

SB

134

<TARGET><BILL>SB 134</BILL><SUBJECT>SB
134</SUBJECT><COMM>SHSS27</COMM></TARGET>



SENATOR ALBERT M. KOOKESH

ALASKA STATE LEGISLATURE SENATE DISTRICT C

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Sponsor Statement

SB 134

SB 134 puts the Child Support Civil Rule 90.3 guidelines into statute. In 1987, the Alaska Supreme Court enacted Civil Rule 90.3. The Supreme Court admitted this was a substantive law that the Legislature could replace at any time. In the 25 years since then, the Legislature has not replaced civil rule 90.3 with an actual law. This bill proposes to correct that long-standing deficiency.

One of the major problems with having the child support guidelines set by a court rule is the people affected by current guidelines have not had the opportunity to speak to the individuals with the power to make changes. Instead every four years they are encouraged to write letters or testify before a review committee made up of lawyers and judges who then submit their recommendations to the Supreme Court Justices who make the final decisions. With the rule in statute, individuals will have the opportunity to speak to lawmakers who have the power to make changes. Proposals to amend can be made in the future through the legislative process.

The bill proposes enactment of the current rule into statute with the exception of how the child support obligation is calculated. Currently the non-custodial parent's support obligation is based solely on his or her income, without regard to what the other parent makes. With this bill it will be changed to an income shares model which calculates support as the share of each parent's income estimated allocation to the child, if the original household were intact.

According to 2005 statistics (Legislative Research Report, November 2010)

- Twenty four (24) states establish their child support guidelines statutorily through their legislature while 16 states use court rule only, and 11 states use a combination of rule, commission and or agency.
- Thirty five (35) states consider the income of both parents in determining child support payments.

SB 134 changes the word court to tribunal in some cases back to court and adds number (6) to definition in Sec. 25.28.300 (page 18) to read "tribunal" means the superior court or the child support services agency created in AS 25.27.010. It also includes changes made by SB 96 addressing medical support.

The Child Support Services Division has no objections to the bill. I would appreciate your prompt and favorable action on this bill.

MS
Kookesh

27-LS0671\B
Mischel
2/9/12

CS FOR SENATE BILL NO. 134()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): SENATOR KOOKESH

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to child support awards; repealing Rule 90.3, Alaska Rules of Civil**
2 **Procedure; and providing for an effective date."**

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

4 *** Section 1.** AS 25 is amended by adding a new chapter to read:

5 **Chapter 28. Child Support Awards.**

6 **Sec. 25.28.010. Guidelines; primary physical custody.** (a) A tribunal shall
7 calculate a child support award in a case in which one parent is awarded primary
8 physical custody as an amount equal to the presumptive support obligation calculated
9 under (d) of this section multiplied by the noncustodial parent's proportionate income
10 share of combined monthly net income.

11 (b) To calculate the basic support obligation, the tribunal shall add together
12 the monthly net income of both parents and determine the basic support obligation
13 from the economic table as follows:

14 **ECONOMIC TABLE**

MONTHLY BASIC SUPPORT OBLIGATION
FOR EACH CHILD

KEY: A = AGE 0-11 B = AGE 12-18

COMBINED

MONTHLY

ONE

TWO

NET

CHILD

CHILDREN

INCOME

FAMILY

FAMILY

A

B

A

B

For income less than \$1,000, the obligation is based on the resources
and living expenses of each household

11	1,000	220	272	171	211
12	1,100	242	299	188	232
13	1,200	264	326	205	253
14	1,300	285	352	221	274
15	1,400	307	379	238	294
16	1,500	327	404	254	313
17	1,600	347	428	269	333
18	1,700	367	453	285	352
19	1,800	387	478	300	371
20	1,900	407	503	316	390
21	2,000	427	527	331	409
22	2,100	447	552	347	429
23	2,200	467	577	362	448
24	2,300	487	601	378	467
25	2,400	506	626	393	486
26	2,500	526	650	408	505
27	2,600	534	661	416	513
28	2,700	542	670	421	520
29	2,800	549	679	427	527
30	2,900	556	686	431	533
31	3,000	561	693	436	538

1	3,100	566	699	439	543
2	3,200	569	704	442	546
3	3,300	573	708	445	549
4	3,400	574	710	446	551
5	3,500	575	711	447	552
6	3,600	577	712	448	553
7	3,700	578	713	449	554
8	3,800	581	719	452	558
9	3,900	596	736	463	572
10	4,000	609	753	473	584
11	4,100	623	770	484	598
12	4,200	638	788	495	611
13	4,300	651	805	506	625
14	4,400	664	821	516	637
15	4,500	677	836	525	649
16	4,600	689	851	535	661
17	4,700	701	866	545	673
18	4,800	713	882	554	685
19	4,900	726	897	564	697
20	5,000	738	912	574	708
21	5,100	751	928	584	720
22	5,200	763	943	593	732
23	5,300	776	959	602	744
24	5,400	788	974	612	756
25	5,500	800	989	622	768
26	5,600	812	1,004	632	779
27	5,700	825	1,019	641	791
28	5,800	837	1,035	650	803
29	5,900	850	1,050	660	815
30	6,000	862	1,065	670	827
31	6,100	875	1,081	680	839

1	6,200	887	1,096	689	851
2	6,300	899	1,112	699	863
3	6,400	911	1,127	709	875
4	6,500	924	1,142	718	887
5	6,600	936	1,157	728	899
6	6,700	949	1,172	737	911
7	6,800	961	1,188	747	923
8	6,900	974	1,203	757	935
9	7,000	986	1,218	767	946
10	7,100	998	1,233	776	958
11	7,200	1,009	1,248	785	971
12	7,300	1,021	1,262	794	982
13	7,400	1,033	1,276	803	993
14	7,500	1,044	1,290	812	1,004
15	7,600	1,055	1,305	821	1,015
16	7,700	1,067	1,319	830	1,026
17	7,800	1,078	1,333	839	1,037
18	7,900	1,089	1,346	848	1,048
19	8,000	1,100	1,360	857	1,059
20	8,100	1,112	1,374	865	1,069
21	8,200	1,123	1,387	874	1,080
22	8,300	1,134	1,401	882	1,091
23	8,400	1,144	1,414	891	1,101
24	8,500	1,155	1,428	899	1,112
25	8,600	1,166	1,441	908	1,122
26	8,700	1,177	1,454	916	1,133
27	8,800	1,187	1,467	925	1,143
28	8,900	1,198	1,481	933	1,153
29	9,000	1,208	1,493	941	1,163
30	9,100	1,219	1,506	949	1,173
31	9,200	1,229	1,519	957	1,183

WORK DRAFT

WORK DRAFT

27-LS0671\B

1	9,300	1,239	1,532	966	1,193
2	9,400	1,250	1,545	974	1,203
3	9,500	1,260	1,557	982	1,213
4	9,600	1,270	1,570	989	1,223
5	9,700	1,280	1,582	997	1,233
6	9,800	1,290	1,594	1,005	1,242
7	9,900	1,300	1,606	1,013	1,252
8	10,000	1,310	1,619	1,021	1,262
9	10,100	1,319	1,631	1,028	1,271
10	10,200	1,329	1,643	1,036	1,281
11	10,300	1,339	1,655	1,044	1,290
12	10,400	1,348	1,666	1,051	1,299
13	10,500	1,358	1,678	1,059	1,308
14	10,600	1,367	1,690	1,066	1,318
15	10,700	1,377	1,701	1,073	1,327
16	10,800	1,386	1,713	1,081	1,336
17	10,900	1,395	1,724	1,088	1,345
18	11,000	1,404	1,736	1,095	1,354
19	11,100	1,413	1,747	1,102	1,363
20	11,200	1,422	1,758	1,110	1,371
21	11,300	1,431	1,769	1,117	1,380
22	11,400	1,440	1,780	1,124	1,389
23	11,500	1,449	1,791	1,131	1,398
24	11,600	1,458	1,802	1,138	1,406
25	11,700	1,467	1,813	1,145	1,415
26	11,800	1,475	1,823	1,151	1,423
27	11,900	1,484	1,834	1,158	1,431
28	12,000	1,492	1,844	1,165	1,440

29 COMBINED

30 MONTHLY

THREE

FOUR

FIVE

31 NET

CHILDREN

CHILDREN

CHILDREN

	INCOME	FAMILY		FAMILY		FAMILY	
		A	B	A	B	A	B
1							
2							
3	For income less than \$1,000, the obligation is based on the resources						
4	and living expenses of each household						
5	1,000	143	177	121	149	105	130
6	1,100	157	194	133	164	116	143
7	1,200	171	211	144	179	126	156
8	1,300	185	228	156	193	136	168
9	1,400	199	246	168	208	147	181
10	1,500	212	262	179	221	156	193
11	1,600	225	278	190	235	166	205
12	1,700	238	294	201	248	175	217
13	1,800	251	310	212	262	185	228
14	1,900	264	326	223	275	194	240
15	2,000	277	342	234	289	204	252
16	2,100	289	358	245	303	213	264
17	2,200	302	374	256	316	223	276
18	2,300	315	390	267	330	233	288
19	2,400	328	406	278	343	242	299
20	2,500	341	421	288	356	251	311
21	2,600	346	428	293	362	256	316
22	2,700	351	435	298	368	259	321
23	2,800	356	440	301	372	262	324
24	2,900	360	445	305	376	266	328
25	3,000	364	449	308	380	268	331
26	3,100	367	453	310	383	270	334
27	3,200	369	457	312	386	272	336
28	3,300	371	459	314	388	273	339
29	3,400	372	460	315	389	274	340
30	3,500	373	461	316	390	275	341
31	3,600	374	462	317	391	276	342

	WORK DRAFT		WORK DRAFT				27-LS0671\B
1	3,700	375	463	318	392	277	343
2	3,800	377	466	319	394	278	344
3	3,900	386	477	326	404	284	352
4	4,000	395	488	334	413	291	360
5	4,100	404	500	341	422	298	368
6	4,200	413	511	350	431	305	377
7	4,300	422	522	357	441	311	385
8	4,400	431	532	364	449	317	392
9	4,500	438	542	371	458	323	400
10	4,600	446	552	377	467	329	407
11	4,700	455	562	384	475	335	414
12	4,800	463	572	391	483	341	422
13	4,900	470	581	398	491	347	429
14	5,000	479	592	404	500	353	437
15	5,100	487	602	411	509	359	443
16	5,200	494	611	418	517	365	451
17	5,300	503	621	425	525	371	458
18	5,400	511	632	432	533	377	466
19	5,500	518	641	439	542	383	473
20	5,600	527	651	446	551	389	480
21	5,700	535	661	452	559	395	488
22	5,800	543	671	459	567	401	495
23	5,900	551	681	466	575	407	502
24	6,000	559	691	473	584	413	509
25	6,100	567	701	479	593	418	517
26	6,200	575	710	486	601	424	524
27	6,300	583	721	493	609	430	532
28	6,400	591	731	500	617	436	539
29	6,500	599	740	506	626	442	546
30	6,600	607	750	513	635	448	554
31	6,700	615	761	520	643	454	561

	WORK DRAFT		WORK DRAFT				27-LS0671\B
1	6,800	623	770	527	651	460	568
2	6,900	631	780	533	659	466	575
3	7,000	639	790	540	668	472	583
4	7,100	647	800	547	677	478	591
5	7,200	654	809	554	684	484	598
6	7,300	662	818	560	693	490	605
7	7,400	670	828	567	701	496	613
8	7,500	677	837	574	709	502	620
9	7,600	685	846	581	718	507	627
10	7,700	692	855	587	726	513	634
11	7,800	700	865	594	734	519	642
12	7,900	707	874	601	742	525	649
13	8,000	714	883	607	750	531	656
14	8,100	722	892	614	759	536	663
15	8,200	729	901	620	767	542	670
16	8,300	736	910	627	775	548	677
17	8,400	743	919	633	783	553	684
18	8,500	750	928	640	791	559	691
19	8,600	758	936	646	799	565	698
20	8,700	765	945	653	807	570	705
21	8,800	772	954	659	815	576	712
22	8,900	779	962	665	822	582	719
23	9,000	786	971	672	830	587	726
24	9,100	792	980	678	838	593	732
25	9,200	799	988	684	846	598	739
26	9,300	806	996	691	854	604	746
27	9,400	813	1,005	697	861	609	753
28	9,500	820	1,013	703	869	614	759
29	9,600	826	1,021	709	877	620	766
30	9,700	833	1,030	716	884	625	773
31	9,800	840	1,038	722	892	631	779

1	9,900	846	1,046	728	900	636	786
2	10,000	853	1,054	734	907	641	793
3	10,100	859	1,062	740	915	647	799
4	10,200	866	1,070	746	922	652	806
5	10,300	872	1,078	752	930	657	812
6	10,400	879	1,086	758	937	662	819
7	10,500	885	1,094	764	944	668	825
8	10,600	891	1,102	770	952	673	832
9	10,700	898	1,109	776	959	678	838
10	10,800	904	1,117	782	966	683	844
11	10,900	910	1,125	788	974	688	851
12	11,000	916	1,132	794	981	693	857
13	11,100	922	1,140	799	988	698	863
14	11,200	928	1,147	805	995	703	869
15	11,300	934	1,155	811	1,002	708	876
16	11,400	940	1,162	817	1,009	714	882
17	11,500	946	1,170	822	1,017	719	888
18	11,600	952	1,177	828	1,024	723	894
19	11,700	958	1,184	834	1,031	728	900
20	11,800	964	1,191	839	1,038	733	906
21	11,900	970	1,199	845	1,045	738	912
22	12,000	975	1,206	851	1,051	743	919.

(c) The economic table in (b) of this section is presumptive for up to five children and for combined monthly net incomes up to and including \$12,000. When support is awarded for more than five children in the physical custody of one parent, the tribunal shall add the column for five children to the column equal to the additional children over five. When combined monthly net income exceeds \$12,000, on written findings of fact, the tribunal may exceed the presumptive amount of support set for combined monthly net incomes of \$12,000.

(d) The tribunal shall calculate a presumptive support obligation by adding average monthly expenditures for child health care expenses allowable under

1 AS 25.28.040 to the basic support obligation in (b) of this section.

2 (e) The tribunal may allow the obligor parent to reduce child support
3 payments by up to 75 percent for a period in which the obligor parent has extended
4 visitation of more than 27 consecutive days. The order must specify the amount of the
5 reduction that is allowable if the extended visitation is exercised.

6 (f) The tribunal may calculate child support based on a determination of the
7 potential income of a parent who voluntarily and unreasonably is unemployed or
8 underemployed. A determination of potential income may not be made for a parent
9 who is physically or mentally incapacitated or who is caring for a child under two
10 years of age to whom the parents owe a joint legal responsibility. Potential income
11 shall be based on the parent's work history, qualifications, and job opportunities. The
12 tribunal may also consider potential income from assets that are not producing income
13 or are producing low income.

14 (g) In this section, "monthly net income" means one-twelfth of the parent's
15 total annual income from all sources less

16 (1) mandatory deductions, including

17 (A) federal, state, and local income tax;

18 (B) social security tax or the equivalent contribution to an
19 alternate plan established by a public employer, and self-employment tax;

20 (C) Medicare tax;

21 (D) mandatory union dues;

22 (E) mandatory contributions to a retirement or pension plan;

23 (2) voluntary contributions to a retirement or pension plan or account
24 in which the earnings are tax-free or tax-deferred, except that the total amount of these
25 voluntary contributions plus any mandatory contributions under (1)(E) of this
26 subsection may not exceed 7.5 percent of the parent's gross wages and self-
27 employment income;

28 (3) child support and alimony payments arising from previous
29 relationships that are required by another tribunal and actually paid;

30 (4) child support for children from prior relationships living with the
31 parent, calculated by using the formula under this chapter; and

1 (5) work-related child care expenses for the child who is the subject of
2 the child support order.

3 **Sec. 25.28.020. Child support guidelines for shared, divided, and hybrid**
4 **custody awards.** (a) The tribunal shall calculate shared, divided, and hybrid physical
5 custody awards as provided in this section.

6 (b) The tribunal shall calculate a child support award in a case in which the
7 parents are awarded shared physical custody by

8 (1) calculating the annual amount each parent would pay to the other
9 parent under AS 25.28.010 assuming the other parent had primary custody; in this
10 calculation, the income limit in AS 25.28.030(c) and the minimum support amount in
11 AS 25.28.030(d) apply;

12 (2) multiplying the amount determined under (1) of this subsection for
13 each parent by the percentage of time the other parent has physical custody of the
14 child; however, if the tribunal finds that the percentage of time each parent will have
15 physical custody does not accurately reflect the ratio of funds each parent will directly
16 spend on supporting the child, the tribunal shall vary this percentage to reflect its
17 findings;

18 (3) determining which parent has the greater amount under (2) of this
19 subsection; the parent with the greater amount under (2) of this subsection is the
20 obligor parent, and the annual award is equal to the difference between the two
21 amounts under (2) of this subsection; however, if the amount is greater than the
22 amount of support calculated under AS 25.28.010 assuming the obligor parent has
23 primary custody, the annual support is the amount calculated under AS 25.28.010.

24 (c) The child support award for shared custody under (b) of this section must
25 be paid in 12 equal monthly installments, except that if

26 (1) shared custody is based on the obligor parent's having physical
27 custody for periods of 30 consecutive days or more, the total annual award may be
28 paid in equal installments over those months in which the obligor parent does not have
29 physical custody; or

30 (2) the obligor parent's income is seasonal, the tribunal may order
31 unequal monthly support payments as provided in AS 25.28.030(e) and (f).

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(d) The child support order must state that failure to exercise sufficient physical custody to qualify for shared physical custody under (b) or (c) of this section is grounds for modification of the child support order. Denial of visitation by the custodial parent is not cause to increase a child support award.

(e) The tribunal shall

(1) calculate a child support award in a case in which the parents are awarded divided custody by determining the amount each parent would pay to the other parent for support of a child for whom that parent has primary physical custody under AS 25.28.010, taking into account the income limit in AS 25.28.030(c) and the minimum support amount in AS 25.28.030(d), and offsetting those amounts; and

(2) consider whether the amount determined under (1) of this subsection should be varied under AS 25.28.030(b).

(f) The tribunal shall

(1) calculate a child support award in a case in which the parents are awarded hybrid custody by

(A) applying AS 25.28.010, taking into account the income limit in AS 25.28.030(c) and the minimum support amount in AS 25.28.030(d), to determine support for a child in the primary physical custody of each parent;

(B) applying (b) of this section to determine support for a child in the shared physical custody of the parents;

(C) adjusting pro rata the percentages provided in AS 25.28.010(b) based on the number of children to which each type of custody applies; and

(D) combining the amounts to determine the net obligation; and

(2) consider whether the amount determined under (1) of this subsection should be varied under AS 25.28.030(b).

Sec. 25.28.030. Exceptions to support awards. (a) Notwithstanding the requirements in AS 25.28.010 and 25.28.020, the tribunal may vary the award for the reasons stated in this section.

(b) The tribunal may vary the child support award as calculated under the

1 other provisions of this chapter for good cause on proof by a preponderance of the
2 evidence that manifest injustice would result if the support award were not varied. The
3 tribunal shall specify in writing the reason for the variation, the amount of support that
4 would have been required but for the variation, and the estimated value of any
5 property conveyed instead of support calculated under the other provisions of this
6 chapter. Good cause may include a finding that unusual circumstances exist that
7 require variation of the award in order to award an amount of support that is just and
8 proper for the parties to contribute toward the nurture and education of their children.
9 The tribunal shall consider the custodial parent's income in this determination.

10 (c) The calculation for primary physical custody under AS 25.28.010 does not
11 apply to the extent that the supporting parent has an annual net income of more than
12 \$105,000. The tribunal may make an additional award only if it is just and proper,
13 taking into account the needs of the child, the standard of living of the child, and the
14 extent to which that standard should reflect the supporting parent's ability to pay.

15 (d) Except as provided in AS 25.28.010(d) and 25.28.020, the minimum child
16 support amount that may be ordered is \$75 a month or \$900 a year for one child and,
17 for each additional child, \$50 a month.

18 (e) If the noncustodial parent's income is seasonal, the tribunal may order that
19 the annual support amount be paid in unequal monthly payments, with higher
20 payments during the months the parent expects to receive higher income and lower
21 payments in other months; the tribunal may not make an unequal payment order unless

22 (1) the tribunal finds that the burden of budgeting for periods of
23 unequal income should be placed on the obligee rather than the obligor; and

24 (2) the obligee agrees.

25 (f) An order of the tribunal for unequal payments under (e) of this section
26 must specify the annual support amount, the average monthly support amount, and the
27 amount due for each month. The order must provide that variations from the average
28 monthly amount begin with monthly payments in excess of the average monthly
29 amount so that a deficit situation cannot occur. Until the excess payments begin, the
30 tribunal shall order payment of the average monthly amount.

31 **Sec. 25.28.040. Health care expenses.** (a) The tribunal shall include in the

1 order coverage of the child's health care needs and require health insurance for the
2 child if insurance is available to either parent or both parents at a reasonable cost. The
3 tribunal shall consider whether the child is eligible for services through the Indian
4 Health Service, any other entity, or other insurance coverage before ordering either
5 parent or both parents to provide health care coverage through insurance, cash medical
6 support, or other means. A court shall find that health insurance is available only if the
7 dependent child has reasonable geographic access to the covered services or the
8 insurance includes the coverage of transportation needed for the services.

9 (b) The tribunal shall allocate equally the cost of insurance between the
10 parents unless the tribunal orders otherwise for good cause. An obligor's child support
11 obligation shall be decreased by the amount of the obligee's portion of health
12 insurance payments ordered by the tribunal and actually paid by the obligor. The
13 tribunal shall increase a child support award by the obligor's portion of health
14 insurance if the obligee is ordered to, and actually does, obtain and pay for insurance.

15 (c) The cost of insurance is the cost attributable to the child for whom support
16 is paid. If the cost to the employee of covering the employee alone is the same as the
17 cost to the employee of covering the employee and dependents, then there is no
18 additional cost to the employee for adding the child and no portion of the cost of
19 coverage may be allocated to the child. If dependent coverage can be added for a
20 single cost, rather than for each dependent, and the dependent coverage covers
21 dependents in addition to the child subject to the order, the cost of the dependent
22 coverage shall be allocated equally among the dependents covered. If there is reason
23 to believe that there is an incremental cost to the employee for insuring dependents but
24 evidence of that incremental cost is unavailable, the cost of insurance is determined by
25 dividing the total cost of coverage by the number of family members covered and
26 multiplying that amount by the number of children subject to the order.

27 (d) The tribunal shall allocate equally between the parties the cost of
28 reasonable health care expenses not covered by insurance unless the tribunal orders
29 otherwise for good cause. A party shall reimburse the other party for the party's share
30 of the uncovered health care expenses within 30 days after receipt of the bill for the
31 health care, payment verification, and, if applicable, a health insurance statement

1 indicating what portion of the cost is uncovered. The tribunal shall allocate the
2 reasonable, uncovered health care expenses exceeding \$5,000 in a calendar year based
3 on the parties' relative financial circumstances when the expenses occur.

4 (e) For the purpose of establishing a monthly support obligation for monthly
5 health care expenses, a tribunal shall apply a rebuttable presumption that the cost of
6 health insurance is reasonable under this section if the cost of purchasing health
7 insurance does not exceed five percent of the responsible parent's net income.

8 (f) In this section,

9 (1) "cash medical support" means an amount ordered to be paid toward
10 the cost of health insurance provided by a public entity or by another parent through
11 employment or otherwise, or for other health care expenses not covered by insurance;

12 (2) "health care expenses" includes medical, dental, vision, and mental
13 health counseling expenses.

14 **Sec. 25.28.050. Child support affidavit and documentation.** (a) Subject to
15 the confidentiality requirements of Rule 90.1(f), Alaska Rules of Civil Procedure, each
16 parent in a proceeding of a tribunal at which child support is involved shall file a
17 statement under oath, accompanied by documentation verifying the statement, that
18 states the parent's monthly net income and the components of monthly net income as
19 defined in AS 25.28.010. This statement and documentation must be filed with a
20 party's initial pleading in superior court, including the dissolution petition, divorce
21 complaint or answer, motion to modify, and any response to a motion to modify. The
22 documents must be redacted to delete social security numbers and to provide only
23 partial financial account information as provided in Rule 90.1(f), Alaska Rules of
24 Civil Procedure. The statement must state whether the parent has access to health
25 insurance for the children and, if so, the additional cost to the parent of the children's
26 health insurance.

27 (b) While there is an ongoing monthly support obligation, each party shall
28 provide to the other party, within 30 days after a written request, documents such as
29 tax returns and pay stubs showing the party's income for the prior calendar year. The
30 party making the request shall provide documentation of the party's annual income for
31 the same period at the time the request is made. A request under this section may not

1 be made more than once a year. This section does not preclude discovery under the
2 Alaska Rules of Civil Procedure.

3 (c) Unless the information has already been provided to the tribunal under
4 Rule 90.1(f), Alaska Rules of Civil Procedure, a statement under (a) of this section
5 must be accompanied by a confidential information sheet as described in Rule 90.1,
6 Alaska Rules of Civil Procedure. Once a complete confidential information sheet has
7 been submitted to the tribunal listing names, dates of birth, and social security
8 numbers as required, the parties shall omit or redact social security numbers from
9 documents subsequently filed in the action unless otherwise ordered by the tribunal.

10 (d) The tribunal may withhold or assess costs or attorney fees for a violation
11 of this section as the circumstances and discouragement of like conduct in the future
12 may require. Costs and attorney fees may be imposed on offending attorneys or
13 parties.

14 **Sec. 25.28.060. Travel expenses.** After determining an award of child support
15 under this chapter, the court shall allocate between the parties reasonable travel
16 expenses that are necessary to exercise visitation as may be just and proper for the
17 parties to contribute.

18 **Sec. 25.28.070. Modification; defense against arrearages.** (a) A tribunal may
19 modify a final child support award on a showing of a material change of
20 circumstances as provided by state law. A material change of circumstances shall be
21 presumed if support as calculated under this chapter is more than 15 percent greater or
22 less than the outstanding support order. An award may be modified to require cash
23 medical support regardless of whether insurance is available to either parent if neither
24 parent has purchased health insurance. In this subsection, "support" includes health
25 insurance payments or cash medical support made under AS 25.28.040.

26 (b) A tribunal may not modify a child support arrearage retroactively, except
27 as authorized by AS 25.27.166(d). A modification that is effective on or after the date
28 that a motion for modification, or a notice of petition for modification by the child
29 support services agency, is served on the opposing party is not considered a retroactive
30 modification.

31 (c) The tribunal may find that a parent and a parent's assignee are precluded

1 from collecting arrearages for support of a child that accumulated during a time period
2 exceeding two months for which the parent agreed or acquiesced to the obligor
3 exercising primary custody of the child. A finding that preclusion is a defense must be
4 based on clear and convincing evidence.

5 **Sec. 25.28.080. Third-party custody.** (a) When the state, or another third
6 party entitled to child support, has custody of all children of a parent, the parent's
7 support obligation to the third party is an amount equal to the parent's prorated
8 presumptive support obligation specified in AS 25.28.010(d). If the third party has
9 custody of some but not all children, the parent's support obligation to the third party
10 is an amount equal to the parent's prorated presumptive support obligation specified in
11 AS 25.28.010(d) for the total number of the parent's children in third-party custody
12 and divided by the total number of the parent's children. In this subsection, the number
13 of the parent's children includes only children of the parent who live with the parent,
14 are substantially supported by the parent, or are in custody of the third party entitled to
15 support.

16 (b) If, in addition to a support obligation to a third party, one or both parents
17 retain primary or shared physical custody of at least one of their children, the support
18 obligation between the parents is calculated under the other provisions of this chapter,
19 without consideration of the third-party custodian or any children in the custody of the
20 third-party custodian, except that the parent's prorated presumptive support obligation
21 under AS 25.28.010(d) must be adjusted pro rata for the number of children in the
22 primary custody of a parent, or shared custody of the parents, compared to the total
23 number of children. After that calculation is completed, any support owed may be
24 offset with support owed to a third-party custodian under (a) of this section in order to
25 minimize transactions.

26 **Sec. 25.28.090. Dependent tax deduction.** The court may allocate the
27 dependent tax deduction for each child between the parties as is just and proper and in
28 the child's best interests. The allocation must be consistent with AS 25.24.152 and
29 federal law.

30 **Sec. 25.28.095. Review of guidelines.** The child support services agency
31 established in AS 25.27.010 shall notify the legislative committees with jurisdiction

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over matters involving child support awards of the need for a compliance review of the guidelines established in this chapter every four years as provided in federal law. The compliance review must include a determination of whether the application of the guidelines consistently results in a determination of appropriate child support awards in the state.

Sec. 25.28.300. Definitions. In this chapter,

(1) "child support" and "child support obligation" have the meaning given "duty of support" in AS 25.27.900;

(2) "divided custody" means that one parent has primary physical custody of one or more children of the relationship and the other parent has primary custody of one or more other children of the relationship, and the parents do not share physical custody of any of their children;

(3) "hybrid custody" means that at least one parent has primary physical custody of one or more children of the relationship, and the parents have shared physical custody of at least one child of the relationship;

(4) "primary physical custody" or "primary custody" means that a child resides with the other parent for a period, specified in the custody order, of less than 25 percent of the year;

(5) "shared physical custody" or "shared custody" means that a child resides with one parent for a period, specified in writing in the custody order, of at least 25 percent but not more than 75 percent of the year, regardless of the status of legal custody;

(6) "tribunal" means the superior court or the child support services agency created in AS 25.27.010.

* **Sec. 2.** AS 47.10.120(a) is amended to read:

(a) When a child in need of aid is committed under this chapter, the court or the child support services agency created in AS 25.27.010 shall, after giving the parent a reasonable opportunity to be heard, require that the parent pay to the department in a manner that the court or the child support services agency directs a sum to cover in full or in part the maintenance and care of the child. The support obligation shall be calculated under AS 25.28 [RULE 90.3(i) OF THE ALASKA RULES OF CIVIL

1 PROCEDURE].

2 * **Sec. 3.** AS 47.12.230(a) is amended to read:

3 (a) When a delinquent minor is committed under this chapter, the court or the
4 child support services agency created in AS 25.27.010 shall, after giving the parent a
5 reasonable opportunity to be heard, require that the parent pay to the department in a
6 manner that the court or the child support services agency directs a sum to cover in
7 full or in part the maintenance and care of the minor. The support obligation shall be
8 calculated under AS 25.28 [RULE 90.3(i) OF THE ALASKA RULES OF CIVIL
9 PROCEDURE].

10 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 REPEAL OF COURT RULE. Rule 90.3, Alaska Rules of Civil Procedure, is repealed.

13 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
14 read:

15 NONAPPLICABILITY OF TWO-THIRDS VOTE REQUIREMENT. Because the
16 rule repealed in sec. 4 of this Act is a substantive rule rather than a rule of practice or
17 procedure, the repeal of the rule takes effect even if sec. 4 of this Act does not receive the
18 two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State of
19 Alaska.

20 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
21 read:

22 TRANSITION; CHILD SUPPORT SERVICES AGENCY. The child support services
23 agency established in AS 25.27.010 may proceed to adopt regulations necessary to implement
24 the changes made by AS 25.28, enacted by sec. 1 of this Act, but the regulations may not take
25 effect before the effective date of sec. 1 of this Act.

26 * **Sec. 7.** Section 6 of this Act takes effect immediately under AS 01.10.070(c).

27 * **Sec. 8.** Except as provided in sec. 7 of this Act, this Act takes effect July 1, 2013.

27-LS0671\AB
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CS FOR SENATE BILL NO. 134()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY SENATOR KOOKESH

Introduced
Offered:
Referred:

Sponsor(s): SENATOR KOOKESH

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to child support awards; ~~and~~ repealing Rule 90.3, Alaska Rules of Civil**
2 **Procedure; and providing for an effective date."**

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

4 * **Section 1.**- AS 25 is amended by adding a new chapter to read:

5 **Chapter 28. Child Support Awards.**

6 **Sec. 25.28.010. Guidelines; primary physical custody.** (a) A tribunal shall
7 calculate a child support award in a case in which one parent is awarded primary
8 physical custody as an amount equal to the presumptive support obligation calculated
9 under (d) of this section multiplied by the noncustodial parent's proportionate income
10 share of combined monthly net income.

11 (b) To calculate the basic support obligation, the tribunal shall add together
12 the monthly net income of both parents and determine the basic support obligation
13 from the economic table as follows:

14 **ECONOMIC TABLE**

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MONTHLY BASIC SUPPORT OBLIGATION

FOR EACH CHILD

KEY: A = AGE 0-11 B = AGE 12-18

COMBINED

MONTHLY NET INCOME	ONE CHILD FAMILY		TWO CHILDREN FAMILY	
	A	B	A	B
	1,000	220	272	171
1,100	242	299	188	232
1,200	264	326	205	253
1,300	285	352	221	274
1,400	307	379	238	294
1,500	327	404	254	313
1,600	347	428	269	333
1,700	367	453	285	352
1,800	387	478	300	371
1,900	407	503	316	390
2,000	427	527	331	409
2,100	447	552	347	429
2,200	467	577	362	448
2,300	487	601	378	467
2,400	506	626	393	486
2,500	526	650	408	505
2,600	534	661	416	513
2,700	542	670	421	520
2,800	549	679	427	527
2,900	556	686	431	533
3,000	561	693	436	538

For income less than \$1,000, the obligation is based on the resources and living expenses of each household

1	3,100	566	699	439	543
2	3,200	569	704	442	546
3	3,300	573	708	445	549
4	3,400	574	710	446	551
5	3,500	575	711	447	552
6	3,600	577	712	448	553
7	3,700	578	713	449	554
8	3,800	581	719	452	558
9	3,900	596	736	463	572
10	4,000	609	753	473	584
11	4,100	623	770	484	598
12	4,200	638	788	495	611
13	4,300	651	805	506	625
14	4,400	664	821	516	637
15	4,500	677	836	525	649
16	4,600	689	851	535	661
17	4,700	701	866	545	673
18	4,800	713	882	554	685
19	4,900	726	897	564	697
20	5,000	738	912	574	708
21	5,100	751	928	584	720
22	5,200	763	943	593	732
23	5,300	776	959	602	744
24	5,400	788	974	612	756
25	5,500	800	989	622	768
26	5,600	812	1,004	632	779
27	5,700	825	1,019	641	791
28	5,800	837	1,035	650	803
29	5,900	850	1,050	660	815
30	6,000	862	1,065	670	827
31	6,100	875	1,081	680	839

1	6,200	887	1,096	689	851
2	6,300	899	1,112	699	863
3	6,400	911	1,127	709	875
4	6,500	924	1,142	718	887
5	6,600	936	1,157	728	899
6	6,700	949	1,172	737	911
7	6,800	961	1,188	747	923
8	6,900	974	1,203	757	935
9	7,000	986	1,218	767	946
10	7,100	998	1,233	776	958
11	7,200	1,009	1,248	785	971
12	7,300	1,021	1,262	794	982
13	7,400	1,033	1,276	803	993
14	7,500	1,044	1,290	812	1,004
15	7,600	1,055	1,305	821	1,015
16	7,700	1,067	1,319	830	1,026
17	7,800	1,078	1,333	839	1,037
18	7,900	1,089	1,346	848	1,048
19	8,000	1,100	1,360	857	1,059
20	8,100	1,112	1,374	865	1,069
21	8,200	1,123	1,387	874	1,080
22	8,300	1,134	1,401	882	1,091
23	8,400	1,144	1,414	891	1,101
24	8,500	1,155	1,428	899	1,112
25	8,600	1,166	1,441	908	1,122
26	8,700	1,177	1,454	916	1,133
27	8,800	1,187	1,467	925	1,143
28	8,900	1,198	1,481	933	1,153
29	9,000	1,208	1,493	941	1,163
30	9,100	1,219	1,506	949	1,173
31	9,200	1,229	1,519	957	1,183

1	9,300	1,239	1,532	966	1,193
2	9,400	1,250	1,545	974	1,203
3	9,500	1,260	1,557	982	1,213
4	9,600	1,270	1,570	989	1,223
5	9,700	1,280	1,582	997	1,233
6	9,800	1,290	1,594	1,005	1,242
7	9,900	1,300	1,606	1,013	1,252
8	10,000	1,310	1,619	1,021	1,262
9	10,100	1,319	1,631	1,028	1,271
10	10,200	1,329	1,643	1,036	1,281
11	10,300	1,339	1,655	1,044	1,290
12	10,400	1,348	1,666	1,051	1,299
13	10,500	1,358	1,678	1,059	1,308
14	10,600	1,367	1,690	1,066	1,318
15	10,700	1,377	1,701	1,073	1,327
16	10,800	1,386	1,713	1,081	1,336
17	10,900	1,395	1,724	1,088	1,345
18	11,000	1,404	1,736	1,095	1,354
19	11,100	1,413	1,747	1,102	1,363
20	11,200	1,422	1,758	1,110	1,371
21	11,300	1,431	1,769	1,117	1,380
22	11,400	1,440	1,780	1,124	1,389
23	11,500	1,449	1,791	1,131	1,398
24	11,600	1,458	1,802	1,138	1,406
25	11,700	1,467	1,813	1,145	1,415
26	11,800	1,475	1,823	1,151	1,423
27	11,900	1,484	1,834	1,158	1,431
28	12,000	1,492	1,844	1,165	1,440

29 COMBINED

30 MONTHLY

THREE

FOUR

FIVE

31 NET

CHILDREN

CHILDREN

CHILDREN

	INCOME	FAMILY		FAMILY		FAMILY	
		A	B	A	B	A	B
1							
2							
3		For income less than \$1,000, the obligation is based on the resources					
4		and living expenses of each household					
5	1,000	143	177	121	149	105	130
6	1,100	157	194	133	164	116	143
7	1,200	171	211	144	179	126	156
8	1,300	185	228	156	193	136	168
9	1,400	199	246	168	208	147	181
10	1,500	212	262	179	221	156	193
11	1,600	225	278	190	235	166	205
12	1,700	238	294	201	248	175	217
13	1,800	251	310	212	262	185	228
14	1,900	264	326	223	275	194	240
15	2,000	277	342	234	289	204	252
16	2,100	289	358	245	303	213	264
17	2,200	302	374	256	316	223	276
18	2,300	315	390	267	330	233	288
19	2,400	328	406	278	343	242	299
20	2,500	341	421	288	356	251	311
21	2,600	346	428	293	362	256	316
22	2,700	351	435	298	368	259	321
23	2,800	356	440	301	372	262	324
24	2,900	360	445	305	376	266	328
25	3,000	364	449	308	380	268	331
26	3,100	367	453	310	383	270	334
27	3,200	369	457	312	386	272	336
28	3,300	371	459	314	388	273	339
29	3,400	372	460	315	389	274	340
30	3,500	373	461	316	390	275	341
31	3,600	374	462	317	391	276	342

WORK DRAFT

WORK DRAFT

27-LS0671\A\B

1	3,700	375	463	318	392	277	343
2	3,800	377	466	319	394	278	344
3	3,900	386	477	326	404	284	352
4	4,000	395	488	334	413	291	360
5	4,100	404	500	341	422	298	368
6	4,200	413	511	350	431	305	377
7	4,300	422	522	357	441	311	385
8	4,400	431	532	364	449	317	392
9	4,500	438	542	371	458	323	400
10	4,600	446	552	377	467	329	407
11	4,700	455	562	384	475	335	414
12	4,800	463	572	391	483	341	422
13	4,900	470	581	398	491	347	429
14	5,000	479	592	404	500	353	437
15	5,100	487	602	411	509	359	443
16	5,200	494	611	418	517	365	451
17	5,300	503	621	425	525	371	458
18	5,400	511	632	432	533	377	466
19	5,500	518	641	439	542	383	473
20	5,600	527	651	446	551	389	480
21	5,700	535	661	452	559	395	488
22	5,800	543	671	459	567	401	495
23	5,900	551	681	466	575	407	502
24	6,000	559	691	473	584	413	509
25	6,100	567	701	479	593	418	517
26	6,200	575	710	486	601	424	524
27	6,300	583	721	493	609	430	532
28	6,400	591	731	500	617	436	539
29	6,500	599	740	506	626	442	546
30	6,600	607	750	513	635	448	554
31	6,700	615	761	520	643	454	561

1	6,800	623	770	527	651	460	568
2	6,900	631	780	533	659	466	575
3	7,000	639	790	540	668	472	583
4	7,100	647	800	547	677	478	591
5	7,200	654	809	554	684	484	598
6	7,300	662	818	560	693	490	605
7	7,400	670	828	567	701	496	613
8	7,500	677	837	574	709	502	620
9	7,600	685	846	581	718	507	627
10	7,700	692	855	587	726	513	634
11	7,800	700	865	594	734	519	642
12	7,900	707	874	601	742	525	649
13	8,000	714	883	607	750	531	656
14	8,100	722	892	614	759	536	663
15	8,200	729	901	620	767	542	670
16	8,300	736	910	627	775	548	677
17	8,400	743	919	633	783	553	684
18	8,500	750	928	640	791	559	691
19	8,600	758	936	646	799	565	698
20	8,700	765	945	653	807	570	705
21	8,800	772	954	659	815	576	712
22	8,900	779	962	665	822	582	719
23	9,000	786	971	672	830	587	726
24	9,100	792	980	678	838	593	732
25	9,200	799	988	684	846	598	739
26	9,300	806	996	691	854	604	746
27	9,400	813	1,005	697	861	609	753
28	9,500	820	1,013	703	869	614	759
29	9,600	826	1,021	709	877	620	766
30	9,700	833	1,030	716	884	625	773
31	9,800	840	1,038	722	892	631	779

1	9,900	846	1,046	728	900	636	786
2	10,000	853	1,054	734	907	641	793
3	10,100	859	1,062	740	915	647	799
4	10,200	866	1,070	746	922	652	806
5	10,300	872	1,078	752	930	657	812
6	10,400	879	1,086	758	937	662	819
7	10,500	885	1,094	764	944	668	825
8	10,600	891	1,102	770	952	673	832
9	10,700	898	1,109	776	959	678	838
10	10,800	904	1,117	782	966	683	844
11	10,900	910	1,125	788	974	688	851
12	11,000	916	1,132	794	981	693	857
13	11,100	922	1,140	799	988	698	863
14	11,200	928	1,147	805	995	703	869
15	11,300	934	1,155	811	1,002	708	876
16	11,400	940	1,162	817	1,009	714	882
17	11,500	946	1,170	822	1,017	719	888
18	11,600	952	1,177	828	1,024	723	894
19	11,700	958	1,184	834	1,031	728	900
20	11,800	964	1,191	839	1,038	733	906
21	11,900	970	1,199	845	1,045	738	912
22	12,000	975	1,206	851	1,051	743	919.

(c) The economic table in (b) of this section is presumptive for up to five children and for combined monthly net incomes up to and including \$12,000. When support is awarded for more than five children in the physical custody of one parent, the tribunal shall add the column for five children to the column equal to the additional children over five. When combined monthly net income exceeds \$12,000, on written findings of fact, the tribunal may exceed the presumptive amount of support set for combined monthly net incomes of \$12,000.

(d) The tribunal shall calculate a presumptive support obligation by adding average monthly expenditures for child health care expenses allowable under

1 AS 25.28.040 to the basic support obligation in (b) of this section.

2 (e) The tribunal may allow the obligor parent to reduce child support
3 payments by up to 75 percent for a period in which the obligor parent has extended
4 visitation of more than 27 consecutive days. The order must specify the amount of the
5 reduction that is allowable if the extended visitation is exercised.

6 (f) The tribunal may calculate child support based on a determination of the
7 potential income of a parent who voluntarily and unreasonably is unemployed or
8 underemployed. A determination of potential income may not be made for a parent
9 who is physically or mentally incapacitated or who is caring for a child under two
10 years of age to whom the parents owe a joint legal responsibility. Potential income
11 shall be based on the parent's work history, qualifications, and job opportunities. The
12 tribunal may also consider potential income from assets that are not producing income
13 or are producing low income.

14 (g) In this section, "monthly net income" means one-twelfth of the parent's
15 total annual income from all sources less

16 (1) mandatory deductions, including

17 (A) federal, state, and local income tax;

18 (B) social security tax or the equivalent contribution to an
19 alternate plan established by a public employer, and self-employment tax;

20 (C) Medicare tax;

21 (D) mandatory union dues;

22 (E) mandatory contributions to a retirement or pension plan;

23 (2) voluntary contributions to a retirement or pension plan or account
24 in which the earnings are tax-free or tax-deferred, except that the total amount of these
25 voluntary contributions plus any mandatory contributions under (1)(E) of this
26 subsection may not exceed 7.5 percent of the parent's gross wages and self-
27 employment income;

28 (3) child support and alimony payments arising from previous
29 relationships that are required by another tribunal and actually paid;

30 (4) child support for children from prior relationships living with the
31 parent, calculated by using the formula under this chapter; and

1 (5) work-related child care expenses for the child who is the subject of
2 the child support order.

3 **Sec. 25.28.020. Child support guidelines for shared, divided, and hybrid**
4 **custody awards.** (a) The tribunal shall calculate shared, divided, and hybrid physical
5 custody awards as provided in this section.

6 (b) The tribunal shall calculate a child support award in a case in which the
7 parents are awarded shared physical custody by

8 (1) calculating the annual amount each parent would pay to the other
9 parent under AS 25.28.010 assuming the other parent had primary custody; in this
10 calculation, the income limit in AS 25.28.030(c) and the minimum support amount in
11 AS 25.28.030(d) apply;

12 (2) multiplying the amount determined under (1) of this subsection for
13 each parent by the percentage of time the other parent has physical custody of the
14 child; however, if the tribunal finds that the percentage of time each parent will have
15 physical custody does not accurately reflect the ratio of funds each parent will directly
16 spend on supporting the child, the tribunal shall vary this percentage to reflect its
17 findings;

18 (3) determining which parent has the greater amount under (2) of this
19 subsection; the parent with the greater amount under (2) of this subsection is the
20 obligor parent, and the annual award is equal to the difference between the two
21 amounts under (2) of this subsection; however, if the amount is greater than the
22 amount of support calculated under AS 25.28.010 assuming the obligor parent has
23 primary custody, the annual support is the amount calculated under AS 25.28.010.

24 (c) The child support award for shared custody under (b) of this section must
25 be paid in 12 equal monthly installments, except that if

26 (1) shared custody is based on the obligor parent's having physical
27 custody for periods of 30 consecutive days or more, the total annual award may be
28 paid in equal installments over those months in which the obligor parent does not have
29 physical custody; or

30 (2) the obligor parent's income is seasonal, the tribunal may order
31 unequal monthly support payments as provided in AS 25.28.030(e) and (f).

1 (d) The child support order must state that failure to exercise sufficient
2 physical custody to qualify for shared physical custody under (b) or (c) of this section
3 is grounds for modification of the child support order. Denial of visitation by the
4 custodial parent is not cause to increase a child support award.

5 (e) The tribunal shall

6 (1) calculate a child support award in a case in which the parents are
7 awarded divided custody by determining the amount each parent would pay to the
8 other parent for support of a child for whom that parent has primary physical custody
9 under AS 25.28.010, taking into account the income limit in AS 25.28.030(c) and the
10 minimum support amount in AS 25.28.030(d), and offsetting those amounts; and

11 (2) consider whether the amount determined under (1) of this
12 subsection should be varied under AS 25.28.030(b).

13 (f) The tribunal shall

14 (1) calculate a child support award in a case in which the parents are
15 awarded hybrid custody by

16 (A) applying AS 25.28.010, taking into account the income
17 limit in AS 25.28.030(c) and the minimum support amount in
18 AS 25.28.030(d), to determine support for a child in the primary physical
19 custody of each parent;

20 (B) applying (b) of this section to determine support for a child
21 in the shared physical custody of the parents;

22 (C) adjusting pro rata the percentages provided in
23 AS 25.28.010(b) based on the number of children to which each type of
24 custody applies; and

25 (D) combining the amounts to determine the net obligation; and

26 (2) consider whether the amount determined under (1) of this
27 subsection should be varied under AS 25.28.030(b).

28 **Sec. 25.28.030. Exceptions to support awards.** (a) Notwithstanding the
29 requirements in AS 25.28.010 and 25.28.020, the tribunal may vary the award for the
30 reasons stated in this section.

31 (b) The tribunal may vary the child support award as calculated under the

1 other provisions of this chapter for good cause on proof by a preponderance of the
2 evidence that manifest injustice would result if the support award were not varied. The
3 tribunal shall specify in writing the reason for the variation, the amount of support that
4 would have been required but for the variation, and the estimated value of any
5 property conveyed instead of support calculated under the other provisions of this
6 chapter. Good cause may include a finding that unusual circumstances exist that
7 require variation of the award in order to award an amount of support that is just and
8 proper for the parties to contribute toward the nurture and education of their children.
9 The tribunal shall consider the custodial parent's income in this determination.

10 (c) The calculation for primary physical custody under AS 25.28.010 does not
11 apply to the extent that the supporting parent has an annual net income of more than
12 \$105,000. The tribunal may make an additional award only if it is just and proper,
13 taking into account the needs of the child, the standard of living of the child, and the
14 extent to which that standard should reflect the supporting parent's ability to pay.

15 (d) Except as provided in AS 25.28.010(d) and 25.28.020, the minimum child
16 support amount that may be ordered is \$75 a month or \$900 a year for one child and,
17 for each additional child, \$50 a month.

18 (e) If the noncustodial parent's income is seasonal, the tribunal may order that
19 the annual support amount be paid in unequal monthly payments, with higher
20 payments during the months the parent expects to receive higher income and lower
21 payments in other months; the tribunal may not make an unequal payment order unless

22 (1) the tribunal finds that the burden of budgeting for periods of
23 unequal income should be placed on the obligee rather than the obligor; and

24 (2) the obligee agrees.

25 (f) An order of the tribunal for unequal payments under (e) of this section
26 must specify the annual support amount, the average monthly support amount, and the
27 amount due for each month. The order must provide that variations from the average
28 monthly amount begin with monthly payments in excess of the average monthly
29 amount so that a deficit situation cannot occur. Until the excess payments begin, the
30 tribunal shall order payment of the average monthly amount.

31 **Sec. 25.28.040. Health care expenses.** (a) The tribunal shall include in the

1 order coverage of the child's health care needs and require health insurance for the
2 child if insurance is available to either parent or both parents at a reasonable cost. The
3 tribunal shall consider whether the child is eligible for services through the Indian
4 Health Service, any other entity, or other insurance coverage before ordering either
5 parent or both parents to provide health care coverage through insurance, cash medical
6 support, or other means. A court shall find that health insurance is available only if the
7 dependent child has reasonable geographic access to the covered services or the
8 insurance includes the coverage of transportation needed for the services.

9 (b) The tribunal shall allocate equally the cost of insurance between the
10 parents unless the tribunal orders otherwise for good cause. An obligor's child support
11 obligation shall be decreased by the amount of the obligee's portion of health
12 insurance payments ordered by the tribunal and actually paid by the obligor. The
13 tribunal shall increase a child support award by the obligor's portion of health
14 insurance if the obligee is ordered to, and actually does, obtain and pay for insurance.

15 (c) The cost of insurance is the cost attributable to the child for whom support
16 is paid. If the cost to the employee of covering the employee alone is the same as the
17 cost to the employee of covering the employee and dependents, then there is no
18 additional cost to the employee for adding the child and no portion of the cost of
19 coverage may be allocated to the child. If dependent coverage can be added for a
20 single cost, rather than for each dependent, and the dependent coverage covers
21 dependents in addition to the child subject to the order, the cost of the dependent
22 coverage shall be allocated equally among the dependents covered. If there is reason
23 to believe that there is an incremental cost to the employee for insuring dependents but
24 evidence of that incremental cost is unavailable, the cost of insurance is determined by
25 dividing the total cost of coverage by the number of family members covered and
26 multiplying that amount by the number of children subject to the order.

27 (d) The tribunal shall allocate equally between the parties the cost of
28 reasonable health care expenses not covered by insurance unless the tribunal orders
29 otherwise for good cause. A party shall reimburse the other party for the party's share
30 of the uncovered health care expenses within 30 days after receipt of the bill for the
31 health care, payment verification, and, if applicable, a health insurance statement

1 indicating what portion of the cost is uncovered. The tribunal shall allocate the
2 reasonable, uncovered health care expenses exceeding \$5,000 in a calendar year based
3 on the parties' relative financial circumstances when the expenses occur.

4 ~~(e)~~ For the purpose of establishing a monthly support obligation for monthly
5 health care expenses, a tribunal shall apply a rebuttable presumption that the cost of
6 health insurance is reasonable under this section if the cost of purchasing health
7 insurance does not exceed five percent of the responsible parent's net income.

8 (f) In this section,

9 (1) "cash medical support" means an amount ordered to be paid toward
10 the cost of health insurance provided by a public entity or by another parent through
11 employment or otherwise, or for other health care expenses not covered by insurance;

12 (2) "health care expenses" includes medical, dental, vision, and mental
13 health counseling expenses.

14 **Sec. 25.28.050. Child support affidavit and documentation.** (a) Subject to
15 the confidentiality requirements of Rule 90.1(f), Alaska Rules of Civil Procedure, each
16 parent in a proceeding of a tribunal at which child support is involved shall file a
17 statement under oath, accompanied by documentation verifying the statement, that
18 states the parent's monthly net income and the components of monthly net income as
19 defined in AS 25.28.010. This statement and documentation must be filed with a
20 party's initial pleading in superior court, including the dissolution petition, divorce
21 complaint or answer, motion to modify, and any response to a motion to modify. The
22 documents must be redacted to delete social security numbers and to provide only
23 partial financial account information as provided in Rule 90.1(f), Alaska Rules of
24 Civil Procedure. The statement must state whether the parent has access to health
25 insurance for the children and, if so, the additional cost to the parent of the children's
26 health insurance.

27 (b) While there is an ongoing monthly support obligation, each party shall
28 provide to the other party, within 30 days after a written request, documents such as
29 tax returns and pay stubs showing the party's income for the prior calendar year. The
30 party making the request shall provide documentation of the party's annual income for
31 the same period at the time the request is made. A request under this section may not

1 be made more than once a year. This section does not preclude discovery under the
 2 Alaska Rules of Civil Procedure. ~~If a party has made a reasonable demand for~~
 3 ~~documentation under this subsection, a tribunal may modify a child support arrearage~~
 4 ~~retroactively.~~

5 (c) Unless the information has already been provided to the tribunal under
 6 Rule 90.1(f), Alaska Rules of Civil Procedure, a statement under (a) of this section
 7 must be accompanied by a confidential information sheet as described in Rule 90.1,
 8 Alaska Rules of Civil Procedure. Once a complete confidential information sheet has
 9 been submitted to the tribunal listing names, dates of birth, and social security
 10 numbers as required, the parties shall omit or redact social security numbers from
 11 documents subsequently filed in the action unless otherwise ordered by the tribunal.

12 (d) The tribunal may withhold or assess costs or attorney fees for a violation
 13 of this section as the circumstances and discouragement of like conduct in the future
 14 may require. Costs and attorney fees may be imposed on offending attorneys or
 15 parties.

16 **Sec. 25.28.060. Travel expenses.** After determining an award of child support
 17 under this chapter, the court shall allocate between the parties reasonable travel
 18 expenses that are necessary to exercise visitation as may be just and proper for the
 19 parties to contribute.

20 **Sec. 25.28.070. Modification; defense against arrearages.** (a) A tribunal may
 21 modify a final child support award on a showing of a material change of
 22 circumstances as provided by state law. A material change of circumstances shall be
 23 presumed if support as calculated under this chapter is more than 15 percent greater or
 24 less than the outstanding support order. An award may be modified to require cash
 25 medical support regardless of whether insurance is available to either parent if neither
 26 parent has purchased health insurance. In this subsection, "support" includes health
 27 insurance payments or cash medical support made under AS 25.28.040.

28 (b) A tribunal may not modify a child support arrearage retroactively, except
 29 as authorized by AS 25.27.166(d) ~~and AS 25.28.050(b).~~ A modification that is
 30 effective on or after the date that a motion for modification, or a notice of petition for
 31 modification by the child support services agency, is served on the opposing party is

1 not considered a retroactive modification.

2 (c) The tribunal may find that a parent and a parent's assignee are precluded
3 from collecting arrearages for support of a child that accumulated during a time period
4 exceeding two months for which the parent agreed or acquiesced to the obligor
5 exercising primary custody of the child. A finding that preclusion is a defense must be
6 based on clear and convincing evidence.

7 **Sec. 25.28.080. Third-party custody.** (a) When the state, or another third
8 party entitled to child support, has custody of all children of a parent, the parent's
9 support obligation to the third party is an amount equal to the parent's prorated
10 presumptive support obligation specified in AS 25.28.010(d). If the third party has
11 custody of some but not all children, the parent's support obligation to the third party
12 is an amount equal to the parent's prorated presumptive support obligation specified in
13 AS 25.28.010(d) for the total number of the parent's children in third-party custody
14 and divided by the total number of the parent's children. In this subsection, the number
15 of the parent's children includes only children of the parent who live with the parent,
16 are substantially supported by the parent, or are in custody of the third party entitled to
17 support.

18 (b) If, in addition to a support obligation to a third party, one or both parents
19 retain primary or shared physical custody of at least one of their children, the support
20 obligation between the parents is calculated under the other provisions of this chapter,
21 without consideration of the third-party custodian or any children in the custody of the
22 third-party custodian, except that the parent's prorated presumptive support obligation
23 under AS 25.28.010(d) must be adjusted pro rata for the number of children in the
24 primary custody of a parent, or shared custody of the parents, compared to the total
25 number of children. After that calculation is completed, any support owed may be
26 offset with support owed to a third-party custodian under (a) of this section in order to
27 minimize transactions.

28 **Sec. 25.28.090. Dependent tax deduction.** The court may allocate the
29 dependent tax deduction for each child between the parties as is just and proper and in
30 the child's best interests. The allocation must be consistent with AS 25.24.152 and
31 federal law.

1 **Sec. 25.28.095. Review of guidelines.** The child support services agency
2 established in AS 25.27.010 shall notify the legislative committees with jurisdiction
3 over matters involving child support awards of the need for a compliance review of
4 the guidelines established in this chapter every four years as provided in federal law.
5 The compliance review must include a determination of whether the application of the
6 guidelines consistently results in a determination of appropriate child support awards
7 in the state.

8 **Sec. 25.28.300. Definitions.** In this chapter,

9 (1) "child support" and "child support obligation" have the meaning
10 given "duty of support" in AS 25.27.900;

11 (2) "divided custody" means that one parent has primary physical
12 custody of one or more children of the relationship and the other parent has primary
13 custody of one or more other children of the relationship, and the parents do not share
14 physical custody of any of their children;

15 (3) "hybrid custody" means that at least one parent has primary
16 physical custody of one or more children of the relationship, and the parents have
17 shared physical custody of at least one child of the relationship;

18 (4) "primary physical custody" or "primary custody" means that a child
19 resides with the other parent for a period, specified in the custody order, of less than
20 25 percent of the year;

21 (5) "shared physical custody" or "shared custody" means that a child
22 resides with one parent for a period, specified in writing in the custody order, of at
23 least 25 percent but not more than 75 percent of the year, regardless of the status of
24 legal custody;

25 (6) "tribunal" means the superior court or the child support services
26 agency created in AS 25.27.010.

27 * **Sec. 2.** AS 47.10.120(a) is amended to read:

28 (a) When a child in need of aid is committed under this chapter, the court or
29 the child support services agency created in AS 25.27.010 shall, after giving the parent
30 a reasonable opportunity to be heard, require that the parent pay to the department in a
31 manner that the court or the child support services agency directs a sum to cover in

1 full or in part the maintenance and care of the child. The support obligation shall be
2 calculated under AS 25.28 [RULE 90.3(i) OF THE ALASKA RULES OF CIVIL
3 PROCEDURE].

4 * **Sec. 3.** AS 47.12.230(a) is amended to read:

5 (a) When a delinquent minor is committed under this chapter, the court or the
6 child support services agency created in AS 25.27.010 shall, after giving the parent a
7 reasonable opportunity to be heard, require that the parent pay to the department in a
8 manner that the court or the child support services agency directs a sum to cover in
9 full or in part the maintenance and care of the minor. The support obligation shall be
10 calculated under AS 25.28 [RULE 90.3(i) OF THE ALASKA RULES OF CIVIL
11 PROCEDURE].

12 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
13 read:

14 REPEAL OF COURT RULE. Rule 90.3, Alaska Rules of Civil Procedure, is repealed.

15 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
16 read:

17 NONAPPLICABILITY OF TWO-THIRDS VOTE REQUIREMENT. Because the
18 rule repealed in sec. 4 of this Act is a substantive rule rather than a rule of practice or
19 procedure, the repeal of the rule takes effect even if sec. 4 of this Act does not receive the
20 two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State of
21 Alaska.

22 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
23 read:

24 TRANSITION: CHILD SUPPORT SERVICES AGENCY. The child support services
25 agency established in AS 25.27.010 may proceed to adopt regulations necessary to implement
26 the changes made by AS 25.28, enacted by sec. 1 of this Act, but the regulations may not take
27 effect before the effective date of sec. 1 of this Act.

28 * **Sec. 7.** Section 6 of this Act takes effect immediately under AS 01.10.070(c).

29 * **Sec. 8.** Except as provided in sec. 7 of this Act, this Act takes effect July 1, 2013.

SENATE BILL NO. 134

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY SENATOR KOOKESH

Introduced: 1/17/12

Referred: Health and Social Services, Judiciary

)

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to child support awards; and repealing Rule 90.3, Alaska Rules of Civil**
2 **Procedure."**

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

4 * **Section 1.** AS 25 is amended by adding a new chapter to read:

5 **Chapter 28. Child Support Awards.**

6 **Sec. 25.28.010. Guidelines; primary physical custody.** (a) A tribunal shall
7 calculate a child support award in a case in which one parent is awarded primary
8 physical custody as an amount equal to the presumptive support obligation calculated
9 under (d) of this section multiplied by the noncustodial parent's proportionate income
10 share of combined monthly net income.

11 (b) To calculate the basic support obligation, the tribunal shall add together
12 the monthly net income of both parents and determine the basic support obligation
13 from the economic table as follows:

14 **ECONOMIC TABLE**

MONTHLY BASIC SUPPORT OBLIGATION

FOR EACH CHILD

KEY: A = AGE 0-11 B = AGE 12-18

COMBINED

MONTHLY	ONE		TWO	
NET	CHILD		CHILDREN	
INCOME	FAMILY		FAMILY	
	A	B	A	B

For income less than \$1,000, the obligation is based on the resources and living expenses of each household

1,000	220	272	171	211
1,100	242	299	188	232
1,200	264	326	205	253
1,300	285	352	221	274
1,400	307	379	238	294
1,500	327	404	254	313
1,600	347	428	269	333
1,700	367	453	285	352
1,800	387	478	300	371
1,900	407	503	316	390
2,000	427	527	331	409
2,100	447	552	347	429
2,200	467	577	362	448
2,300	487	601	378	467
2,400	506	626	393	486
2,500	526	650	408	505
2,600	534	661	416	513
2,700	542	670	421	520
2,800	549	679	427	527
2,900	556	686	431	533
3,000	561	693	436	538

1	3,100	566	699	439	543
2	3,200	569	704	442	546
3	3,300	573	708	445	549
4	3,400	574	710	446	551
5	3,500	575	711	447	552
6	3,600	577	712	448	553
7	3,700	578	713	449	554
8	3,800	581	719	452	558
9	3,900	596	736	463	572
10	4,000	609	753	473	584
11	4,100	623	770	484	598
12	4,200	638	788	495	611
13	4,300	651	805	506	625
14	4,400	664	821	516	637
15	4,500	677	836	525	649
16	4,600	689	851	535	661
17	4,700	701	866	545	673
18	4,800	713	882	554	685
19	4,900	726	897	564	697
20	5,000	738	912	574	708
21	5,100	751	928	584	720
22	5,200	763	943	593	732
23	5,300	776	959	602	744
24	5,400	788	974	612	756
25	5,500	800	989	622	768
26	5,600	812	1,004	632	779
27	5,700	825	1,019	641	791
28	5,800	837	1,035	650	803
29	5,900	850	1,050	660	815
30	6,000	862	1,065	670	827
31	6,100	875	1,081	680	839

1	6,200	887	1,096	689	851
2	6,300	899	1,112	699	863
3	6,400	911	1,127	709	875
4	6,500	924	1,142	718	887
5	6,600	936	1,157	728	899
6	6,700	949	1,172	737	911
7	6,800	961	1,188	747	923
8	6,900	974	1,203	757	935
9	7,000	986	1,218	767	946
10	7,100	998	1,233	776	958
11	7,200	1,009	1,248	785	971
12	7,300	1,021	1,262	794	982
13	7,400	1,033	1,276	803	993
14	7,500	1,044	1,290	812	1,004
15	7,600	1,055	1,305	821	1,015
16	7,700	1,067	1,319	830	1,026
17	7,800	1,078	1,333	839	1,037
18	7,900	1,089	1,346	848	1,048
19	8,000	1,100	1,360	857	1,059
20	8,100	1,112	1,374	865	1,069
21	8,200	1,123	1,387	874	1,080
22	8,300	1,134	1,401	882	1,091
23	8,400	1,144	1,414	891	1,101
24	8,500	1,155	1,428	899	1,112
25	8,600	1,166	1,441	908	1,122
26	8,700	1,177	1,454	916	1,133
27	8,800	1,187	1,467	925	1,143
28	8,900	1,198	1,481	933	1,153
29	9,000	1,208	1,493	941	1,163
30	9,100	1,219	1,506	949	1,173
31	9,200	1,229	1,519	957	1,183

1	9,300	1,239	1,532	966	1,193
2	9,400	1,250	1,545	974	1,203
3	9,500	1,260	1,557	982	1,213
4	9,600	1,270	1,570	989	1,223
5	9,700	1,280	1,582	997	1,233
6	9,800	1,290	1,594	1,005	1,242
7	9,900	1,300	1,606	1,013	1,252
8	10,000	1,310	1,619	1,021	1,262
9	10,100	1,319	1,631	1,028	1,271
10	10,200	1,329	1,643	1,036	1,281
11	10,300	1,339	1,655	1,044	1,290
12	10,400	1,348	1,666	1,051	1,299
13	10,500	1,358	1,678	1,059	1,308
14	10,600	1,367	1,690	1,066	1,318
15	10,700	1,377	1,701	1,073	1,327
16	10,800	1,386	1,713	1,081	1,336
17	10,900	1,395	1,724	1,088	1,345
18	11,000	1,404	1,736	1,095	1,354
19	11,100	1,413	1,747	1,102	1,363
20	11,200	1,422	1,758	1,110	1,371
21	11,300	1,431	1,769	1,117	1,380
22	11,400	1,440	1,780	1,124	1,389
23	11,500	1,449	1,791	1,131	1,398
24	11,600	1,458	1,802	1,138	1,406
25	11,700	1,467	1,813	1,145	1,415
26	11,800	1,475	1,823	1,151	1,423
27	11,900	1,484	1,834	1,158	1,431
28	12,000	1,492	1,844	1,165	1,440
29	COMBINED				
30	MONTHLY	THREE	FOUR	FIVE	
31	NET	CHILDREN	CHILDREN	CHILDREN	

	INCOME	FAMILY		FAMILY		FAMILY	
		A	B	A	B	A	B
1							
2							
3	For income less than \$1,000, the obligation is based on the resources						
4	and living expenses of each household						
5	1,000	143	177	121	149	105	130
6	1,100	157	194	133	164	116	143
7	1,200	171	211	144	179	126	156
8	1,300	185	228	156	193	136	168
9	1,400	199	246	168	208	147	181
10	1,500	212	262	179	221	156	193
11	1,600	225	278	190	235	166	205
12	1,700	238	294	201	248	175	217
13	1,800	251	310	212	262	185	228
14	1,900	264	326	223	275	194	240
15	2,000	277	342	234	289	204	252
16	2,100	289	358	245	303	213	264
17	2,200	302	374	256	316	223	276
18	2,300	315	390	267	330	233	288
19	2,400	328	406	278	343	242	299
20	2,500	341	421	288	356	251	311
21	2,600	346	428	293	362	256	316
22	2,700	351	435	298	368	259	321
23	2,800	356	440	301	372	262	324
24	2,900	360	445	305	376	266	328
25	3,000	364	449	308	380	268	331
26	3,100	367	453	310	383	270	334
27	3,200	369	457	312	386	272	336
28	3,300	371	459	314	388	273	339
29	3,400	372	460	315	389	274	340
30	3,500	373	461	316	390	275	341
31	3,600	374	462	317	391	276	342

1	3,700	375	463	318	392	277	343
2	3,800	377	466	319	394	278	344
3	3,900	386	477	326	404	284	352
4	4,000	395	488	334	413	291	360
5	4,100	404	500	341	422	298	368
6	4,200	413	511	350	431	305	377
7	4,300	422	522	357	441	311	385
8	4,400	431	532	364	449	317	392
9	4,500	438	542	371	458	323	400
10	4,600	446	552	377	467	329	407
11	4,700	455	562	384	475	335	414
12	4,800	463	572	391	483	341	422
13	4,900	470	581	398	491	347	429
14	5,000	479	592	404	500	353	437
15	5,100	487	602	411	509	359	443
16	5,200	494	611	418	517	365	451
17	5,300	503	621	425	525	371	458
18	5,400	511	632	432	533	377	466
19	5,500	518	641	439	542	383	473
20	5,600	527	651	446	551	389	480
21	5,700	535	661	452	559	395	488
22	5,800	543	671	459	567	401	495
23	5,900	551	681	466	575	407	502
24	6,000	559	691	473	584	413	509
25	6,100	567	701	479	593	418	517
26	6,200	575	710	486	601	424	524
27	6,300	583	721	493	609	430	532
28	6,400	591	731	500	617	436	539
29	6,500	599	740	506	626	442	546
30	6,600	607	750	513	635	448	554
31	6,700	615	761	520	643	454	561

1	6,800	623	770	527	651	460	568
2	6,900	631	780	533	659	466	575
3	7,000	639	790	540	668	472	583
4	7,100	647	800	547	677	478	591
5	7,200	654	809	554	684	484	598
6	7,300	662	818	560	693	490	605
7	7,400	670	828	567	701	496	613
8	7,500	677	837	574	709	502	620
9	7,600	685	846	581	718	507	627
10	7,700	692	855	587	726	513	634
11	7,800	700	865	594	734	519	642
12	7,900	707	874	601	742	525	649
13	8,000	714	883	607	750	531	656
14	8,100	722	892	614	759	536	663
15	8,200	729	901	620	767	542	670
16	8,300	736	910	627	775	548	677
17	8,400	743	919	633	783	553	684
18	8,500	750	928	640	791	559	691
19	8,600	758	936	646	799	565	698
20	8,700	765	945	653	807	570	705
21	8,800	772	954	659	815	576	712
22	8,900	779	962	665	822	582	719
23	9,000	786	971	672	830	587	726
24	9,100	792	980	678	838	593	732
25	9,200	799	988	684	846	598	739
26	9,300	806	996	691	854	604	746
27	9,400	813	1,005	697	861	609	753
28	9,500	820	1,013	703	869	614	759
29	9,600	826	1,021	709	877	620	766
30	9,700	833	1,030	716	884	625	773
31	9,800	840	1,038	722	892	631	779

1	9,900	846	1,046	728	900	636	786
2	10,000	853	1,054	734	907	641	793
3	10,100	859	1,062	740	915	647	799
4	10,200	866	1,070	746	922	652	806
5	10,300	872	1,078	752	930	657	812
6	10,400	879	1,086	758	937	662	819
7	10,500	885	1,094	764	944	668	825
8	10,600	891	1,102	770	952	673	832
9	10,700	898	1,109	776	959	678	838
10	10,800	904	1,117	782	966	683	844
11	10,900	910	1,125	788	974	688	851
12	11,000	916	1,132	794	981	693	857
13	11,100	922	1,140	799	988	698	863
14	11,200	928	1,147	805	995	703	869
15	11,300	934	1,155	811	1,002	708	876
16	11,400	940	1,162	817	1,009	714	882
17	11,500	946	1,170	822	1,017	719	888
18	11,600	952	1,177	828	1,024	723	894
19	11,700	958	1,184	834	1,031	728	900
20	11,800	964	1,191	839	1,038	733	906
21	11,900	970	1,199	845	1,045	738	912
22	12,000	975	1,206	851	1,051	743	919.

23 (c) The economic table in (b) of this section is presumptive for up to five
24 children and for combined monthly net incomes up to and including \$12,000. When
25 support is awarded for more than five children in the physical custody of one parent,
26 the tribunal shall add the column for five children to the column equal to the additional
27 children over five. When combined monthly net income exceeds \$12,000, on written
28 findings of fact, the tribunal may exceed the presumptive amount of support set for
29 combined monthly net incomes of \$12,000.

30 (d) The tribunal shall calculate a presumptive support obligation by adding
31 average monthly expenditures for child health care expenses allowable under

1 AS 25.28.040 to the basic support obligation in (b) of this section.

2 (e) The tribunal may allow the obligor parent to reduce child support
3 payments by up to 75 percent for a period in which the obligor parent has extended
4 visitation of more than 27 consecutive days. The order must specify the amount of the
5 reduction that is allowable if the extended visitation is exercised.

6 (f) The tribunal may calculate child support based on a determination of the
7 potential income of a parent who voluntarily and unreasonably is unemployed or
8 underemployed. A determination of potential income may not be made for a parent
9 who is physically or mentally incapacitated or who is caring for a child under two
10 years of age to whom the parents owe a joint legal responsibility. Potential income
11 shall be based on the parent's work history, qualifications, and job opportunities. The
12 tribunal may also consider potential income from assets that are not producing income
13 or are producing low income.

14 (g) In this section, "monthly net income" means one-twelfth of the parent's
15 total annual income from all sources less

16 (1) mandatory deductions, including

17 (A) federal, state, and local income tax;

18 (B) social security tax or the equivalent contribution to an
19 alternate plan established by a public employer, and self-employment tax;

20 (C) Medicare tax;

21 (D) mandatory union dues;

22 (E) mandatory contributions to a retirement or pension plan;

23 (2) voluntary contributions to a retirement or pension plan or account
24 in which the earnings are tax-free or tax-deferred, except that the total amount of these
25 voluntary contributions plus any mandatory contributions under (1)(E) of this
26 subsection may not exceed 7.5 percent of the parent's gross wages and self-
27 employment income;

28 (3) child support and alimony payments arising from previous
29 relationships that are required by another tribunal and actually paid;

30 (4) child support for children from prior relationships living with the
31 parent, calculated by using the formula under this chapter; and

1 (5) work-related child care expenses for the child who is the subject of
2 the child support order.

3 **Sec. 25.28.020. Child support guidelines for shared, divided, and hybrid**
4 **custody awards.** (a) The tribunal shall calculate shared, divided, and hybrid physical
5 custody awards as provided in this section.

6 (b) The tribunal shall calculate a child support award in a case in which the
7 parents are awarded shared physical custody by

8 (1) calculating the annual amount each parent would pay to the other
9 parent under AS 25.28.010 assuming the other parent had primary custody; in this
10 calculation, the income limit in AS 25.28.030(c) and the minimum support amount in
11 AS 25.28.030(d) apply;

12 (2) multiplying the amount determined under (1) of this subsection for
13 each parent by the percentage of time the other parent has physical custody of the
14 child; however, if the tribunal finds that the percentage of time each parent will have
15 physical custody does not accurately reflect the ratio of funds each parent will directly
16 spend on supporting the child, the tribunal shall vary this percentage to reflect its
17 findings;

18 (3) determining which parent has the greater amount under (2) of this
19 subsection; the parent with the greater amount under (2) of this subsection is the
20 obligor parent, and the annual award is equal to the difference between the two
21 amounts under (2) of this subsection; however, if the amount is greater than the
22 amount of support calculated under AS 25.28.010 assuming the obligor parent has
23 primary custody, the annual support is the amount calculated under AS 25.28.010.

24 (c) The child support award for shared custody under (b) of this section must
25 be paid in 12 equal monthly installments, except that if

26 (1) shared custody is based on the obligor parent's having physical
27 custody for periods of 30 consecutive days or more, the total annual award may be
28 paid in equal installments over those months in which the obligor parent does not have
29 physical custody; or

30 (2) the obligor parent's income is seasonal, the tribunal may order
31 unequal monthly support payments as provided in AS 25.28.030(e) and (f).

1 (d) The child support order must state that failure to exercise sufficient
2 physical custody to qualify for shared physical custody under (b) or (c) of this section
3 is grounds for modification of the child support order. Denial of visitation by the
4 custodial parent is not cause to increase a child support award.

5 (e) The tribunal shall

6 (1) calculate a child support award in a case in which the parents are
7 awarded divided custody by determining the amount each parent would pay to the
8 other parent for support of a child for whom that parent has primary physical custody
9 under AS 25.28.010, taking into account the income limit in AS 25.28.030(c) and the
10 minimum support amount in AS 25.28.030(d), and offsetting those amounts; and

11 (2) consider whether the amount determined under (1) of this
12 subsection should be varied under AS 25.28.030(b).

13 (f) The tribunal shall

14 (1) calculate a child support award in a case in which the parents are
15 awarded hybrid custody by

16 (A) applying AS 25.28.010, taking into account the income
17 limit in AS 25.28.030(c) and the minimum support amount in
18 AS 25.28.030(d), to determine support for a child in the primary physical
19 custody of each parent;

20 (B) applying (b) of this section to determine support for a child
21 in the shared physical custody of the parents;

22 (C) adjusting pro rata the percentages provided in
23 AS 25.28.010(b) based on the number of children to which each type of
24 custody applies; and

25 (D) combining the amounts to determine the net obligation; and

26 (2) consider whether the amount determined under (1) of this
27 subsection should be varied under AS 25.28.030(b).

28 **Sec. 25.28.030. Exceptions to support awards.** (a) Notwithstanding the
29 requirements in AS 25.28.010 and 25.28.020, the tribunal may vary the award for the
30 reasons stated in this section.

31 (b) The tribunal may vary the child support award as calculated under the

1 other provisions of this chapter for good cause on proof by a preponderance of the
2 evidence that manifest injustice would result if the support award were not varied. The
3 tribunal shall specify in writing the reason for the variation, the amount of support that
4 would have been required but for the variation, and the estimated value of any
5 property conveyed instead of support calculated under the other provisions of this
6 chapter. Good cause may include a finding that unusual circumstances exist that
7 require variation of the award in order to award an amount of support that is just and
8 proper for the parties to contribute toward the nurture and education of their children.
9 The tribunal shall consider the custodial parent's income in this determination.

10 (c) The calculation for primary physical custody under AS 25.28.010 does not
11 apply to the extent that the supporting parent has an annual net income of more than
12 \$105,000. The tribunal may make an additional award only if it is just and proper,
13 taking into account the needs of the child, the standard of living of the child, and the
14 extent to which that standard should reflect the supporting parent's ability to pay.

15 (d) Except as provided in AS 25.28.010(d) and 25.28.020, the minimum child
16 support amount that may be ordered is \$75 a month or \$900 a year for one child and,
17 for each additional child, \$50 a month.

18 (e) If the noncustodial parent's income is seasonal, the tribunal may order that
19 the annual support amount be paid in unequal monthly payments, with higher
20 payments during the months the parent expects to receive higher income and lower
21 payments in other months; the tribunal may not make an unequal payment order unless

22 (1) the tribunal finds that the burden of budgeting for periods of
23 unequal income should be placed on the obligee rather than the obligor; and

24 (2) the obligee agrees.

25 (f) An order of the tribunal for unequal payments under (e) of this section
26 must specify the annual support amount, the average monthly support amount, and the
27 amount due for each month. The order must provide that variations from the average
28 monthly amount begin with monthly payments in excess of the average monthly
29 amount so that a deficit situation cannot occur. Until the excess payments begin, the
30 tribunal shall order payment of the average monthly amount.

31 **Sec. 25.28.040. Health care expenses.** (a) The tribunal shall include in the

1 order coverage of the child's health care needs and require health insurance for the
2 child if insurance is available to either parent or both parents at a reasonable cost. The
3 tribunal shall consider whether the child is eligible for services through the Indian
4 Health Service, any other entity, or other insurance coverage before ordering either
5 parent or both parents to provide health care coverage through insurance, cash medical
6 support, or other means. A court shall find that health insurance is available only if the
7 dependent child has reasonable geographic access to the covered services or the
8 insurance includes the coverage of transportation needed for the services.

9 (b) The tribunal shall allocate equally the cost of insurance between the
10 parents unless the tribunal orders otherwise for good cause. An obligor's child support
11 obligation shall be decreased by the amount of the obligee's portion of health
12 insurance payments ordered by the tribunal and actually paid by the obligor. The
13 tribunal shall increase a child support award by the obligor's portion of health
14 insurance if the obligee is ordered to, and actually does, obtain and pay for insurance.

15 (c) The cost of insurance is the cost attributable to the child for whom support
16 is paid. If the cost to the employee of covering the employee alone is the same as the
17 cost to the employee of covering the employee and dependents, then there is no
18 additional cost to the employee for adding the child and no portion of the cost of
19 coverage may be allocated to the child. If dependent coverage can be added for a
20 single cost, rather than for each dependent, and the dependent coverage covers
21 dependents in addition to the child subject to the order, the cost of the dependent
22 coverage shall be allocated equally among the dependents covered. If there is reason
23 to believe that there is an incremental cost to the employee for insuring dependents but
24 evidence of that incremental cost is unavailable, the cost of insurance is determined by
25 dividing the total cost of coverage by the number of family members covered and
26 multiplying that amount by the number of children subject to the order.

27 (d) The tribunal shall allocate equally between the parties the cost of
28 reasonable health care expenses not covered by insurance unless the tribunal orders
29 otherwise for good cause. A party shall reimburse the other party for the party's share
30 of the uncovered health care expenses within 30 days after receipt of the bill for the
31 health care, payment verification, and, if applicable, a health insurance statement

1 indicating what portion of the cost is uncovered. The tribunal shall allocate the
 2 reasonable, uncovered health care expenses exceeding \$5,000 in a calendar year based
 3 on the parties' relative financial circumstances when the expenses occur.

4 (e) In this section,

5 (1) "cash medical support" means an amount ordered to be paid toward
 6 the cost of health insurance provided by a public entity or by another parent through
 7 employment or otherwise, or for other health care expenses not covered by insurance;

8 (2) "health care expenses" includes medical, dental, vision, and mental
 9 health counseling expenses.

10 **Sec. 25.28.050. Child support affidavit and documentation.** (a) Subject to
 11 the confidentiality requirements of Rule 90.1(f), Alaska Rules of Civil Procedure, each
 12 parent in a proceeding of a tribunal at which child support is involved shall file a
 13 statement under oath, accompanied by documentation verifying the statement, that
 14 states the parent's monthly net income and the components of monthly net income as
 15 defined in AS 25.28.010. This statement and documentation must be filed with a
 16 party's initial pleading in superior court, including the dissolution petition, divorce
 17 complaint or answer, motion to modify, and any response to a motion to modify. The
 18 documents must be redacted to delete social security numbers and to provide only
 19 partial financial account information as provided in Rule 90.1(f), Alaska Rules of
 20 Civil Procedure. The statement must state whether the parent has access to health
 21 insurance for the children and, if so, the additional cost to the parent of the children's
 22 health insurance.

23 (b) While there is an ongoing monthly support obligation, each party shall
 24 provide to the other party, within 30 days after a written request, documents such as
 25 tax returns and pay stubs showing the party's income for the prior calendar year. The
 26 party making the request shall provide documentation of the party's annual income for
 27 the same period at the time the request is made. A request under this section may not
 28 be made more than once a year. This section does not preclude discovery under the
 29 ~~Alaska Rules of Civil Procedure.~~ If a party has made a reasonable demand for
 30 documentation under this subsection, a tribunal may modify a child support arrearage
 31 retroactively.

1 (c) Unless the information has already been provided to the tribunal under
2 Rule 90.1(f), Alaska Rules of Civil Procedure, a statement under (a) of this section
3 must be accompanied by a confidential information sheet as described in Rule 90.1,
4 Alaska Rules of Civil Procedure. Once a complete confidential information sheet has
5 been submitted to the tribunal listing names, dates of birth, and social security
6 numbers as required, the parties shall omit or redact social security numbers from
7 documents subsequently filed in the action unless otherwise ordered by the tribunal.

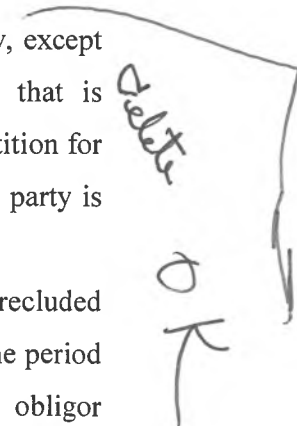
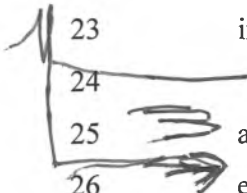
8 (d) The tribunal may withhold or assess costs or attorney fees for a violation
9 of this section as the circumstances and discouragement of like conduct in the future
10 may require. Costs and attorney fees may be imposed on offending attorneys or
11 parties.

12 **Sec. 25.28.060. Travel expenses.** After determining an award of child support
13 under this chapter, the court shall allocate between the parties reasonable travel
14 expenses that are necessary to exercise visitation as may be just and proper for the
15 parties to contribute.

16 **Sec. 25.28.070. Modification; defense against arrearages.** (a) A tribunal may
17 modify a final child support award on a showing of a material change of
18 circumstances as provided by state law. A material change of circumstances shall be
19 presumed if support as calculated under this chapter is more than 15 percent greater or
20 less than the outstanding support order. An award may be modified to require cash
21 medical support regardless of whether insurance is available to either parent if neither
22 parent has purchased health insurance. In this subsection, "support" includes health
23 insurance payments or cash medical support made under AS 25.28.040.

24 (b) A tribunal may not modify a child support arrearage retroactively, except
25 as authorized by AS 25.27.166(d) and AS 25.28.050(b). A modification that is
26 effective on or after the date that a motion for modification, or a notice of petition for
27 modification by the child support services agency, is served on the opposing party is
28 not considered a retroactive modification.

29 (c) The tribunal may find that a parent and a parent's assignee are precluded
30 from collecting arrearages for support of a child that accumulated during a time period
31 exceeding two months for which the parent agreed or acquiesced to the obligor



1 year delay in implementation

Change Formula

1 exercising primary custody of the child. A finding that preclusion is a defense must be
2 based on clear and convincing evidence.

3 **Sec. 25.28.080. Third-party custody.** (a) When the state, or another third
4 party entitled to child support, has custody of all children of a parent, the parent's
5 support obligation to the third party is an amount equal to the parent's prorated
6 presumptive support obligation specified in AS 25.28.010(d). If the third party has
7 custody of some but not all children, the parent's support obligation to the third party
8 is an amount equal to the parent's prorated presumptive support obligation specified in
9 AS 25.28.010(d) for the total number of the parent's children in third-party custody
10 and divided by the total number of the parent's children. In this subsection, the number
11 of the parent's children includes only children of the parent who live with the parent,
12 are substantially supported by the parent, or are in custody of the third party entitled to
13 support.

14 (b) If, in addition to a support obligation to a third party, one or both parents
15 retain primary or shared physical custody of at least one of their children, the support
16 obligation between the parents is calculated under the other provisions of this chapter,
17 without consideration of the third-party custodian or any children in the custody of the
18 third-party custodian, except that the parent's prorated presumptive support obligation
19 under AS 25.28.010(d) must be adjusted pro rata for the number of children in the
20 primary custody of a parent, or shared custody of the parents, compared to the total
21 number of children. After that calculation is completed, any support owed may be
22 offset with support owed to a third-party custodian under (a) of this section in order to
23 minimize transactions.

24 **Sec. 25.28.090. Dependent tax deduction.** The court may allocate the
25 dependent tax deduction for each child between the parties as is just and proper and in
26 the child's best interests. The allocation must be consistent with AS 25.24.152 and
27 federal law.

28 **Sec. 25.28.300. Definitions.** In this chapter,

29 (1) "child support" and "child support obligation" have the meaning
30 given "duty of support" in AS 25.27.900;

31 (2) "divided custody" means that one parent has primary physical

1 custody of one or more children of the relationship and the other parent has primary
2 custody of one or more other children of the relationship, and the parents do not share
3 physical custody of any of their children;

4 (3) "hybrid custody" means that at least one parent has primary
5 physical custody of one or more children of the relationship, and the parents have
6 shared physical custody of at least one child of the relationship;

7 (4) "primary physical custody" or "primary custody" means that a child
8 resides with the other parent for a period, specified in the custody order, of less than
9 25 percent of the year;

10 (5) "shared physical custody" or "shared custody" means that a child
11 resides with one parent for a period, specified in writing in the custody order, of at
12 least 25 percent but not more than 75 percent of the year, regardless of the status of
13 legal custody;

14 (6) "tribunal" means the superior court or the child support services
15 agency created in AS 25.27.010.

16 * **Sec. 2.** AS 47.10.120(a) is amended to read:

17 (a) When a child in need of aid is committed under this chapter, the court or
18 the child support services agency created in AS 25.27.010 shall, after giving the parent
19 a reasonable opportunity to be heard, require that the parent pay to the department in a
20 manner that the court or the child support services agency directs a sum to cover in
21 full or in part the maintenance and care of the child. The support obligation shall be
22 calculated under AS 25.28 [RULE 90.3(i) OF THE ALASKA RULES OF CIVIL
23 PROCEDURE].

24 * **Sec. 3.** AS 47.12.230(a) is amended to read:

25 (a) When a delinquent minor is committed under this chapter, the court or the
26 child support services agency created in AS 25.27.010 shall, after giving the parent a
27 reasonable opportunity to be heard, require that the parent pay to the department in a
28 manner that the court or the child support services agency directs a sum to cover in
29 full or in part the maintenance and care of the minor. The support obligation shall be
30 calculated under AS 25.28 [RULE 90.3(i) OF THE ALASKA RULES OF CIVIL
31 PROCEDURE].

MA X

1 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 REPEAL OF COURT RULE. Rule 90.3, Alaska Rules of Civil Procedure, is repealed.

4 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
5 read:

6 NONAPPLICABILITY OF TWO-THIRDS VOTE REQUIREMENT. Because the
7 rule repealed in sec. 4 of this Act is a substantive rule rather than a rule of practice or
8 procedure, the repeal of the rule takes effect even if sec. 4 of this Act does not receive the
9 two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State of
10 Alaska.

How will you get the
Revised process done

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

cost # codes

Bill Version

SB134-ACS-TRC-2-9-12

Fiscal Note Number

Publish Date

Identifier (file name) SB134-ACS-TRC-2-9-2012

Dept. Affected Alaska Court System

Title Child Support Awards

Appropriation Trial Courts

Allocation

Sponsor Senator Kookesh

OMB Component Number 768

Requester

Expenditures/Revenues

(Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
			FY14	FY15	FY16	FY17	FY18
OPERATING EXPENDITURES	FY13	FY13	FY14	FY15	FY16	FY17	FY18
Personal Services	1,009.8		1,009.8				
Travel	63.0		63.0				
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	1,072.8	0.0	1,072.8	0.0	0.0	0.0	0.0

FUND SOURCE		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF	1,072.8		1,072.8			
1005	GF/Prgm (DGF)						
1037	GF/MH (UGF)						
1178	temp code (UGF)						
TOTAL		1,072.8	0.0	1,072.8	0.0	0.0	0.0

POSITIONS							
Full-time							
Part-time							
Temporary		10.0		10.0			

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial Version

Prepared by Nancy Meade, General Counsel
Division Alaska Court System
Approved by Nancy Meade for Christine Johnson, Administrative Director
Alaska Court System

Phone 907-463-4736
Date/Time 2/09/2012 11:00 A.M.
Date 2/9/2012

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. SB134-ACS-TRC-2-9-12

Analysis

SB 134 will repeal Civil Rule 90.3, the court rule that contains the current child support guidelines, and replace it with a new chapter in the statutes setting out the method for calculating child support awards. The formula for calculating the amount to be awarded will change from the current "percentage of income" approach, in which a set percentage of the non-custodial parent's income is presumed to be the appropriate support amount, to an "income shares" approach, in which a set dollar amount that depends on the parents' incomes is the presumptive support obligation. The bill also makes other changes to the current method for establishing the appropriate support amounts.

Under AS 25.14.170(b), the adoption of child support award guidelines or a significant amendment to guidelines is a material change in circumstances such that a party to an existing order would have grounds to seek modification of that order. The Child Support Services Division (CSSD) has estimated that it is enforcing about 20,000 child support orders, and an additional unknown number of court orders are in existence in which the parties opted not to use the CSSD for enforcement. It is estimated that 10,000 modification requests could be made after the bill takes effect; about half of the requests (5,000) are likely to be handled by the CSSD directly without court involvement, and about half (5,000) could come to the court for consideration and resolution.

The Court System estimates that, on average, each of the predicted 5,000 requests for modification of child support orders would require three hours of a judge's time to consider and resolve. The motions are expected to be filed by parties over a two-year period following the effective date of the bill. To handle these motions, the court will hire 3.8 temporary (pro tem) judges (NPP FTE), as well as 3.8 (NPP FTE) court clerks to assist those judges with paperwork and case management during FY 13 and FY 14. The court allocated these positions to the different court locations based on the prior two fiscal years' statistics that show where similar motions have been filed statewide. The personal service costs for these pro tem judges who will be assigned to the courts with the highest predicted number of these motions amounts to \$760,000 for each of the two years, as shown on page three.

In addition, the pro tem judges and clerks will be required to travel to other courts locations to handle the motions in the courts in which the parties file them; it is estimated that travel costs would amount to \$63,000 for each of the two years.

Finally, the court's Family Law Self-Help Center, which is the court's free statewide service to help people represent themselves in family law cases, anticipates that the number of requests for assistance would rise significantly, requiring two additional full-time temporary facilitators for each year over a two-year period.

Analysis Continued

Alaska Court System	
Fiscal Note Calculations for SB 134	
Personal Services:	Cost
Pro Tems Superior Court Judge - Anchorage (2.2 NPP FTE)	424,700
Pro Tems Superior Court Judge - Fairbanks (.6 NPP FTE)	120,000
Pro Tems Superior Court Judge - Palmer (.4 NPP FTE)	84,200
Pro Tems Superior Court Judge - Kenai (.2 NPP FTE)	46,900
Pro Tems Superior Court Judge - Remaining Court Locations (.4 NPP FTE)	84,200
Clerical Staffing In-Court Clerks for ProTem Judges (3.8 NPP FTE)	160,100
Facilitator for Family Law Self Help Center (2.0 NPP FTE)	89,700
Subtotal Personal Services Cost	1,009,800
Travel:	
Travel to Various Court Locations:	
Estimate 25 trips X \$400 Airfare for Judge and Clerk	20,000
Estimate 25 trips X \$60 Per Diem X 5 Days for Judge and Clerk	15,000
Estimate 25 trips X \$125 Lodging X 4 Days for Judge and Clerk	25,000
Estimate 25 trips - Ground Transportation, Parking @ \$60/Trip for Judge and Clerk	3,000
Subtotal Travel Cost	63,000
Total Estimated Cost	1,072,800

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version SB134
 Fiscal Note Number _____
 () Publish Date _____

Identifier (file name) SB134-DOR-CSSD-02-02-12 Dept. Affected _____ Revenue _____
 Title An Act Relating to Child Support Awards Appropriation Child Support Services
 Allocation Child Support Services
 Sponsor Senator Kookesh
 Requester (S) HSS OMB Component Number 111

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
			FY14	FY15	FY16	FY17	FY18
OPERATING EXPENDITURES	FY13	FY13	FY14	FY15	FY16	FY17	FY18
Personal Services	2,011.3		353.5	353.5	353.5	353.5	353.5
Travel							
Services	4,592.6		10.8	10.8	10.8	10.8	10.8
Commodities	166.0						
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	6,769.9	0.0	364.3	364.3	364.3	364.3	364.3

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts	4,468.1		240.4	240.4	240.4	240.4	240.4
1003	GF Match	2,301.8		123.9	123.9	123.9	123.9	123.9
1004	GF							
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
78	temp code (UGF)							
TOTAL		6,769.9	0.0	364.3	364.3	364.3	364.3	364.3

POSITIONS							
Full-time		5		5		5	5
Part-time							
Temporary		24					

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial note

Prepared by John Mallonee
 Division Child Support Services
 Approved by Jerry Burnett, Director
Administrative Services

Phone 269-6801
 Date/Time 2/2/12 10:00am
 Date 2/2/2012

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. SB134

Analysis

SB 134 will establish Alaska child support guidelines in statute and repeal the court Civil Rule 90.3 child support guidelines. The bill changes child support calculation formulas from the current percentage approach that only takes into account the non-custodial parent's income to an income shares model that considers the income of both parents. Additionally, the bill increases the minimum support amount required of the non-custodial parent and decreases the percentage of time required for a finding of shared custody.

AS 25.24.170(b) and AS 25.27.190(e) consider the adoption, enactment or significant modification to the guidelines a material change of circumstance for the purpose of a modification of the order. This would allow the custodial or non-custodial parents to request a modification of their existing order(s). 45 CFR 303.8(e) requires a modification to be completed 180 days from receipt of the request. Failure to meet this requirement could result in the loss of federal funds. There are approximately 20,000 child support orders that would be eligible for modification. The division conservatively anticipates 10,000 modification requests will be submitted in the first six months. The modification section currently completes an estimated 3,000 modifications/year with a staff of 14. The anticipated increase in modification requests and the increased time required to perform the calculations will require 24 non-permanent staff. The five permanent staff will be needed because of the additional work required to determine the awards under the income shares approach.

Every four years as required by 45 CFR 302.56(e) the state must review the guidelines and revise if appropriate. Currently this is done by the Supreme Court. If the guideline are placed in statute then another process would be required to satisfy this requirement.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version SB 134
 Fiscal Note Number _____
 () Publish Date _____

Identifier (file name) SB134-LAW-CIV-02-02-12 Dept. Affected Law
 Title An Act relating to child support awards; and repealing Appropriation Civil
Rule 90.3, Alaska Rules of Civil Procedure. Allocation Collections and Support
 Sponsor Senator Kookesh
 Requester (S) Health & Social Services OMB Component Number 2210

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
			FY14	FY15	FY16	FY17	FY18
OPERATING EXPENDITURES	FY13	FY13	FY14	FY15	FY16	FY17	FY18
Personal Services	2,660.9						
Travel	13.4						
Services	429.0						
Commodities	61.7						
Capital Outlay	12.1						
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	3,177.1	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002	Federal Receipts						
1003	GF Match						
1004	GF						
1007	I/A Rcpts (Other)	3,177.1					
1037	GF/MH (UGF)						
1078	temp code (UGF)						
TOTAL		3,177.1	0.0	0.0	0.0	0.0	0.0

POSITIONS

Full-time						
Part-time	1					
Temporary	19					

CHANGE IN REVENUES

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Estimated **SUPPLEMENTAL (FY12) operating costs** _____ (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated **CAPITAL (FY13) costs** _____ (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version.

Prepared by Eileen Donahue, Division Operations Manager
 Division Administrative Services
 Approved by Michael C. Geraghty, Attorney General
Department of Law

Phone 465-5427
 Date/Time 2/3/12 8:40AM
 Date 2/3/2012

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. SB 134

Analysis

SB 134 will establish Alaska child support guidelines in statute and repeal the court Civil Rule 90.3 child support guidelines. The bill changes child support calculation formulas from the current percentage approach that only takes into account the non-custodial parent's income to an income shares model that considers the income of both parents. Additionally, the bill increases the minimum support amount required of the non-custodial parent and decreases the percentage of time required for a finding of shared custody.

AS 25.24.170(b) and AS 25.27.190(e) consider the adoption, enactment or significant modification to the guidelines a material change of circumstance for the purpose of a modification of the order. This would allow custodial and non-custodial parents to request a modification of their existing order(s). Federal law, 45 CFR 303.8(e), requires the Child Support Services Division (CSSD) to complete modification requests within 180 days from receipt of the request. CSSD could lose significant federal funds if it cannot meet this requirement. CSSD estimates it is enforcing approximately 20,000 child support orders that would be eligible for modification. CSSD conservatively anticipates 10,000 modification requests will be submitted in the first six months, with about ½ of the requests on court orders. The Attorney General's Office, Collections & Support Unit, represents CSSD in court when the agency requests modification of a court-issued child support order. The Collections & Support Section currently processes about 700 modification requests a year with 3.5 attorneys. The anticipated increase in modification requests from 700 to 5,000 in one year will require non-permanent positions of 12.5 attorneys, 2 paralegals, and 5 support positions to meet the anticipated initial demand.

LEGISLATIVE RESEARCH REPORT

NOVEMBER 22, 2010



REPORT NUMBER 11.076

CHILD SUPPORT GUIDELINES IN OTHER STATES

PREPARED FOR SENATOR ALBERT KOOKESH

BY TIM SPENGLER, LEGISLATIVE ANALYST

You were interested in child support guidelines in other states. Specifically, you wanted to know if other states codify their child support guidelines in statute. Additionally, you wanted to know how many states consider the income of *both* parents when deciding child support payment amounts. Briefly, about half of the states have established guidelines in statute, and most (35) states take into consideration both parents' incomes when deciding child support award amounts.¹

Background on Federal Guidance and Mandates

Historically, the rationale and methodology behind calculating child support payments developed differently across the country's legal jurisdictions.² As a result, divorcing couples and their children were subject to child support award processes that were often amorphous and inconsistent, which often times led to inadequate financial support from the obligor parent (the payer of the support). In the 1930s, recognizing that federal entitlement programs for the impoverished were being burdened by the victims of insufficient support awards, the federal government began providing guidance to the states. Federal involvement through legislation increased over subsequent years, culminating in the Child Support Enforcement Amendments of 1984 (P.L. 98-378), the Family Support Act of 1988 (P.L. 100-485), and subsequent amendments to those laws, which collectively provide the child support mandates under which modern state child support guidelines have been developed.

States comply with federal mandates through the adoption of child support guidelines in statute, regulation, court rule, or some combination of the three. The federal mandates seek to address the problems of earlier child support regimes by accomplishing the following four main goals:

¹ Much of the background information in this report was taken from a previous report from our agency.

² Information in this section is summarized from Laura W. Morgan, "Child Support Guidelines," National Legal Research Group, 1999; accessed through the FindLaw online library at <http://library.findlaw.com/1999/Jan/1/241469.html#consistent>. Ms. Morgan served as the Chair of the Child Support Committee of the Family Law Section of the American Bar Association from 1997 to 2003. She maintains the website "Support Guidelines.com" (<http://www.supportguidelines.com/>), which provides extensive information on child support matters.

- (1) increase the adequacy of child support awards;
- (2) increase the consistency and predictability of child support awards;
- (3) increase compliance through perceived fairness of child support awards; and
- (4) increase the ease of administration of child support cases.

Pursuant to federal regulations, at a minimum, state guidelines must accomplish the following:

- Consider all earnings and income of the absent parent;
- Be based on specific descriptive and numeric criteria and result in the computation of the support obligation;
- Provide for the health care needs of the children, through health insurance coverage or other means; and
- Provide that in any judicial or administrative proceeding for the award of child support, there shall be a rebuttable presumption that the amount of the award, which would result from the application of the state's guideline, is the correct amount of child support to be awarded.³

Under federal law, the child support awards resulting from state guidelines enjoy a “rebuttable presumption” of correctness. That is, in order to deviate from the guideline amounts, the party challenging the award must establish that the application of the guideline is somehow unreasonable or unjust to their particular circumstances. Courts also must extensively record and justify deviation from the guidelines.

States with Child Support Guidelines in Statute

According to the National Conference of State Legislatures, the following 24 states establish their child support guidelines statutorily through their legislatures: California, Colorado, Florida, Georgia, Illinois, Kentucky, Louisiana, Maine, Maryland, Minnesota, Mississippi, Nevada, New Hampshire, New Mexico, New York, Ohio, Oklahoma, South Dakota, Texas, Utah, Virginia, Washington, West Virginia, and Wyoming.⁴ Some of these states also concurrently establish guidelines in regulation (often through a child support commission).

The remaining 26 states (including Alaska) establish their child support guidelines by court rule or agency regulation. These states are Alabama, Alaska, Arizona, Arkansas, Connecticut, Delaware, Hawaii, Idaho, Indiana, Iowa, Kansas, Massachusetts, Michigan, Missouri, Montana, Nebraska, New Jersey, North Carolina, North Dakota, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, and Wisconsin. In Alaska, child support guidelines are provided in the Alaska Court Rules, Rules of Civil Procedure 90.3. We provide, as Attachment A, a table from the National Conference of State Legislatures that details which branch of government establishes child support guidelines in each state. The table includes relevant statutory and court rule citations from all states.

³ 45 C.F.R. § 302.56 and 45 C.F.R. § 302.56(f-g).

⁴ We corresponded with Rochelle Finzel, children and families program manager, National Conference of State Legislators, at (303) 364-7700. The information NCSL provided on this matter was compiled in 2005, so some changes may have occurred since then.

Thirty-five (35) States Consider the Income of Both Parents in Determining Child Support Payments

In order to meet both federal requirements and the goal of providing adequate support, states have largely implemented two basic child support calculation models, respectively known as the *income shares* and the *percentage of income*. These models are used for calculating the amount of a child support award to be paid by the obligor parent.

The *income shares* model is used in 35 states and is based on the income of both parents. Alaska, along with 11 other states, employs the *percentage of income* model, which (usually) bases the award only on the non-custodial parent's income.⁵ Three states (Delaware, Hawaii, and Montana) use the *Melson Formula* to calculate child support awards. This formula is generally thought to be more complex than the other models.⁶

The *income shares* model is based on the concept that a child should receive the same proportion of parental income that he or she would have received if the parents lived together. In an intact household, the income of both parents is generally pooled and spent for the benefit of all household members, including any children. Thus, the *income shares* model **calculates support as the share of each parent's income** estimated to have been allocated to the child if the original household were intact.

Using the *income shares* model, computation of child support is basically a four-step process:

- (1) The income of the parents (gross or net) is determined and added together.⁷
- (2) A "basic child support obligation" is computed based on the combined income of the parents, using a table or grid in the guidelines. The amounts in the table are derived from economic data on household expenditures on children.
- (3) A "presumptive child support obligation" is then computed by adding expenditures for work-related child care expenses and extraordinary medical expenses to the basic child support obligation. Other add-ons and deductions may also be calculated.
- (4) The presumptive child support obligation is prorated between each parent based on his or her proportionate share of total income. The obligor's share is payable as child support, while the obligee's share is retained and presumed to be spent directly on the child.

Distinguishing features of the *income shares* model include the following:

- It embodies the underlying economic assumption that as income increases, the proportion of income spent on child support decreases.
- It illustrates that both parents are sharing in the support of the child, thereby potentially increasing the perception of fairness to both parents.
- Compared to the *percentage of income* model, the *income shares* model can more easily take into consideration adjustments for shared and split custody, health care

⁵ The states that employ the *percentage of income* model are Alaska, Arkansas, Georgia, Illinois, Massachusetts, Minnesota, Mississippi, Nevada, North Dakota, Tennessee, Texas, and Wisconsin.

⁶ The Melson Formula was developed by a Delaware Family Court judge; additional information on the formula can be found online at <http://courts.delaware.gov/Help/Support/SupportChapter8.pdf>.

⁷ Whether the calculation is based on gross or net income varies among states.

needs, child care expenses, other children (previous or subsequent) needing support, and children's ages by the manipulation of income, add-ons and deductions and then allocating these costs between the parents. Because these factors can be built into the *income shares* formula, there is less reason for deviation from the guidelines' presumptive award. Limiting deviation meets the ideal of perceived fairness, as well as the federal requirement that the number of cases in which deviation is granted be limited. Limited deviation also meets the goals of consistency and predictability.

The ***percentage of income*** model (used in Alaska and 11 other states), stipulates that in *primary custody* arrangements—those in which the custodial parent has physical custody for over 70 percent of the year—**support amounts are based solely on the income of the non-custodial spouse** (obligor) and the number of children involved. In Alaska, and a number of other states, in *shared custody* situations—those in which each parent has custody for at least 30 percent of the year—the calculation includes the income of both parents, with the *percentage of income* model applied separately to each, then adjusted for the time each has physical custody. The parent with the higher calculation in this scenario becomes the obligor.

Proponents of the *percentage of income* model argue that both parents are assumed to contribute to the child's upbringing in the same proportion as the obligor. The custodial parent is making the contribution in the manner he or she would have made had the parties not divorced. Thus, there is no need to adopt a more complex formula. Many have argued, however, that it is inherently unfair for the custodial parent's income not to affect the presumptive amount. Typically, under this model, only a large disparity between the custodial parent's income and the non-custodial parent's income will be viewed as a justifiable factor upon which to base a deviation. Some states, including Alaska, address this concern in part by considering the income of both parents in shared custody situations. Those incomes are multiplied by the percentage of time each parent has physical custody, and, as we noted earlier, the role of obligor is assigned to the parent with the larger calculated amount.

Opponents of the *percentage of income* model also argue that it generally does not directly adjust for child care, extraordinary medical expenses, or whether other children are being supported in the obligor's household. Most states using this model have attempted to address a number of the above concerns by explicitly identifying these issues as factors for courts to consider as exceptions or deviations, or as expenses to be shared equally or reimbursed by one of the parties.

Despite their differences, child support guideline models have certain aspects in common. First, most of the guidelines incorporate a "self-support" reserve for the obligor.⁸ Second, all the guidelines have a provision relating to imputed income.⁹ Third, by federal regulation, all the guidelines take into consideration the health care expenses for the children, by insurance or other means. Lastly, most guidelines have incorporated into the presumptive child support formula special additions for child care expenses, special formulas for shared custody, split custody, and extraordinary visitation, and special deductions for the support of previous and subsequent children.

We hope you find this information to be useful. Please let us know if you have questions or need additional information.

⁸ A self-support reserve means that the obligor is allowed to retain a certain amount of income below which level, support is minimal. For example, under the Washington state *income shares* model, the formula is not applied for obligors with net earnings of less than \$500 per month.

⁹ Imputed income is benefits that accrue even though no money is received. For example, an employee receives imputed income when an employer offers free health insurance and life insurance coverage or the use of a company car.

Attachment A

“Which Branch of Government Establishes Each States’ Child Support Guidelines,” a table including statutory and court rule citations, National Conference of State Legislatures, compiled in 2005



GO

Issues & Research » Human Services » [Child Support] Establishment Responsibility

Go 17623

Share Comment

Which Branch of Government Establishes Each States' Child Support Guidelines

State and Statute Section	Legislature	Court	Agency	Commission	Comment
Alabama Ala. R.J.A. R. 32		X			The Administrative Director of Courts reviews the guidelines and makes recommendations to the Alabama Supreme Court.
Alaska Ak. Rules of Civ. Pro. Rule 90.3(I)		X			
Arizona Ar. Rev. Stat. §25-320		X			The Chief Justice of the Arizona Supreme Court appoints a committee to review guidelines. The committee makes recommendations to the S.Ct. for approval.
Arkansas Ar. Code Ann. § 9-12-312		X			The Chief Justice of the Arkansas Supreme Court appoints a committee to review guidelines. The committee makes recommendations to the S.Ct. for approval.
California Cal. Fam. Code §4050 et seq.	X				The Legislature statutorily amends the guidelines based on the recommendations of the Judicial Council (§68500).
Colorado Colo. Rev. Stat. Ann. §14-10-115	X			X	The Legislature statutorily amends the guidelines based on the recommendations of a 17 member child support commission.
Connecticut Conn. Gen. Stat §46b-215a-c			X	X	The Legislature created the Commission for Child Support Guidelines; an 11 member commission established to promulgate child support guidelines. Such guidelines are reviewed by the legislative regulation review committee, which is responsible for approving all "agencies" rules and regulations.
Delaware Fam. Ct. Civ. R. 52		X			

Washington, D.C. D.C. Code Ann. § 16-916.2	X			X	The Council of the District of Columbia provides for the guidelines in code amending such based on the recommendations of a 15 member child support guidelines commission.
Florida Fla. Stat. Ann. §61.3	X				
Georgia Ga. Code Ann. §19-6-15	X			X	The General Assembly provides for the guidelines in code amending such based on the recommendations of a commission appointed by the Governor.
Hawaii Hawaii Rev. Stat. 576D-7		X			The Family Court establishes the guidelines in consultation with child support enforcement agency (Attorney General's Office).
Idaho Idaho Code 32- 706A		X			
Illinois 305 ILCS 5/12- 4.20c	X			X	The General Assembly statutorily amends the guidelines based on the recommendations of the Child Support Advisory Committee.
Indiana Ind. Stat. Ann. §33-2.1-10-1 to 9		X		X	The Indiana Supreme Court adopts amendments to the guidelines based on the recommendation of a 12 member child support advisory committee.
Iowa Iowa Code Ann. §598.21		X			
Kansas K.S.A. §20-165		X			
Kentucky Ky. Rev. Stat. Ann. §403.213	X			X	The General Assembly statutorily amends the guidelines based on the recommendation of a 10 member commission.
Louisiana La. Rev. Stat. Ann. §9:315.12	X				
Maine Me. Rev. Stat. Ann. tit. 9 §311 After October 1, 1997 tit. 19-A §2001	X				
Maryland Md. Code Ann., Fam. Law §12- 202(c)	X				The General Assembly provides for the guidelines in code amending such based on the recommendations of the Child Support Enforcement Administration of the Department of Human Resources.

Massachusetts Mass. Gen. Laws Ann. ch. 208 §28		X			
Michigan Mich. Comp. Laws §552.519. Sec. 19(1) & (3)(a)(vi)		X			Michigan law creates a friend of the court bureau within the state court administrative office, under the supervision and direction of the supreme court. Such bureau is responsible for establishing and reviewing the child support guidelines.
Minnesota Minn. Stat. Ann. §518.551	X				The Legislature statutorily amend the guidelines based on the recommendation of the department of human services.
Mississippi Miss. Code Ann. §43-19-101 (5)	X				The Legislature statutorily amend the guidelines based on the recommendation of the department of human services.
Missouri Mo. Stat. Ann. §452.340(7)		X			
Montana Mont. Code Ann. §40-5-209			X		
Nebraska Neb. Rev. Stat. §42-364.16		X			
Nevada Nev. Rev. Stat. §125B.070	X				The Legislature statutorily amends the guidelines based on the recommendations of the State Bar of Nevada.
New Hampshire N.H. Rev. Stat. Ann. § 458-C:6	X				The Legislature statutorily amends the guidelines based on the recommendations of the division of human services, department of health and human services.
New Jersey N.J. Stat. Ann. §2A.:17-56.25 Admin. R. 5:6A			X		
New Mexico	X			X	The Legislature statutorily amends the guidelines based on the recommendations of "an appropriate executive or legislative commission or executive department."
New York N.Y. Soc. Serv. Law §111b(10)	X				The Legislature statutorily amends the guidelines based on the recommendations of the Department of Social Services.
North Carolina N.C. Gen. Stat. §15-13.4(c1)		X			The Conference of Chief District Judges is required to establish the guidelines. In addition, the conference must get specific input prior to amending and must report its findings to the General Assembly.
North Dakota			X		

N.D. Code Ann. §14-09-09.7					
Ohio Ohio Rev. Code Ann. §3113.21.5(G)	X			X	The General Assembly provides for the guidelines in code amending such based on the recommendations of the department of human services. The department, in turn, is required to establish a child support guideline advisory commission to assist the department in completing the review.
Oklahoma Okla. Stat. Ann. §119.1	X				The Legislature statutorily amends the guidelines based on the recommendations of the Judiciary Committees of the Senate and the House of Representatives.
Oregon Or. Rev. Stat. §25.270			X		
Pennsylvania Pa. Con. Stat. Ann. §1910.16-1 (Rules of Civic Procedure)		X			
Rhode Island R.I. Gen. Laws §15-5-16.2		X			The family court is responsible for establishing guidelines by an administrative order.
South Carolina S.C. Code of Laws §20-7-852(D)			X		
South Dakota S.D. Codified Laws Ann. §25-7-6.12	X				The Legislature statutorily amends the guidelines based on the recommendations of the department of social services. (In the year 2000, the Governor is responsible for establishing a commission to review the guidelines and report its recommended changes to the Legislature.
Tennessee Tenn. Code Ann. §36-5-101 (2) & (3)		X	X		Guidelines were originally established by the department of children's services. However, the Tenn. Supreme Court is permitted to modify the guidelines. If the court fails to review the guidelines, then the agency is required to review and make recommendations to the court.
Texas Tex. Fam. Code Ann. §111.001	X			X	The Legislature statutorily amends the guidelines based on the recommendations of a 25 member or more advisory committee appointed by the Texas Supreme Court.
Utah Utah Code Ann. §78-45-7.13	X			X	The Legislature statutorily amends the guidelines based on the recommendations of an 11 member advisory committee appointed by the Governor. [Committee reports to the Legislative Judiciary Interim Committee.]

Vermont Vt. Stat. Ann. tit.15 §654			X		
Virginia Va. Code Ann. §20-108.2 (H)	X			X	The General Assembly provides for the guidelines in code amending such based on the recommendations of a panel of representatives organized by the Secretary of Health and Human Services.
Washington Wash. Rev. Code Ann. §26.19.025	X				
West Virginia W. Va. Code §48A-1B-1	X				
Wisconsin Wis. Stat. Ann. §49.22(9)			X		
Wyoming Wyo. Stat. Ann. §20-6-305	X				The Legislature statutorily amends the guidelines based on the recommendations of the department of family services.

Denver Office

Tel: 303-364-7700 | Fax: 303-364-7800 | 7700 East First Place | Denver, CO 80230

Washington Office

Tel: 202-624-5400 | Fax: 202-737-1069 | 444 North Capitol Street, N.W., Suite 515 | Washington, D.C. 20001

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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

April 20, 2011

SUBJECT: Child support obligation when children of obligor are living separately (Work Order No. 27-LS0671\A)

TO: Senator Albert Kookesh
Attn: Dorothy Shockely

FROM: Jean M. Mischel
Legislative Counsel 

You have asked whether the above-referenced draft bill takes into account all children of an obligor, whether or not all are subject to a support order. The income share approach does account for a child or children of an obligor who may be living with the obligor and not subject to a separate order of support by inferring a portion of income for that child or children.

The calculation of child support is made by multiplying the presumptive support obligation by the noncustodial parent's proportionate income share of combined monthly net income with the other parent of the child under sec. 25.28.010(a). Monthly net income, as defined under sec. 25.28.010(g) at page 10 of the bill draft, excludes the following in relation to other children:

- (3) child support and alimony payments arising from previous relationships that are required by another tribunal and actually paid; [and]
- (4) child support for children from prior relationships living with the parent, calculated by using the formula under this chapter;

Therefore, a child not subject to an order and living with a noncustodial parent of another child, is treated as if the child were the subject of a support order under the bill draft in terms of calculating net income from which a share for the noncustodial parent's support obligation is derived. However, children from a subsequent relationship are not considered in the calculation of the parent's net income. In "unusual circumstances" a court may vary an award if the award would result in "manifest injustice" under sec. 25.28.030 at pages 12 and 13 of the bill draft.

If I may be of further assistance, please advise.

JMM:ljw
11-274.ljw

October 5, 2005

Ms. Beth Adams
Alaska court System
820 W. 4th Avenue
Anchorage, AK 99501

Dear Ms. Adams,

I am writing to make comments on the current Alaska child support guidelines (Civil Rules 90.3) I have worked for Senator Albert Kookesh for the past three years as his Legislative Aide. In the scope of my job I take calls from constituents, usually when our office is contacted people are out of options in resolving their situation(s).

First of all I would like to say I do appreciate what this department does. On the other hand we have taken many calls from frustrated obligors in the Child Support Services Division (CSSD). I have read the complex civil rule so I am somewhat aware of how it is suppose to work, unfortunately that is not the case with the people we hear from.

We have heard of peoples saving accounts zeroed out!

75% of wages deducted!

Drivers Licenses taken so the person can not drive to work!

No consideration given to present family; when 2/3 of wages deducted!

No communication, no explanation for changes and or reviews, and no call backs.

Under AS 25.24.160 (a)(1) **it requires that child support be set in an amount which is just and proper.** When someone can't go to work because he/she doesn't have a drivers license and his/her savings is wiped out and he/she can't support him or her self, little alone the family he/she has right now, that is not just and proper. Most people find they are helpless with no place to go.

I would like to suggest;

- No more than 33% percent of wages be taken, period. People are finding they cannot live on anything less, especially in rural Alaska, where the cost of living is 3 times higher than urban Alaska.
- Only two thirds of savings and other income be garnished.
- Consideration is given to ALL of the children in calculating the support payments. The 'subsequent' children have the same rights and needs as those under court order.

Page 2
Ms. Beth Adams
October 5, 2007

- The automated system is scary, the employer should have some control, like deducting only one third of ones pay.
- **Involve the parent(s) in any changes and reviews. If you involve the parent(s) in decisions, that's gives them ownership and a since of control and therefore are more cooperative.**
- A handbook in layman's terms.

Your consideration to making this Department more user friendly would benefit everyone, especially the children you are serving.

Thank you for your time.

Sincerely,

Dorothy J. Shockley
Legislative Aide to Senator Albert Kookesh

Celeste Hodge

From: John D Younce <jackruby69@hotmail.com>
Sent: Friday, January 27, 2012 11:17 AM
Subject: Dorothy Shockley
SB 134, 1-27-2011 John D. Younce

Dorothy,

I am relieved to hear there is a bill aiming to change the child support calculations in Alaska. I have paid child support for a number of years and recently began thinking about fairness in regards to the income differences of the parents. I am in favor of a calculation table such as the one SB 134 describes. I imagine most obligors feel the same as I do. The current system is obviously unfair, unjust, and begs for opposition in the form of class action lawsuits by groups of obligors who feel they have been cheated (and also possible retroactive payments from St. of AK). The talk of a class action lawsuit has been out there for a while now, but I was never willing to stand against this system. Thanks to you and Sen Kookesh for giving obligors such as myself the chance to "comfortably" stand against an unjust system. 35 or more other states employ the same system for good reason.

In closing, I appreciate the ease of contacting and discussing this issue with you. It's uncommon to navigate directly to a human voice these days. Although it looks as though this bill may take a few sessions to make the table, my attitude is that the sooner the state changes the language, the less they may be liable to repay later.

Sincerely,

John D. Younce



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Senate, Health & Social Serv
 Committee on SB 134 Committee Name Dated 2/3/2012
Bill / Subject

Please enter the following 5 resolutions
 into the record as requested by
 Fairbanks resident Scott Calder

SIGNED: Scott Calder via #bx 40
Testifier

12 pages
 including corr

Representing

hm 474-0174 cell 687-5571

Address / Phone Number

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By: Bonnie Williams
Introduced: 10/27/05
Adopted: 10/27/05

FAIRBANKS NORTH STAR BOROUGH

RESOLUTION NO. 2005 - 71

A RESOLUTION SUPPORTING EXTERNAL REVIEW OF THE CASE FILES OF CHILDREN WHO HAVE BEEN PLACED IN OUT-OF-HOME CARE BY STATE AGENCIES

WHEREAS, the Citizen's Review Panel for Permanency Planning Act was enacted in 1990 and required the appointment of local review panels in each judicial district; and

WHEREAS, the local panels were to have reviewed the case plans of each child placed in out-of-home state custody; and

WHEREAS, the Assembly has adopted five other resolutions on this issue asking for compliance with the Act; and

WHEREAS, public citizens are concerned about children who have been placed in out-of-home care by state agencies particularly when there is no external review of the agency's actions for the purpose of quality assurance; and

WHEREAS, efforts to develop a different and new system under the title of "Citizen Review Panel" under the Child Abuse Prevention and Treatment Act (CAPTA), which was most recently reauthorized on June 25, 2003, by the Keeping Children and Families Safe Act of 2003 (P.L. 108-36), have not met the needs and expectations for government accountability regarding cases of children placed outside their family homes; and

WHEREAS, possible failure of state and federal governments to provide appropriate external review of case plans of children in state custody as provided in the original Citizen's Review Panel for Permanency Planning Act of 1990 needs to be reviewed; and


NOW, THEREFORE, BE IT RESOLVED that the Assembly of the Fairbanks North Star Borough urges the Honorable Governor Frank Murkowski and the Alaska State Legislature to restore and reenact the Citizen's Review Panel under Ch. 117 SLA 1990.

46 BE IT FURTHER RESOLVED that the Assembly encourages and
47 supports creations of public processes to resolve grievances regarding the care of
48 children.

49
50 BE IT FURTHER RESOLVED, that the Assembly encourages and
51 supports legislation that would safeguard children and families.

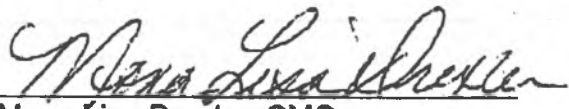
52
53 BE IT FURTHER RESOLVED, that copies of this resolution shall be sent
54 to the Honorable Governor Frank Murkowski, the Alaska Interior Delegation and
55 Alaska's Congressional Delegation.

56
57 PASSED AND APPROVED THIS 27th DAY OF OCTOBER 2005.



Garry Hutchison
Presiding Officer

ATTEST:



Mona Lisa Drexler, CMC
Municipal Borough Clerk

58
59 Ayes: Romans, Bartos, Sattley, Rex, Williams, Hopkins, Aldridge, Frank, Hutchison
60 Noes: None
61 Excused:
62

By:	Bonnie Williams
Introduced:	06/24/04
Substituted:	06/24/04
Adopted:	06/24/04

FAIRBANKS NORTH STAR BOROUGH

RESOLUTION NO. 2004 - 50

A RESOLUTION ASKING FOR COMPLIANCE WITH THE CITIZENS REVIEW PANEL FOR PERMANENCY PLANNING ACT OF 1990

WHEREAS, in 1990 the Legislature enacted Ch.117, SLA 1990, which created the Citizens' Review Panels for Permanency Planning in the Department of Administration, and required the appointment of local out-of-home care citizen review panels in each judicial district; and

WHEREAS, these local panels by law should have reviewed the case plans of each child in out of home placement under state custody, beginning fourteen years ago, to shorten the duration of state custody and encourage custody in a permanent home; and

WHEREAS, goals of the Act included the best interest of the child, either in restoration to their own family and home, or in the expeditious placement in other secure and permanent homes; and

WHEREAS, one local panel was appointed 12 years ago experimentally in Anchorage, and was not in compliance with state statute current at the time; and

WHEREAS, in some cases, the best interest of the children are not being met and in fact, harm, danger and even death have occurred involving children in state custody; and

WHEREAS, the Fairbanks North Star Borough Assembly adopted Resolution No. 96-047, requesting the Governor to appoint a local oversight panel needed in Fairbanks; adopted Resolution 97-027 requesting the same, and adopted Resolution No. 2002-94, requesting compliance with the Act; and

WHEREAS, no panel has been appointed in the Fourth Judicial District serving Fairbanks, and legislation is needed to correct the causes of this problem;; and

WHEREAS, it is in the best interests of the State of Alaska to care for its youngest and most vulnerable citizens; and


45 WHEREAS, quality assurance and quality care of children in state custody
46 will benefit Alaskans and the State of Alaska in the later years of those same children
47 and others.

48
49 NOW THEREFORE BE IT RESOLVED that the Fairbanks North Star
50 Borough Assembly respectfully requests that Governor Frank Murkowski implement a
51 local review panel program in compliance with Ch. 117, SLA 1990.

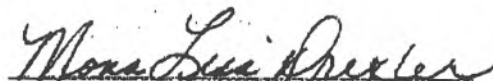
52
53 BE IT FURTHER RESOLVED that the Assembly urges each member of
54 the Interior Delegation to sponsor and vote for legislation to create an external, local,
55 citizen review panel program in Fairbanks as part of a statewide program as earlier
56 provided in Ch. 117, SLA 1990.

57
58 BE IT FURTHER RESOLVED that copies of this resolution be sent to
59 Governor Frank Murkowski and all members of the Interior Delegation.

60
61 PASSED AND APPROVED THIS 24th DAY OF JUNE 2004.


Hank Bartos
Presiding Officer

ATTEST:


Mona Lisa Drexler, CMC
Municipal Borough Clerk

62

63

64 Ayes: Romans, Sattley, Rex, Henry, Williams, Beck, Frank, Aldridge, Cummings, Bartos

65 Noes: None

By: Bonnie Williams
Introduced: 11/21/02
Adopted: 11/21/02

RESOLUTION 2002-94

A RESOLUTION RELATING TO THE CITIZENS REVIEW PANEL FOR PERMANENCY PLANNING ACT OF 1990 ASKING FOR COMPLIANCE

WHEREAS, in 1990 the Legislature enacted Ch.117, SLA 1990, which created the Citizens' Review Panels for Permanency Planning in the Department of Administration, and required the appointment of local out-of-home care citizen review panels in each judicial district; and

WHEREAS, these local panels by law shall review the case plan of each child in an out-of-home placement with a view to shortening state custody and encouraging custody in a permanent home; and

WHEREAS, goals of the Act included the best interests of the child, for the good of the child, either in restoration to their own family, or expeditiously into a secure, permanent home; and

WHEREAS, no local panel have ever been appointed in this judicial district; and

WHEREAS, only one local panel has ever been appointed in the past 12 years, that being experimentally in Anchorage; and

WHEREAS, the best interests of the child cannot be seen to be met; and

WHEREAS, events receiving news coverage in the past several years indicate that the best interests of the child are in fact not being met in some cases; and

WHEREAS, harm, danger and even death have occurred involving children in state custody; and

WHEREAS, a federal audit completed this year revealed serious flaws and concerns in the State's operations; and

WHEREAS, the Fairbanks North Star Borough Assembly unanimously adopted Resolution No. 96-047, requesting the Governor to appoint a local oversight panel needed in Fairbanks; and adopted Resolution 97-027 requested the same; and

WHEREAS, no panel has yet been appointed in the Fourth Judicial District serving Fairbanks; and

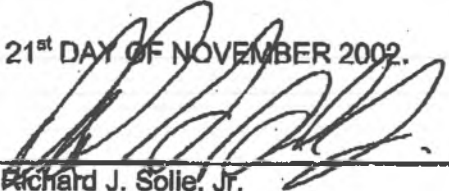
WHEREAS, it is in the best interests of the State of Alaska to care for its youngest and most vulnerable citizens; and

WHEREAS, quality assurance and sound care of children in custody of the State will result in far greater savings of the State in the later years of those same children.

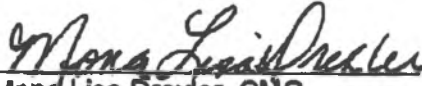
NOW THEREFORE BE IT RESOLVED that the Fairbanks North Star Borough Assembly respectfully requests that Governor-Elect Frank Murkowski consider and appoint a local review panel in Fairbanks in compliance with a state statute passed in 1990.

BE IT FURTHER RESOLVED that copies of this resolution be sent to all members of the Interior Delegation, the Speaker of the House of the Alaska Legislature, and the respective Chairs of HESS and Judiciary in both the State House and the State Senate.

PASSED AND APPROVED THIS 21st DAY OF NOVEMBER 2002.


Richard J. Solie, Jr.
Presiding Officer

ATTEST:


Mona Lisa Drexler, CMC
Municipal Borough Clerk

Ayes: Romans, Hutchison, Sattley, Williams, Beck, Frank, Foote, Cummings, Henry, Solie
Noes: None

By: Ladd McBride
Introduced: 03/27/97
Postponed to the Call
of the Chair: 03/27/97
Amended: 04/10/97
Adopted: 04/10/97

RESOLUTION NO. 97-027

**A RESOLUTION RELATING TO THE CITIZENS' REVIEW PANEL FOR
PERMANENCY PLANNING ACT OF 1990**

WHEREAS, in 1990, the Legislature enacted Ch. 117, SLA 1990, which created the Citizens' Review Panels for Permanency Planning in the Department of Administration, and required the appointment of local out-of-home external citizen review panels in each judicial district; and

WHEREAS, the local panels, by law, must review the caseplan of each child in out-of home placement to ensure that children do not linger unnecessarily in state custody, but rather, receive the support and benefit of a permanent home; and

WHEREAS, among the goals of the Act is the goal to reunite children with their own families by ensuring that services are available and appropriate for reunification, or otherwise, to expeditiously place the child in a secure, permanent home; and

WHEREAS, although this legislative Act was effective on July 1, 1990, to date, only a "pilot project" review panel in Anchorage has been established using statewide appropriations, leaving the rest of the State unserved; and

WHEREAS, on June 13, 1996, the Fairbanks North Star Borough Assembly unanimously adopted Resolution No. 96-047, requesting the Governor to appoint a local oversight panel needed in Fairbanks however, no panel has been appointed; and

WHEREAS, the Legislature has introduced Senate Bill 73 and House Bill 100, by the request of the Governor and House Bill 127, sponsored by the Health, Education and Social Services Committee, all three would change significantly the original Act.

WHEREAS, these changes would limit local citizen oversight, reduce citizen participation, and disrupt the continuity of service of the citizen volunteers by encouraging political interference and administrative pressures upon the panel members reviewing agencies involved in state custody of children and would severely diminish the effectiveness of the Act.

NOW THEREFORE BE IT RESOLVED that the Borough Assembly respectfully urges the Governor of the State of Alaska to:

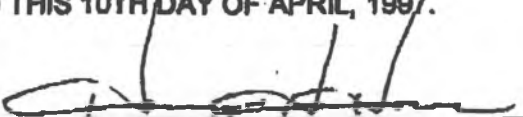
- 1. Without additional delays, appoint the local out-of-home care external review panels, and the state panel as required by existing state laws in effect since July 1, 1990.**

BE IT FURTHER RESOLVED that the Fairbanks North Star Borough Assembly respectfully requests the Alaska State Legislature to:

- 1. Extend the sunset termination date for the Citizens' Review Panel For Permanency Planning Act an additional four years as provided by existing statute, with no other changes;**
- 2. Appropriate the funds for foster care review requested by the Governor in his FY '98 Operating Budget Proposal, provided that the Governor agrees to implement the statewide program as originally enacted.**

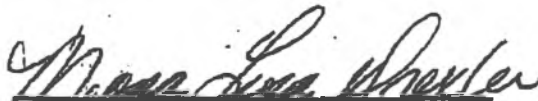
BE IT FURTHER RESOLVED that copies of this resolution shall be sent to the Honorable Tony Knowles, Governor, State of Alaska; the Honorable Karen Perdue, Commissioner, Department of Health and Social Services; the Honorable Con Bunde, Chair, House Committee on Health, Education, & Social Services; the Honorable Gary Wilken, Chair, Senate Committee on Health, Education, & Social Services; and all members of the Interior Delegation.

PASSED AND APPROVED THIS 10TH DAY OF APRIL, 1997.



Henry "Hank" Hove
Presiding Officer

ATTEST:



Moria Lisa Draxler, CMC/AAE
Municipal Borough Clerk

Ayes: Kilgore, Parr, Bartos, Quakenbush, McBride, Sonafrank, LaSota, Webb, Sattley
and Hove
Noes: St. John

By:	Bob Logan
Introduced:	06/13/96
Amended:	06/13/96
Adopted:	06/13/96

RESOLUTION NO. 96-047

**A RESOLUTION REQUESTING THE GOVERNOR TO APPOINT A LOCAL
OVERSIGHT PANEL FOR PERMANENCY PLANNING**

WHEREAS, in 1990, the Legislature enacted ch. 117 SLA 1990 relating to the establishment of a Citizen's Review Panel for Permanency Planning both on the state and the local level; and

WHEREAS, provisions in ch. 117 SLA 1990 require the governor to appoint, for each judicial district, a local citizen out-of-the-home care review panel composed of five members and two alternates who are residents of the judicial district; and

WHEREAS, the local panel is required to review the case plan of each child in the custody of the department who is in a placement other than the child's own home; and

WHEREAS, members of the state panel are to be appointed by the governor from among present members of local citizen review panels established under AS 47.10.420; and

WHEREAS, to date only one local panel, operating in Anchorage, has been appointed and the department claims that this panel is a "pilot" panel to be developed as the "Model Panel"; and

WHEREAS, until all of the local panels are appointed, the state panel cannot be selected; and

WHEREAS, because of the ever-increasing juvenile problems in the state which have multiplied dramatically since 1990 and although this legislation was passed by the legislature in 1990 to address the problems that existed then, little has been accomplished to implement the program; and

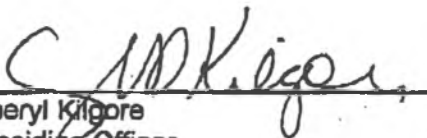
WHEREAS, concerned citizens throughout the state are urging the establishment of both the state and local panels.

NOW, THEREFORE, BE IT RESOLVED that the Fairbanks North Star Borough Assembly respectfully requests and urges the governor of the State of Alaska to select the panels in each of the judicial districts in the state, not only to implement the statutes adopted by the legislature, but also to provide for the safety and protection of the juveniles of Alaska and their care providers.

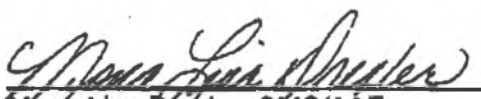
BE IT FURTHER RESOLVED that the Legislature is requested to provide for full funding of the State and Local Panels.

BE IT FURTHER RESOLVED that copies of this resolution shall be sent to the Honorable Tony Knowles, Governor, State of Alaska; the Honorable Mark Boyer, Commissioner, Department of Administration, the Honorable Karen Perdue, Commissioner, Department of Health and Social Services; and all members of the Interior Delegation.

PASSED AND APPROVED THIS 13TH DAY OF JUNE, 1996.


Cheryl Kilgore
Presiding Officer

ATTEST:


Mona Lisa Drexler, CMC/A&E
Municipal Borough Clerk

Ayes: Hackenmiller, Hove, McBride, Quakenbush, LaSota, St. John, Parr, Chizmar
and Kilgore

Noes: None