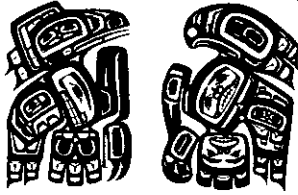


SB

96

Central Council
Tlingit and Haida



Indian Tribes of Alaska

CENTRAL COUNCIL
tlingit and haida indian tribes of alaska
ANDREW P. HOPE BUILDING
320 West Willoughby Avenue • Suite 300
Juneau, Alaska 99801-1726

Legislative Testimony

**HEARING: (S) JUD Mar 11, 2009 @ 1:30 PM BELTZ 211
TELECONFERENCE**

Thank you Mr. Chairman and members of the committee. My name is Eddie Brakes, IV-D Director, for Central Council Tlingit and Haida Indian Tribes of Alaska (CCTHITA) Tribal Child Support Unit (TCSU).

I am offering this testimony in support of SB 96 Sec. 2. Alaska Statutes 25.25.101 (19) concerning changing the definition of State to include “the Virgin Islands” and “an Indian tribe” which puts Alaska in compliance with federal regulations.

Child support programs that receive federal funding under Title IV-D of the Social Security Act are called Title IV-D programs. In March of 2004, the final rule for Tribal Child Support Programs was published at 45 CFR 309. This rule provides regulations for Tribes to receive federal funding to operate Tribal IV-D programs. The State of Alaska and the CCTHITA both operate federally funded and approved programs. CCTHITA does not receive any funding from the State to operate its child support program.

In March of 2007, the CCTHITA received federal funding to operate a comprehensive IV-D Program. TCSU has been working collaboratively with State of Alaska CSSD. CSSD has transferred for services approximately 700 Child Support cases to the Tribe. Both CSSD and TCSU are working together to provide child support services

Federal regulations require states and Tribes to work together and cooperate, providing one another the full range of services. These are available to all other IV-D programs throughout the country.

This amendment will assist the State and Tribe in their ongoing collaborations. The TCSU, CSSD, and Department of Law have been in monthly telephonic meetings, working together towards the common goal of ensuring all children receive the critical financial and emotional support they deserve.

It is important to note that every other state in the U.S. has adopted the federal definition of “State” to include an Indian Tribe. According to the CSSD sponsor statement, SB 96 puts the State of Alaska CSSD in compliance with federal child support regulations, and does not jeopardize 17 million dollars in federal funding.

In conclusion, CCTHITA is in absolute support of the State of Alaska CSSD's efforts to be in compliance with the Uniform Interstate Family Support Act through amending the definition of "State" in SB 96. Both CSSD and the TCSU provide resources and opportunities to families to better the lives of Alaska children. Making sure the State of Alaska continues to receive federal funding for the Child Support Program is in the best interest of all Alaska families and children.

This concludes my testimony, thank you.

State of Alaska

Department of Revenue

Administrative Services Division



SARAH PALIN, GOVERNOR

333 Willoughby Avenue, 11th 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 Mallonee, Director, Child Support Services Division

State of Alaska
Department of Revenue
Administrative Services Division



SARAH PALIN, GOVERNOR

333 Willoughby Avenue, 11th Floor
P.O. Box 110400
Juneau, Alaska 99811-0405
Phone: (907) 465-2300
Fax: (907) 465-2394

March 3, 2009

The Honorable Hollis French
Chair, Senate Judiciary Committee
Alaska State Legislature
State Capitol, Room 417
Juneau, AK 99801-1182

Dear Senator French:

The Senate Health and Social Services Committee introduced legislation on behalf of the Division of Child Support Services (CSSD). SB 96 passed out of (S) HSS on Monday, March 2, 2009 and has been transmitted to Senate Judiciary Committee for consideration.

SB 96 addresses two time sensitive amendments to the Uniform Interstate Family Support Act (UIFSA) that will bring the Division into federal compliance. Briefly, the two changes are; 1) providing for cash medical assistance for children in custodial homes, and 2) clarifying the definition of "state" to include the US Virgin Islands and Indian tribes. If these two amendments are not adopted during this state fiscal year, the Department of Revenue will be at risk to lose more than \$17 million federal receipts to support the fiduciary services provided by CSSD.

I respectfully request that CSSB96(HSS) be scheduled for hearing in the Senate Judiciary Committee as early as possible. CSSB96(HSS) carries with it a zero fiscal note.

If the Committee requires any additional information, please contact me.

Sincerely,

Ginger Blaisdell
Director

Alaska State Legislature

Interim: (May - Dec.)
716 W. 4th 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 Bettve 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)

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.

Alaska State Legislature

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716 W. 4th Ave
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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

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.

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

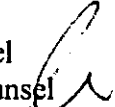
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

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

Alaska State Legislature

Interim: (May - Dec.)
716 W. 4th Ave
Anchorage, AK 99501
Phone: (907) 269-0144
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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 *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."

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.