

**SB**

**51**

<TARGET><BILL>SB 51</BILL><SUBJECT>SB  
51</SUBJECT><COMM>SJUD29</COMM></TARGET>

# 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

March 2, 2015

**SUBJECT:** Committee substitute for governor's bill relating to Uniform Interstate Family Support Act  
CSSB 51(JUD); (Work Order No. 29-GS1897\W)

**TO:** Senator Lesil McGuire  
Chair of the Senate Judiciary Committee  
Attn: Genevieve Wojtusik and Amy Saltzman

**FROM:** Kate S. Glover   
Legislative Counsel

Enclosed is a draft committee substitute for SB 51 that includes revisions to conform the bill to the *Manual of Legislative Drafting* as well as revisions that the Department of Law has told me they were asked to make by the federal uniform code committee. I have incorporated all of those revisions in the enclosed draft, but will not discuss those revisions in this memo.

In addition to those changes, this draft reflects a number of revisions summarized below. Because some of these revisions require renumbering bill sections, I will use the statutory section numbers to make it easier to follow the changes. Some of the revisions were simply formatting changes. There are also a few changes to the lead-in phrases (i.e. "AS \_\_ is amended by adding a new section to read," might be changed to "AS \_\_ is amended by adding a new section to article \_ to read"). I do not specifically discuss those changes in this memo. If you would like me to provide a line by line summary of the changes, please let me know.

AS 25.25.101: This section contains amendments to existing definitions and adds new definitions. For definitions, the *Manual of Legislative Drafting* explains that only the definitions being amended should be included in the bill, and new definitions should be added to the end of the existing definition list. If the bill is enacted, the revisor will alphabetize and renumber the definitions.<sup>1</sup> For that reason, this section has been rearranged and renumbered. Only two changes were made to the language of a definition. The first is in the definition of "support order" (sec. 14 of this draft). Version A of the bill read "a state or a foreign country" (p. 6, l. 2 of version A). Version W (the enclosed draft) eliminates the second "to" and reads "a state or foreign country." The Uniform Code is identical in this regard. Version A also read "the term support order" (p.

---

<sup>1</sup> Pages 16 - 17, *Manual of Legislative Drafting*.

Senator Lesil McGuire

March 2, 2015

Page 2

6, l. 5). Version W deletes "the term," because it is not needed. The Uniform Code uses only "the term." The second was in the definition of "register" which placed "issued in another state or foreign country" following "judgment." This change was discussed by the Revisor of Statutes with Susan Pollard and Stacy Steinberg.

AS 25.25.102(b): Page 6, line 12 of version A read "agency under AS 25.27.010." Version W reads "agency created in AS 25.27.010." This was changed to be consistent with drafting style.

AS 25.25.205(a): Sec. 26 of version W deletes a semicolon that followed "order" in Version A. Adds a comma after "and" on the same line.

AS 25.25.205(b)(2): Sec. 27 of version W changes "its" from version A to "the tribunal's" for clarity and to conform with style.

AS 25.25.207(b): Sec. 32 of version W reads "shall determine, by order." Sec. 17 of version A (p. 10, l. 29) read "by order shall determine." This was changed for clarity.

AS 25.25.207(e): Sec. 35 of version W includes a grammatical change. A comma was added following "determines."

AS 25.25.280: Sec. 40 of version W makes a grammatical change. A comma was added following "apply."

AS 25.25.304(b): Sec. 43 of version W, adds "the" following "under."

AS 25.25.307(b): Version A reads "within five days of receipt." Version W reads "within five days after receipt." This is consistent with the style of both the state statutes and the Uniform Code.

AS 25.25.307(d): Version A, p. 17, l. 3, read "for enforcement or for modification." Version W does not include the second "for."

AS 25.25.310: Version W adds "the" before "names and addresses."

AS 25.25.605(d): Version A, p. 27, l. 15, read: "two or more orders and the order." Version W reads: "the orders, the order." In addition, version W includes a comma after "order."

AS 25.25.611(a): Version W deletes a comma following "pleading" that was not included in version A and deletes a comma that was included in version A.

AS 25.25.615(a): Version A, p. 31, line 13 read: "jurisdiction of the tribunal whether." Version W reads "jurisdiction of the tribunal, regardless of." Version A, p. 31, l. 14, read

"given or whether the." Version W reads "given or the." This change was made to clarify the language.

AS 25.25.701: Version W includes changes to the statutory section numbers for the new sections related to child support orders. In Version A, AS 25.25.701 is repealed and reenacted. In current law, however, AS 25.25.701 is not a definitions section. The *Manual of Legislative Drafting* explains that, where the amendments are extensive, the existing section should simply be repealed and a new section added, with a different section number. Version W follows this convention. AS 25.25.701 is repealed in sec. 101 of version W. The sections that were added in sec. 80 and 81 of version A of the bill are renumbered accordingly as AS 25.25.702 - 25.25.714. All references in the bill to these new sections have been revised, and the remainder of the bill renumbered accordingly.

AS 25.25.702(7): P. 32, l. 21 - 22 of version A read "Secretary of the United States Department." Version W reads "United States Secretary of." This was changed to be consistent with other state statutes.

AS 25.25.705: Version A, p. 33, l. 12 read "no existing." Version W reads "not an existing." Version A, p. 33, l. 20 read "against which." Version W reads "against whom."

AS 25.25.706: Version A, p. 34, l. 8 - 9 read "that in the issuing country has benefited from free legal assistance." Version W reads "who has benefited from free legal assistance in the issuing country." This change was made for easier reading.

#### Additional Comments

1. We are also concerned with the definition of "outside this state" which is defined as "a location in another state or a country other than the United States...". Shouldn't this read "a location in another state or *in* a country other than the United States"? Without the second "in" it appears that a state also cannot be part of the United States.

2. In addition to the changes and concern outlined above, I have discussed with the attorneys at the Department of Law other potentially ambiguous language used in the uniform act incorporated into HB 106. For example, at page 24, lines 2 through 12 and page 25, lines 2, 16, and 17 the new language seems to make an unnecessary distinction between a "support order", an "income withholding order", and a "foreign support order." The definition of "support order" for purposes throughout the act, (including for purposes of this state, another state, or a foreign country), expressly includes income withholding. It is unclear therefore, and creates some ambiguity, why the provisions above refer to both a support order and an income withholding order for an order issued in "another state" but refer only to a "foreign support order" for orders issued by another country. A court may consider these distinctions relevant when trying to interpret those provisions and resolve the ambiguity in a way unintended by the drafters of the uniform act. In my opinion, better drafting technique would be to eliminate the separate reference to an

Senator Lesil McGuire

March 2, 2015

Page 4

income withholding order altogether in these sections to avoid the ambiguity.

If I may be of further assistance, please advise.

KSG:dla

15-131.dla

Enclosure

29-GS1897\W  
Glover  
3/2/15

**CS FOR SENATE BILL NO. 51(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered:  
Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the Uniform Interstate Family Support Act, including jurisdiction  
2 by tribunals of the state, registration and proceedings related to support orders from  
3 other state tribunals, foreign support orders, foreign tribunals, and certain persons  
4 residing in foreign countries; relating to determination of parentage of a child; and  
5 providing for an effective date."

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

7 \* **Section 1.** AS 25.25.101(2) is amended to read:

8 (2) "child support order" means a support order for a child, including a  
9 child who has attained the age of majority under the law of the issuing state or foreign  
10 country;

11 \* **Sec. 2.** AS 25.25.101(4) is amended to read:

12 (4) "home state" means the state or the foreign country in which a  
13 child lived with a parent or a person acting as a parent for at least six consecutive

1 cumulative and do not affect the availability of remedies under other law or the  
2 recognition of a support order on the basis of comity.

3 \* **Sec. 19.** AS 25.25.103 is amended by adding a new subsection to read:

4 (b) This chapter does not

5 (1) provide the exclusive method of establishing or enforcing a support  
6 order under the law of this state; or

7 (2) grant a tribunal of this state jurisdiction to render judgment or issue an  
8 order relating to child custody or visitation in a proceeding under this chapter.

9 \* **Sec. 20.** AS 25.25 is amended by adding a new section to article 1 to read:

10 **Sec. 25.25.104. Application of this chapter to resident of foreign country and**  
11 **foreign support proceeding.** (a) A tribunal of this state shall apply AS 25.25.101 -  
12 25.25.616 and, as applicable, AS 25.25.702 - 25.25.714, to a support proceeding involving

13 (1) a foreign support order;

14 (2) a foreign tribunal; or

15 (3) an obligee, obligor, or child residing in a foreign country.

16 (b) A tribunal of this state that is requested to recognize and enforce a support  
17 order on the basis of comity may apply the procedural and substantive provisions of  
18 AS 25.25.101 - 25.25.616.

19 (c) AS 25.25.702 - 25.25.714 apply only to a support proceeding under the  
20 convention. In such a proceeding if a provision of AS 25.25.702 - 25.25.714 is  
21 inconsistent with AS 25.25.101 - 25.25.616, AS 25.25.702 - 25.25.714 controls.

22 \* **Sec. 21.** AS 25.25.201 is amended to read:

23 **Sec. 25.25.201. Bases for jurisdiction over nonresident.** In a proceeding to  
24 establish or [,] enforce [, OR MODIFY] a support order or to determine parentage of a  
25 child, a tribunal of this state may exercise personal jurisdiction over a nonresident  
26 individual or the individual's guardian or conservator if

27 (1) the individual is personally served with a citation, summons, or  
28 notice within this state;

29 (2) the individual submits to the jurisdiction of this state by consent in  
30 a record, by entering a general appearance, or by filing a responsive document having  
31 the effect of waiving any contest to personal jurisdiction;

32 (3) the individual resided with the child in this state;

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

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

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

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

9 (8) there is another basis consistent with the constitutions of this state  
10 and the United States for the exercise of personal jurisdiction.

11 \* **Sec. 22.** AS 25.25.201 is amended by adding a new subsection to read:

12 (b) The bases of personal jurisdiction set out in (a) of this section or in any other  
13 law of this state may not be used to acquire personal jurisdiction for a tribunal of this state  
14 to modify a child support order of another state unless the requirements of AS 25.25.611  
15 are met or, in the case of a foreign support order, unless the requirements of AS 25.25.615  
16 are met.

17 \* **Sec. 23.** AS 25.25.202 is repealed and reenacted to read:

18 **Sec. 25.25.202. Duration of personal jurisdiction.** Personal jurisdiction  
19 acquired by a tribunal of this state in a proceeding under this chapter or other law of this  
20 state relating to a support order continues as long as a tribunal of this state has continuing,  
21 exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as  
22 provided by AS 25.25.205, 25.25.206, and 25.25.281.

23 \* **Sec. 24.** AS 25.25.203 is amended to read:

24 **Sec. 25.25.203. Initiating and responding tribunal of this state.** Under this  
25 chapter, a tribunal of this state may serve as an initiating tribunal to forward  
26 proceedings to a tribunal of another state and as a responding tribunal for proceedings  
27 initiated in another state or a foreign country.

28 \* **Sec. 25.** AS 25.25.204 is amended to read:

29 **Sec. 25.25.204. Simultaneous proceedings [IN ANOTHER STATE].** (a) A  
30 tribunal of this state may exercise jurisdiction to establish a support order if the  
31 complaint or comparable pleading is filed after a complaint or comparable pleading is  
32 filed in another state or a foreign country only if

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

5 (2) the contesting party timely challenges the exercise of jurisdiction in  
6 the other state or the foreign country; and

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

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

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

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

16 (3) if relevant, the other state or the foreign country is the home state  
17 of the child.

18 \* **Sec. 26.** AS 25.25.205(a) is amended to read:

19 (a) A tribunal of this state that has issued a child [ISSUING A] support order  
20 consistent with the law of this state has and shall exercise continuing, exclusive  
21 jurisdiction to modify its [OVER A] child support order if the order is the  
22 controlling order and,

23 (1) at the time of the filing of a request for modification, [AS  
24 LONG AS] this state is [REMAINS] the residence of the obligor, the individual  
25 obligee, or the child for whose benefit the support order is issued; or

26 (2) even if this state is not the residence of the obligor, the individual  
27 obligee, or the child for whose benefit the support order is issued, the parties consent  
28 in a record or in open court that the tribunal of this state may continue to exercise  
29 jurisdiction to modify its order [UNTIL EACH INDIVIDUAL PARTY HAS FILED  
30 WRITTEN CONSENT WITH THE TRIBUNAL OF THIS STATE FOR A  
31 TRIBUNAL OF ANOTHER STATE TO MODIFY THE ORDER AND ASSUME  
32 CONTINUING, EXCLUSIVE JURISDICTION].

1 \* **Sec. 27.** AS 25.25.205(b) is amended to read:

2 (b) A tribunal of this state **that has issued** [ISSUING] a child support order  
3 consistent with the law of this state may not exercise [ITS] continuing, **exclusive**  
4 jurisdiction to modify the order if

5 **(1) all of the parties who are individuals file consent in a record with**  
6 **the tribunal of this state that a tribunal of another state that has jurisdiction over at**  
7 **least one of the parties who is an individual or that is located in the state of residence**  
8 **of the child may modify the order and assume continuing, exclusive jurisdiction; or**

9 **(2) the tribunal's order is not the controlling order** [THE ORDER  
10 HAS BEEN MODIFIED BY A TRIBUNAL OF ANOTHER STATE UNDER A  
11 LAW SUBSTANTIALLY SIMILAR TO THIS CHAPTER].

12 \* **Sec. 28.** AS 25.25.205(c) is repealed and reenacted to read:

13 (c) If a tribunal of another state has issued a child support order under this chapter  
14 or a law substantially similar to this chapter that modifies a child support order of a  
15 tribunal of this state, a tribunal of this state shall recognize the continuing, exclusive  
16 jurisdiction of the tribunal of the other state.

17 \* **Sec. 29.** AS 25.25.205(d) is repealed and reenacted to read:

18 (d) A tribunal of this state that lacks continuing, exclusive jurisdiction to modify a  
19 child support order may serve as an initiating tribunal to request a tribunal of another state  
20 to modify a support order issued in that state.

21 \* **Sec. 30.** AS 25.25.206(a) is amended to read:

22 (a) A tribunal of this state **that has issued a child support order consistent**  
23 **with the laws of this state** may serve as an initiating tribunal to request a tribunal of  
24 another state to enforce

25 **(1) the order if the order is the controlling order and has not been**  
26 **modified by a tribunal of another state that assumed jurisdiction under this chapter;**  
27 **or**

28 **(2) a money judgment for arrears of support and interest on the**  
29 **order accrued before a determination that an order of a tribunal of another state is**  
30 **the controlling order** [OR MODIFY A SUPPORT ORDER ISSUED IN THAT  
31 STATE].

32 \* **Sec. 31.** AS 25.25.206(b) is amended to read:

1 (b) A tribunal of this state having continuing [, EXCLUSIVE] jurisdiction  
2 over a support order may act as a responding tribunal to enforce [OR MODIFY] the  
3 order. [IF A PARTY SUBJECT TO THE CONTINUING, EXCLUSIVE  
4 JURISDICTION OF THE TRIBUNAL NO LONGER RESIDES IN THE ISSUING  
5 STATE, IN SUBSEQUENT PROCEEDINGS THE TRIBUNAL MAY APPLY  
6 AS 25.25.316 TO RECEIVE EVIDENCE FROM ANOTHER STATE AND  
7 AS 25.25.318 TO OBTAIN DISCOVERY THROUGH A TRIBUNAL OF  
8 ANOTHER STATE.]

9 \* Sec. 32. AS 25.25.207(b) is amended to read:

10 (b) If a proceeding is brought under this chapter and two or more child support  
11 orders have been issued by tribunals of this state, [OR] another state, or a foreign  
12 country with regard to the same obligor and same child, a tribunal of this state having  
13 personal jurisdiction over both the obligor and individual obligee shall apply the  
14 following rules and shall determine, by order, [IN DETERMINING] which order  
15 controls and must be recognized [TO RECOGNIZE FOR PURPOSES OF  
16 CONTINUING, EXCLUSIVE JURISDICTION]:

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

20 (2) if more than one of the tribunals would have continuing, exclusive  
21 jurisdiction under this chapter,

22 (A) an order issued by a tribunal in the current home state of  
23 the child controls; or

24 (B) [SHALL BE RECOGNIZED, BUT,] if an order has not  
25 been issued in the current home state of the child, the order most recently  
26 issued controls [IS CONTROLLING AND SHALL BE RECOGNIZED];

27 (3) if none of the tribunals would have continuing, exclusive  
28 jurisdiction under this chapter, the tribunal of this state [HAVING JURISDICTION  
29 OVER THE PARTIES] shall issue a child support order, which controls [IS  
30 CONTROLLING AND SHALL BE RECOGNIZED].

31 \* Sec. 33. AS 25.25.207(c) is amended to read:

1 (c) If two or more child support orders have been issued for the same obligor  
2 and same child, upon request of a party who is an individual or that is a support  
3 enforcement agency, [AND IF THE OBLIGOR OR THE INDIVIDUAL OBLIGEE  
4 RESIDES IN THIS STATE, A PARTY MAY REQUEST] a tribunal of this state  
5 having personal jurisdiction over both the obligor and the obligee who is an  
6 individual shall [TO] determine which order controls [AND SHALL BE  
7 RECOGNIZED] under (b) of this section. The request may be filed with a  
8 registration for enforcement or a registration for modification under  
9 AS 25.25.601 - 25.25.616 or may be filed as a separate proceeding [SHALL BE  
10 ACCOMPANIED BY A CERTIFIED COPY OF EVERY SUPPORT ORDER IN  
11 EFFECT. EVERY PARTY WHOSE RIGHTS MAY BE AFFECTED BY A  
12 DETERMINATION OF THE CONTROLLING ORDER SHALL BE GIVEN  
13 NOTICE OF THE REQUEST FOR THAT DETERMINATION].

14 \* Sec. 34. AS 25.25.207(d) is amended to read:

15 (d) The tribunal that issued the controlling order [THAT SHALL BE  
16 RECOGNIZED AS CONTROLLING] under (a), (b), or (c) of this section [IS THE  
17 TRIBUNAL THAT] has continuing [, EXCLUSIVE] jurisdiction to the extent  
18 provided in AS 25.25.205 or 25.25.206 [IN ACCORDANCE WITH AS 25.25.205].

19 \* Sec. 35. AS 25.25.207(e) is amended to read:

20 (e) A tribunal of this state that determines, by order, which is [THE  
21 IDENTITY OF] the controlling child support order under (b)(1) or (2) or (c) of this  
22 section, or that issues a new controlling child support order under (b)(3) of this  
23 section, shall include in that order

24 (1) the basis upon which the tribunal made its determination;

25 (2) the amount of prospective support, if any; and

26 (3) the total amount of consolidated arrears and accrued interest, if  
27 any, under all of the orders after all payments made are credited as provided by  
28 AS 25.25.209.

29 \* Sec. 36. AS 25.25.207(f) is amended to read:

30 (f) Within 30 days after issuance of the order determining which is [THE  
31 IDENTITY OF] the controlling order, the party obtaining that order shall file a  
32 certified copy of that order in [WITH] each tribunal that had issued or registered an

1 earlier order of child support. Failure of the party or the support enforcement  
2 agency obtaining the order to file a certified copy as required under this subsection  
3 subjects that party to appropriate sanctions by a tribunal in which the issue of failure to  
4 file arises, but that failure has no effect on the validity or enforceability of the  
5 controlling order.

6 \* **Sec. 37.** AS 25.25.207 is amended by adding new subsections to read:

7 (g) A request to determine which is the controlling order must be accompanied by  
8 a copy of every child support order in effect and the applicable record of payments. The  
9 requesting party shall give notice of the request to each party whose rights may be  
10 affected by the determination.

11 (h) An order that has been determined to be the controlling order, or a judgment  
12 for consolidated arrears of support and interest, if any, made under this section must be  
13 recognized in proceedings under this chapter.

14 \* **Sec. 38.** AS 25.25.208 is amended to read:

15 **Sec. 25.25.208. Child [MULTIPLE CHILD] support orders for two or more**  
16 **obligees.** In responding to [MULTIPLE] registrations or complaints for enforcement of  
17 two or more child support orders in effect at the same time with regard to the same obligor  
18 and different individual obligees, when at least one of the orders was issued by a tribunal  
19 of another state or a foreign country, a tribunal of this state shall enforce those orders in  
20 the same manner as if the [MULTIPLE] orders had been issued by a tribunal of this state.

21 \* **Sec. 39.** AS 25.25.209 is amended to read:

22 **Sec. 25.25.209. Credit for payments. A tribunal of this state shall credit**  
23 **amounts [AMOUNTS] collected [AND CREDITED] for a particular period under**  
24 **any child support order against the amounts owed for the same period under any**  
25 **other child support order for support of the same child [A SUPPORT ORDER]**  
26 issued by a tribunal of this state, another state, or a foreign country [SHALL BE  
27 CREDITED AGAINST THE AMOUNTS ACCRUING OR ACCRUED FOR THE  
28 SAME PERIOD UNDER A SUPPORT ORDER ISSUED BY THE TRIBUNAL OF  
29 THIS STATE].

30 \* **Sec. 40.** AS 25.25 is amended by adding new sections to article 2 to read:

31 **Sec. 25.25.280. Application of this chapter to nonresident subject to**  
32 **personal jurisdiction.** A tribunal of this state exercising personal jurisdiction over a

1 nonresident in a proceeding under this chapter, under other law of this state relating to  
2 a support order, or recognizing a foreign support order may receive evidence from  
3 outside this state under AS 25.25.316, communicate with a tribunal outside this state  
4 under AS 25.25.317, and obtain discovery through a tribunal outside this state under  
5 AS 25.25.318. In all other respects, AS 25.25.301 - 25.25.616 do not apply, and the  
6 tribunal shall apply the procedural and substantive law of this state.

7 **Sec. 25.25.281. Continuing, exclusive jurisdiction to modify spousal**  
8 **support order.** (a) A tribunal of this state issuing a spousal support order consistent  
9 with the law of this state has continuing, exclusive jurisdiction to modify the spousal  
10 support order throughout the existence of the support obligation.

11 (b) A tribunal of this state may not modify a spousal support order issued by a  
12 tribunal of another state or a foreign country having continuing, exclusive jurisdiction  
13 over that order under the law of that state or foreign country.

14 (c) A tribunal of this state that has continuing, exclusive jurisdiction over a  
15 spousal support order may serve as

16 (1) an initiating tribunal to request a tribunal of another state to enforce  
17 the spousal support order issued in this state; or

18 (2) a responding tribunal to enforce or modify its own spousal support  
19 order.

20 \* **Sec. 41.** AS 25.25.301(c) is amended to read:

21 (c) An individual or a support enforcement agency may initiate  
22 [COMMENCE] a proceeding authorized under this chapter by filing a complaint or a  
23 comparable pleading in an initiating tribunal for forwarding to a responding tribunal or  
24 by filing a complaint or a comparable pleading directly in a tribunal of another state or  
25 a foreign country that has or can obtain personal jurisdiction over the respondent.

26 \* **Sec. 42.** AS 25.25.303 is amended to read:

27 **Sec. 25.25.303. Application of law of this state.** Except as otherwise provided  
28 in [BY] this chapter, a responding tribunal of this state shall

29 (1) apply the procedural and substantive law [, INCLUDING THE  
30 RULES ON CHOICE OF LAW,] generally applicable to similar proceedings  
31 originating in this state and may exercise all powers and provide all remedies available

1 in those proceedings; and

2 (2) determine the duty of support and the amount payable under the  
3 law and support guidelines of this state.

4 \* **Sec. 43.** AS 25.25.304 is amended to read:

5 **Sec. 25.25.304. Duties of initiating tribunal.** (a) Upon the filing of a  
6 complaint or comparable pleading authorized by this chapter, an initiating tribunal of  
7 this state shall forward [THREE COPIES OF] the complaint or comparable pleading  
8 and its accompanying documents

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

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

14 (b) If requested by the responding tribunal [A RESPONDING STATE  
15 HAS NOT ENACTED A LAW OR PROCEDURE SUBSTANTIALLY SIMILAR  
16 TO THIS CHAPTER], a tribunal of this state shall [MAY] issue a certificate or other  
17 documents and make findings required by the law of the responding state. If the  
18 responding tribunal [STATE] is in a foreign country, upon request  
19 [JURISDICTION], the tribunal of this state shall [MAY] specify the amount of  
20 support sought, convert the amount into the equivalent amount in the foreign  
21 currency under the applicable official or market exchange rate as publicly  
22 reported, and provide any other documents necessary to satisfy the requirements of  
23 the responding foreign tribunal [STATE].

24 \* **Sec. 44.** AS 25.25.305(b) is amended to read:

25 (b) A responding tribunal of this state, to the extent not prohibited  
26 [OTHERWISE SPECIFICALLY AUTHORIZED] by law, may do one or more of the  
27 following:

28 (1) establish [ISSUE] or enforce a support order, modify a child  
29 support order, determine the controlling child support order, or [RENDER A  
30 JUDGMENT TO] determine parentage of the child;

31 (2) order an obligor to comply with a support order, specifying the

- 1 amount and the manner of compliance;
- 2 (3) order income withholding;
- 3 (4) determine the amount of any arrearages, and specify a method of
- 4 payment;
- 5 (5) enforce orders by civil or criminal contempt, or both;
- 6 (6) set aside property for satisfaction of the support order;
- 7 (7) place liens and order execution on the obligor's property;
- 8 (8) order an obligor to keep the tribunal informed of the obligor's
- 9 current residential address, electronic mailing address, telephone number, employer,
- 10 address of employment, and telephone number at the place of employment;
- 11 (9) issue a bench warrant for an obligor who has failed after proper
- 12 notice to appear at a hearing ordered by the tribunal and enter the bench warrant in any
- 13 local and state computer systems for criminal warrants;
- 14 (10) order the obligor to seek appropriate employment by specified
- 15 methods;
- 16 (11) award reasonable attorney fees and other fees and costs; and
- 17 (12) grant any other available remedy.

18 \* **Sec. 45.** AS 25.25.305 is amended by adding a new subsection to read:

19 (f) If requested to enforce a support order, arrears, or judgment or modify a

20 support order stated in a foreign currency, a responding tribunal of this state shall

21 convert the amount stated in the foreign currency to the equivalent amount in dollars

22 under the applicable official or market exchange rate as publicly reported.

23 \* **Sec. 46.** AS 25.25.306 is amended to read:

24 **Sec. 25.25.306. Inappropriate tribunal.** If a complaint or comparable

25 pleading is received by an inappropriate tribunal of this state, the tribunal [IT] shall

26 forward the complaint or pleading, and accompanying documents, to an appropriate

27 tribunal in this state or another state and notify the petitioner where and when the

28 complaint or pleading was sent.

29 \* **Sec. 47.** AS 25.25.307(b) is amended to read:

30 (b) In providing services under this chapter to the petitioner, the child support

31 services agency of this state shall [, AS APPROPRIATE,]

1 (1) take all steps necessary to enable an appropriate tribunal of [IN]  
2 this state, [OR] another state, or a foreign country to obtain jurisdiction over the  
3 respondent;

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

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

8 (4) send [WRITTEN] notice in a record from an initiating,  
9 responding, or registering tribunal to the petitioner within five [TWO] days after [OF]  
10 receipt, exclusive of Saturdays, Sundays, and legal holidays;

11 (5) send a copy of a [WRITTEN] communication in a record from the  
12 respondent or the respondent's attorney to the petitioner within five [TWO] days after  
13 [OF] receipt, exclusive of Saturdays, Sundays, and legal holidays; and

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

16 \* **Sec. 48.** AS 25.25.307 is amended by adding new subsections to read:

17 (d) A support enforcement agency of this state that requests registration of a child  
18 support order in this state for enforcement or modification shall make reasonable efforts

19 (1) to ensure that the order to be registered is the controlling order; or

20 (2) if two or more child support orders exist and the identity of the  
21 controlling order has not been determined, to ensure that a request for the determination is  
22 made in a tribunal having jurisdiction to do so.

23 (e) A support enforcement agency of this state that requests registration and  
24 enforcement of a support order, arrears, or judgment stated in a foreign currency shall  
25 convert the amounts stated in the foreign currency into the equivalent amounts in dollars  
26 under the applicable official or market exchange rate as publicly reported.

27 (f) A support enforcement agency of this state shall issue or request a tribunal of  
28 this state to issue a child support order and an income withholding order that redirect  
29 payment of current support, arrears, and interest if requested to do so by a support  
30 enforcement agency of another state under AS 25.25.319.

31 \* **Sec. 49.** AS 25.25 is amended by adding a new section to read:

32 **Sec. 25.25.308. Duty of the Department of Revenue.** (a) If the Department of

1 Revenue determines that the support enforcement agency is neglecting or refusing to  
2 provide services to an individual, the Department of Revenue may order the agency to  
3 perform its duties under this chapter or may provide those services directly to the  
4 individual.

5 (b) The Department of Revenue may determine that a foreign country has  
6 established a reciprocal arrangement for child support with this state and take appropriate  
7 action for notification of the determination.

8 \* **Sec. 50.** AS 25.25.310 is amended to read:

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

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

15 (2) maintain a register of the names and addresses of tribunals and  
16 support enforcement agencies received from other states;

17 (3) forward to the appropriate tribunal in this state all documents  
18 concerning a proceeding under this chapter received from another state or a foreign  
19 country [AN INITIATING TRIBUNAL OR THE STATE INFORMATION AGENCY  
20 OF THE INITIATING STATE]; and

21 (4) obtain information concerning the location of the obligor and the  
22 obligor's property within this state that is not exempt from execution by postal verification  
23 and federal or state locator services, examination of telephone directories, requests for the  
24 obligor's address from employers, and examination of governmental records, including, to  
25 the extent not prohibited by other law, those relating to real property, vital statistics, law  
26 enforcement, taxation, motor vehicles, driver's licenses, and social security.

27 \* **Sec. 51.** AS 25.25.311(a) is amended to read:

28 (a) In a proceeding under this chapter, a [A] petitioner seeking to establish  
29 [OR MODIFY] a support order [OR] to determine parentage of a child or to register  
30 and modify a support order of a tribunal of another state or a foreign country  
31 [IN A PROCEEDING UNDER THIS CHAPTER] shall file a [VERIFY THE]  
32 complaint or comparable pleading. Unless otherwise ordered under AS 25.25.312, or  
33 otherwise prohibited by law, the complaint or comparable pleading or accompanying

1 documents must provide, so far as known, the name, residential address, and social  
2 security numbers of the obligor and the obligee or the parent and the alleged parent,  
3 and the name, sex, residential address, social security number, and date of birth of  
4 each child for whose benefit [WHOM] support is sought or whose parentage is to be  
5 determined. Unless filed at the time of registration, the [. THE] complaint or  
6 comparable pleading must be accompanied by a [CERTIFIED] copy of any support  
7 order known to have been issued by another tribunal [IN EFFECT]. The complaint  
8 or comparable pleading may include other information that may assist in locating or  
9 identifying the respondent.

10 \* **Sec. 52.** AS 25.25.312 is repealed and reenacted to read:

11 **Sec. 25.25.312. Nondisclosure of information in exceptional circumstances.**

12 If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty  
13 of a party or child would be jeopardized by disclosure of specific identifying information,  
14 that information must be sealed and may not be disclosed to the other party or the public.  
15 After a hearing in which a tribunal takes into consideration the health, safety, or liberty of  
16 the party or child, the tribunal may order disclosure of information that the tribunal  
17 determines to be in the interest of justice.

18 \* **Sec. 53.** AS 25.25.313(b) is amended to read:

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

29 \* **Sec. 54.** AS 25.25.314(a) is amended to read:

30 (a) Participation by a petitioner in a proceeding under this chapter before a  
31 responding tribunal, whether in person, by private attorney, or through services  
32 provided by the support enforcement agency, does not confer personal jurisdiction

1 over the petitioner in another proceeding.

2 \* **Sec. 55.** AS 25.25.316(a) is amended to read:

3 (a) The physical presence of a nonresident party who is an individual [THE  
4 PETITIONER] in a [RESPONDING] tribunal of this state is not required for the  
5 establishment, enforcement, or modification of a support order or the rendition of a  
6 judgment determining parentage of a child.

7 \* **Sec. 56.** AS 25.25.316(b) is amended to read:

8 (b) An [A VERIFIED COMPLAINT OR COMPARABLE PLEADING,]  
9 affidavit, a document substantially complying with federally mandated forms, or  
10 [AND] a document incorporated by reference in any of them, which would not be  
11 excluded under the hearsay rule if given in person, is admissible in evidence if given  
12 under penalty of perjury [OATH] by a party or witness residing outside this [IN  
13 ANOTHER] state.

14 \* **Sec. 57.** AS 25.25.316(d) is amended to read:

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

19 \* **Sec. 58.** AS 25.25.316(e) is amended to read:

20 (e) Documentary evidence transmitted from outside this [ANOTHER] state to  
21 a tribunal of this state by telephone, facsimile [TELECOPIER], or other electronic  
22 means that do not provide an original record [WRITING] may not be excluded from  
23 evidence on an objection based on the means of transmission.

24 \* **Sec. 59.** AS 25.25.316(f) is amended to read:

25 (f) In a proceeding under this chapter, a tribunal of this state shall [MAY]  
26 permit a party or witness residing outside this [IN ANOTHER] state to be deposed or  
27 to testify under penalty of perjury by telephone, audiovisual means, or other  
28 electronic means at a designated tribunal or other location [IN THAT STATE]. A  
29 tribunal of this state shall cooperate with other tribunals [OF OTHER STATES] in  
30 designating an appropriate location for the deposition or testimony.

31 \* **Sec. 60.** AS 25.25.316 is amended by adding a new subsection to read:

32 (j) A voluntary acknowledgment of paternity, certified as a true copy, is

1           admissible to establish parentage of the child.

2   \* **Sec. 61.** AS 25.25.317 is amended to read:

3           **Sec. 25.25.317. Communications between tribunals.** A tribunal of this state may  
4   communicate with a tribunal outside this [OF ANOTHER] state in a record [WRITING],  
5   or by telephone, electronic mail, or other means, to obtain information concerning the  
6   laws [OF THAT STATE], the legal effect of a judgment, decree, or order of that tribunal,  
7   and the status of a proceeding [IN THE OTHER STATE]. A tribunal of this state may  
8   furnish similar information by similar means to a tribunal outside this [OF ANOTHER]  
9   state.

10   \* **Sec. 62.** AS 25.25.318 is amended to read:

11           **Sec. 25.25.318. Assistance with discovery.** A tribunal of this state may

12           (1) request a tribunal outside this [OF ANOTHER] state to assist in  
13   obtaining discovery; and

14           (2) upon request, compel a person over which [WHOM] it has  
15   jurisdiction to respond to a discovery order issued by a tribunal outside this [OF  
16   ANOTHER] state.

17   \* **Sec. 63.** AS 25.25.319 is amended to read:

18           **Sec. 25.25.319. Receipt and disbursement of payments.** The child support  
19   services agency of this state shall disburse promptly any amounts received under a  
20   support order, as directed by the order. The agency shall furnish to a requesting party  
21   or tribunal of another state or a foreign country a certified statement by the custodian  
22   of the record of the amounts and dates of all payments received.

23   \* **Sec. 64.** AS 25.25.319 is amended by adding new subsections to read:

24           (b) If neither the obligor, nor the obligee who is an individual, nor the child  
25   resides in this state, upon request from the support enforcement agency of this state or  
26   another state, the support enforcement agency of this state or a tribunal of this state shall

27           (1) direct that the support payment be made to the support enforcement  
28   agency of the state in which the obligee is receiving services; and

29           (2) issue and send to the obligor's employer a conforming income  
30   withholding order or an administrative notice of change of payee, reflecting the redirected  
31   payments.

32           (c) The support enforcement agency of this state receiving redirected payments

1 from another state under a law similar to (b) of this section shall furnish to a requesting  
2 party or tribunal of the other state a certified statement by the custodian of the record of  
3 the amount and dates of all payments received.

4 \* **Sec. 65.** AS 25.25.401(a) is amended to read:

5 (a) If a [CHILD] support order entitled to recognition under this chapter has not  
6 been issued, a responding tribunal of this state with personal jurisdiction over the  
7 parties may issue a [CHILD] support order if

8 (1) the individual seeking the order resides outside this [IN ANOTHER]  
9 state; or

10 (2) the support enforcement agency seeking the order is located outside  
11 this [IN ANOTHER] state.

12 \* **Sec. 66.** AS 25.25.401(b) is repealed and reenacted to read:

13 (b) The tribunal may issue a temporary child support order if the tribunal  
14 determines that an order is appropriate and the individual ordered to pay is

15 (1) a presumed father of the child;

16 (2) petitioning to have the individual's paternity adjudicated;

17 (3) identified as the father of the child through genetic testing;

18 (4) an alleged father who has declined to submit to genetic testing;

19 (5) shown by clear and convincing evidence to be the father of the child;

20 (6) an acknowledged father under AS 25.20.050;

21 (7) the mother of the child; or

22 (8) an individual who has been ordered to pay child support in a previous  
23 proceeding and the order has not been reversed or vacated.

24 \* **Sec. 67.** AS 25.25 is amended by adding a new section to article 4 to read:

25 **Sec. 25.25.402. Proceeding to determine parentage.** A tribunal of this state  
26 authorized to determine parentage of a child may serve as a responding tribunal in a  
27 proceeding to determine parentage of a child brought under this chapter or a law or  
28 procedure substantially similar to this chapter.

29 \* **Sec. 68.** AS 25.25.501 is amended to read:

30 **Sec. 25.25.501. Employer's receipt of income withholding order of another**  
31 **state.** An income withholding order issued in another state may be sent by or on  
32 behalf of the obligee, or by the support enforcement agency to the person [OR

ENTITY] defined as the obligor's employer under AS 25.27 without first filing a complaint or comparable pleading or registering the order with a tribunal of this state.

\* **Sec. 69.** AS 25.25.502(c) is amended to read:

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

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

(2) the person [OR AGENCY] designated to receive payments and the address to which the payments are to be forwarded;

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

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

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

\* **Sec. 70.** AS 25.25.503 is amended to read:

**Sec. 25.25.503. Employer's compliance [COMPLIANCE] with two or more [MULTIPLE] income withholding orders.** If an obligor's employer receives two or more [MULTIPLE] orders to withhold support from the earnings of the same obligor, the employer shall be considered to have satisfied the terms of the [MULTIPLE] orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for two or more [MULTIPLE] child support obligees [ORDERS].

\* **Sec. 71.** AS 25.25.504 is amended to read:

**Sec. 25.25.504. Immunity from civil liability.** An employer that [WHO] complies with an income withholding order issued in another state in accordance with AS 25.25.501 - 25.25.505 is not subject to civil liability to an individual or agency with regard to the employer's withholding of child support from the obligor's income.

1 \* **Sec. 72.** AS 25.25.505 is amended to read:

2 **Sec. 25.25.505. Penalties for noncompliance.** An employer **that** [WHO]  
3 wilfully fails to comply with an income withholding order issued **in** [BY] another state  
4 and received for enforcement is subject to the same penalties that may be imposed for  
5 noncompliance with an order issued by a tribunal of this state.

6 \* **Sec. 73.** AS 25.25.506 is amended to read:

7 **Sec. 25.25.506. Contest by obligor.** (a) An obligor may contest the validity or  
8 enforcement of an income withholding order issued in another state and received  
9 directly by an employer in this state **by registering the order in a tribunal of this**  
10 **state and filing a contest to that order as provided in AS 25.25.601 - 25.25.616 or**  
11 **otherwise contesting the order** in the same manner as if the order were issued by a  
12 tribunal of this state. The provisions of AS 25.25.604 apply to the contest.

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

14 (1) a support enforcement agency providing services to the obligee;

15 (2) each employer that has directly received an income withholding  
16 order **relating to the obligor**; and

17 (3) if

18 (A) a person [OR AN AGENCY] is designated to receive  
19 payments in the income withholding order, to that person [OR AGENCY]; or

20 (B) no person [OR AGENCY] is designated to receive  
21 payments in the income withholding order, to the obligee.

22 \* **Sec. 74.** AS 25.25.507(a) is amended to read:

23 (a) A party **or support enforcement agency** seeking to enforce a support  
24 order or an income withholding order, or both, issued **in** [BY A TRIBUNAL OF]  
25 another state **or a foreign support order** may send the documents required for  
26 registering the order to the child support services agency of this state.

27 \* **Sec. 75.** AS 25.25.601 is amended to read:

28 **Sec. 25.25.601. Registration of order for enforcement.** A support order or  
29 [AN] income withholding order issued **in** [BY A TRIBUNAL OF] another state **or a**  
30 **foreign support order** may be registered in this state for enforcement.

31 \* **Sec. 76.** AS 25.25.602(a) is amended to read:

1 (a) **Except as provided in AS 25.25.707, a** [A] support order or income  
2 withholding order of another state **or a foreign support order** may be registered in  
3 this state by sending the following **records** [DOCUMENTS AND INFORMATION]  
4 to a tribunal of this state:

5 (1) a letter of transmittal to the tribunal requesting registration and  
6 enforcement;

7 (2) two copies, including one certified copy, of **the order** [ALL  
8 ORDERS] to be registered, including any modification of **the** [AN] order;

9 (3) a sworn statement by the **person requesting** [PARTY SEEKING]  
10 registration or a certified statement by the custodian of the records showing the  
11 amount of any arrearage;

12 (4) the name of the obligor and, if known,

13 (A) the obligor's address and social security number;

14 (B) the name and address of the obligor's employer and any  
15 other source of income of the obligor; and

16 (C) a description and the location of property in this state of the  
17 obligor not exempt from execution; and

18 (5) **except as otherwise provided in AS 25.25.312,** the name and  
19 address of the obligee and, if applicable, the [AGENCY OR] person to whom support  
20 payments are to be remitted.

21 \* **Sec. 77.** AS 25.25.602(b) is amended to read:

22 (b) On receipt of a request for registration, the registering tribunal shall file the  
23 order as **an order of a tribunal of another state or a foreign support order** [A  
24 FOREIGN JUDGMENT], together with one copy of the documents and information,  
25 regardless of their form.

26 \* **Sec. 78.** AS 25.25.602 is amended by adding new subsections to read:

27 (d) If two or more orders are in effect, the person requesting registration shall

28 (1) furnish to the tribunal a copy of every support order asserted to be in  
29 effect in addition to the documents specified in this section;

30 (2) specify the order alleged to be the controlling order, if any; and

31 (3) specify the amount of consolidated arrears, if any.

32 (e) A request for a determination of which is the controlling order may be filed

1 separately or with a request for registration and enforcement or for registration and  
2 modification. The person requesting registration shall give notice of the request to each  
3 party whose rights may be affected by the determination.

4 \* **Sec. 79.** AS 25.25.603 is amended to read:

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

8 (b) A registered support order issued in another state or a foreign country is  
9 enforceable in the same manner and is subject to the same procedures as an order issued  
10 by a tribunal of this state.

11 (c) Except as otherwise provided in this chapter [AS 25.25.601 - 25.25.612], a  
12 tribunal of this state shall recognize and enforce, but may not modify, a registered  
13 support order if the issuing tribunal had jurisdiction.

14 \* **Sec. 80.** AS 25.25.604 is amended to read:

15 **Sec. 25.25.604. Choice of law.** (a) Except as otherwise provided in (d) of  
16 this section, the [THE] law of the issuing state or foreign country governs

17 (1) the nature, extent, amount, and duration of current payments under  
18 a registered support order;

19 (2) [AND OTHER OBLIGATIONS OF SUPPORT AND] the  
20 computation and payment of arrearages and accrual of interest on the arrearages  
21 under the support order; and

22 (3) the existence and satisfaction of other obligations under the  
23 support order.

24 (b) In a proceeding for arrears under a registered support order  
25 [ARREARAGES], the statute of limitation [UNDER THE LAWS] of this state or of  
26 the issuing state or foreign country, whichever is longer, applies.

27 \* **Sec. 81.** AS 25.25.604 is amended by adding new subsections to read:

28 (c) A responding tribunal of this state shall apply the procedures and remedies  
29 of this state to enforce current support and collect arrears and interest due on a support  
30 order of another state or a foreign country registered in this state.

31 (d) After a tribunal of this state or another state determines which is the  
32 controlling order and issues an order consolidating arrears, if any, a tribunal of this

1 state shall prospectively apply the law of the state or foreign country issuing the  
2 controlling order, including its law on interest on arrears, on current and future  
3 support, and on consolidated arrears.

4 \* **Sec. 82.** AS 25.25.605 is amended to read:

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

10 (b) A [THE] notice must inform the nonregistering party

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

13 (2) that a hearing to contest the validity or enforcement of the  
14 registered order must be requested within 20 days after notice unless the registered  
15 order is under AS 25.25.708;

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

20 (4) of the amount of alleged arrearages.

21 (c) Upon registration of an income withholding order for enforcement, the  
22 support enforcement agency or the registering tribunal shall notify the obligor's  
23 employer under AS 25.27.

24 \* **Sec. 83.** AS 25.25.605 is amended by adding a new subsection to read:

25 (d) If the registering party asserts that two or more orders are in effect, a  
26 notice must also

27 (1) identify the orders, the order alleged by the registering party to be  
28 the controlling order, and the consolidated arrears, if any;

29 (2) notify the nonregistering party of the right to a determination of  
30 which is the controlling order;

31 (3) state that the procedures provided in (b) of this section apply to the

1 determination of which is the controlling order; and

2 (4) state that failure to contest the validity or enforcement of the order  
3 alleged to be the controlling order in a timely manner may result in confirmation that  
4 the order is the controlling order.

5 \* **Sec. 84.** AS 25.25.606(a) is amended to read:

6 (a) A nonregistering party seeking to contest the validity or enforcement of a  
7 registered order in this state shall request a hearing within **the time required by**  
8 **AS 25.25.605** [20 DAYS AFTER THE NOTICE OF THE REGISTRATION]. The  
9 nonregistering party may seek to vacate the registration, to assert a defense to an  
10 allegation of noncompliance with the registered order, or to contest the remedies being  
11 sought or the amount of alleged arrearages under AS 25.25.607.

12 \* **Sec. 85.** AS 25.25.606(b) is amended to read:

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

16 \* **Sec. 86.** AS 25.25.607 is amended to read:

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

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

23 (2) the order was obtained by fraud;

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

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

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

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

28 (7) the statute of limitation under AS 25.25.604 precludes enforcement  
29 of some or all of the **alleged** arrearages; **or**

30 **(8) the alleged controlling order is not the controlling order.**

31 (b) If a party presents evidence establishing a full or partial defense under (a)

1 of this section, the tribunal may stay enforcement of a [THE] registered support  
2 order, continue the proceeding to permit production of additional relevant evidence,  
3 and issue other appropriate orders. An uncontested portion of the registered support  
4 order may be enforced by all remedies available under the law of this state.

5 (c) If the contesting party does not establish a defense under (a) of this section  
6 to the validity or enforcement of a registered support [THE] order, the registering  
7 tribunal shall issue an order confirming the order.

8 \* **Sec. 87.** AS 25.25.608 is amended to read:

9 **Sec. 25.25.608. Confirmed order.** Confirmation of a registered support order,  
10 whether by operation of law or after notice and hearing, precludes further contest of  
11 the order with respect to a matter that could have been asserted at the time of  
12 registration.

13 \* **Sec. 88.** AS 25.25.610 is amended to read:

14 **Sec. 25.25.610. Effect of registration for modification.** A tribunal of this  
15 state may enforce a child support order of another state registered for purposes of  
16 modification in the same manner as if the order had been issued by a tribunal of this  
17 state, but the registered support order may be modified only if the requirements of  
18 AS 25.25.611 or 25.25.613 have been met.

19 \* **Sec. 89.** AS 25.25.611(a) is amended to read:

20 (a) If AS 25.25.613 does not apply, upon complaint or comparable  
21 pleading, a tribunal of this state may modify [AFTER] a child support order issued  
22 in another state that is [HAS BEEN] registered in this state, [UNLESS THE  
23 PROVISIONS OF AS 25.25.613 APPLY, THE RESPONDING TRIBUNAL OF  
24 THIS STATE MAY MODIFY THAT ORDER ONLY] if, after notice and an  
25 opportunity for hearing, the tribunal [IT] finds that

26 (1) the following requirements are met:

27 (A) neither the child, nor the [INDIVIDUAL] obligee who is  
28 an individual, nor [, AND] the obligor resides [DO NOT RESIDE] in the  
29 issuing state;

30 (B) a petitioner who is not a resident of this state seeks  
31 modification; and

1 (C) the respondent is subject to the personal jurisdiction of the  
2 tribunal of this state; or

3 (2) this state is the residence of the child, or a party who is an  
4 individual [,] is subject to the personal jurisdiction of the tribunal and all of the parties  
5 who are individuals have filed consents in a record [A WRITTEN CONSENT] in the  
6 issuing tribunal providing that a tribunal of this state may modify the support order  
7 and assume continuing, exclusive jurisdiction [OVER THE ORDER; HOWEVER, IF  
8 THE ISSUING STATE IS A FOREIGN JURISDICTION THAT HAS NOT  
9 ENACTED A LAW OR PROCEDURE SUBSTANTIALLY SIMILAR TO THIS  
10 CHAPTER, THE WRITTEN CONSENT OF AN INDIVIDUAL RESIDING IN THIS  
11 STATE IS NOT REQUIRED FOR THE TRIBUNAL TO ASSUME JURISDICTION  
12 TO MODIFY THE CHILD SUPPORT ORDER].

13 \* **Sec. 90.** AS 25.25.611(c) is amended to read:

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

20 \* **Sec. 91.** AS 25.25.611(d) is amended to read:

21 (d) On issuance of an order by a tribunal of this state modifying a child  
22 support order issued in another state, the [A] tribunal of this state becomes the tribunal  
23 of continuing, exclusive jurisdiction.

24 \* **Sec. 92.** AS 25.25.611 is amended by adding new subsections to read:

25 (f) In a proceeding to modify a child support order, the law of the state that is  
26 determined to have issued the initial controlling order governs the duration of the  
27 obligation of support. The obligor's fulfillment of the duty of support established by  
28 that order precludes imposition of a further obligation of support by a tribunal of this  
29 state.

30 (g) Notwithstanding (a) - (d) and (f) of this section and AS 25.25.201(b), a  
31 tribunal of this state retains jurisdiction to modify an order issued by a tribunal of this

1 state if

2 (1) one party resides in another state; and

3 (2) the other party resides outside the United States.

4 \* **Sec. 93.** AS 25.25.612 is amended to read:

5 **Sec. 25.25.612. Recognition of order modified in another state. If a child**  
6 **support order issued by a** [A] tribunal of this state **is modified** [SHALL  
7 RECOGNIZE A MODIFICATION OF ITS EARLIER CHILD SUPPORT ORDER]  
8 by a tribunal of another state that assumed jurisdiction under **the Uniform Interstate**  
9 **Family and Support Act, a tribunal of this state** [THIS CHAPTER OR A LAW OR  
10 PROCEDURE SUBSTANTIALLY SIMILAR TO THIS CHAPTER AND, UPON  
11 REQUEST, EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, SHALL]

12 (1) **may** enforce **its** [THE] order that was modified only as to **arrears**  
13 **and interest** [AMOUNTS] accruing before the modification;

14 (2) **may** [ENFORCE ONLY NONMODIFIABLE ASPECTS OF  
15 THAT ORDER;

16 (3)] provide [OTHER] appropriate relief [ONLY] for violations of **its**  
17 [THAT] order that occurred before the effective date of the modification; and

18 **(3) shall** [(4)] recognize the modifying order of the other state, upon  
19 registration, for the purpose of enforcement.

20 \* **Sec. 94.** AS 25.25.613(b) is amended to read:

21 (b) A tribunal of this state exercising jurisdiction as provided in this section  
22 shall apply the provisions of AS 25.25.101 - 25.25.209 and 25.25.601 - 25.25.614 to  
23 the enforcement or modification proceeding. AS 25.25.301 - 25.25.507, **25.25.702 -**  
24 **25.25.714** [25.25.701], 25.25.801, and 25.25.802 do not apply, and the tribunal shall  
25 apply the procedural and substantive law of this state.

26 \* **Sec. 95.** AS 25.25 is amended by adding new sections to read:

27 **Sec. 25.25.615. Jurisdiction to modify child support order of foreign**  
28 **country.** (a) Except as otherwise provided in AS 25.25.712, if a foreign country lacks  
29 or refuses to exercise jurisdiction to modify its child support order under its laws, a  
30 tribunal of this state may assume jurisdiction to modify the child support order and  
31 bind all individuals subject to the personal jurisdiction of the tribunal, regardless of

1 whether the consent to modification of a child support order otherwise required of the  
2 individual under AS 25.25.611 has been given or the individual seeking modification  
3 is a resident of this state or of the foreign country.

4 (b) An order issued by a tribunal of this state modifying a foreign child  
5 support order under this section is the controlling order.

6 **Sec. 25.25.616. Procedure to register child support order of foreign**  
7 **country for modification.** A party or support enforcement agency seeking to modify,  
8 or to modify and enforce, a foreign child support order not under the convention may  
9 register that order in this state under AS 25.25.601 - 25.25.608 if the order has not  
10 been registered. A complaint or comparable pleading for modification may be filed at  
11 the same time as a request for registration, or at another time. The complaint or  
12 comparable pleading must specify the grounds for modification.

13 \* **Sec. 96.** AS 25.25 is amended by adding new sections to read:

14 **Article 7A. Support Proceedings under Convention.**

15 **Sec. 25.25.702. Definitions.** In AS 25.25.702 - 25.25.714,

16 (1) "application" means a request under the convention by an obligee  
17 or obligor, or on behalf of a child, made through a central authority for assistance from  
18 another central authority;

19 (2) "central authority" means the entity designated by the United States  
20 or a foreign country described in AS 25.25.101(24)(D) to perform the functions  
21 specified in the convention;

22 (3) "convention support order" means a support order of a tribunal of a  
23 foreign country described in AS 25.25.101(24)(D);

24 (4) "direct request" means a complaint or comparable pleading filed by  
25 an individual in a tribunal of this state in a proceeding involving an obligee, obligor, or  
26 child residing outside the United States;

27 (5) "foreign central authority" means the entity designated by a foreign  
28 country described in AS 25.25.101(24)(D) to perform the functions specified in the  
29 convention;

30 (6) "foreign support agreement"

31 (A) means an agreement for support in a record that

(i) is enforceable as a support order in the country of origin;

(ii) has been formally drawn up or registered as an authentic instrument by a foreign tribunal or authenticated by, or concluded, registered, or filed with, a foreign tribunal; and

(iii) may be reviewed and modified by a foreign tribunal;

(B) includes a maintenance arrangement or authentic instrument under the convention;

(7) "United States central authority" means the United States Secretary of Health and Human Services.

**Sec. 25.25.703. Applicability.** AS 25.25.702 - 25.25.714 apply only to a support proceeding under the convention. In such a proceeding, if a provision of AS 25.25.702 - 25.25.714 is inconsistent with AS 25.25.101 - 25.25.616, AS 25.25.702 - 25.25.714 controls.

**Sec. 25.25.704. Relationship of child support services agency to United States central authority.** The child support services agency of this state is recognized as the agency designated by the United States central authority to perform specific functions under the convention.

**Sec. 25.25.705. Initiation by child support services agency of support proceeding under convention.** (a) In a support proceeding under AS 25.25.702 - 25.25.714, the child support services agency of this state shall

- (1) transmit and receive applications; and
- (2) initiate or facilitate the institution of a proceeding regarding an application in a tribunal of this state.

(b) The following support proceedings are available to an obligee under the convention:

- (1) recognition or recognition and enforcement of a foreign support order;
- (2) enforcement of a support order issued or recognized in this state;
- (3) establishment of a support order if there is not an existing order,

1 including, if necessary, determination of parentage of a child;

2 (4) establishment of a support order if recognition of a foreign support  
3 order is refused under AS 25.25.709(b)(2), (4), or (9);

4 (5) modification of a support order of a tribunal of this state; and

5 (6) modification of a support order of a tribunal of another state or a  
6 foreign country.

7 (c) The following support proceedings are available under the convention to  
8 an obligor against whom there is an existing support order:

9 (1) recognition of an order suspending or limiting enforcement of an  
10 existing support order of a tribunal of this state;

11 (2) modification of a support order of a tribunal of this state; and

12 (3) modification of a support order of a tribunal of another state or a  
13 foreign country.

14 (d) A tribunal of this state may not require security, bond, or deposit, however  
15 described, to guarantee the payment of costs and expenses in proceedings under the  
16 convention.

17 **Sec. 25.25.706. Direct request.** (a) An individual may file a direct request  
18 seeking establishment or modification of a support order or determination of parentage  
19 of a child. In the proceeding, the law of this state applies.

20 (b) An individual may file a direct request seeking recognition and  
21 enforcement of a support order or support agreement. In the proceeding, AS 25.25.707  
22 - 25.25.714 apply.

23 (c) In a direct request for recognition and enforcement of a convention support  
24 order or foreign support agreement,

25 (1) a security, bond, or deposit is not required to guarantee the  
26 payment of costs and expenses; and

27 (2) an obligee or obligor who has benefited from free legal assistance  
28 in the issuing country is entitled to benefit, at least to the same extent, from any free  
29 legal assistance provided for by the law of this state under the same circumstances.

30 (d) An individual filing a direct request is not entitled to assistance from the  
31 child support services agency.

1 (e) AS 25.25.702 - 25.25.714 do not prevent the application of laws of this  
2 state that provide simplified, more expeditious rules regarding a direct request for  
3 recognition and enforcement of a foreign support order or foreign support agreement.

4 **Sec. 25.25.707. Registration of convention support order.** (a) Except as  
5 otherwise provided in AS 25.25.702 - 25.25.714, a party who is an individual or a  
6 support enforcement agency seeking recognition of a convention support order shall  
7 register the order in this state as provided in AS 25.25.601 - 25.25.616.

8 (b) Notwithstanding AS 25.25.311 and 25.25.602(a), a request for registration  
9 of a convention support order must be accompanied by

10 (1) a complete text of the support order or an abstract or extract of the  
11 support order drawn up by the issuing foreign tribunal, which may be in the form  
12 recommended by the Hague Conference on Private International Law;

13 (2) a record stating that the support order is enforceable in the issuing  
14 country;

15 (3) if the respondent did not appear and was not represented in the  
16 proceedings in the issuing country, a record attesting, as appropriate, either that the  
17 respondent had proper notice of the proceedings and an opportunity to be heard or that  
18 the respondent had proper notice of the support order and an opportunity to be heard in  
19 a challenge or appeal on fact or law before a tribunal;

20 (4) a record showing the amount of arrears, if any, and the date the  
21 amount was calculated;

22 (5) a record showing a requirement for automatic adjustment of the  
23 amount of support, if any, and the information necessary to make the appropriate  
24 calculations; and

25 (6) if necessary, a record showing the extent to which the applicant  
26 received free legal assistance in the issuing country.

27 (c) A request for registration of a convention support order may seek  
28 recognition and partial enforcement of the order.

29 (d) A tribunal of this state may vacate the registration of a convention support  
30 order without the filing of a contest under AS 25.25.708 only if, acting on its own  
31 motion, the tribunal finds that recognition and enforcement of the order would be

1 manifestly incompatible with public policy.

2 (e) The tribunal shall promptly notify the parties of the registration or the  
3 order vacating the registration of a convention support order.

4 **Sec. 25.25.708. Contest of registered convention support order.** (a) Except  
5 as otherwise provided in AS 25.25.702 - 25.25.714, AS 25.25.605 - 25.25.608 apply to  
6 a contest of a registered convention support order.

7 (b) A party contesting a registered convention support order shall file a contest  
8 not later than 30 days after notice of the registration, but if the contesting party does  
9 not reside in the United States, the contest must be filed not later than 60 days after  
10 notice of the registration.

11 (c) If the nonregistering party fails to contest the registered convention support  
12 order by the time specified in (b) of this section, the order is enforceable.

13 (d) A contest of a registered convention support order may be based only on  
14 grounds set out in AS 25.25.709. The contesting party bears the burden of proof.

15 (e) In a contest of a registered convention support order, a tribunal of this state  
16 (1) is bound by the findings of fact on which the foreign tribunal based  
17 its jurisdiction; and

18 (2) may not review the merits of the order.

19 (f) A tribunal of this state deciding a contest of a registered convention  
20 support order shall promptly notify the parties of its decision.

21 (g) A challenge or appeal, if any, does not stay the enforcement of a  
22 convention support order unless there are exceptional circumstances.

23 **Sec. 25.25.709. Recognition and enforcement of registered convention**  
24 **support order.** (a) Except as otherwise provided in (b) of this section, a tribunal of  
25 this state shall recognize and enforce a registered convention support order.

26 (b) The following grounds are the only grounds on which a tribunal of this  
27 state may refuse recognition and enforcement of a registered convention support order:

28 (1) recognition and enforcement of the order is manifestly  
29 incompatible with public policy, including the failure of the issuing tribunal to observe  
30 minimum standards of due process, which include notice and an opportunity to be  
31 heard;

1 (2) the issuing tribunal lacked personal jurisdiction consistent with  
2 AS 25.25.201;

3 (3) the order is not enforceable in the issuing country;

4 (4) the order was obtained by fraud in connection with a matter of  
5 procedure;

6 (5) a record transmitted in accordance with AS 25.25.707 lacks  
7 authenticity or integrity;

8 (6) a proceeding between the same parties and having the same  
9 purpose is pending before a tribunal of this state and that proceeding was the first to be  
10 filed;

11 (7) the order is incompatible with a more recent support order  
12 involving the same parties and having the same purpose if the more recent support  
13 order is entitled to recognition and enforcement under this chapter in this state;

14 (8) payment, to the extent alleged arrears have been paid, in whole or  
15 in part;

16 (9) in a case in which the respondent neither appeared nor was  
17 represented in the proceeding in the issuing foreign country,

18 (A) if the law of that country provides for prior notice of  
19 proceedings, the respondent did not have proper notice of the proceedings and  
20 an opportunity to be heard; or

21 (B) if the law of that country does not provide for prior notice  
22 of the proceedings, the respondent did not have proper notice of the order and  
23 an opportunity to be heard in a challenge or appeal on fact or law before a  
24 tribunal; or

25 (10) the order was made in violation of AS 25.25.712.

26 (c) If a tribunal of this state does not recognize a convention support order  
27 under (b)(2), (4), or (9) of this section,

28 (1) the tribunal may not dismiss the proceeding without allowing a  
29 reasonable time for a party to request the establishment of a new convention support  
30 order; and

31 (2) the child support services agency shall take all appropriate

1 measures to request a child support order for the obligee if the application for  
2 recognition and enforcement was received under AS 25.25.705.

3 **Sec. 25.25.710. Partial enforcement.** If a tribunal of this state does not  
4 recognize and enforce a convention support order in its entirety, it shall enforce any  
5 severable part of the order. An application or direct request may seek recognition and  
6 partial enforcement of a convention support order.

7 **Sec. 25.25.711. Foreign support agreement.** (a) Except as otherwise provided  
8 in (c) and (d) of this section, a tribunal of this state shall recognize and enforce a  
9 foreign support agreement registered in this state.

10 (b) An application or direct request for recognition and enforcement of a  
11 foreign support agreement must be accompanied by

12 (1) a complete text of the foreign support agreement; and

13 (2) a record stating that the foreign support agreement is enforceable as  
14 an order of support in the issuing country.

15 (c) A tribunal of this state may vacate the registration of a foreign support  
16 agreement only if, acting on its own motion, the tribunal finds that recognition and  
17 enforcement would be manifestly incompatible with public policy.

18 (d) In a contest of a foreign support agreement, a tribunal of this state may  
19 refuse recognition and enforcement of the agreement if it finds

20 (1) recognition and enforcement of the agreement is manifestly  
21 incompatible with public policy;

22 (2) the agreement was obtained by fraud or falsification;

23 (3) the agreement is incompatible with a support order involving the  
24 same parties and having the same purpose in this state, another state, or a foreign  
25 country if the support order is entitled to recognition and enforcement under this  
26 chapter in this state; or

27 (4) the record submitted under (b) of this section lacks authenticity or  
28 integrity.

29 (e) A proceeding for recognition and enforcement of a foreign support  
30 agreement must be suspended during the pendency of a challenge to or appeal of the  
31 agreement before a tribunal of another state or a foreign country.

1           **Sec. 25.25.712. Modification of convention child support order.** (a) A  
2 tribunal of this state may not modify a convention child support order if the obligee  
3 remains a resident of the foreign country where the support order was issued unless

4                   (1) the obligee submits to the jurisdiction of a tribunal of this state,  
5 either expressly or by defending on the merits of the case, without objecting to the  
6 jurisdiction at the first available opportunity; or

7                   (2) the foreign tribunal lacks or refuses to exercise jurisdiction to  
8 modify its support order or issue a new support order.

9           (b) If a tribunal of this state does not modify a convention child support order  
10 because the order is not recognized in this state, AS 25.25.709(c) applies.

11           **Sec. 25.25.713. Personal information; limit on use.** Personal information  
12 gathered or transmitted under AS 25.25.702 - 25.25.714 may be used only for the  
13 purposes for which it was gathered or transmitted.

14           **Sec. 25.25.714. Record original language; English translation.** A record  
15 filed with a tribunal of this state under AS 25.25.702 - 25.25.714 must be in the  
16 original language and, if not in English, must be accompanied by an English  
17 translation.

18 \* **Sec. 97.** AS 25.25.801(a) is amended to read:

19           (a) The governor or a designee of the governor may

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

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

26 \* **Sec. 98.** AS 25.25.802(a) is amended to read:

27           (a) Before making a demand that the governor of another state surrender an  
28 individual charged criminally in this state with having failed to provide for the support  
29 of an obligee, the governor of this state or the designee of the governor may require a  
30 prosecutor of this state to demonstrate that the obligee had initiated proceedings for  
31 support under this chapter at least 60 days previously or that the proceeding would be

1 of no avail.

2 \* **Sec. 99.** AS 25.25.802(b) is amended to read:

3 (b) If, under this chapter or a law substantially similar to this chapter, or the  
4 former provisions of this chapter, [THE UNIFORM RECIPROCAL  
5 ENFORCEMENT OF SUPPORT ACT, OR THE REVISED UNIFORM  
6 RECIPROCAL ENFORCEMENT OF SUPPORT ACT,] the governor of another state  
7 makes a demand that the governor of this state surrender an individual charged  
8 criminally in that state with having failed to provide for the support of a child or other  
9 individual to whom a duty of support is owed, the governor or a designee of the  
10 governor may require a prosecutor to investigate the demand and report whether a  
11 proceeding for support has been initiated or would be effective. If it appears that a  
12 proceeding would be effective but has not been initiated, the governor or designee  
13 may delay honoring the demand for a reasonable time to permit the initiation of a  
14 proceeding.

15 \* **Sec. 100.** AS 25.25.901 is amended to read:

16 **Sec. 25.25.901. Uniformity of application and construction.** In applying  
17 and construing this [THIS] chapter consideration must be given to the need to  
18 promote uniformity of [SHALL BE APPLIED AND CONSTRUED TO  
19 EFFECTUATE ITS GENERAL PURPOSE TO MAKE UNIFORM] the law with  
20 respect to its [THE] subject matter [OF THIS CHAPTER] among states that enact  
21 [ENACTING] it.

22 \* **Sec. 101.** AS 25.25.101(7), 25.25.205(f), 25.25.206(c), 25.25.301(b), 25.25.401(c), and  
23 25.25.701 are repealed.

24 \* **Sec. 102.** The uncodified law of the State of Alaska is amended by adding a new section  
25 to read:

26 APPLICABILITY. This Act applies to proceedings begun on or after the effective  
27 date of this section to establish a support order or determine parentage of a child or to register,  
28 recognize, enforce, or modify a prior support order, determination, or agreement, whenever  
29 issued or entered.

30 \* **Sec. 103.** The uncodified law of the State of Alaska is amended by adding a new section  
31 to read:

1           TRANSITION: REGULATIONS. The Department of Revenue may adopt regulations  
2 necessary to implement the changes made by this Act. The regulations take effect under  
3 AS 44.62 (Administrative Procedure Act), but not before July 1, 2015.

4       \* **Sec. 104.** The uncodified law of the State of Alaska is amended by adding a new section  
5 to read:

6           REVISOR'S INSTRUCTION. The revisor of statutes is requested to change the

7               (1) heading of art. 4 of AS 25.25 from "Establishment of Support Order" to  
8 "Establishment of Support Order or Determination of Parentage";

9               (2) heading of art. 5 of AS 25.25 from "Direct Enforcement of Order of  
10 Another State Without Registration" to "Enforcement of Support Order Without  
11 Registration";

12              (3) heading of art. 6 of AS 25.25 "Enforcement and Modification of Support  
13 Order After Registration" to "Registration, Enforcement, and Modification of Support Order";

14              (4) catch line for AS 25.25.102 from "Tribunals of this state" to "State tribunal  
15 and support enforcement";

16              (5) catch line for AS 25.25.205 from "Continuing, exclusive jurisdiction" to  
17 "Continuing, exclusive jurisdiction to modify child support order";

18              (6) catch line for AS 25.25.206 from "Enforcement and modification of  
19 support order by tribunal having continuing jurisdiction" to "Continuing jurisdiction to  
20 enforce child support order";

21              (7) catch line for AS 25.25.207 from "Recognition of controlling child support  
22 order" to "Determination of controlling child support order";

23              (8) catch line for AS 25.25.302 from "Action by minor parent" to "Proceeding  
24 by minor parent";

25              (9) catch line for AS 25.25.401 from "Complaint to establish support order" to  
26 "Establishment of support order";

27              (10) catch line for AS 25.25.606 from "Procedure to contest validity or  
28 enforcement of registered order" to "Procedure to contest validity or enforcement of  
29 registered support order";

30              (11) catch line for AS 25.25.902 from "Severability clause" to "Severability."

31       \* **Sec. 105.** Section 103 of this Act takes effect immediately under AS 01.10.070(c).

1

\* **Sec. 106.** Except as provided in sec. 105 of this Act, this Act takes effect July 1, 2015.



THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

Department of Revenue  
CHILD SUPPORT SERVICES DIVISION

Please Reply To:

MS \_\_\_\_\_  
550 W. 7<sup>th</sup> Avenue, Suite 310  
Anchorage, Alaska 99510-6699

Representative Bob Lynn  
Chair, House State Affairs Committee  
State Capitol, Room 108  
Juneau, AK 99801

February 25, 2015

Re: *Uniform Interstate Family Support Act 2008 Amendments*  
HB 106

Dear Chair Lynn and Committee Members:

During the House State Affairs committee hearing on February 20, the committee raised several questions about HB 106, the bill to amend Alaska's Uniform Interstate Family Support Act (UIFSA). This bill updates Alaska's UIFSA with the 2008 amendments by the Uniform Law Commission and focuses on enforcement of child support orders in international cases. Passage of the bill is vital for Alaska's children.

The committee inquired about the following areas:

**1. How many international cases is the Child Support Services Division (CSSD) enforcing?**

About 33% of CSSD's caseload is comprised of "intergovernmental" cases, i.e. cases with another state, jurisdiction, or foreign country. About 300 cases have one parent living in a foreign country with approximately 42% with foreign support orders, based on statistical sampling.

Nationwide, the federal Office of Child Support Enforcement (OCSE) estimates there are 150,000 pre-Convention cases with 26 reciprocating countries. Post-ratification of the Convention, OCSE estimates there will be 288,000 cases with 48 foreign Convention countries and expect that number to grow as more countries ratify the Convention.

## **2. Is there an example of an international case that this bill would help?**

Example 1: Implementation of UIFSA 2008 and ratification of the Convention will save translation costs and delay for CSSD. CSSD recently had a foreign order and had to pay \$500 to translate the order. If the request for enforcement had been from a Convention country and UIFSA 2008 was in place, the foreign country would have been required to provide the English translation.

Example 2: In another case, a support modification was delayed two years due to jurisdiction disputes that UIFSA 2008 and the Convention would eliminate. Alaska issued a child support order and both parents left Alaska. The custodial parent and child moved to Japan and the non-custodial parent moved to Italy, although he claimed Virginia residency. The custodial parent requested a modification of the support order. UIFSA requires the modification to be completed by the non-requesting parent's state/country. Virginia would not modify the order because the non-custodial parent did not physically reside in its state. Italy would not modify the order. Ultimately, Alaska modified the order because neither Virginia nor Italy would, but this jurisdictional dispute resulted in a two-year delay in modifying the order.

## **3. Why does Alaska need to amend its UIFSA?**

Amendment of Alaska's UIFSA is necessary for the United States to implement the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (Convention). It is also necessary to ensure the continued federal funding of Alaska's CSSD. CSSD is 66% federally funded and receives about \$19 million in federal funds to operate its program. The federal IV-D block grant for Temporary Assistance to Needy Families (TANF), about \$45 million, could also be at risk. See Uniform Law Commission commentary UIFSA 2008, p. 97-98, Exhibit 1; See also US Senate Report 113-137, Calendar No. 279, p. 40-44, Exhibit 2.

## **4. What are the terms of the Convention?**

The Convention provides a structure for enforcement and modification of child and spousal support orders among the ratifying and acceding countries. A copy of the Convention is attached as Exhibit 3.

## **5. What countries have signed the Convention?**

Thirty-three countries, including the United States, have signed or approved the Convention. See Status Table attached as Exhibit 4.

## **6. Did Mexico and Central America sign the Convention?**

South American countries participated in the Convention negotiations. A country cannot ratify the Convention until it has implementing legislation in place. This ensures the country can actually

provide the child support services that the Convention requires. According to the federal Office of Child Support Enforcement, a number of South American countries are working toward that goal.

**7. How does Alaska enforce orders from foreign counties that have not acceded or ratified the Convention?**

Currently, registration and enforcement of a child support order issued by a foreign country is registered under AS 25.25.601-614 like orders from other states. This is because the current definition of “state” can include a foreign jurisdiction that has law substantially similar to our UIFSA law. House Bill 106 adds a new definition for “foreign country.” The new article 7 addressing foreign child support orders from Convention countries will provide more efficient and effective methods for registering, enforcing and modifying child support orders from these foreign countries. For example, the foreign country must provide an English translation of the order. Also, the bill provides when Alaska can modify a foreign child support order. See Uniform Law Commission commentary, UIFSA 2008, p. 96, Exhibit 1.

**8. What is the Congressional support for the Convention? Is it likely Congress will ratify the Convention?**

Congress ratified the Convention in 2010. On September 29, 2010, the US Senate approved the Resolution of Advice and Consent regarding the Convention. Congress then passed the Preventing Sex Trafficking and Strengthening Families Act of 2014 requiring states to enact implementing legislation. This Congressional action requires Alaska to amend its UIFSA with the 2008 version and prompted introduction of HB106. Until all 50 states adopt UIFSA 2008, the President cannot complete the final steps to ratify the treaty and deposit the instruments of ratification with the Ministry of Foreign Affairs of the Kingdom of the Netherlands, the depository of the Convention. See State Department press releases, Exhibit 5; See US Senate Report 113-137, Calendar No. 279, excerpt pp 40-44, Exhibit 2.

**9. Where is the legal requirement for states to adopt UIFSA 2008?**

42 USC 666(f) as amended by PL 113-183

Attached is the Preventing Sex Trafficking and Strengthening Families Act of 2014 (Exhibit 6) and 42 USC 666(f) (Exhibit 7); See also US Senate Report 113-137, Calendar No. 279, excerpt p. 44, Exhibit 2.

**10. What is the amount of federal funds at risk?**

About \$19 million for CSSD, and possibly \$45 million for the federal IV-D block grant for Temporary Assistance to Needy Families (TANF).

CSSD is a federally-approved child support program, qualifying for 66% federal funds with a 34% state match. CSSD received about \$19 million in federal funds in FY2014. Alaska also received about \$45 million for the federal IV-D block grant for TANF.

**11. What is the level of federal child support program funding at the local and national level?**

\$19 million for Alaska’s Child Support Services Division; \$5.7 billion nation-wide.

**12. Where does it require Alaska to adopt UIFSA 2008 verbatim?**

42 USC 666(f) as amended by PL 113-183 (Exhibits 3 and 4); *See also* US Senate Report 113-137, Calendar No. 279, p. 44, Exhibit 2.

We are working closely with the regional federal Office of Child Support Enforcement to ensure the bill wording is in compliance. The verbatim requirement ensures consistency among all the states and ensures all states have the necessary language to implement the Convention. We have reviewed the UIFSA 2008 amendments and are comfortable that the changes are limited and do not have any adverse effect on Alaskan interests.

**13. What is the time deadline for states to adopt UIFSA 2008?**

July 1, 2015 for Alaska.

Section 301(f)(3)(A) of PL 113-183 requires that UIFSA 2008 must be in effect in every state “no later than the effective date of laws enacted by the legislature of the State implementing such paragraph, but in no event later than the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act.” *See* Exhibit 6.

**14. What happens if one state does not enact UIFSA 2008?**

The state risks loss of its federal child support funding and the United States may not be able to ratify the Convention. However, based on past history, it is highly likely that every state will adopt UIFSA 2008 by the deadline. In the 1990’s, Congress required all states to adopt UIFSA 1996 and all states adopted it by 1998.

Currently, 12 states have enacted UIFSA 2008, 19 states (including Alaska) have introduced legislation, and the remaining states are in the bill drafting stage.

**15. When does the new Article 7, addressing international child support orders from Convention countries, take effect?**

Article 7 takes effect when the United States ratifies the Convention and deposits its instruments of ratification with the Ministry of Foreign Affairs of the Kingdom of the Netherlands, the depositary of the Convention. See Uniform Law Commission Introductory Comment, UIFSA 2008, Article 7, pp 97-98, Exhibit 1.

Sincerely,

DEPARTMENT OF REVENUE  
CHILD SUPPORT SERVICES DIVISION

By: 

Carol Beecher  
Director

CRAIG W. RICHARDS  
ATTORNEY GENERAL

By: 

Stacy K. Steinberg  
Chief Assistant Attorney General

Enclosures:

Exhibit 1- Uniform Law Commission Commentary, UIFSA 2008 (Excerpt pp 96-98)

Exhibit 2- US Senate Report 113-137, Calendar No. 279 (Excerpt pp 40-54)

Exhibit 3-Convention

Exhibit 4-Status Table

Exhibit 5-US State Department Press Releases

Exhibit 6-PL 113-183 (Excerpt)

Exhibit 7-42 USC 666

#1

# Fiscal Note

State of Alaska  
2015 Legislative Session

Bill Version: SB 51  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: SB051-LAW-CIV-02-13-15  
Title: UNIFORM INTER.CHILD SUPPORT;PARENTAGE  
Sponsor: RLS BY REQUEST OF THE GOVERNOR  
Requester: (S) JUDICIARY  
Department: Department of Law  
Appropriation: Civil Division  
Allocation: Collections and Support  
OMB Component Number: 2210

### Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

|                               | FY2016<br>Appropriation<br>Requested | Included in<br>Governor's<br>FY2016<br>Request | Out-Year Cost Estimates |                |                |                |                |
|-------------------------------|--------------------------------------|--|-------------------------|----------------|----------------|----------------|----------------|
|                               |                                      |  | FY 2017                 | FY 2018        | FY 2019        | FY 2020        | FY 2021        |
| <b>OPERATING EXPENDITURES</b> | <b>FY 2016</b>                       | <b>FY 2016</b>                                 | <b>FY 2017</b>          | <b>FY 2018</b> | <b>FY 2019</b> | <b>FY 2020</b> | <b>FY 2021</b> |
| Personal Services             |                                      |  |                         |                |                |                |                |
| Travel                        |                                      |  |                         |                |                |                |                |
| Services                      |                                      |  |                         |                |                |                |                |
| Commodities                   |                                      |  |                         |                |                |                |                |
| Capital Outlay                |                                      |  |                         |                |                |                |                |
| Grants & Benefits             |                                      |  |                         |                |                |                |                |
| Miscellaneous                 |                                      |  |                         |                |                |                |                |
| <b>Total Operating</b>        | <b>0.0</b>                           | <b>0.0</b>                                     | <b>0.0</b>              | <b>0.0</b>     | <b>0.0</b>     | <b>0.0</b>     | <b>0.0</b>     |

### Fund Source (Operating Only)

|              |            |            |            |            |            |            |            |
|--------------|------------|------------|------------|------------|------------|------------|------------|
| None         |            |            |            |            |            |            |            |
| <b>Total</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

### Positions

|           |  |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |  |

|                           |  |  |  |  |  |  |  |
|---------------------------|--|--|--|--|--|--|--|
| <b>Change in Revenues</b> |  |  |  |  |  |  |  |
|---------------------------|--|--|--|--|--|--|--|

Estimated SUPPLEMENTAL (FY2015) cost: 0.0 (separate supplemental appropriation required)  
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 (separate capital appropriation required)  
(discuss reasons and fund source(s) in analysis section)

### ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

### Why this fiscal note differs from previous version:

Initial version; not applicable.

|  |                           |
|--|---------------------------|
| Prepared By: Valerie Rose, Budget Analyst        | Phone: (907)465-3674      |
| Division: Administrative Services Division       | Date: 02/13/2015 01:36 PM |
| Approved By: Craig W. Richards, Attorney General | Date: 02/13/15            |
| Agency: Department of Law                        |                           |

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2015 LEGISLATIVE SESSION

BILL NO. SB51

### Analysis

SB51 updates Alaska's Alaska statutes AS 25.25.101 to 25.25.903, Uniform Interstate Family Support Act (UIFSA), with the 2008 version. The UIFSA provides uniform rules for the establishing, modifying, and enforcing child and spousal support orders between other states and jurisdictions. This bill affects the Alaska Child Support Services Division (CSSD) in the Department of Revenue. The Department of Law represents CSSD.

#### UIFSA 2008

The 2008 UIFSA contains important provisions for the enforcement and recovery of child support in international cases. The bill provides a new article 7 to address international child support cases. These changes include definitions for article 7, the processes for CSSD to initiate an international case and proceedings available to the parents. Article 7 also outlines the requirements for registering an international child support order in Alaska and how a parent can contest registration. It further outlines the grounds for Alaska to recognize and enforce international orders. The bill provides that the international order must be translated into English. The bill also addresses currency conversion.

#### UIFSA 2001

The bill also contains clarifying provisions from the 2001 UIFSA including clarifying the processes for a controlling order determination when there are multiple, valid orders. The bill also clarifies that the law of the issuing state governs the duration of the support order.

#### Federal Funding

Enactment of this legislation is necessary for the Alaska Child Support Services Division to continue to receive federal funding.

The Department of Law expects no fiscal impact should this bill become law.

#2

# Fiscal Note

State of Alaska  
2015 Legislative Session

Bill Version: SB 51  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: SB51-DOR-CSSD-02-13-15  
Title: UNIFORM INTER.CHILD SUPPORT;PARENTAGE  
Sponsor: RLS BY REQUEST OF THE GOVERNOR  
Requester: Governor

Department: Department of Revenue  
Appropriation: Child Support Services  
Allocation: Child Support Services Division  
OMB Component Number: 111

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

|                               | FY2016                  | Included in               | Out-Year Cost Estimates |            |            |            |            |
|-------------------------------|-------------------------|---------------------------|-------------------------|------------|------------|------------|------------|
|                               | Appropriation Requested | Governor's FY2016 Request | FY 2017                 | FY 2018    | FY 2019    | FY 2020    | FY 2021    |
| <b>OPERATING EXPENDITURES</b> | <b>FY 2016</b>          | <b>FY 2016</b>            |                         |            |            |            |            |
| Personal Services             |                         |                           |                         |            |            |            |            |
| Travel                        |                         |                           |                         |            |            |            |            |
| Services                      |                         |                           |                         |            |            |            |            |
| Commodities                   |                         |                           |                         |            |            |            |            |
| Capital Outlay                |                         |                           |                         |            |            |            |            |
| Grants & Benefits             |                         |                           |                         |            |            |            |            |
| Miscellaneous                 |                         |                           |                         |            |            |            |            |
| <b>Total Operating</b>        | <b>0.0</b>              | <b>0.0</b>                | <b>0.0</b>              | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

**Fund Source (Operating Only)**

|              |            |            |            |            |            |            |            |
|--------------|------------|------------|------------|------------|------------|------------|------------|
| None         |            |            |            |            |            |            |            |
| <b>Total</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

**Positions**

|           |  |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |  |

|                           |  |  |  |  |  |  |  |
|---------------------------|--|--|--|--|--|--|--|
| <b>Change in Revenues</b> |  |  |  |  |  |  |  |
|---------------------------|--|--|--|--|--|--|--|

**Estimated SUPPLEMENTAL (FY2015) cost:** 0.0 (separate supplemental appropriation required)  
(discuss reasons and fund source(s) in analysis section)

**Estimated CAPITAL (FY2016) cost:** 0.0 (separate capital appropriation required)  
(discuss reasons and fund source(s) in analysis section)

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? **NO**  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**  
\_\_\_\_\_

|              |   |        |                            |
|--------------|---|--------|----------------------------|
| Prepared By: | <u>Carol Beecher, Director</u>            | Phone: | <u>(907)269-6801</u>       |
| Division:    | <u>Child Support Services</u>             | Date:  | <u>02/13/2015 01:00 PM</u> |
| Approved By: | <u>Jerry Burnett, Deputy Commissioner</u> | Date:  | <u>02/13/15</u>            |
| Agency:      | <u>Department of Revenue</u>              |        |                            |

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2015 LEGISLATIVE SESSION

BILL NO. SB 51

### Analysis

SB 51 updates Alaska's statutes AS 25.25.101 to 25.25.903, Uniform Interstate Family Support Act (UIFSA), with the 2008 version. The UIFSA provides uniform rules for establishing, modifying, and enforcing child and spousal support orders between other states and jurisdictions. This bill affects the Alaska Child Support Services Division (CSSD) in the Department of Revenue.

#### UIFSA 2008

The 2008 UIFSA contains important provisions for the enforcement and recovery of child support in international cases. The bill provides a new article 7 to address international child support cases. These changes include definitions for article 7, the processes for CSSD to initiate an international case and proceedings available to the parents. Article 7 also outlines the requirements for registering an international child support order in Alaska and how a parent can contest registration. It further outlines the grounds for Alaska to recognize and enforce international orders. The bill provides that the international order must be translated into English. The bill also addresses currency conversion.

#### UIFSA 2001

The bill also contains clarifying provisions from the 2001 UIFSA including clarifying the processes for a controlling order determination when there are multiple, valid orders. Also clarifies that the law of the issuing state governs the duration of the support order.

#### Federal Funding

Enactment of this legislation is necessary for the Alaska Child Support Services Division to continue to receive federal funding.

The Department of Revenue expects no fiscal impact should this bill become law.



## THE UNIFORM INTERSTATE FAMILY SUPPORT ACT AMENDMENTS (2008)

### - A Summary -

The Uniform Interstate Family Support Act (UIFSA) provides universal and uniform rules for the enforcement of family support orders by: setting basic jurisdictional standards for state courts; determining the basis for a state to exercise continuing exclusive jurisdiction over a child support proceeding; establishing rules for determining which state issues the controlling order in the event proceedings are initiated in multiple jurisdictions; and providing rules for modifying or refusing to modify another state's child support order.

In November 2007, the United States signed the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance ("the Convention"). This Convention contains numerous provisions that establish uniform procedures for the processing of international child support cases. In July 2008, the Uniform Law Commission amended UIFSA to incorporate changes required by the Convention. In order for the United States to fully accede to the Convention it was necessary to modify UIFSA by incorporating provisions of the Convention that impact existing state law. The 2008 UIFSA amendments serve as the implementing language for the Convention throughout the states. Importantly, enacting the UIFSA amendments will improve the enforcement of American child support orders abroad and will ensure that children residing in the United States will receive the financial support due from parents, wherever the parents reside.

The bulk of the 2008 amendments are housed in a new section of UIFSA: Section 7. The new section provides guidelines and procedures for the registration, recognition, enforcement and modification of foreign support orders from countries that are parties to the Convention. Specifically, Section 7 provides that a support order from a country that has acceded to the Convention must be registered immediately unless a tribunal in the state where the registration is sought determines that the language of the order goes against the policy of the state. Once registered, the non-registering party receives notice and is allowed the opportunity to challenge the order on certain grounds. Unless one of the grounds for denying recognition is established, the order is to be enforced. Additionally, Section 7 requires documents submitted under the Convention be in the original language and a translated version submitted if the original language is not English.

In September 2014, Congress passed federal implementing legislation for the Convention. Importantly, the new law (the Preventing Sex Trafficking and Strengthening Families Act) requires that the 2008 UIFSA amendments be enacted in every jurisdiction as a condition for continued receipt of federal funds supporting state child support programs. Failure to enact these amendments during the 2015 legislative session may result in a state's loss of this important federal funding.



## WHY STATES SHOULD ADOPT THE UNIFORM INTERSTATE FAMILY SUPPORT ACT 2008 AMENDMENTS

The Uniform Interstate Family Support Act (UIFSA) provides universal and uniform rules for the enforcement of family support orders. UIFSA represents a collaborative effort among the Uniform Law Commission (“ULC”), federal and state child support officials, and representatives of national child support organizations.

In 2008, the ULC approved amendments to UIFSA to incorporate the provisions of the 2007 Hague Convention on the International Recovery of Child Support of Family Maintenance into state law (“the Convention”). The Convention contains numerous provisions that establish uniform procedures for the processing of international child support cases. When the 2008 amendments were approved, all U.S. jurisdictions had in place a version of UIFSA.

The 2008 UIFSA amendments serve as the implementing language for the Convention throughout the states. The 2014 Preventing Sex Trafficking and Strengthening Families Act serves as the federal implementing legislation for the Convention.

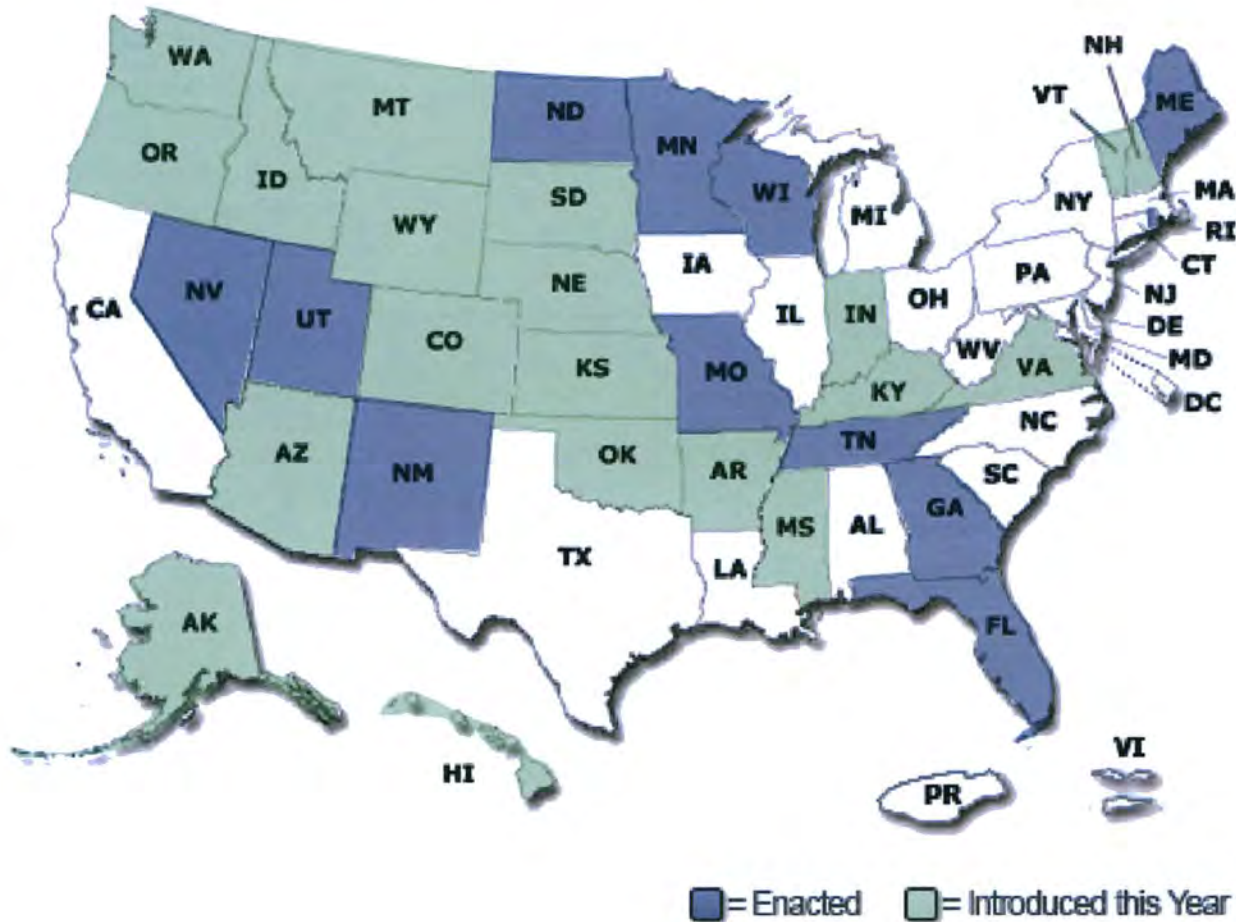
All states should act expeditiously to enact the UIFSA 2008 amendments during their 2015 legislative session for the following reasons:

- **Funding** – The 2014 federal law requires that all states enact the 2008 UIFSA amendments by the end of their 2015 legislative session as a condition for continued receipt of federal funds supporting state child support programs. Failure to enact these amendments by that time may result in a state’s loss of important federal funding. This conditional approach is not new; another federal law required all states to enact a previous version of UIFSA within a certain timeframe in order to receive the same federal funds for state child support programs. All jurisdictions complied.
- **Enhanced Recognition Abroad** – Enactment of the 2008 UIFSA amendments will improve the enforcement of American child support orders abroad and will ensure that children residing in the United States will receive the financial support due from parents, wherever the parents reside.
- **Guidelines for Foreign Support Orders** – The amendments provide guidelines and procedures for the registration, enforcement, and modification of foreign support orders from countries that are parties to the Convention.
- **Limited Changes** – The 2008 changes to UIFSA were limited to those necessary to accommodate the Convention. Sections 2-6 are largely unchanged, and a new Section 7 contains all rules applicable to cases involving the Convention.



Contact Us: 312.450.6600

## Legislative Enactment Status Interstate Family Support Act Amendments (2008)



Generated on Wednesday, February 25, 2015, 6:01 PM

[Home](#) | [Acts](#) | [Committees](#) | [Legislation](#) | [Meetings](#) | [News](#) | [About ULC](#)

© 2015 The National Conference of Commissioners on Uniform State Laws. All Rights Reserved.

111 N. Wabash Avenue Suite 1010 Chicago, Illinois 60602

**SB 51 - UNIFORM INTERSTATE FAMILY SUPPORT ACT  
LEGISLATION SECTIONAL ANALYSIS**

February 13, 2015

This bill updates Alaska's Uniform Interstate Family Support Act (UIFSA) to add important provisions for the enforcement and recovery of child support in international cases. In 2007, the United States signed the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (Hague Convention). This Convention contains provisions that establish uniform procedures for the processing of international child support cases. In order for the United States to fully accede to the Convention, all 50 states must adopt these new international provisions in their UIFSA. All of these changes are in the 2008 version of UIFSA, as amended by the Uniform Law Commission. The bill also incorporates the 2001 uniform amendments that were designed to clarify and enhance the 1996 version, the version that is currently in effect in Alaska.

**Section 1** amends AS 25.25.101 the definitions section to add or amend the following: "convention," "foreign country," "foreign support order," "foreign tribunal," "home state," "initiating tribunal," "issuing foreign country," "issuing state," "issuing tribunal," "obligee," "obligor," "outside the state," "person," "record," "register," "registering tribunal," "responding state," "state," and "support enforcement agency," and "tribunal."

**Section 2** adds a new subsection (b) to AS 25.25.102 to clarify that the child support services agency under AS 25.27.010 is the support enforcement agency of the state.

**Section 3** amends AS 25.25.103 to clarify that cumulative remedies do not affect remedies under other law of the recognition of a support order under the basis of comity.

**Section 4** adds a new subsection to AS 25.25.103 to establish that this Act does not establish the exclusive method for establishing support in Alaska and that it does not grant Alaska the ability to issue an order related to custody or parenting time under this chapter.

**Section 5** is a jurisdictional provision and is amended to provide that a tribunal of this state shall apply this act to a support proceeding involving a foreign support order, a foreign tribunal, or an obligee, obligor or child residing in a foreign country.

**Section 6** amends AS 25.25.201, to add minor wording changes.

**Section 7** adds a new subsection to AS 25.25.201 on jurisdiction that prevents the existing statute from being used to create personal jurisdiction to modify a child support order from another state or foreign country unless specific requirements are met.

**Section 8** repeals and reenacts AS 25.25.202 on duration of personal jurisdiction to provide that Alaska has continuing, exclusive jurisdiction to modify or enforce its order if certain requirements are met.

**Section 9** makes minor wording changes to AS 25.25.203 on this state an initiating and responding tribunal.

**Section 10** amends AS 25.25.204 on simultaneous proceedings to include foreign countries.

**Section 11** amends AS 25.25.205 to clarify that the determination for jurisdiction is at the time of filing and that the state can have continuing jurisdiction with the consent of all parties even when the parties no longer reside here.

**Sections 12** clarifies AS 25.25.205(b) when Alaska has continuing, exclusive jurisdiction to modify its child support order and the party's ability to consent to continuing, exclusive jurisdiction.

**Section 13** clarifies AS 25.25.205(c) when a tribunal of this state will recognize the continuing exclusive jurisdiction of another state if that other state has issued a child support order under a law substantially similar to the law in this state.

**Section 14** address jurisdiction by amending AS 25.25.205 (d) to clarify if a tribunal does not have continuing jurisdiction it can forward a petition for child support to another court to modify an order.

**Sections 15 and 16** amend AS 25.25.206 to clarify when a tribunal of this state can act as an initiating or responding tribunal to enforce a support order.

**Section 17 through 21** amend AS 25.25.207 on procedures for a controlling order determination. It clarifies when the Alaska tribunal may determine which court order is the controlling order when multiple orders are issued by different jurisdictions. It clarifies the requirements for a controlling order. It adds the child support agency's obligation to file a certified copy of the controlling order.

**Section 22** adds a new subsection to AS 25.25.207 to require a copy of every child support order in effect to be filed when requesting a controlling order determination as well as a record of payments. Notice must also be provided to a party whose rights may be affected.

**Section 23** makes minor amendments to add "foreign country" to AS 25.25.208 on multiple support orders.

**Section 24** amend AS 25.25.209 to add clarifying language on credits for payments.

**Section 25** adds a new section to allow tribunals in Alaska to use evidence, discovery, and communication from outside jurisdictions when exercising jurisdiction over someone not in Alaska. It also adds a new section addressing jurisdiction for modifying a spousal support order.

**Sections 26 and 27** make minor conforming amendments to general provisions on proceedings under this chapter.

**Section 28** amends AS 25.25.304 to provide the process for the Alaska tribunal to initiate a request to another state or foreign country and convert support amount sought into the equivalent amount in the applicable foreign currency.

**Section 29** amends AS 25.25.305 to provide when an Alaskan tribunal is the responding tribunal, it can establish a child support order, modify the order, determine which order is the controlling order, and determine the parentage of a child. Adds that an obligor can be ordered to provide their email address to the tribunal.

**Section 30** adds a subsection to AS 25.25.305 to require, upon request, a tribunal to state the amounts due in the applicable foreign currency.

**Sections 31 and 32** make minor conforming changes to sections on tribunals and duties of the child support services agency.

**Section 33** adds new subsections to the AS 25.25.307, duties of the child support services agency, addressing the requirements for registering a support order including registering the controlling order and currency conversion. Adds new subsection on issuing support orders and income withholding orders if requested by another state.

**Section 34** is a new section, AS 25.25.208, setting forth the duties of the Department of Revenue to order services and determine that a foreign country has established a reciprocal arrangement for child support.

**Section 35** amends AS 25.25.310 for minor technical changes.

**Section 36** amends AS 25.25.311 for minor technical changes.

**Section 37** repeals and reenacts AS 25.25.312 on nondisclosure of information. It changes the provisions on how the court can seal and keep confidential from other parties or the public identifying information if it would jeopardize the health, safety or liberty of a party or a child. The court can order, after a hearing, the disclosure of some information if the court determines it is in the interest of justice.

**Section 38 through 44** makes minor conforming and clarifying amendments to provisions on evidence and proceedings.

**Section 45** adds a new subsection as AS 25.25.316 to provide that a certified, true copy of a voluntary admission of paternity is admissible to establish parentage of a child.

**Section 46** amends AS 25.25.317 to include electronic mail as a way for tribunals to communicate.

**Sections 47 through 48** make minor conforming amendments.

**Section 49** adds new subsections to AS 25.25.319 on receipt and distribution of payments when the state is providing services to the obligee, sending conforming income withholding orders to an obligor's employer for redirected payments, and providing a record of payments received.

**Section 50** makes amendments to AS 25.25.401 addressing when the court can issue a support order, including requiring personal jurisdiction over the parties, and also makes conforming amendments.

**Section 51** repeals and reenacts AS 25.25.401(b) on temporary child support orders and clarifies when the tribunal should issue a temporary support order.

**Section 52** adds AS 25.25.402, proceedings to determine parentage, to allow a tribunal of this state to be the responding court in a proceeding to determine parentage if the action is brought under a similar statute, which allows Alaska to accept jurisdiction over a case that was filed in another jurisdiction but is forwarded to Alaska.

**Sections 53 through 57** amend provisions in AS 25.25.501 and 502 on an employer's receipt of an income withholding order. The amendments provide what the employer can do if it receives two or more income-withholding orders. Also, the amendments provide conforming wording changes.

**Section 58** amends AS 25.25.506 on contest by an obligor to clarify how a parent can challenge the enforcement of an income-withholding order issued in another state and received by an employer in this state.

**Section 59** amends AS 25.25.507(a) to add that a support enforcement agency seeking to enforce a support order from another jurisdiction can send the documents to the enforcement agency in this state.

**Sections 60 through 62** amend AS 25.25.601 and .602 add "a foreign support order" as a support order that can be registered and add conforming wording changes.

**Section 63** adds new subsections to AS 25.25.602 on procedures to register orders for enforcement clarify requirements when registering an order.

**Section 64** makes a conforming amendment to add "foreign country" to AS 25.25.603 on effect of registration for enforcement.

**Section 65** amends AS 25.25.604 on choice of law and provides that the law of the issuing state or country determines how payments occur under a registered order, how arrears are calculated and interest on those arrears, and the satisfaction of the support obligation.

**Section 66** adds new subsections to AS 25.25.604 to provide that a responding court in this state shall apply the procedures and remedies available in Alaska to collect and enforce a support order from another jurisdiction but that Alaska will prospectively apply the law of the state or foreign country that issued the controlling order.

**Section 67** makes conforming changes in AS 25.25.605 and references the statute that provides the procedure and rules to contest the registration of a support order and provides how to register an order if there are two or more orders in effect.

**Section 68** makes adds a new subsection to AS 25.25.605 to specify notice requirements if the registering party asserts two or more orders are in effect.

**Sections 69 and 70** are conforming amendments to time and procedures to contest the validity of a support order.

**Section 71** adds to AS 25.25.607, the reasons to contest validity of a support order, the ability for a party to state the alleged controlling order is not the controlling order.

**Section 72 through 74** makes conforming technical changes.

**Section 75** amends AS 25.25.611(c) the language related to modification of an order from another jurisdiction and clarifies that aspects of the order that could not be modified in the law of the issuing state may not be modified by Alaska.

**Section 76** amends AS 25.25.611(d) to make conforming technical changes.

**Section 77** amends AS 25.25.611 by adding a new subsection providing that the law of the state that issued the controlling order governs the duration of support. Also provides that the tribunals in Alaska retain jurisdiction when one party moves to another state and the other party resides outside the United States.

**Section 78** amends AS 25.25.612 to require that when an Alaska order is modified by another state, Alaska shall only enforce the old order for the purposes of arrears and interest prior to modification and provide relief for violation of the order that occurred prior to modification, but upon registration then shall enforce the modified order from the other state.

**Section 79** amends AS 25.25 to add new sections:

**Jurisdiction to modify child support order of foreign country.** Provides that when a foreign country no longer has or refuses to exercise jurisdiction over a child support modification, Alaska may act over individuals subject to the personal jurisdiction of the court without consent and even when persons are not residents of this state and the order that is issued will be controlling.

**Procedure to register child support order of foreign country for modification.** Provides that a party or child support enforcement agency can file a petition to modify a foreign

support order that is not under the Hague Convention at the same time as a request for registration or at another time.

**Section 80** amends AS 25.25.71 to remove the procedures on parentage and creates definitions for sections 25.701 to 25.713 regarding initiating, registering, contesting, enforcing, and modifying support orders. Definitions include “application,” “central authority,” “convention support order,” “direct request,” “foreign central authority,” “foreign support agreement,” and “United States central authority.”

**Section 81** amends AS 25.25 by adding new sections:

**Applicability.** Provides that sections 25.701 to 25.713 only apply to child support proceedings under the Hague Convention. ✓

→ **Relationship of child support services agency to United States central authority.** Provides that the federal Department of Human Services has recognized the Alaska child support services agency as the agency that may act under the convention.

**Initiation by child support services agency of support proceeding under the convention.** Specifies that the Alaska child support services agency provides enforcement services in child support proceedings to establish, modify, and enforce child support in foreign and domestic proceedings.

**Direct request.** Provides that an individual may request to establish, modify, or enforce a child support order under the applicable laws of the state, but does not require the child support services agency to provide assistance to the petitioner who is filing the request. This section provides that the statutes applying to the convention do not prohibit the use of the simplified and expedited rules in Alaska law for recognition and enforcement of foreign support orders.

**Registration of convention support order.** Provides the necessary documents to register a foreign support order including: the order and verification of its enforceability in the country it came from, the total arrears, and the due process rights of the respondent. This section provides that the court does not have to register an order if it finds that it would be contrary to public policy and must promptly notify the parties if the order is not registered.

**Contest of registered convention support order.** References to statutes that apply to contested registration of a support order and provides the regulations for registering a support order under the Hague Convention, specifically the timelines for contesting registration and the basis for contesting the registration.

**Recognition and enforcement of registered convention support order.** Provides the circumstances under which Alaska may refuse to register a support order that is under the Hague Convention.

**Partial enforcement.** Provides that when one part of a foreign order can be enforced and one part cannot the court shall enforce the part that can be enforced.

**Foreign support agreement.** Provides the terms under which a foreign support agreement can be recognized and enforced in Alaska.

**Modification of convention child support order.** Provides that an Alaska tribunal cannot modify a child support order when the obligee is still a resident of the foreign country where the order was issued unless that obligee agrees that Alaska has jurisdiction, the foreign court refuses to exercise jurisdiction, or the order could not be registered because of a lack of jurisdiction, fraud, or lack of authenticity of the order in the foreign jurisdiction.

**Personal information; limit on use.** Personal information under these section is only to be used for the purposes for which it was gathered.

**Record in original language; English translation.** Provides that a record of the court proceedings from the foreign country must be in its original language and if not in English must come with an English translation.

**Sections 82 through 84** makes conforming technical changes.

**Section 85** clarifies that uniformity is promoted and encouraged.

**Section 86** repeals AS 25.25.205(f), 25.25.206(c), 25.25.301(b), and 25.25.401(c). These sections address spousal support. A new section, 25.25.281 will address spousal support. See Section 25 of the bill.

**Section 87 Applicability.** Adds that the effective date applies to proceedings that are started on or after the effective date of this act to any action to determine parentage, or register, recognize, modify, or enforce an order or agreement.

**Section 88 Transition provisions.** Provides that the Department of Revenue may adopt regulations to implement changes by this act.

**Section 89 Revisor's instruction.** Directs the revisor to change the headings or catch lines for certain affected sections of the chapter.

**Section 90 Effective date.** Section 88 addressing, addressing regulations, is effective immediately.

**Section 91 Effective Date.** The Act is effective July 1, 2015.

# **UNIFORM INTERSTATE FAMILY SUPPORT ACT**

*(Last Amended or Revised in 2008)*

**2008 AMENDMENTS TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT  
ARE INDICATED BY UNDERSCORE AND STRIKEOUT**

Drafted by the

**NATIONAL CONFERENCE OF COMMISSIONERS  
ON UNIFORM STATE LAWS**

and by it

**APPROVED AND RECOMMENDED FOR ENACTMENT  
IN ALL THE STATES**

at its

**ANNUAL CONFERENCE  
MEETING IN ITS ONE-HUNDRED-AND-SEVENTEENTH YEAR  
IN BIG SKY, MONTANA  
JULY 18 – 25, 2008**

***WITH PREFATORY NOTE AND COMMENTS***

**COPYRIGHT © 2008**

**By**

**NATIONAL CONFERENCE OF COMMISSIONERS  
ON UNIFORM STATE LAWS**

**July 20, 2011**

**DRAFTING COMMITTEE ON AMENDMENTS TO  
UNIFORM INTERSTATE FAMILY SUPPORT ACT (2001)**

The Committee appointed by and representing the National Conference of Commissioners on Uniform State Laws in drafting these amendments consists of the following individuals:

BATTLE R. ROBINSON, 104 W. Market St., Georgetown, DE 19947, *Chair*  
MARLIN J. APPELWICK, One Union Square, 600 University St., Seattle, WA 98101  
BARBARA ANN ATWOOD, University of Arizona - James E. Rogers College of Law, 1201 E. Speedway, P.O. Box 210176, Tucson, AZ 85721-0176  
DEBORAH E. BEIR, Office of Attorney General, P.O. Box 110300, Juneau, AK 99811  
VINCENT C. DELIBERATO, JR., Legislative Reference Bureau, Main Capitol Building, Room 641, Harrisburg, PA 17120-0033  
GAIL H. HAGERTY, Burleigh County Court House, P.O. Box 1013, 514 E. Thayer Ave., Bismarck, ND 58502-1013  
LISA HARRIS-MOORHEAD, Legislature of the Virgin Islands, 100 Lagoon Complex Homes, Suite 2, Frederiksted, St. Croix, USVI 00840  
KAY P. KINDRED, University of Nevada, Las Vegas, 4505 Maryland Pkwy., Box 451003, Las Vegas, NV 89154-1003  
PAUL M. KURTZ, University of Georgia School of Law, Athens, GA 30602-6012  
HARRY L. TINDALL, 1300 Post Oak Blvd., Suite 1550, Houston, TX 77056-3081  
JOHN J. SAMPSON, University of Texas School of Law, 727 E. Dean Keeton, Austin, TX 78705, *Reporter*

**CANADIAN MEMBERS**

DENISE GERVAIS, Ministere de la Justice du Quebec, 1200, Route de l'Eglise, 4 etage, Sainte-Foy, Quebec, Canada G1V 4M1  
TRACY MORROW, Family Law Branch, Manitoba Justice, 1230 - 405 Broadway, Winnipeg, Manitoba, Canada R3C 3L6  
ANDINA VAN ISSCHOT, Department of Justice Canada, 284 Wellington St., Ottawa, Ontario, Canada K1A 0H8

**ADVISORS**

CLAUDIA E. DE BUEN UNNA, Mariano Escobedo 353-A Desp. 1402, Polanco, Mexico 11560, *Advisor*  
ANA MARIA KUDISCI, Agustin Gonzalez de Cossio #229, Col. Del Valle, Deleg. Benito Juarez, Mexico 03100, *Advisor*

**EX OFFICIO**

MARTHA LEE WALTERS, Oregon Supreme Court, 1163 State St., Salem, OR 97301-2563, *President*  
WILLIAM H. HENNING, University of Alabama School of Law, Box 870382, Tuscaloosa, AL 35487-0382, *Division Chair*

**AMERICAN BAR ASSOCIATION ADVISOR**

GLORIA F. DEHART, 265 Willamette Ave., Kensington, CA 94708-1055, *ABA Advisor*  
JOSEPH W. BOOTH, 11900 W. 87th St. Pkwy., Suite 117, Lenexa, KS 66215, *ABA Section  
Advisor*

**EXECUTIVE DIRECTOR**

JOHN A. SEBERT, 111 N. Wabash Ave., Suite 1010, Chicago, IL 60602, *Executive Director*

Copies of this Act may be obtained from:

NATIONAL CONFERENCE OF COMMISSIONERS  
ON UNIFORM STATE LAWS  
111 N. Wabash Ave., Suite 1010  
Chicago, Illinois 60602  
312/450-6600  
[www.nccusl.org](http://www.nccusl.org)

### Comment

The procedure for registration and enforcement set forth in sections 601 through 608 is applicable to a child-support order from a non-Convention country. This section provides coverage for modification in that situation. Presumptively, the general law of the state regarding modification of a child-support order will apply because, by their terms, sections 609 through 614 apply only to modification of a child-support order by a state tribunal. The rationale is that modification is available because the foreign order is not founded on the principles of continuing, exclusive jurisdiction and a controlling order. *See* sections 205 through 207.

## ARTICLE 7

### **DETERMINATION OF PARENTAGE**

### **SUPPORT PROCEEDING UNDER CONVENTION**

#### **Introductory Comment**

This article contains provisions adapted from the Convention that could not be readily integrated into the existing body of Articles 1 through 6. For the most part, extending the coverage of UIFSA (2008) to foreign countries was a satisfactory solution to merge the appropriate Convention terms into this act. In understanding this process, it must be clearly stated that the terms of the Convention are not substantive law. When the Senate has given its advice and consent, the Convention has been ratified by the President, and certain formal procedures have been completed, the Convention will become a multilateral treaty between the United States and the other Convention countries. As such, it will be the law of the land; but the treaty is not self-executing. *See, Medellin v. Texas*, 552 U.S. \_\_\_, 128 S.Ct. 1346, 170 L.Ed.2d 190 (2008). Thus, the ultimate enforcement of the treaty in the United States will be dependent on the enactment of both federal and state legislation. This act is predicated on the principle that the enactment of UIFSA (2008) will effectively implement the Convention through state law by amending Articles 1 through 6, plus the addition of this article. This will encourage international cooperation by emulating the interstate effect of UIFSA for international cases, especially those affected by the Convention.

In relatively few instances, the provisions of the Convention are sufficiently specific that a choice was made between amending UIFSA accordingly, with a disproportionate effect on all support orders enforced under state law, or accommodating potential conflicts by creating a separate article to apply only to Convention support orders. The choice was to draft this article as state law to minimize disruption to interstate support orders, which constitute the vast majority of orders processed by under UIFSA. Note that this act is the substantive and procedural state law for: (1) responding to an application for establishment, recognition and enforcement, or modification of a Convention support order; and, (2) initiating an application to a Convention country for similar action.

The four Hague maintenance conventions that preceded the 2007 Convention, and the three prior versions of UIFSA, have common goals. The distinctions between the jurisdictional rules in the common-law tradition in the United States, and the civil law systems in most of the countries that were parties to the earlier maintenance conventions, were obstacles to participation of the United States in any of the multilateral maintenance treaties (until recently). As the world has grown smaller and globalization has become the order of the day, reconciling the differences has become more and more important. Understanding the necessity for accommodation has made the task easier. This is not to say easy, as evidenced by the fact that the formal negotiations leading to the final text of the Convention spanned from May, 2003, to November, 2007. As of this writing, it remains unclear when the Convention will enter into force in the United States. Nonetheless, signing the Convention by the executive branch of the federal government on

November 23, 2007, and approval of the UIFSA (2008) by the annual conference of the Uniform Law Commission in July 2008, marked important milestones toward eventual adoption of both the Convention and UIFSA (2008).

This act and the 2007 Convention have far more in common than did former uniform acts and maintenance conventions, and, in fact, many provisions of the Convention are modeled on UIFSA principles. The negotiations demonstrated that it is possible to draft an international convention, which incorporates core UIFSA principles into a system for the establishment and enforcement of child support and spousal-support orders across international borders, and creates an efficient, economical, and expeditious procedure to accomplish these goals. Matters in common, however, go far beyond identical goals. The negotiations provided an opportunity for an extended interchange of ideas about how to adapt legal mechanisms to facilitate child support enforcement between otherwise disparate legal systems.

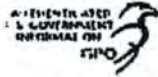
International cross-border enforcement has been far more important in Western Europe, and more recently, throughout the countries of the European Union than has been the case in the United States. On the other hand, experience with establishment and enforcement of interstate child support orders in the United States has been building since 1950, and accelerated rapidly with enactment of Title IV-D of the Social Security Act in 1975. Clearly, the issues are far easier to deal with nationally because of the common language, currency, and legal system, and, since 1996, with the Title IV-D requirement that all states enact the same version of UIFSA. In fact, since the advent of UIFSA and Title IV-D, millions of interstate cases have been processed through the child support enforcement system and integration of a few thousand foreign support orders has been less of a challenge in the United States. The entry into force of the Convention is designed to further improve the process and may lead in a few years to a substantial increase in international cases, both incoming and outgoing.

To create UIFSA (2008), it was necessary to integrate the texts of UIFSA (2001) and the Convention. This did not present a significant drafting challenge for the most part. By far the most common amendment in Articles 1 through 6 is to substitute "state or foreign country" for the term "state." These simple amendments expanded a majority of this act to cover foreign support orders. In this article statutory directions are given to "a tribunal of this state," and also to a "governmental entity, individual petitioner, support enforcement agency, or a party."

~~**SECTION 701. PROCEEDING TO DETERMINE PARENTAGE.** A court of this State authorized to determine parentage of a child may serve as a responding tribunal in a proceeding to determine parentage brought under this [Act] or a law or procedure substantially similar to this [Act].~~

**SECTION 701. DEFINITIONS.** In this [article]:

**(1) "Application" means a request under the Convention by an obligee or obligor, or on**



PUBLIC LAW 113-183—SEPT. 29, 2014

128 STAT. 1919

Public Law 113-183  
113th Congress

An Act

To prevent and address sex trafficking of children in foster care, to extend and improve adoption incentives, and to improve international child support recovery.

Sept. 29, 2014  
(H.R. 4980)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Preventing Sex  
Trafficking and  
Strengthening  
Families Act.  
42 USC 1305  
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preventing Sex Trafficking and Strengthening Families Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.

TITLE I—PROTECTING CHILDREN AND YOUTH AT RISK OF SEX TRAFFICKING

Subtitle A—Identifying and Protecting Children and Youth at Risk of Sex Trafficking

- Sec. 101. Identifying, documenting, and determining services for children and youth at risk of sex trafficking.
- Sec. 102. Reporting instances of sex trafficking.
- Sec. 103. Including sex trafficking data in the Adoption and Foster Care Analysis and Reporting System.
- Sec. 104. Locating and responding to children who run away from foster care.
- Sec. 105. Increasing information on children in foster care to prevent sex trafficking.

Subtitle B—Improving Opportunities for Children in Foster Care and Supporting Permanency

- Sec. 111. Supporting normalcy for children in foster care.
- Sec. 112. Improving another planned permanent living arrangement as a permanency option.
- Sec. 113. Empowering foster children age 14 and older in the development of their own case plan and transition planning for a successful adulthood.
- Sec. 114. Ensuring foster children have a birth certificate, Social Security card, health insurance information, medical records, and a driver's license or equivalent State-issued identification card.
- Sec. 115. Information on children in foster care in annual reports using AFCARS data; consultation.

Subtitle C—National Advisory Committee

- Sec. 121. Establishment of a national advisory committee on the sex trafficking of children and youth in the United States.

TITLE II—IMPROVING ADOPTION INCENTIVES AND EXTENDING FAMILY CONNECTION GRANTS

Subtitle A—Improving Adoption Incentive Payments

- Sec. 201. Extension of program through fiscal year 2016.

- Sec. 202. Improvements to award structure.  
 Sec. 203. Renaming of program.  
 Sec. 204. Limitation on use of incentive payments.  
 Sec. 205. Increase in period for which incentive payments are available for expenditure.  
 Sec. 206. State report on calculation and use of savings resulting from the phase-out of eligibility requirements for adoption assistance; requirement to spend 30 percent of savings on certain services.  
 Sec. 207. Preservation of eligibility for kinship guardianship assistance payments with a successor guardian.  
 Sec. 208. Data collection on adoption and legal guardianship disruption and dissolution.  
 Sec. 209. Encouraging the placement of children in foster care with siblings.  
 Sec. 210. Effective dates.

**Subtitle B—Extending the Family Connection Grant Program**

- Sec. 221. Extension of family connection grant program.

**TITLE III—IMPROVING INTERNATIONAL CHILD SUPPORT RECOVERY**

- Sec. 301. Amendments to ensure access to child support services for international child support cases.  
 Sec. 302. Child support enforcement programs for Indian tribes.  
 Sec. 303. Sense of the Congress regarding offering of voluntary parenting time arrangements.  
 Sec. 304. Data exchange standardization for improved interoperability.  
 Sec. 305. Report to Congress.  
 Sec. 306. Required electronic processing of income withholding.

**TITLE IV—BUDGETARY EFFECTS**

- Sec. 401. Determination of budgetary effects.

**SEC. 8. REFERENCES.**

Except as otherwise expressly provided in this Act, wherever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the amendment shall be considered to be made to a section or other provision of the Social Security Act.

**TITLE I—PROTECTING CHILDREN AND YOUTH AT RISK OF SEX TRAFFICKING**

**Subtitle A—Identifying and Protecting Children and Youth at Risk of Sex Trafficking**

**SEC. 101. IDENTIFYING, DOCUMENTING, AND DETERMINING SERVICES FOR CHILDREN AND YOUTH AT RISK OF SEX TRAFFICKING.**

(a) **IN GENERAL.**—Section 471(a)(9) (42 U.S.C. 671(a)(9)) is amended—

- (1) in subparagraph (A), by striking “and”;
- (2) in subparagraph (B), by inserting “and” after the semicolon; and
- (3) by adding at the end the following:

“(C) not later than—

“(i) 1 year after the date of enactment of this subparagraph, demonstrate to the Secretary that the State agency has developed, in consultation with State and local law enforcement, juvenile justice systems, health care providers, education agencies, and organizations with experience in dealing with at-risk

Deadlines.

- (1) by striking “and” before “private”; and
- (2) by inserting “and institutions of higher education (as defined under section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)),” after “arrangements,”.
- (c) **FINDING FAMILIES FOR FOSTER CHILDREN WHO ARE PARENTS.**—Section 427(a)(1)(E) (42 U.S.C. 627(a)(1)(E)) is amended by inserting “and other individuals who are willing and able to be foster parents for children in foster care under the responsibility of the State who are themselves parents” after “kinship care families”.
- (d) **RESERVATION OF FUNDS.**—Section 427(g) (42 U.S.C. 627(g)) is amended—
- (1) by striking paragraph (1); and
- (2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.
- (e) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if enacted on October 1, 2013. 42 USC 627 note.

### TITLE III—IMPROVING INTERNATIONAL CHILD SUPPORT RECOVERY

#### SEC. 301. AMENDMENTS TO ENSURE ACCESS TO CHILD SUPPORT SERVICES FOR INTERNATIONAL CHILD SUPPORT CASES.

##### (a) **AUTHORITY OF THE SECRETARY OF HHS TO ENSURE COMPLIANCE WITH MULTILATERAL CHILD SUPPORT CONVENTIONS.**—

###### (1) **IN GENERAL.**—Section 452 (42 U.S.C. 652) is amended—

(A) by redesignating the second subsection (l) (as added by section 7306 of the Deficit Reduction Act of 2005) as subsection (m); and

(B) by adding at the end the following:

“(n) The Secretary shall use the authorities otherwise provided by law to ensure the compliance of the United States with any multilateral child support convention to which the United States is a party.”.

(2) **CONFORMING AMENDMENT.**—Section 453(k)(3) (42 U.S.C. 653(k)(3)) is amended by striking “452(l)” and inserting “452(m)”.

##### (b) **ACCESS TO THE FEDERAL PARENT LOCATOR SERVICE.**—Section 453(e) (42 U.S.C. 653(e)) is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding at the end the following:

“(5) an entity designated as a Central Authority for child support enforcement in a foreign reciprocating country or a foreign treaty country for purposes specified in section 459A(c)(2).”.

##### (c) **STATE OPTION TO REQUIRE INDIVIDUALS IN FOREIGN COUNTRIES TO APPLY THROUGH THEIR COUNTRY’S APPROPRIATE CENTRAL AUTHORITY.**—Section 454 (42 U.S.C. 654) is amended—

(1) in paragraph (4)(A)(ii), by inserting before the semicolon “(except that, if the individual applying for the services resides in a foreign reciprocating country or foreign treaty country, the State may opt to require the individual to request the services through the Central Authority for child support enforcement in the foreign reciprocating country or the foreign

treaty country, and if the individual resides in a foreign country that is not a foreign reciprocating country or a foreign treaty country, a State may accept or reject the application); and (2) in paragraph (32)—

(A) in subparagraph (A), by inserting ", a foreign treaty country," after "a foreign reciprocating country"; and

(B) in subparagraph (C), by striking "or foreign obligee" and inserting ", foreign treaty country, or foreign individual".

(d) AMENDMENTS TO INTERNATIONAL SUPPORT ENFORCEMENT PROVISIONS.—Section 459A (42 U.S.C. 659a) is amended—

(1) by adding at the end the following:

"(e) REFERENCES.—In this part:

"(1) FOREIGN RECIPROCATING COUNTRY.—The term 'foreign reciprocating country' means a foreign country (or political subdivision thereof) with respect to which the Secretary has made a declaration pursuant to subsection (a).

"(2) FOREIGN TREATY COUNTRY.—The term 'foreign treaty country' means a foreign country for which the 2007 Family Maintenance Convention is in force.

"(3) 2007 FAMILY MAINTENANCE CONVENTION.—The term '2007 Family Maintenance Convention' means the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance.";

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "foreign countries that are the subject of a declaration under this section" and inserting "foreign reciprocating countries or foreign treaty countries"; and

(B) in paragraph (2), by inserting "and foreign treaty countries" after "foreign reciprocating countries"; and

(3) in subsection (d), by striking "the subject of a declaration pursuant to subsection (a)" and inserting "foreign reciprocating countries or foreign treaty countries".

(e) COLLECTION OF PAST-DUE SUPPORT FROM FEDERAL TAX REFUNDS.—Section 464(a)(2)(A) (42 U.S.C. 664(a)(2)(A)) is amended by striking "under section 454(4)(A)(ii)" and inserting "under paragraph (4)(A)(ii) or (32) of section 454".

(f) STATE LAW REQUIREMENT CONCERNING THE UNIFORM INTER-STATE FAMILY SUPPORT ACT (UIFSA).—

(1) IN GENERAL.—Section 466(f) (42 U.S.C. 666(f)) is amended—

(A) by striking "on and after January 1, 1998,";

(B) by striking "and as in effect on August 22, 1996,";

and

(C) by striking "adopted as of such date" and inserting "adopted as of September 30, 2008".

(2) CONFORMING AMENDMENTS TO TITLE 28, UNITED STATES CODE.—Section 1738B of title 28, United States Code, is amended—

(A) in subsection (d), by striking "individual contestant" and inserting "individual contestant or the parties have consented in a record or open court that the tribunal of the State may continue to exercise jurisdiction to modify its order,";

(B) in subsection (e)(2)(A), by striking "individual contestant" and inserting "individual contestant and the

parties have not consented in a record or open court that the tribunal of the other State may continue to exercise jurisdiction to modify its order"; and

(C) in subsection (b)—

(i) by striking "child' means" and inserting "(1) The term 'child' means";

(ii) by striking "child's State' means" and inserting "(2) The term 'child's State' means";

(iii) by striking "child's home State' means" and inserting "(3) The term 'child's home State' means";

(iv) by striking "child support' means" and inserting "(4) The term 'child support' means";

(v) by striking "child support order" and inserting "(5) The term 'child support order'";

(vi) by striking "contestant' means" and inserting "(6) The term 'contestant' means";

(vii) by striking "court' means" and inserting "(7) The term 'court' means";

(viii) by striking "modification' means" and inserting "(8) The term 'modification' means"; and

(ix) by striking "State' means" and inserting "(9) The term 'State' means".

(3) EFFECTIVE DATE; GRACE PERIOD FOR STATE LAW CHANGES.—

(A) PARAGRAPH (1).—(i) The amendments made by paragraph (1) shall take effect with respect to a State no later than the effective date of laws enacted by the legislature of the State implementing such paragraph, but in no event later than the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act.

42 USC 666 note.

(ii) For purposes of clause (i), in the case of a State that has a 2-year legislative session, each year of the session shall be deemed to be a separate regular session of the State legislature.

(B) PARAGRAPH (2).—(i) The amendments made by subparagraphs (A) and (B) of paragraph (2) shall take effect on the date on which the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance enters into force for the United States.

28 USC 1738B note.

(ii) The amendments made by subparagraph (C) of paragraph (2) shall take effect on the date of the enactment of this Act.

#### SEC. 302. CHILD SUPPORT ENFORCEMENT PROGRAMS FOR INDIAN TRIBES.

(a) TRIBAL ACCESS TO THE FEDERAL PARENT LOCATOR SERVICE.—Section 453(c)(1) (42 U.S.C. 653(c)(1)) is amended by inserting "or Indian tribe or tribal organization (as defined in subsections (e) and (l) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), " after "any State".

(b) WAIVER AUTHORITY FOR INDIAN TRIBES OR TRIBAL ORGANIZATIONS OPERATING CHILD SUPPORT ENFORCEMENT PROGRAMS.—Section 1115(b) (42 U.S.C. 1315(b)) is amended—