Yes, we will provide your agency with the full range of services.” If the answer is in the negative, “No, we cannot provide services” then the State will be out of compliance with federal regulations.
8. The consequence of leaving the intent language in section (b) would be that the state CSSD will be out of compliance with 45 CFR 302 if it will not provide Tribes with the full range of services that it must provide to all other States and Tribes with federally funded child support programs.
9. This harms children and families and is contrary to the very intent of federal funding for all child support programs. Central Council has already seen this happen by CSSD refusing to recognize the Tribe’s child support orders for PFD garnishments. This PFD garnishment service was provided to all other states and Tribes, but CSSD refused to provide this service to the Central Council.

**Conclusion:**

In conclusion, we come before you to ask for an amendment to delete the above underlined and bracketed language in our testimony or in the alternative, to delete the last sentence of section (b) and insert the language from our counter-proposal number two.

AMENDMENT

OFFERED IN THE HOUSE

TO: HCS CSSB 96(JUD)

- 1 Page 2, line 11:
- 2 Delete "acknowledge, expand,"
- 3 Insert "expand"

To

Leg leg.

465-2029

4/13  
~~12~~/09

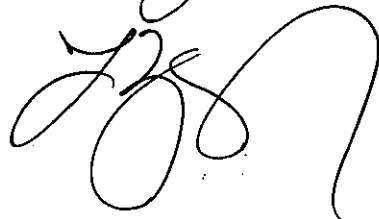
From Lynch Zoube  
Sen B Davis's office

Re. att- amendment.

Sen DAVIS - request another  
amendment - follow the att-

wordy - except -  
Strike "acknowledge" in line 11 -

Thank you



AMENDMENT

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.

~~to~~  
delete

# State of Alaska

Department of Revenue  
*Administrative Services Division*



**SARAH PALIN, GOVERNOR**

333 Willoughby Avenue, 11<sup>th</sup> Floor

P.O. Box 110400

Juneau, Alaska 99811-0405

Phone: (907) 465-2300

Fax: (907) 465-2394

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

AMENDMENT

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.

*Change Passed*

*5 Y  
2 M  
Amendment #1  
pass-  
CS 96-ver C  
w/ amendment #1*

Jessie Archibald - att. of T. byrd / Hyde -

1) not necessary

2)

# FISCAL NOTE

STATE OF ALASKA  
2009 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: SB 96 HCSCS(JUD)  
( ) Publish Date: \_\_\_\_\_

Identifier (file name): SB96 HCSCS(JUD)-DOR-CSS-04-13-09 Dept. Affected: Revenue  
Title: Cash Medical Support for Minor Children RDU: Child Support Services Division  
Component: Child Support Services Division  
Sponsor: Senate Health and Social Services Committee  
Requester: House Finance Committee 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
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Debt Service								
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
-----------------------------	--	--	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>								
-------------------------------	--	--	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

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

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: 4/02/2009 at 12:00 PM  
Approved by: Ginger Blaisdell, Director Date: 4/13/2009  
Administrative Services Division

# State of Alaska

Department of Revenue  
Administrative Services Division



SARAH PALIN, GOVERNOR

333 Willoughby Avenue, 11<sup>th</sup> Floor

P.O. Box 110400

Juneau, Alaska 99811-0405

Phone: (907) 465-2300

Fax: (907) 465-2394

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

# Alaska State Legislature

*Interim: (May - Dec.)*  
716 W. 4<sup>th</sup> Ave  
Anchorage, AK 99501  
Phone: (907) 269-0144  
Fax: (907) 269-0148



*Session: (Jan. - May)*  
State Capitol, Suite 7  
Juneau, AK 99801-1182  
Phone: (907) 465-3822  
Fax: (907) 465-3756  
Toll free: (800) 770-3822

[Senator\\_Betty\\_Davis@legis.state.ak.us](mailto:Senator_Betty_Davis@legis.state.ak.us)  
<http://www.akdemocrats.org>

## Senator Bettye Davis

Date: 4/10/2009

To: Representative Ramras, Chair  
House Judiciary Committee

From: Senator Bettye Davis

Re: CSSB 96 Child Support/Cash Medical Support

A handwritten signature in blue ink, appearing to be "BD", written over the recipient information.

---

This is a request that you schedule a hearing on CSSB 96 at the earliest possible date.

Please find attached a copy of the bill, a sponsor statement, fiscal notes, and a sectional analysis. Your attention to this request would be appreciated. Thank you.

# Alaska State Legislature

*Interim: (May - Dec.)*  
716 W. 4<sup>th</sup> Ave  
Anchorage, AK 99501  
Phone: (907) 269-0144  
Fax: (907) 269-0148



*Session: (Jan. - May)*  
State Capitol, Suite 30  
Juneau, AK 99801-1182  
Phone: (907) 465-3822  
Fax: (907) 465-3756  
Toll free: (800) 770-3822

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;."

### FLOOR STATEMENT

---

**SB 96 puts Alaska in compliance with the federal requirements which assures 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 in funds for Child Support Enforcement and Tem. Assistance for Needy Families (TANF). I appreciate your support of this important bill.**

# SENATE COMMITTEE REPORT

DATE: 3/3/09

FURTHER: Finance

DATE TURNED IN TO OFFICE: 3/16/09

Judiciary Committee considered SENATE BILL NO: 96

## SB 96 CHILD SUPPORT/ CASH MEDICAL SUPPORT

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

and recommends:

- be <sup>previous</sup> ~~replaced~~ with  SCS or  CS SB 96 (HSS)
- adopt previous  SCS or  CS \_\_\_\_\_
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

<b>SENATE BILL:</b>	
<input type="checkbox"/> Same Title	
<input checked="" type="checkbox"/> New Title	
<hr/>	
<b>HOUSE BILL:</b>	
<input type="checkbox"/> Same Title	
<input type="checkbox"/> Technical Title Change	
<input type="checkbox"/> New Title w/ SCR # _____	

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet	Zero	FN#
REV	12/15/08			✓	

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Theriault			✓	
	Wielechowski			✓	
	Wellum			✓	
CHAIR:	French	✓			

**SENATE COMMITTEE REPORT**  
**First Committee of Referral**

DATE: 2/4/09

FURTHER: Judiciary  
 Finance

Date of 5-Day Notice: 2/19/09  
 (in accordance with Uniform Rule 23)

DATE TURNED  
 IN TO OFFICE: 3/2/09

Health and Social Services Committee considered SENATE BILL NO. 96

**SB 96 CHILD SUPPORT/ CASH MEDICAL SUPPORT**

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

and recommends:

- be replaced with  SCS or  CS SB 96 (HSS)
- adopt previous  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

<b>SENATE BILL:</b>	
<input type="checkbox"/>	Same Title
<input checked="" type="checkbox"/>	New Title
<b>HOUSE BILL:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet	Zero	FN#
REV	12/12			<input checked="" type="checkbox"/>	

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
<i>Joe Parkian</i>	PARKIAN	<input checked="" type="checkbox"/>			
<i>Joe Thomas</i>	Thomas			<input checked="" type="checkbox"/>	
<i>Greg Ellis</i>	ELLIS			<input checked="" type="checkbox"/>	
CHAIR: <i>Betsy Gavin</i>	DAVIS	<input checked="" type="checkbox"/>			

**Lynda Zaugg**

---

**From:** Steinberg, Stacy K (LAW) [stacy.steinberg@alaska.gov]  
**Sent:** Friday, March 27, 2009 5:17 PM  
**To:** Blaisdell, Ginger (DOR); Mallonee, John R (DOR); Putzier, Peter K (LAW); Lynda Zaugg  
**Subject:** RE: SB 96 CSSD

Ginger:  
The governor's office has summoned Peter and I to go to Juneau for the hearings. Peter's assistant is getting us plane and hotel reservations and arriving in Juneau Sunday evening.  
Stacy

---

**From:** Blaisdell, Ginger (DOR)  
**Sent:** Friday, March 27, 2009 5:13 PM  
**To:** Mallonee, John R (DOR); Steinberg, Stacy K (LAW); Putzier, Peter K (LAW); Zaugg, Lynda (LAA)  
**Subject:** FW: SB 96 CSSD

Darwin confirmed that the ANC LIO will be open on Monday.  
Ginger

---

**From:** Blaisdell, Ginger (DOR)  
**Sent:** Friday, March 27, 2009 4:40 PM  
**To:** Peterson, Darwin R (LAA)  
**Subject:** SB 96 CSSD

Linda Zaugg will introduce the bill and present the sponsor statement.

Calling in from the ANC LIO: can you confirm that it will be open on the holiday?

- John Mallonee, Director of Child Support Services Division
- Stacy Steinberg, Assistant AG, Department of Law, CSSD issue specialist ✓
- Peter Putzier, Assistant AG, Department of Law, Tribal law specialist ✓

I would like to come to the table to direct questions if that works for you.  
Ginger

*Lynda  
209 6/1/09*

**State of Alaska**  
Department of Revenue  
*Administrative Services Division*



**SARAH PALIN, GOVERNOR**  
333 Willoughby Avenue, 11<sup>th</sup> Floor  
P.O. Box 110400  
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;

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



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 7<sup>th</sup> 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

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U.S. Department of Health and Human Services

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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 at 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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**State of Alaska**  
Department of Revenue  
*Administrative Services Division*



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Juneau, Alaska 99811-0405  
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March 20, 2009

The Honorable Bert Stedman  
Chair, Senate Finance Committee  
Alaska State Legislature  
State Capitol, Room 516  
Juneau, AK 99801

Dear Senator Stedman;

The Department of Revenue has requested a hearing to be scheduled for SB96 Child Support / Cash Medical. This bill was introduced by the Senate Health and Social Services Committee with support from the Governor. 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

- \$ 1,025,761 Annual collections from obligors whose children are in state foster care are sent to the Department of Health and Social Services to help pay for foster care costs. \*FY08 totals
- \$ 860,560 Annual collections from obligors whose children are institutionalized are sent to the Department of Health and Social Services to help pay for non-federal foster care. \*FY08 totals
- \$60,000,000 Federal TANF Block Grant is part of the Social Security Act. If any part of the Act is not in compliance, the State would risk losing the entire block grant. The majority of this funding is appropriated in the Department of Health and Social Services. Action Transmittal OCSE-AT-97-05 dated April 28, 1997 describes that CSSD funding would be lost and that non-compliance could also put at risk Title IV-A funding. The language from this Action Transmittal follows:

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.

In conclusion:

1. Monthly distribution of child support payments to custodial parents averages \$9,350,000.
2. One out of six citizens (approximately 125,000 people) in Alaska are somehow involved in a child support case.
3. If this legislation does not pass in the next 30 days, Alaska risks losing its entire child support services program and could lose its state TANF block grant that serves low-income citizens in every community.

Thank you for working with us on this issue.

Sincerely,

Ginger Blaisdell  
Director

**State of Alaska**  
Department of Revenue  
*Administrative Services Division*



**SARAH PALIN, GOVERNOR**  
333 Willoughby Avenue, 11<sup>th</sup> Floor  
P.O. Box 110400  
Juneau, Alaska 99811-0405  
Phone: (907) 465-2300  
Fax: (907) 465-2394

March 16, 2009

The Honorable Hollis French  
Chair, Senate Judiciary Committee  
State Capitol, Room 417  
Juneau, AK 99811

Dear Senator French,

This letter is in support of SB 96 to help inform the legislature of necessary actions required to bring Alaska into federal compliance with the federal law. If the state remains out of compliance after this legislative session, CSSD could lose more than \$17 million federal dollars. This is nearly the entire operating budget required to operate the child support activities mandated by state and federal law.

The Alaska Child Support Services Division (CSSD) needs to amend state law on two issues. The first amendment is less controversial and only requires 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.

The second amendment is more sensitive to certain legislators. 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."

A letter of intent 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. The letter of intent could be attached as a separate letter or as an amendment 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;

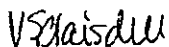
(2) of the 33 states that have federally recognized tribes, Alaska is the only state that has not yet passed conforming legislation; and

(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.

Thank you for working with us on this issue.

Sincerely,



Ginger Blaisdell  
Director

CC: Stacy Steinberg, AAG, Department of Law  
John Mallonce, Director, Child Support Services Division

Good job Ginger, thanks. Lynda

-----Original Message-----

From: Blaisdell, Ginger (DOR) [mailto:ginger.blaisdell@alaska.gov]  
Sent: Tuesday, March 10, 2009 10:16 AM  
To: Ford, Michael F (LAW); Steinberg, Stacy K (LAW); Mallonee, John R (DOR)  
Cc: Cindy Smith; Lynda Zaugg  
Subject: SB96 CSSD legislation in (S)JUD

I've scanned the documents that have been included in the Senate Judiciary committee packets for tomorrow's hearing (please print the latest version of the bill off of Basis). Mike Ford and I met briefly with Cindy Smith (Sen French) to review the bill. She does not anticipate any push back from the committee unless there are questions from Senator Therriault. We hope that SB96 will be heard tomorrow and then brought up quickly in the next meeting under "bills previously heard" to pass out and move on to Senate Finance.

The order of the meeting will be:

Linda Zaugg (Sen Davis) will read the sponsor statement to open the meeting discussion

John Mallonee will provide his presentation of the bill

Stacy Steinberg will be on line to answer any legal questions

Ginger will be available to direct questions to those on the phone

SB96 is the only bill scheduled to tomorrow.

Ginger



# Alaska State Legislature

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716 W. 4<sup>th</sup> Ave  
Anchorage, AK 99501  
*Phone: (907) 269-0144*  
*Fax: (907) 269-0148*



*Session: (Jan. - May)*  
State Capitol, Suite 7  
Juneau, AK 99801-1182  
*Phone: (907) 465-3822*  
*Fax: (907) 465-3756*  
*Toll free: (800) 770-3822*

[Senator Bettye Davis@legis.state.ak.us](mailto:Senator_Bettye_Davis@legis.state.ak.us)  
<http://www.akdemocrats.org>

## Senator Bettye Davis

Date: 3/3/2009

To: Senator Hollis French, Chair  
Judiciary Committee

From: Senator Bettye Davis

Re: CS for SB 96 "An Act relating to nonpayment of child support, to the definition of the term "state" for the purposes of the Uniform Interstate Family Support Act, to certain judicial and administrative orders for medical support of a child, to periodic review and adjustment of child support orders, to relief from administrative child support order, to child support arrearages, and to medical support of a child and the Alaska Native family assistance program; amending Rule 90.3, Alaska Rules of Civil Procedure; and providing for an effective date."

---

This is a request that you schedule a hearing on CS for SB 96 at the earliest possible date.

Please find attached a copy of the CS for SB 96, the bill, a sponsor statement, a fiscal note and a sectional analysis. Your attention to this request would be appreciated. Thank you.

Ok, thanks

---

**From:** Laughlin, Wilda J (HSS) [mailto:wilda.laughlin@alaska.gov]  
**Sent:** Monday, March 02, 2009 9:18 AM  
**To:** Andy Moderow; Lynda Zaugg  
**Cc:** Fick, Tyson C (CED); Fitzjarrald, Elinor A (HSS); Sherwood, Jon (HSS)  
**Subject:** SB 61 hearing today

Just wanted to give you a heads up that I will be available to testify for the department on SB 61 this afternoon if needed. DPA director Ellie Fitzjarrald and HCS medical assistance administrator Jon Sherwood will be available to answer questions on the fiscal notes.

w.

**Thomas Obermeyer**

---

**From:** Blaisdell, Ginger (DOR) [ginger.blaisdell@alaska.gov]  
**Sent:** Monday, February 02, 2009 8:42 AM  
**To:** Rynnieva Moss; Thomas Obermeyer  
**Subject:** FW: CSSD medical legislation  
**Attachments:** Sponsor Statement for medical support bill.doc; Medical support bill one page highlight.doc

I hope this is helpful to both of you  
Ginger

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**From:** Mallonee, John R (DOR)  
**Sent:** Thursday, January 29, 2009 3:56 PM  
**To:** Blaisdell, Ginger (DOR)  
**Subject:** RE: CSSD medical legislation

I haven't done one of these in a long time. So attached is my attempt. See what you think and let me know if they need to be changed. Any suggestions would be appreciated.

John Mallonee, Director  
Child Support Services Division

Confidentiality Notice: This e-mail message including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

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**From:** Blaisdell, Ginger (DOR)  
**Sent:** Wednesday, January 28, 2009 10:17 PM  
**To:** Burnett, Jerry D (DOR); Galvin, Patrick S (DOR); Mallonee, John R (DOR)  
**Subject:** CSSD medical legislation

Representative Coghill is going to sponsor this bill in the House and is already getting it drafted. Senator Davis will introduce this bill as a HSS Committee bill - I'm working with Tom Obermeyer to get it started.

John - Both offices have asked for a sponsor statement and a one page highlight list of what the legislation does. How quick can I get a one-page description? I'm happy to write the sponsor statement if need be.

Ginger

**Lynda Zaugg**

---

**From:** Thomas Obermeyer  
**Sent:** Friday, January 30, 2009 2:09 PM  
**To:** john.mallonee@alaska.gov; Ginger.blaisdell@alaska.gov  
**Cc:** Lynda Zaugg; Don Burrell; Sen. Bettye Davis  
**Subject:** Work Draft 26-LS0485A 1/30/09 relating to nonpayment of child suport etc.  
**Attachments:** 6-LS0485A.pdf child support

In response to your request for a bill sponsored by the Senate HSS Committee concerning child support matters in the 11/12/08 draft 09-0026 bill.doc which you dropped off at Senator Davis's office, Senator Davis asked that I have Legis. Legal Svcs. Prepare draft 26-LS0485A which is attached.

Note that our draft differs somewhat from that which you submitted. After title change indicating "non payment of child support" and the attendant penalties for non-compliance which are criminal, our bill first addresses related criminal law under Title 11, and then moves into child support under Title 25.

Senator Davis asks for your careful review and approval before we request a final draft from Legislative Legal Services for reading across and assignment of bill number.

Tom Obermeyer  
465-3762

# Alaska State Legislature

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Toll free: (800) 770-3822

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 (B)

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In July 2008, the federal government issued new medical support regulations that require states to have guidelines addressing how either or both parents will provide for a child's healthcare needs through accessible health insurance coverage, cash medical support, or both. Under the federal regulations, states must order either or both parents to purchase reasonably-priced, accessible health insurance coverage, provide cash medical support or both. Cash medical support may be required in those cases where no reasonably-priced health insurance coverage is accessible to the child. If a parent is ordered to pay cash medical support, the Child Support Services Division must enforce the ongoing cash medical support obligation as well as collect any cash medical support arrears. Failure to satisfy these mandated jeopardizes 17 million dollars in federal funding for the state's child support program.

This bill adds to existing law the authority for a tribunal to order either or both parents to pay cash medical support, if warranted. In addition, the bill directs CSSD to review child support orders for modification on a federally mandated three-year cycle. 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. 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.

This bill puts Alaska in compliance with the federal requirements. As explained above, this bill will assure that Alaska's children receive the medical support to which they are entitled.



# LEGAL SERVICES



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

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

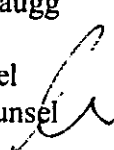
State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

February 27, 2009

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

**TO:** Senator Betty Davis  
Attn: Lynda Zaugg

**FROM:** Jean M. Mischel  
Legislative Counsel 

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

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

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

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

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

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

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

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

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

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

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

**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
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
-----------------------------	--	--	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>								
-------------------------------	--	--	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

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

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

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



Official Business

# Alaska State Legislature

House of Representatives

Office of the Chief Clerk

Sen-Davis  
State Capitol, Room 216  
Juneau, AK 99801-1182  
Phone: (907) 465-3725  
Fax: (907) 465-5334

## CONCUR

April 17, 2009

### MESSAGE TO THE SENATE

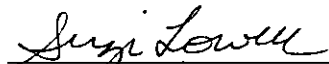
Mister President:

The House passed CS FOR SENATE BILL NO. 96(FIN) with the following amendment(s):

HOUSE CS FOR CS FOR SENATE BILL NO. 96(FIN)

"An Act relating to nonpayment of child support, to the definition of the term 'state' for the purposes of the Uniform Interstate Family Support Act, to certain judicial and administrative orders for medical support of a child, to periodic review and adjustment of child support orders, to relief from administrative child support orders, to child support arrearages, and to medical support of a child and the Alaska Native family assistance program; amending Rule 90.3, Alaska Rules of Civil Procedure; and providing for an effective date."

and it is returned for consideration.

  
Suzi Lowell, Chief Clerk

# Alaska State Legislature



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*Session: (Jan. - May)*  
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Toll free: (800) 770-3822

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 bring the state into compliance with federal government regulations adopted in July 2008, that require states to have guidelines addressing how either or both parents will provide for a child's healthcare needs. 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. Failure to satisfy these mandated requirements jeopardizes 85 million dollars in federal funding for both Alaska's Child support program and Temporary Ass. To Needy Families (TANF).**

**1. This bill adds an Indian tribe and United States Virgin Island 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 in funds for the Child Support Enforcement and Tem. Assistance for Needy Families (TANF) programs.**

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[Senator Bettye Davis@legis.state.ak.us](mailto:Senator_Bettye_Davis@legis.state.ak.us)  
<http://www.akdemocrats.org>

## Senator Bettye Davis

Date: 4/13/2009

To: Representative Hawker, Co-Chair  
Representative Stoltze, Co-Chair  
House Finance Committee

From: Senator Bettye Davis *Bgd*

Re: CSCSSB 96 Child Support/Cash Medical Support

---

This is a request that you schedule a hearing on CSCSSB 96 at the earliest possible date.

Please find attached a copy of the CS for CS for SB 96, a sponsor statement, fiscal notes, and a sectional analysis. Your attention to this request would be appreciated. Thank you.

# Alaska State Legislature

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Senator [Bettye Davis@legis.state.ak.us](mailto: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

---

In July 2008, the federal government issued new medical support regulations that require states to have guidelines addressing how either or both parents will provide for a child's healthcare needs through accessible health insurance coverage, cash medical support, or both. Under the federal regulations, states must order either or both parents to purchase reasonably-priced, accessible health insurance coverage, provide cash medical support or both. Cash medical support may be required in those cases where no reasonably-priced health insurance coverage is accessible to the child. If a parent is ordered to pay cash medical support, the Child Support Services Division must enforce the ongoing cash medical support obligation as well as collect any cash medical support arrears. Failure to satisfy these mandated jeopardizes 17 million dollars in federal funding for the state's child support program. ~~Alaska's request for a waiver was denied by the Federal government in January 2009.~~

*[Handwritten signature]*

This bill adds to existing law the authority for a tribunal to order either or both parents to pay cash medical support, if warranted. In addition, the bill directs CSSD to review child support orders for modification on a federally mandated three-year cycle. 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. 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.

This bill puts Alaska in compliance with the federal requirements. As explained above, this bill will assure that Alaska's children receive the medical support to which they are entitled.

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[Senator Bettve Davis@legis.state.ak.us](mailto:SenatorBettveDavis@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 (B)

In July 2008, the federal government issued new medical support regulations that require states to have guidelines addressing how either or both parents will provide for a child's healthcare needs through accessible health insurance coverage, cash medical support, or both. Under the federal regulations, states must order either or both parents to purchase reasonably-priced, accessible health insurance coverage, provide cash medical support or both. Cash medical support may be required in those cases where no reasonably-priced health insurance coverage is accessible to the child. If a parent is ordered to pay cash medical support, the Child Support Services Division must enforce the ongoing cash medical support obligation as well as collect any cash medical support arrears. Failure to satisfy these mandated <sup>orders</sup> jeopardizes 17 million dollars in federal funding for the state's child support program.

*new 85 time year + ch*

This bill adds to existing law the authority for a tribunal to order either or both parents to pay cash medical support, if warranted. In addition, the bill directs CSSD to review child support orders for modification on a federally mandated three-year cycle. 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. 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.

This bill puts Alaska in compliance with the federal requirements. As explained above, this bill will assure that Alaska's children receive the medical support to which they are entitled.

# Alaska State Legislature

Interim: (May - Dec.)  
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State Capitol, Suite 30  
Juneau, AK 99801-1182  
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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)

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**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).**

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.

# FISCAL NOTE

STATE OF ALASKA  
2009 LEGISLATIVE SESSION

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

Identifier (file name): CSSB96(HSS)-DOR-CSS-03-02-09 Dept. Affected: Revenue  
Title: Cash Medical Support for Minor Children RDU: Child Support Services Division  
Sponsor: \_\_\_\_\_ Component: Child Support Services Division  
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
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL EXPENDITURES</b>								
<b>CHANGE IN REVENUES ( )</b>								

**FUND SOURCE** (Thousands of Dollars)

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

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

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

# LEGAL SERVICES

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

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101


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

## MEMORANDUM

February 27, 2009

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

**TO:** Senator Betty Davis  
Attn: Lynda Zaugg

**FROM:** Jean M. Mischel  
Legislative Counsel 

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

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

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

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

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

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

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

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

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

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

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

**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
<b>OPERATING EXPENDITURES</b>							
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
<b>TOTAL OPERATING</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL EXPENDITURES</b>							
<b>CHANGE IN REVENUES ( )</b>							

**FUND SOURCE** (Thousands of Dollars)

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

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