

LEG. FINANCE - BILLS 1977 - 1978 918

CSSB 148 cont., thru CSSB 148am 918

13 Request for New Positions

POSITION TITLE <u>Parent Locator</u>			14 RANGE	Sup. BARG. UNIT	LOCATION <u>Anchorage</u>	APPROV.	DISAPPROV.
TYPE OF POSITION (PFT, PPT, SEAS.) <u>PFT</u>		NEW <u>X</u>	RP#	MAINT.	BRU	FORM 12	GOV.
		PCN #	CHARGE <u>X</u>	PRIORITY	PAGE/LINE <u>12</u>	LEG.	
TYPE OF EXPENDITURE	AMOUNT	FUNDING SOURCE			DETAIL OF RELATED EXPENSES		
		GF	OTHER	RECEIPT CODE			
PERSONAL SERVICES	22,673				1407 x 12 mos. x 1.07 x 25.5% benefits		
TRAVEL		[Hatched Area]					
CONTRACTUAL	2,360						Professional fees, equipment rental, Xerox
COMMODITIES	400						
EQUIPMENT							
OTHER							
TOTAL	25,433				BRU COMPONENT		

JUSTIFICATION: AS 47.23.020 requires the Child Support Enforcement Agency to administer and enforce child support orders of the Superior Courts of this state and the Uniform Reciprocal Enforcement of Support Act. Public Law 93647 requires the state to obtain child support orders and administer and enforce the same for recipients of Aid to Families with Dependent Children. On January 25, 1977, the agency had over 8000 cases. New cases are projected at a net increase of 20 per week. Arrearages in past due child support were in excess of 6 million dollars on January 28, 1977. Obligor must be located so that enforcement officers may initiate enforcement proceedings against them. During this fiscal year this function will require a Locator Officer and one trainee. Federal regulations 45 CFR Part 303 requires sufficient staff to complete those activities. 45 CFR Part 304 provides for federal financial participation for a portion of these activities.

BRU _____ BRU CODE _____ REVISED _____

13 PERSONAL SERVICES
 . REQUEST FOR NEW POSITION

13 Request for New Positions

POSITION TITLE <u>Parent Locator</u>			12 RANGE	GG BARG. UNIT	LOCATION <u>Anchorage</u>	APPROV.	DISAPPROV.
TYPE OF POSITION (PFT, PPT, SEAS.) <u>PFT</u>		NEW <u>X</u>	RP#	MAINT.	DRU	FORM 12	GOV.
		PCN #	CHARGE <u>X</u>		PRIORITY	PAGE/LINE <u>13</u>	LEG.
TYPE OF EXPENDITURE	AMOUNT	FUNDING SOURCE			DETAIL OF RELATED EXPENSES		
		GF	OTHER	RECEIPT CODE			
PERSONAL SERVICES	18,539				1231 x 12 mos. x 25.5% benefits		
TRAVEL							
CONTRACTUAL	2,360				Professional fees, equipment rental, Xerox		
COMMODITIES	400						
EQUIPMENT							
OTHER							
TOTAL	21,299				BRU COMPONENT		

JUSTIFICATION: AS 47.23.020 requires the Child Support Enforcement Agency to administer and enforce child support orders of the Superior Courts of this state and the Uniform Reciprocal Enforcement of Support Act. Public Law 93647 requires the state to obtain child support orders and administer and enforce the same for recipients of Aid to Families with Dependent Children. On January 25, 1977, the agency had over 8000 cases. New cases are projected at a net increase of 20 per week. Arrearages in past due child support were in excess of 6 million dollars on January 28, 1977. Obligors must be located so that enforcement officers may initiate enforcement proceedings against them. During this fiscal year this function will require a Locator Officer and one trainee. Federal regulations 45 CFR Part 303 requires sufficient staff to complete those activities. 45 CFR Part 304 provides for federal financial participation for a portion of these activities.

BRU _____ BRU CODE _____ REVISED _____

13 PERSONAL SERVICES
 REQUEST FOR NEW POSITION



13 Request for New Positions

POSITION TITLE Clerk Typist III			8 RANGE	GG SARG. UNIT	LOCATION Anchorage	APPROV.	DISAPPROV.
TYPE OF POSITION PFT (PFT, PPT, SEAS.)		NEW X	RP#	MAINT.	BRU	GOV.	
		PCN #	CHARGE	X	PRIORITY	LEG.	
					FORM 12		
					PAGE/LINE		
					14		
TYPE OF EXPENDITURE	AMOUNT	FUNDING SOURCE			DETAIL OF RELATED EXPENSES		
		GF	OTHER	RECEIPT CODE			
PERSONAL SERVICES	14,412				957 x 12 mos. x 25.5% benefits		
TRAVEL							
CONTRACTUAL	5,060				Professional fees, equipment rental, Xerox, Mag		
COMMODITIES	400				Card		
EQUIPMENT							
OTHER							
TOTAL	19,872				BRU COMPONENT		

JUSTIFICATION: AS 47.23.020 requires the Child Support Enforcement Agency to administer and enforce child support orders of the Superior Courts of this state and the Uniform Reciprocal Enforcement of Support Act. Public Law 93-647 requires the state to obtain child support orders and administer and enforce the same for recipients of Aid to Families with Dependent Children. On January 25, 1977, the agency had over 8000 cases. New cases are projected at a net of 20 per week. Arrearages in past due child support are over \$6 million. Enforcement proceedings must be initiated to collect this child support, as well as the new cases. Each Child Support Officer can effectively utilize two clerk typists during this fiscal year, and additional typists as CSEO efficiency is increased. Federal regulations 45 CFR Part 303 requires sufficient staff to complete these activities. 45 CFR Part 304 provides for federal financial participation for a portion of these activities.

BRU _____ BRU CODE _____ REVISED _____

13 PERSONAL SERVICES
REQUEST FOR NEW POSITION

13 Request for New Positions

POSITION TITLE Clerk Typist II			7 RANGE	GG BARG. UNIT	LOCATION Anchorage	APPROV.	DISAPPROV.
TYPE OF POSITION (PFT, PPT, SEAS.) PFT		NEW X	RP# _____	MAINT. _____	BRU _____	GOV.	
		PCN# _____	CHARGE X		FORM 12 PAGE/LINE 15	LEG.	
TYPE OF EXPENDITURE	AMOUNT	FUNDING SOURCE			DETAIL OF RELATED EXPENSES		
		GF	OTHER	RECEIPT CODE			
PERSONAL SERVICES	13,976				928 x 12 mos. x 25.5%		
TRAVEL							
CONTRACTUAL	5,050				Professional fees, equipment rental, Xerox, Mag		
COMMODITIES	400				Card		
EQUIPMENT							
OTHER							
TOTAL	19,436				BRU COMPONENT		

JUSTIFICATION: AS 47.23.020 requires the Child Support Enforcement Agency to administer and enforce child support orders of the Superior Courts of this state and the Uniform Reciprocal Enforcement of Support Act. Public Law 93-647 requires the state to obtain child support orders and administer and enforce the same for recipients of Aid to Families with Dependent Children. On January 25, 1977, the agency had over 8000 cases. New cases are projected at a net of 20 per week. Arrearages in past due child support are over \$6 million. Enforcement proceedings must be initiated to collect this child support, as well as the new cases. Each Child Support Officer can effectively utilize two clerk typists during this fiscal year, and additional typists as CSEO efficiency is increased. Federal regulations 45 CFR Part 303 requires sufficient staff to complete these activities. 45 CFR Part 304 provides for federal financial participation for a portion of these activities.

BRU _____ BRU CODE _____ REVISED _____

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PERSONAL SERVICES
REQUEST FOR NEW POSITION



13 Request for New Positions

POSITION TITLE Clerk Typist III			8 RANGE	GG SARG. UNIT	LOCATION Fairbanks	APPROV.	DISAPPROV.
TYPE OF POSITION PFT (PFT, PPT, SEAS.)		NEW X	PP#	MAINT.	SRU	GOV.	
		PCN #	CHARGE		PRIORITY	LEG.	
		FUNDING SOURCE			FORM 12 PAGE/LINE 16		
TYPE OF EXPENDITURE	AMOUNT	GF	OTHER	RECEIPT CODE	DETAIL OF RELATED EXPENSES		
PERSONAL SERVICES	16,310				1083 x 12 mos. x 25.5%		
TRAVEL		[Hatched Area]			Professional fees, equipment rental, Mag Card		
CONTRACTUAL	4,610						
COMMODITIES							
EQUIPMENT	400						
OTHER							
TOTAL	21,320				BRU COMPONENT		

JUSTIFICATION: AS 47.23.020 requires the Child Support Enforcement Agency to administer and enforce child support orders of the Superior Courts of this state and the Uniform Reciprocal Enforcement of Support Act. Public Law 93-647 requires the state to obtain child support orders and administer and enforce the same for recipients of Aid to Families with Dependent Children. On January 25, 1977, the agency had over 8000 cases. New cases are projected at a net of 20 per week. Arrearages in past due child support are over \$6 million. Enforcement proceedings must be initiated to collect this child support, as well as the new cases. Each Child Support Officer can effectively utilize two clerk typists during this fiscal year, and additional typists as CSEO efficiency is increased. Federal regulations 45 CFR Part 303 requires sufficient staff to complete these activities. 45 CFR Part 304 provides for federal financial participation for a portion of these activities.

BRU _____ BRU CODE _____ REVISED _____

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PERSONAL SERVICES
REQUEST FOR NEW POSITION

13 Request for New Positions

POSITION TITLE <u>Clerk II</u>			7 RANGE	GG BARG. UNIT	LOCATION <u>Anchorage</u>	APPROV.	DISAPPROV.
TYPE OF POSITION (PFT, PPT, SEAS.) <u>PFT</u>		NEW <u>X</u>	RP#	MAINT.	BRU	GOV.	
		PCN #	CHARGE <u>X</u>		FORM 12 PAGE/LINE <u>17</u>	LEG.	
TYPE OF EXPENDITURE	AMOUNT	FUNDING SOURCE			DETAIL OF RELATED EXPENSES		
		GF	OTHER	RECEIPT CODE			
PERSONAL SERVICES	13,976				928 x 12 mos. x 25.5%		
TRAVEL		[Hatched Area]					
CONTRACTUAL	2,360					Professional fees, equipment rental, Xerox	
COMMODITIES							
EQUIPMENT	400						
OTHER							
TOTAL	16,736				BRU COMPONENT		

JUSTIFICATION: AS 47.23.020 requires the Child Support Enforcement Agency to administer and enforce child support orders of the Superior Courts of this state and the Uniform Reciprocal Enforcement of Support Act. Public Law 93-647 requires the state to obtain child support orders and administer and enforce the same for recipients of Aid to Families with Dependent Children. This position is responsible for supervising the entry of new cases into the computer, removal of dismissed cases, and the modification of existing computer records to reflect changes in names, addresses, payment amounts, emancipations, removal from welfare, etc. On January 25, 1977, the Agency had over 8000 cases. New cases are projected at 35 per week, dismissals at 15 per week, and data modifications at over 800 per week. In addition, all AFDC assignments must be cross-referenced as data input each month. During this fiscal year this function will require five case maintenance input clerks and one working supervisor. The supervisor is also responsible for forwarding all pertinent data to the appropriate CSEO and reciprocal states, and answering correspondence concerning these functions, received from reciprocal states, other IV-D offices, attorneys and clients. Federal regulations 45 CFR Part 303 requires sufficient staff to complete these activities. 45 CFR Part 304 provides for federal financial participation for a portion of these activities.

BRU _____ BRU CODE _____ REVISED _____

13

PERSONAL SERVICES
REQUEST FOR NEW POSITION

13 Request for New Positions

POSITION TITLE Clerk V			11 RANGE	GG BARG. UNIT	LOCATION Anchorage	APPROV. GOV. XX	DISAPPROV.
TYPE OF POSITION (PFT, PPT, SEAS.) PFT		NEW X	RP#	MAINT.	BRU	FORM 12 PAGE/LINE 18	LEG.
		PCN #	CHARGE X		PRIORITY		
TYPE OF EXPENDITURE	AMOUNT	FUNDING SOURCE			DETAIL OF RELATED EXPENSES		
		GF	OTHER	RECEIPT CODE			
PERSONAL SERVICES	2,078						
TRAVEL							
CONTRACTUAL							
COMMODITIES							
EQUIPMENT							
OTHER							
TOTAL	2,078				BRU COMPONENT		

JUSTIFICATION:

The Governor originally approved this position for FY'78 as a Clerk IV. Increased staff levels and work assignments necessitate that this position be upgraded to Clerk V. Therefore, only the difference in the personal services amount is shown above. All other items remain the same.

BRU _____ BRU CODE _____ REVISED _____

13 PERSONAL SERVICES
REQUEST FOR NEW POSITION

13 Request for New Positions

POSITION TITLE Clerk V		11 RANGE	Sup. BARG. UNIT	LOCATION Anchorage		APPROV.	DISAPPROV.
TYPE OF POSITION (PFT, PPT, SEAS.) PFT		NEW X	RP#	MAINT.	BRU	GOV.	XX
		PCN#	CHARGE X		PRIORITY	LEG.	
		FUNDING SOURCE			DETAIL OF RELATED EXPENSES		
TYPE OF EXPENDITURE	AMOUNT	GF	OTHER	RECEIPT CODE			
PERSONAL SERVICES	3,297						
TRAVEL							
CONTRACTUAL							
COMMODITIES							
EQUIPMENT							
OTHER							
TOTAL	3,297				BRU COMPONENT		

JUSTIFICATION:

The Governor originally approved this position for FY'78 as a Clerk IV. Increased staff levels and work assignments necessitate that this position be upgraded to Clerk V in the Supervisory Bargaining Unit. Therefore, only the difference in the personal services amount is shown above. All other items remain the same.

BRU _____ BRU CODE _____ REVISED _____

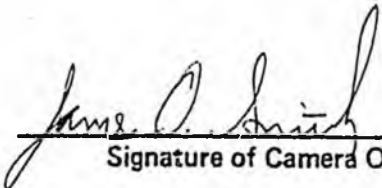
13 PERSONAL SERVICES
REQUEST FOR NEW POSITION



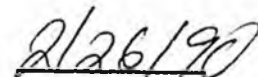
RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.



Signature of Camera Operator



Date

COMMITTEE REPORT

5-3-77

HOUSE

May 27 1977 Date

Mr. Speaker:

The Committee on FINANCE has had CSSB 148 au under consideration. A majority of the members of the Committee

recommends it do pass

recommends it do not pass

recommends it do pass with attached amendment()

recommends it be replaced with CS for House Finance CSSB 148 au and that CS for House Finance CSSB 148 au do pass

(and) recommends it be referred to the _____ committee

reports it back without recommendation

AND attaches a report of its intent

(other) _____

MEMBERS SIGNING THE MAJORITY REPORT:

Buckley _____
Hansen _____
Thompson _____

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

_____ recommends: _____
Forsman recommends: No Rec
_____ recommends: _____

John Buckley

Chairman

A M E N D M E N T

OFFERED IN THE HOUSE:

By: FINANCE COMMITTEE

To: HCS CSSB 148 HOUSE BILL No. _____

SENATE BILL No. 148

PAGE: 11

LINE: 19 and 20

Strike all language after "court" and before "(b) The agency"
and insert:

"(1) on voluntary application by the mother or other
legal custodian; or

(2) when the children are recipients of aid to families
with dependent children and the father refuses to execute a
acknowledgement of paternity."

Original sponsor: Rules Committee by
request of the Governor

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2

HOUSE CS FOR CS FOR SENATE BILL NO. 148

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to domestic relations; changing Rule
7 26(b)(2)(iii), Rules of Criminal Procedure and Rule
8 67(b), Rules of Civil Procedure; and providing for an
9 effective date."

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

11 * Section 1. PURPOSE. Common law and statutory procedures governing the
12 remedies for enforcement of support for financially dependent minor children
13 by responsible parents have not proven sufficiently effective or efficient to
14 cope with the increasing incidence of financial dependency. The increasing
15 workload of courts, district attorneys, and the attorney general has made
16 such remedies uncertain, slow and inadequate, thereby resulting in a growing
17 burden on the financial resources of the state, which is required to provide
18 public assistance grants for basic maintenance requirements when parents fail
19 to meet their primary obligations. The state, therefore, exercising its
20 police and sovereign power, declares that the common law and Alaska statutes
21 pertaining to the establishment and enforcement of child support obligations
22 shall be augmented by additional remedies in order to meet the needs of minor
23 children. It is declared to be the public policy of this state that this Act
24 be construed and administered to the end that children shall be maintained
25 from the resources of responsible parents, thereby relieving, at least in
26 part, the burden presently born by the general citizenry through welfare and
27 welfare-related programs.

28 * Sec. 2. AS 09.55 is amended by adding a new section to read:

29 Sec. 09.55.238. ACTION FOR FAILURE TO PERMIT VISITATION WITH MINOR

1 CHILD. (a) When a court order is specific as to when a custodian of a
2 minor child must permit another person to have visitation with that
3 child, and the custodian fails, wilfully and without just excuse, to
4 permit visitation with the child in substantial conformance with the
5 court order, the person entitled to visitation has a separate cause of
6 action against the custodian for damages.

7 (b) The amount of damages recoverable under this section is \$200
8 for each failure of the custodian, wilfully and without just excuse, to
9 permit visitation with the child for substantially the length of time
10 and substantially in the same manner as specified in the court order.
11 This amount may not be increased or decreased once liability has been
12 established. The custodian is not liable for more than one failure in
13 respect to what is, under the court order, a single continuous period of
14 violation. The prevailing party in an action commenced under this
15 section is entitled to recover a reasonable attorney fee.

16 (c) As used in this section,

17 (1) "court order" means a decree, judgment, or order issued
18 by a court of competent jurisdiction;

19 (2) "custodian" means a natural person who has been awarded
20 custody, either temporary or permanent, of a minor child;

21 (3) "just excuse" includes illness of the child which makes
22 it dangerous to the health of the child for visitation to take place in
23 conformance with the court order; "just excuse" does not include the
24 wish of the child not to have visitation with the person entitled to it.

25 * Sec. 3. AS 11 is amended by adding a new chapter to read:

26 CHAPTER 36. FAILURE TO PERMIT VISITATION WITH MINOR CHILD.

27 Sec. 11.36.010. FAILURE TO PERMIT VISITATION WITH MINOR CHILD.

28 (a) When a court order is specific as to when a custodian of a minor
29 child must permit another person to have visitation with that child, it

1 is a misdemeanor punishable by a fine of not more than \$200 for the
2 custodian, wilfully and without just excuse, to fail to permit visitation
3 with the child in substantial conformance with the court order.

4 (b) The custodian may not be charged under this section with more
5 than one offense in respect to what is, under the court order, a single
6 continuous period of visitation.

7 (c) As used in this section,

8 (1) "court order" means a decree, judgment, or order issued
9 by a court of competent jurisdiction;

10 (2) "custodian" means a natural person who has been awarded
11 custody, either temporary or permanent, of a minor child;

12 (3) "just excuse" includes illness of the child which makes
13 it dangerous to the health of the child for visitation to take place in
14 conformance with the decree, judgment, or order; "just excuse" does not
15 include the wish of the child not to have visitation with the person
16 entitled to it.

17 Sec. 11.36.020. SPOUSE AS WITNESS. In all prosecutions under this
18 chapter, existing provisions of law prohibiting the disclosure of con-
19 fidential communications between husband and wife do not apply if a
20 court order has granted custody to one spouse and visitation to the
21 other, and both husband and wife are competent to testify for or against
22 each other as to all relevant matters.

23 * Sec. 4. AS 25.25.010(6) is amended to read:

24 (6) "duty of support" includes a duty of support imposed or
25 imposable by law, or by a court order, decree or judgment, whether
26 interlocutory or final, whether incidental to a proceeding for divorce,
27 legal separation, separate maintenance or otherwise, and includes the
28 duty to pay arrearages of support past due and unpaid;

29 * Sec. 5. AS 25.25.010 is amended by adding new paragraphs to read:

1 in (10) of this section issued by a court of competent jurisdiction in
2 another state;

3 (10) "support order" means any judgment, decree, or order of
4 support in favor of an obligee, whether temporary or final or subject to
5 modification, revocation, or remission, regardless of the kind of action
6 or proceeding in which it is entered.

7 * Sec. 6. AS 25.25.050 is amended to read:

8 Sec. 25.25.050. RELIEF FROM EXTRADITION. Any obligor contemplated
9 by sec. 40 of this chapter, who submits to the jurisdiction of the court
10 of this or such other state and complies with the court's order of
11 support, is relieved of extradition for desertion or nonsupport entered
12 in the courts of this state during the period of such compliance.

13 * Sec. 7. AS 25.25.130 is repealed and re-enacted to read:

14 Sec. 25.25.130. COSTS AND FEES. The supreme court may provide by
15 rule that a court of this state, when the state is acting as an initiat-
16 ing state, may not require payment of either a filing fee or other costs
17 from the obligee but may request the court of the responding state to
18 collect fees and costs from the obligor. The supreme court may also
19 provide by rule that a court of this state, when the state is acting as
20 a responding state, may not require payment of a filing fee or other
21 costs from the obligee, but may direct that all fees and costs requested
22 by the court in the initiating state and those incurred in this state
23 when acting as a responding state (including fees for filing of pleadings,
24 service of process, seizure of property, stenographic or duplication
25 service, or other service supplied to the obligee) be paid in whole or
26 in part by the obligor. These costs or fees do not have priority over
27 amounts due to the obligee.

28 * Sec. 8. AS 25.25.140 is amended to read:

29 Sec. 25.25.140. JURISDICTION BY ARREST. When the court of this

1 is a misdemeanor for the custodian, wilfully and without just excuse, to
2 fail to permit visitation with the child in substantial conformance with
3 the court order.

4 (b) The custodian may not be charged under this section with more
5 than one offense in respect to what is, under the court order, a single
6 continuous period of visitation.

7 (c) As used in this section,

8 (1) "court order" means a decree, judgment, or order issued
9 by a court of competent jurisdiction;

10 (2) "custodian" means a natural person who has been awarded
11 custody, either temporary or permanent, of a minor child;

12 (3) "just excuse" includes illness of the child which makes
13 it dangerous to the health of the child for visitation to take place in
14 conformance with the decree, judgment, or order; "just excuse" does not
15 include the wish of the child not to have visitation with the person
16 entitled to it.

17 Sec. 11.36.020. SPOUSE AS WITNESS. In all prosecution, under this
18 chapter, existing provisions of law prohibiting the disclosure of con-
19 fidential communications between husband and wife do not apply, and both
20 husband and wife are competent to testify for or against each other as
21 to all relevant matters.

22 * Sec. 4. AS 25.25.010(6) is amended to read:

23 (6) "duty of support" includes a duty of support imposed or
24 imposable by law, or by a court order, decree or judgment, whether
25 interlocutory or final, whether incidental to a proceeding for divorce,
26 legal separation, separate maintenance or otherwise, and includes the
27 duty to pay arrearages of support past due and unpaid;

28 * Sec. 5. AS 25.25.010 is amended by adding new paragraphs to read:

29 (9) "foreign support order" means any support order defined

1 state, acting either as an initiating or responding state, has reason to
2 believe that the defendant may flee the jurisdiction, it may (1) as an
3 initiating state, request in its certificate that the court of the
4 responding state obtain the body of the defendant by appropriate process
5 if that is permissible under the law of the responding state; or (2) as
6 a responding state, obtain the body of the defendant by appropriate
7 process. If the court of this state, acting as a responding state,
8 obtains the body of the defendant, it may then release him upon his own
9 recognizance or upon his giving a bond in an amount set by the court to
10 assure his appearance at the hearing.

11 * Sec. 9. AS 25.25.150 is amended to read:

12 Sec. 25.25.150. STATE INFORMATION AND LOCATOR AGENCY. The child
13 support enforcement agency [DEPARTMENT OF HEALTH AND SOCIAL SERVICES]
14 is designated as the state information and locator agency for all
15 matters concerning the enforcement of support obligations under AS
16 47.23 and under this chapter, and it is its duty to:

17 (1) compile a list of the courts and their addresses in
18 this state having jurisdiction under this chapter and the appropriate
19 agency offices and their addresses and transmit it to the state infor-
20 mation agency of every other state which has adopted this or a sub-
21 stantially similar statute;

22 (2) maintain a register of such lists received from other
23 states [AND TRANSMIT COPIES OF THEM AS SOON AS POSSIBLE AFTER RECEIPT
24 TO EVERY COURT IN THIS STATE HAVING JURISDICTION UNDER THIS CHAPTER];

25 (3) locate obligors by utilizing all sources of information
26 and records available in the state, and in other states as appropriate;
27 these sources include telephone directories, real property records,
28 personal property records, vital statistics records, police records,
29 records of appropriate federal agencies, records of employers who are

1 willing to cooperate, and official records of the state including
2 records of the state Departments of Public Safety, Health and Social
3 Services, Revenue, and Labor; if state agencies or departments have
4 information or records concerning the obligor which are made confi-
5 dential by state statute, and they are not prohibited from doing so by
6 federal statute or regulation, those agencies or departments shall
7 cooperate with the child support enforcement agency at its request by
8 supplying at least (A) the last known address of the obligor and (B)
9 the name and address of the last known employer of the obligor, if
10 that information is in their possession; this information shall be
11 kept confidential by the child support enforcement agency and may be
12 used by the agency only for purposes of child support enforcement.

13 * Sec. 10. AS 25.25.160 is amended to read:

14 Sec. 25.25.160. AGENCY [COURT] DUTY WHEN ALASKA RESPONDING
15 STATE. When the child support enforcement agency [COURT] of this
16 state, acting as a responding state, receives from the court or child
17 support enforcement agency of an initiating state the copies mentioned
18 in sec. 120 of this chapter, it shall (1) attempt to locate the obligor
19 [DOCKET THE CAUSE], (2) present the cause to the court to docket and to
20 set a time and place for hearing, if the obligor does not agree to entry
21 of a voluntary order, and [NOTIFY THE ATTORNEY GENERAL OF THE STATE,]
22 (3) [SET A TIME AND PLACE FOR A HEARING, AND (4)] take such action as is
23 necessary in accordance with the laws of this state to obtain jurisdic-
24 tion.

25 * Sec. 11. AS 25.25.170 is repealed and re-enacted to read:

26 Sec. 25.25.170. FURTHER DUTY OF RESPONDING STATE. If the
27 obligor or his property is not found in this state and the child support
28 enforcement agency discovers that the obligor or his property may be
29 found in another state, it shall forward the documents received from the

1 initiating state to the state information agency in the state in which
2 the obligor is believed to be located. The agency shall inform the
3 initiating state of its action immediately.

4 * Sec. 12. AS 25.25.200(2) is amended to read:

5 (2) require the defendant to make payments at specified
6 intervals to the child support enforcement agency [CLERK OF THE COURT OR
7 THE OBLIGEE] and to report personally to the agency [CLERK] at such
8 times as may be considered necessary;

9 (b) Payment may be made by personal check if such method of
10 payment had been previously made regularly to the clerk of the court
11 or obligee, or if certified check or postal money orders are not
12 readily available.

13 * Sec. 13. AS 25.25.210 is amended to read:

14 Sec. 25.25.210. ADDITIONAL AGENCY [COURT] DUTIES WHEN ALASKA
15 RESPONDING STATE. The child support enforcement agency [COURT] of
16 this state, when acting as a responding state, has the following duties
17 [WHICH MAY BE CARRIED OUT THROUGH THE CLERK OF THE COURT]:

18 (1) upon the receipt of a payment made by the defendant under
19 an order of the court or otherwise, to transmit the payment immediately
20 to the court or child support enforcement agency of the initiating
21 state, and

22 (2) upon request, to furnish to the court or child support
23 enforcement agency of the initiating state a certified statement of all
24 payments made by the defendant.

25 * Sec. 14. AS 25.25.220 is amended to read:

26 Sec. 25.25.220. ADDITIONAL AGENCY [COURT] DUTY WHEN ALASKA
27 INITIATING STATE. The child support enforcement agency [COURT] of
28 this state, when acting as an initiating state, has the duty [, WHICH
29 MAY BE CARRIED OUT THROUGH THE CLERK OF COURT,] to receive and disburse

1 in accordance with law or regulation [IMMEDIATELY] all payments made by
2 the defendant or transmitted by the court or child support enforcement
3 agency of the responding state.

4 * Sec. 15. AS 25.25 is amended by adding new sections to read:

5 Sec. 25.25.252. PROCEEDINGS NOT TO BE STAYED. Except as provided
6 in sec. 258(c) of this chapter, a court of this state, when the state is
7 a responding state, may not stay the proceeding or refuse a hearing
8 under this chapter because of any pending or prior action or proceeding
9 for divorce, separation, annulment, dissolution, habeas corpus, adoption
10 or custody in this or any other state. The court shall hold a hearing
11 and may issue a support order pendente lite. In the interest of a
12 speedy resolution of the support issue, it may require the obligor to
13 post a bond for the prompt prosecution of the pending proceeding. If
14 the other action or proceeding is concluded before the hearing in the
15 instant proceeding and the judgment in the other proceeding provides
16 for the support demanded in the complaint being heard, the court must
17 conform its support order to the amount allowed in the other action or
18 proceeding. After the court has conformed its support order to the
19 amount in the other action, it may not stay enforcement of its support
20 order because of the retention of jurisdiction for enforcement purposes
21 by the court in the other action or proceeding.

22 Sec. 25.25.254. REGISTRATION OF FOREIGN SUPPORT ORDERS. (a) If
23 the duty of support is based on a support order of a court of competent
24 jurisdiction in another state, the obligee may register that foreign
25 support order in the superior court in the manner, with the effect,
26 and for the purposes provided in secs. 254 - 258 of this chapter.

27 (b) The clerk of the court shall maintain a registry of foreign
28 support orders in which he shall file the foreign support orders
29 registered with the court.

1 (c) An obligee seeking to register a foreign support order in
2 the superior court shall transmit to the clerk of the court (1) three
3 certified copies of the order with all modifications of it, (2) one
4 copy of the reciprocal enforcement of support act of the state in
5 which the order was made, and (3) a statement, verified and signed by
6 the obligee, showing the last known mailing address of the obligor,
7 the amount of support remaining unpaid, a description and the location
8 of any property of the obligor available upon execution, and a list of
9 the states in which the order is registered. Upon receipt of these
10 documents, the clerk of the court, shall file them in the registry of
11 foreign support orders. The filing constitutes registration under
12 this section. If permitted by a rule of the Alaska Supreme Court,
13 under sec. 130 of the chapter, no filing fee or payment of other costs
14 may be required of the obligee.

15 (d) Promptly upon registration, the clerk of the court shall
16 send by certified or registered mail to the obligor at the address
17 given a notice of the registration with a copy of the registered
18 support order and the mailing address of the obligee. He shall also
19 docket the case and notify the child support enforcement agency of his
20 action. The agency shall proceed to enforce the order.

21 Sec. 25.25.256. AGENCY TO REPRESENT OBLIGEE. Upon request of
22 the obligee, the child support enforcement agency shall represent the
23 obligee in proceedings to register a foreign support order in this
24 state.

25 Sec. 25.25.258. EFFECT OF REGISTRATION; ENFORCEMENT PROCEDURES.

26 (a) Upon registration, the foreign support order shall be treated in
27 the same manner as a support order issued by the superior court. It
28 has the same effect and is subject to the same procedures, defenses,
29 and proceedings for re-opening, vacating, or staying as a support

1 order of this state and may be enforced and satisfied in like manner.

2 (b) The obligor has 30 days after the mailing of notice of the
3 registration in which to petition the court to vacate the registration
4 or for other relief.

5 (c) At a hearing to enforce the registered support order, the
6 obligor may present only matters that would be available to him as
7 defenses in an action to enforce a foreign money judgment. If he
8 shows to the court that an appeal from the order is pending or will be
9 taken or that a stay of execution has been granted, the court shall
10 stay enforcement of the order until the appeal is concluded, the time
11 for appeal has expired, or the order is vacated or otherwise modified,
12 upon satisfactory proof that the obligor has furnished security for
13 payment of the support ordered as required by the state in which the
14 support order was issued. If he shows to the court any relevant
15 ground upon which enforcement of a support order of this state may be
16 stayed, the court shall stay enforcement of the order for an appropriate
17 period if the obligor furnishes the same security for payment of the
18 support ordered that is required for a support order of this state.

19 * Sec. 16. AS 47.23.010 is amended to read:

20 Sec. 47.23.010. CREATION OF CHILD SUPPORT ENFORCEMENT AGENCY.

21 There is created in the Department of Revenue [HEALTH AND SOCIAL SER-
22 VICES] the child support enforcement agency.

23 * Sec. 17. AS 47.23.020 is repealed and re-enacted to read:

24 Sec. 47.23.020. DUTIES OF THE AGENCY. The agency shall

25 (1) obtain, enforce, and administer child support orders of
26 the superior courts of the state;

27 (2) adopt regulations to carry out the purposes of this
28 chapter including regulations which establish

29 (A) schedules for determining the amount an obligor is

1 (A) schedules for determining the amount an obligor is
2 liable to contribute toward the support of an obligee under this
3 chapter and under Title IV-D, Social Security Act; and

4 (B) procedures for hearings conducted under sec. 170 of
5 this chapter;

6 (C) a uniform schedule of fees which may be charged the
7 obligor if the child support payments are 10 or more days overdue
8 or if payment is made by a check backed by insufficient funds.

9 (3) administer and enforce the Uniform Reciprocal Enforcement
10 of Support Act (AS 25.25);

11 (4) establish, enforce, and administer child support obliga-
12 tions administratively in accordance with this chapter; and

13 (5) administer the state plan required under Title IV-D of
14 the Social Security Act as amended.

15 * Sec. 18. AS 47.23.040 is repealed and re-enacted to read:

16 Sec. 47.23.040. DETERMINATION OF PATERNITY. (a) The agency shall
17 appear on behalf of minor children or their mother or legal custodian or
18 the state and initiate efforts to have the paternity of children born
19 out of wedlock determined by the court on voluntary application by the
20 mother or other legal custodian.

21 (b) The agency may not attempt to establish paternity in any
22 case involving incest or forcible rape, when legal proceedings for
23 adoption are pending, or when it would not be in the best interests of
24 the children or the state.

25 * Sec. 19. AS 47.23 is amended by adding a new section to read:

26 Sec. 47.23.045. DETERMINATION OF SUPPORT OBLIGATION. The agency
27 may appear in an action seeking an award of support in behalf of a child
28 owed a duty of support, and may also appear in an action seeking
29 modification of a support order, decree or judgment already entered.

1 may appear in an action seeking an award of support in behalf of a child
2 owed a duty of support, and may also appear in an action seeking
3 modification of a support order, decree or judgment already entered.
4 Action under this section may be undertaken upon application of an
5 obligee, or at the agency's own discretion if the obligor is liable to
6 the state under sec. 120(a) or (b) of this chapter.

7 * Sec. 20. AS 47.23.050 is amended to read:

8 Sec. 47.23.050. LEGAL ASSISTANCE. The agency [DEPARTMENT OF
9 HEALTH AND SOCIAL SERVICES] shall contract with the Department of Law to
10 provide needed legal services.

11 * Sec. 21. AS 47.23.060(b) is repealed.

12 * Sec. 22. AS 47.23.070(b) is amended to read:

13 (b) The order of assignment is binding upon an employer upon
14 service of a copy of the order upon the employer and until further order
15 of the court. The employer may, for each payment made under the order,
16 deduct \$1 from other wages or salary owed to the employee [FOR EACH PAY-
17 MENT MADE UNDER THE ORDER].

18 * Sec. 23. AS 47.23.080 is repealed and re-enacted to read:

19 Sec. 47.23.080. ENFORCEMENT OF SUPPORT ORDERS. (a) A court order
20 requiring payment of child support shall be modified to order payments
21 be made to the agency upon application.

22 (b) The agency on behalf of the custodian or the state shall take
23 all necessary action permitted by law to enforce child support orders so
24 entered, including petitioning the court for orders to aid in the en-
25 forcement of child support.

26 (c) The determination or enforcement of a duty of support is
27 unaffected by any interference by the custodian of the child with rights
28 of custody or visitation granted by a court.

29 (d) No order of arrest may be issued in the enforcement of child

1 support unless the court has reason to believe that the obligee may flee
2 the jurisdiction or unless the obligee has been ordered to appear in the
3 action and has failed to do so.

4 * Sec. 24. AS 47.23.090 is repealed.

5 * Sec. 25. AS 47.23 is amended by adding a new section to read:

6 Sec. 47.23.095. AGENCY EXEMPT FROM EXECUTION. No execution may
7 issue against money held in the fund established under sec. 30 of this
8 chapter.

9 * Sec. 26. AS 47.23.100 is amended to read:

10 Sec. 47.23.100. ALL PERSONS MAY USE AGENCY. The agency shall
11 provide aid to any person due child support under the laws of this state
12 upon application. If the obligee is indigent or otherwise unable to pay
13 for these services, the agency shall act without charge to the obligee.
14 If the agency determines that the obligee is financially able to pay,
15 costs shall be assessed according to regulations adopted by the depart-
16 ment and be paid into the fund established in sec. 30 of this chapter
17 [AS 47.23.035].

18 * Sec. 27. AS 47.23.110(2) is amended to read:

19 (2) "department" means the Department of Revenue [HEALTH AND
20 SOCIAL SERVICES].

21 * Sec. 28. AS 47.23.110 is amended by adding new paragraphs to read:

22 (3) "duty of support" includes a duty of child support im-
23 posed or imposable by law, by a court order, decree or judgment, or by a
24 finding or decision rendered under this chapter whether interlocutory or
25 final, whether incidental to a proceeding for divorce, legal separation,
26 separate maintenance, or otherwise, and includes the duty to pay ar-
27 rearages of support past due and unpaid;

28 (4) "obligee" means a person to whom a duty of support is
29 owed;

1 (5) "obligor" means a person owing a duty of support;

2 (6) "support order" means any judgment, decree, or order of
3 child support in favor of an obligee whether temporary or final, or
4 subject to modification, revocation, or remission, regardless of the
5 kind of action or proceeding in which it is entered.

6 * Sec. 29. AS 47.23 is amended by adding new sections to read:

7 Sec. 47.23.120. OBLIGOR LIABLE FOR PUBLIC ASSISTANCE FURNISHED
8 OBLIGEE. (a) An obligor is liable to the state in the amount of assis-
9 tance granted under AS 47.25.310 - 47.25.420 to a child whom the obligor
10 owes a duty of support except that if a support order has been entered,
11 the liability of the obligor may not exceed the amount of support pro-
12 vided for in the support order.

13 (b) An obligor is liable to the state in the amount of the cost
14 incurred if the state is maintaining a child whom the obligor owes a
15 duty of support in a foster home or institution, except that if a
16 support order has been entered, or an agreement for payment of that cost
17 executed between the obligor and the state, the liability of the obligor
18 may not exceed the amount provided in the support order or agreement.

19 Sec. 47.23.130. SUBROGATION OF STATE. If the obligor is liable to
20 the state under sec. 120(a) or (b) of this chapter, the state is sub-
21 rogated to the rights of the obligee to either bring an action seeking a
22 support order or to proceed under secs. 160 - 270 of this chapter to
23 establish and enforce a duty of support and further to enforce by exe-
24 cution, in accordance with secs. 230 - 270 of this chapter or otherwise,
25 any support order already entered in favor of the obligee, up to the
26 amount for which the obligor is liable to the state under sec. 120(a)
27 and (b) of this chapter.

28 Sec. 47.23.140. POWER OF AGENCY TO ADMINISTRATIVELY ESTABLISH AND
29 ENFORCE SUPPORT OBLIGATION; PROCEDURES TO BE UTILIZED. (a) If no

1 support order has been entered, the agency may establish a duty of
2 support utilizing the procedures prescribed in secs. 160 - 220 of this
3 chapter, and may enforce a duty of support utilizing the procedure
4 prescribed in secs. 230 - 270 of this chapter. Action under this
5 subsection may be undertaken upon application of an obligee, or at the
6 agency's own discretion if the obligor is liable to the state under sec.
7 120(a) or (b) of this chapter.

8 (b) If a support order has been entered, the agency may enforce
9 the support order utilizing the procedures prescribed in secs. 150 and
10 230 - 270 of this chapter.

11 Sec. 47.23.150. REQUIRED NOTICE IN ADMINISTRATIVE ENFORCEMENT OF
12 SUPPORT ORDERS. (a) Action to enforce a support order administratively
13 under secs. 230 - 270 of this chapter is initiated by the agency serving
14 a notice on the obligor of his liability under the support order.
15 Notice under this subsection shall be served personally or by regis-
16 tered, certified, or insured mail, return receipt requested, for re-
17 stricted delivery only to the person to whom the notice is directed or
18 to the person authorized under federal regulation to receive that per-
19 son's restricted delivery mail.

20 (b) Notice served under (a) of this section shall state the amount
21 of the obligor's liability under the support order and that the property
22 of the obligor is subject to execution in that amount in accordance with
23 the procedures prescribed in secs. 230 - 270 of this chapter at the
24 expiration of 30 days from the date of service of the notice.

25 Sec. 47.23.160. ADMINISTRATIVE ESTABLISHMENT OF SUPPORT OBLIGA-
26 TIONS; NOTICE AND FINDING OF FINANCIAL RESPONSIBILITY. (a) An action
27 to establish a duty of support authorized under sec. 140(a) of this
28 chapter is initiated by the agency serving on the alleged obligor a
29 notice and finding of financial responsibility. The notice and finding

1 served under this subsection shall be served personally or by regis-
2 tered, certified, or insured mail, return receipt requested, for re-
3 stricted delivery only to the person to whom the notice and finding is
4 directed or to the person authorized under federal regulation to receive
5 his restricted delivery mail.

6 (b) The notice and finding of financial responsibility served
7 under (a) of this section shall state

8 (1) the sum or periodic payments for which the alleged
9 obligor is found to be responsible, calculated by taking into considera-
10 tion the need of the alleged obligee, the alleged obligor's liability to
11 the state under sec. 130 of this chapter if any, and his duty of support
12 under the law;

13 (2) the name of the alleged obligee and his custodian;

14 (3) that the alleged obligor may appear and show cause in a
15 hearing held by the agency why the finding is incorrect, should not be
16 finally ordered, and should be modified or rescinded, because (A) no
17 duty of support is owed, or (B) the amount of support found to be owed
18 is incorrect;

19 (4) that if the person served with the notice and finding of
20 financial responsibility does not request a hearing within 30 days, the
21 property of the person will be subject to execution in accordance with
22 secs. 230 - 270 of this chapter in the amounts stated in the finding
23 without further notice or hearing.

24 Sec. 47.23.170. ADMINISTRATIVE ESTABLISHMENT OF SUPPORT OBLIGA-
25 TIONS; HEARING. (a) A person served with a notice and finding of
26 financial responsibility is entitled to a hearing if a request in
27 writing for a hearing is served on the agency by registered mail, return
28 receipt requested, within 30 days of the date of service of the notice
29 of financial responsibility.

1 (b) If a request under (a) is made, the execution under secs.
2 230 - 270 of this chapter shall be stayed pending the decision on the
3 hearing, or the decision of a court, if appealed. If no request for a
4 hearing is made, the finding of responsibility is final at the expira-
5 tion of the 30-day period.

6 (c) If a hearing is requested, it shall be held within 30 days of
7 the date of service of the request for hearing on the agency.

8 (d) The hearing officer shall determine the amount of periodic
9 payments necessary to satisfy the past, present, and future liability of
10 the alleged obligor under sec. 130 of this chapter, if any, and under
11 any duty of support imposable under the law. The amount of periodic
12 payments determined under this subsection is not limited by the amount
13 of any public assistance payment made to or for the benefit of the
14 child.

15 (e) The hearing officer shall consider the following in making his
16 determination under (d) of this section:

17 (1) the needs of the alleged obligee, disregarding the income
18 or assets of the custodian of the alleged obligee;

19 (2) the amount of the alleged obligor's liability to the
20 state under sec. 125 of this chapter if any;

21 (3) the intent of the legislature that children be supported
22 as much as possible by their natural parents;

23 (4) the ability of the alleged obligor to pay.

24 (f) If the alleged obligor requesting the hearing fails to appear
25 at the hearing, the hearing officer shall enter a decision declaring the
26 property of the alleged obligor subject to execution in accordance with
27 secs. 230 - 270 of this chapter in the amounts stated in the notice and
28 filing of financial responsibility.

29 Sec. 47.23.180. ADMINISTRATIVE ESTABLISHMENT OF SUPPORT OBLIGA-

1 TIONS; DECISION. (a) Within 20 days of the date of the hearing, the
2 hearing officer shall promulgate findings and a decision determining
3 whether a duty of support exists and, if a duty of support is found, the
4 amount of periodic payments or sum for which the alleged obligor is
5 found to be responsible.

6 (b) Liability to the state under sec. 130 of this chapter is
7 limited to the amount for which the obligor is found to be responsible
8 under (a) of this section.

9 (c) A decision rendered under (a) of this section is modified to
10 the extent that a subsequent order, judgment, or decree of a superior
11 court is inconsistent with the decision rendered under (a) of this
12 section.

13 Sec. 47.23.190. ADMINISTRATIVE ESTABLISHMENT OF SUPPORT OBLIGA-
14 TIONS; MODIFICATION OF A FINDING OR DECISION OF RESPONSIBILITY. (a)
15 Unless a support order has been entered, the obligor, or the obligee or
16 his custodian, may petition the agency or its designee for a modifi-
17 cation of the finding or decision of responsibility previously entered
18 with regard to future periodic support payments.

19 (b) The agency shall grant a hearing upon a petition made under
20 (a) of this section if affidavits submitted with the petition make a
21 showing of good cause and material change in circumstances sufficient to
22 justify action under (e) of this section.

23 (c) If a hearing is granted, the agency shall serve a notice of
24 hearing together with a copy of the petition and affidavits submitted on
25 the obligee or his custodian and the obligor personally or by regis-
26 tered, certified, or insured mail, return receipt requested, for re-
27 stricted delivery only to the person to whom the notice is directed or
28 to the person authorized under federal regulation to receive his re-
29 stricted delivery mail.

1 (d) A hearing shall be set not less than 15 nor more than 30 days
2 from the date of mailing of notice of hearing, unless extended for good
3 cause.

4 (e) Modification of future periodic support payments may be
5 ordered upon a showing of good cause and material change in circum-
6 stances.

7 Sec. 47.23.200. ADMINISTRATIVE ESTABLISHMENT OF SUPPORT OBLIGA-
8 TIONS; USE OF STANDARDS IN DETERMINATION OF SUPPORT PAYMENTS. (a) In
9 making its findings under sec. 160 of this chapter, and in establishing
10 and modifying amounts of periodic support payments under secs. 180 and
11 190 of this chapter, the agency shall consider the standards adopted by
12 regulation under sec. 20 of this chapter and any standards for deter-
13 mination of support payments used by the superior court of the district
14 of residence of the obligor.

15 Sec. 47.23.210. ADMINISTRATIVE ESTABLISHMENT OF SUPPORT OBLIGA-
16 TIONS; JUDICIAL REVIEW. (a) Judicial review by the superior court of
17 an agency decision establishing or modifying a duty of support or
18 amounts of support due may be obtained by filing a notice of appeal in
19 accordance with the applicable rules of court governing appeals in civil
20 matters. A notice of appeal shall be filed within 30 days of the
21 decision.

22 (b) The complete record of the proceedings, or the parts of it
23 which the appellant designates, shall be prepared by the agency. A copy
24 shall be delivered to all parties participating in the appeal. The
25 original shall be filed in the superior court within 30 days after the
26 appellant pays the estimated cost of preparing the complete or desig-
27 nated record or files a corporate surety bond equal to the estimated
28 cost.

29 (c) The complete record includes

- 1 (1) the notice and finding of financial responsibility;
- 2 (2) the request for a hearing;
- 3 (3) the decision of the hearing officer;
- 4 (4) the exhibits admitted or rejected;
- 5 (5) the written evidence;
- 6 (6) all other documents in the case.

7 (d) Upon order of the superior court, appeals may be taken on the
8 original record or parts of it. The record may be typewritten or
9 duplicated by any standard process. Analogous rules of court governing
10 appeals in civil matters shall be followed when this chapter is silent,
11 and when not in conflict with this chapter.

12 (e) The superior court may enjoin agency action in excess of con-
13 stitutional or statutory authority at any stage of an agency proceeding.
14 If agency action is unlawfully or unreasonably withheld, the superior
15 court may compel the agency to initiate action.

16 Sec. 47.23.220. ADMINISTRATIVE ESTABLISHMENT OF SUPPORT OBLIGA-
17 TIONS; JUDICIAL REVIEW. (a) An appeal shall be heard by the superior
18 court sitting without a jury.

19 (b) Inquiry in an appeal extends to the following questions: (1)
20 whether the agency has proceeded without or in excess of jurisdiction;
21 (2) whether there was a fair hearing; and (3) whether there was a pre-
22 judicial abuse of discretion. Abuse of discretion is established if the
23 agency has not proceeded in the manner required by law, the order or
24 decision is not supported by the findings, or the findings are not
25 supported by the evidence.

26 (c) The court may exercise its independent judgment on the evi-
27 dence. If it is claimed that the findings are not supported by the
28 evidence, abuse of discretion is established if the court determines
29 that the findings are not supported by (1) the weight of the evidence,

1 or (2) substantial evidence in the light of the whole record.

2 (d) The court may augment the agency record in whole or in part,
3 or hold a hearing de novo. If the court finds that there is relevant
4 evidence which, in the exercise of reasonable diligence, could not have
5 been produced or which was improperly excluded at the hearing, the court
6 may

7 (1) enter judgment as provided in (e) of this section and
8 remand the case to be reconsidered in the light of that evidence; or

9 (2) admit the evidence at the appellate hearing without
10 remanding the case.

11 (e) The court shall enter judgment setting aside, modifying,
12 remanding, or affirming the decision, without limiting or controlling in
13 any way the discretion legally vested in the agency.

14 (f) The court in which proceedings under this section are started
15 may stay the operation of the decision until

16 (1) the court enters judgment;

17 (2) a notice of further appeal from the judgment is filed; or

18 (3) the time for filing the notice of appeal expires.

19 (g) No stay may be imposed or continued if the court is satisfied
20 that it is against the public interest.

21 (h) If further appeal is taken, the supreme court may, in its
22 discretion, stay the superior court judgment or agency order.

23 Sec. 47.23.230. ASSERTION OF LIEN. (a) At the expiration of 30
24 days from either (1) the date of service of notice under sec. 150 of
25 this chapter, or (2) the date of service of a notice and finding of
26 financial responsibility under sec. 160 of this chapter, the agency may
27 assert a lien upon the real or personal property of the obligor, in the
28 amount of the obligor's liability.

29 (b) No lien filed under this section has any effect against

1 earnings, or bank deposits or balances, unless it states the amount of
2 the obligor's liability under this chapter and unless the lien is served
3 in accordance with sec. 240 of this chapter.

4 (c) The lien shall attach to all real and personal property of the
5 obligor and be effective on the date of filing of the lien with the
6 recorder of the recording district in which the property attached is
7 located. A lien against earnings shall attach and be effective upon
8 filing with the recorder of the recording district in which the employer
9 does business or maintains an office or agent for the purpose of doing
10 business.

11 (d) Whenever a lien has been filed under this section and there is
12 in the possession of any person, political subdivision, or department of
13 the state having actual notice of the lien any property which may be
14 subject to the lien, that property may not be paid over, released, sold,
15 transferred, encumbered or conveyed unless

16 (1) a written release or waiver signed by a representative of
17 the agency has been delivered to the person, political subdivision, or
18 department of the state; or

19 (2) a decision has been made in a hearing held under sec. 170
20 of this chapter or by a superior court ordering release of the lien on
21 the grounds that no debt exists or that the debt has been satisfied.

22 Sec. 47.23.240. SERVICE OF LIEN. (a) The agency may at any time
23 after filing of a lien filed under sec. 230 of this chapter serve a copy
24 of the lien upon any person, political subdivision, or department of the
25 state possessing earnings, or deposits or balances held in any bank
26 account of any nature which are due, owing, or belonging to the obligor.

27 (b) A lien filed under sec. 230 of this chapter shall be served
28 upon a person, political subdivision, or department of the state per-
29 sonally or by registered, certified, or insured mail, return receipt

1 requested.

2 Sec. 47.23.250. ORDER TO WITHHOLD AND DELIVER. (a) At the
3 expiration of 30 days from the date of service of notice under sec. 150
4 of this chapter, or from the date of service of a notice and finding of
5 financial responsibility under sec. 160 of this chapter, the agency may
6 issue to any person, political subdivision, or department of the state
7 an order to withhold and deliver property.

8 (b) All real or personal property belonging to the obligor is
9 subject to an order to withhold and deliver, including, but not limited
10 to, earnings which are due, owing, or belonging to the debtor.

11 (c) The agency may issue an order to withhold and deliver when it
12 has reason to believe that there is in the possession of a person,
13 political subdivision, or department of the state property which is due,
14 owing, or belonging to the obligor.

15 (d) The order to withhold and deliver shall be served upon the
16 person, political subdivision, or department of the state possessing the
17 property in the manner provided for service of liens under sec. 240 of
18 this chapter. The order shall state the amount of the obligor's lia-
19 bility and shall state in summary the terms of secs. 260 and 270 of this
20 chapter.

21 (e) Any person, political subdivision, or department of the state
22 served with an order to withhold and deliver is required to make true
23 answers to inquiries contained in the order under oath and in writing
24 within 30 days of service of the order and is further required to answer
25 all inquiries subsequently put.

26 (f) If any person, political subdivision, or department of the
27 state upon whom service of an order to withhold and deliver has been
28 made possesses property due, owing, or belonging to the obligor, that
29 person, subdivision, or department shall withhold the property imme-

1 diately upon receipt of the order and shall deliver the property to the
2 agency upon demand after the expiration of the 30-day period from the
3 date of service of the order. The agency shall hold property delivered
4 under this subsection in trust for application against the liability of
5 the obligor under sec. 130 of this chapter or for return, without
6 interest, depending on final determination of liability or nonliability
7 under this chapter. The agency may accept a good and sufficient bond
8 conditioned upon final determination of liability in lieu of requiring
9 delivering of property under this subsection.

10 (g) Delivery to the agency of the money or other property due,
11 owing, or belonging to the obligor shall satisfy the requirement of the
12 order to withhold and deliver. Delivery of money due and owing to the
13 obligor under any contract of employment, express or implied, or held by
14 any person, political subdivision, or department of the state, and
15 subject to withdrawal by the obligor, shall be delivered by remittance
16 payable to the order of the agency.

17 (h) The agency shall defend and hold harmless for such actions
18 people withholding or delivering money or property to the agency in
19 accordance with this section.

20 (i) The exemptions from execution by judgment debtors under AS
21 09.35.080(a) and the restrictions from execution by judgment debtors
22 under AS 09.35.080(b)(1) do not apply to proceedings to enforce the
23 payment of child support under secs. 230 - 270 of this chapter.

24 Sec. 47.23.260. CIVIL LIABILITY UPON FAILURE TO COMPLY WITH AN
25 ORDER OR LIEN. If any person, political subdivision, or department of
26 the state (1) fails to make answer to an order to withhold and deliver
27 within the time prescribed in sec. 250 of this chapter; (2) fails or
28 refuses to deliver property in accordance with an order issued under
29 sec. 250 of this chapter; (3) pays over, releases, sells, transfers, or

1 conveys real property subject to a lien filed under sec. 230 of this
2 chapter to or for the benefit of the obligor or any other person; (4)
3 fails or refuses to surrender upon demand property attached; (5) fails
4 or refuses to honor an assignment of wages presented by the agency, the
5 person, political subdivision, or department of the state is liable to
6 the agency in an amount equal to 100 per cent of the amount constituting
7 the basis of the lien, order to withhold and deliver, attachment, or
8 assignment of wages, together with costs, interest, and reasonable
9 attorney fees.

10 Sec. 47.23.270. JUDICIAL RELIEF FROM ADMINISTRATIVE EXECUTION.
11 Any person against whose property a lien has been filed under sec. 230
12 of this chapter or an order to withhold and deliver served in accordance
13 with sec. 250 of this chapter may apply for relief to the superior
14 court.

15 Sec. 47.23.280. SEVERABILITY: ALTERNATIVE WHEN METHOD OF NOTIFI-
16 CATION HELD INVALID. If any provision of this chapter or the applica-
17 tion of it to any person or circumstance is held invalid, the invalidity
18 shall not affect other provisions or applications of this chapter which
19 can be given effect without the invalid provision or application, and to
20 this end the provisions of this chapter are severable. If any method of
21 notification provided for in this chapter is held invalid, service as
22 provided for by the laws of the state for service of process in a civil
23 action shall be substituted for the method held invalid.

24 * Sec. 30. AS 12.62.020(b) is repealed and re-enacted to read:

25 (b) No information collected under the provisions of any of the
26 following titles of the Alaska Statutes, except for information related
27 to criminal offenses under those titles, may be collected or stored in
28 criminal justice information systems:

29 (1) AS 02, except chs. 20,30, and 35;

- 1 (2) AS 03 - 04;
2 (3) AS 05, except chs. 20,25,30, and 35;
3 (4) AS 06 - 10;
4 (5) AS 13 - 15;
5 (6) AS 17;
6 (7) AS 18, except AS 18.60.120 - 18.60.175 and ch. 65;
7 (8) AS 19 - 24;
8 (9) AS 25, except ch. 25;
9 (10) AS 26 - 27;
10 (11) AS 29 - 32;
11 (12) AS 34 - 46; and
12 (13) AS 47, except chs. 10 and 23.

13 * Sec. 31. AS 12.62.070(6) is amended to read:

14 (6) "law enforcement agency" means a public agency which
15 performs as one of its principal functions activities pertaining to law
16 enforcement and includes the child support enforcement agency created by
17 AS 47.23.

18 * Sec. 32. AS 43.05.230(a) is amended to read:

19 (a) Except in connection with official investigations or pro-
20 ceedings of the department, whether judicial or administrative, invol-
21 ving taxes due under this title, except in connection with official
22 investigations or proceedings of the child support enforcement agency,
23 whether judicial or administrative, involving child support obligations
24 imposed or imposable under AS 25 or AS 47, and except as otherwise pro-
25 vided in this section, it is unlawful for an officer, employee or agent
26 of the state to divulge the amount of income or the particulars set out
27 or disclosed in a report or return made under this title.

28 * Sec. 33. Alaska State Supreme Court Rule of Criminal Procedure 26(b)(2)-
29 (iii) is amended to read:

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(iii) These privileges do not apply to a criminal action or proceeding for a crime committed against the person or property of the other spouse or a child of either, including an action for failure to permit visitation with a minor child.

* Sec. 34. Section 23 of this Act has the effect of changing Rule 67(b) of the Rules of Civil Procedure of the Alaska Supreme Court. It removes the requirement that the court accept reasonable agreements as to method of payment of child support. It requires that the court order payments to be made to the child support enforcement agency only upon application, and not in every child support matter coming before the court.

* Sec. 35. This Act takes effect July 1, 1977.

FORM 02-001BC

FOR BRIEF COMMUNICATIONS

MAY BE HANDWRITTEN

MEMORANDUM

State of Alaska

TO: Legislative Affairs Agency

DEPT. _____

DIV. _____

SEC. _____

DATE : 5/27/77

FROM: Anne Lindbeck, Secy.
House Finance Committee

SUBJECT: HCS for CSB 148 (Finance)

Please prepare a committee substitute for the Finance Committee (House) as per the attached copy. Needed right away. THANKS.

Original sponsor: Rules Committee by
request of the Governor

Offered: 4/23/77
Referred: Rules

1 IN THE SENATE

Finance
BY THE ~~JUDICIARY~~ COMMITTEE

2 HCS ~~for~~CS FOR SENATE BILL NO. 148 am (*Finance*)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to domestic relations; changing Rule
7 26(b)(2)(iii), Rules of Criminal Procedure and Rule
8 67(b), Rules of Civil Procedure; and providing for an
9 effective date."

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

11 * Section 1. PURPOSE. Common law and statutory procedures governing the
12 remedies for enforcement of support for financially dependent minor children
13 by responsible parents have not proven sufficiently effective or efficient to
14 cope with the increasing incidence of financial dependency. The increasing
15 workload of courts, district attorneys, and the attorney general has made
16 such remedies uncertain, slow and inadequate, thereby resulting in a growing
17 burden on the financial resources of the state, which is required to provide
18 public assistance grants for basic maintenance requirements when parents fail
19 to meet their primary obligations. The state, therefore, exercising its
20 police and sovereign power, declares that the common law and Alaska statutes
21 pertaining to the establishment and enforcement of child support obligations
22 shall be augmented by additional remedies in order to meet the needs of minor
23 children. It is declared to be the public policy of this state that this Act
24 be construed and administered to the end that children shall be maintained
25 from the resources of responsible parents, thereby relieving, at least in
26 part, the burden presently born by the general citizenry through welfare and
27 welfare-related programs.

28 * Sec. 2. AS 09.55 is amended by adding a new section to read:

29 Sec. 09.55.238. ACTION FOR FAILURE TO PERMIT VISITATION WITH MINOR

1 CHILD. (a) When a court order is specific as to when a custodian of a
2 minor child must permit another person to have visitation with that
3 child, and the custodian fails, wilfully and without just excuse, to
4 permit visitation with the child in substantial conformance with the
5 court order, the person entitled to visitation has a ^{separate} cause of action
6 against the custodian for damages.

7 (b) The amount of damages recoverable under this section is \$200
8 for each failure of the custodian, wilfully and without just excuse, to
9 permit visitation with the child for substantially the length of time
10 and substantially in the same manner as specified in the court order.
11 This amount may not be increased or decreased once liability has been
12 established. The custodian is not liable for more than one failure in
13 respect to what is, under the court order, a single continuous period of
14 violation. The prevailing party in an action commenced under this
15 section is entitled to recover a reasonable attorney fee.

16 (c) As used in this section,

17 (1) "court order" means a decree, judgment, or order issued
18 by a court of competent jurisdiction;

19 (2) "custodian" means a natural person who has been awarded
20 custody, either temporary or permanent, of a minor child;

21 (3) "just excuse" includes illness of the child which makes
22 it dangerous to the health of the child for visitation to take place in
23 conformance with the court order; "just excuse" does not include the
24 wish of the child not to have visitation with the person entitled to it.

25 * Sec. 3. AS 11 is amended by adding a new chapter to read:

26 CHAPTER 36. FAILURE TO PERMIT VISITATION WITH MINOR CHILD.

27 Sec. 11.36.010. FAILURE TO PERMIT VISITATION WITH MINOR CHILD.

28 (a) When a court order is specific as to when a custodian of a minor
29 child must permit another person to have visitation with that child, it

1 punishable by a fine of not more than \$200
2 is a misdemeanor/for the custodian, wilfully and without just excuse, to
3 fail to permit visitation with the child in substantial conformance with
4 the court order.

5 (b) The custodian may not be charged under this section with more
6 than one offense in respect to what is, under the court order, a single
7 continuous period of visitation.

8 (c) As used in this section,

9 (1) "court order" means a decree, judgment, or order issued
10 by a court of competent jurisdiction;

11 (2) "custodian" means a natural person who has been awarded
12 custody, either temporary or permanent, of a minor child;

13 (3) "just excuse" includes illness of the child which makes
14 it dangerous to the health of the child for visitation to take place in
15 conformance with the decree, judgment, or order; "just excuse" does not
16 include the wish of the child not to have visitation with the person
17 entitled to it.

18 Sec. 11.36.020. SPOUSE AS WITNESS. In all prosecutions under this
19 chapter, existing provisions of law prohibiting the disclosure of con-
20 fidential communications between husband and wife do not apply, ^{if a court} and both
21 both husband and wife are competent to testify for or against each other as
22 to all relevant matters.

23 * Sec. 4. AS 25.25.010(6) is amended to read:

24 (6) "duty of support" includes a duty of support imposed or
25 imposable by law, or by a court order, decree or judgment, whether
26 interlocutory or final, whether incidental to a proceeding for divorce,
27 legal separation, separate maintenance or otherwise, and includes the
28 duty to pay arrearages of support past due and unpaid;

29 * Sec. 5. AS 25.25.010 is amended by adding new paragraphs to read:

(9) "foreign support order" means any support order defined

1 liable to contribute toward the support of an obligee under this
2 chapter and under Title IV-D, Social Security Act; and

3 (B) procedures for hearings conducted under sec. 170 of
4 this chapter;

5 (C) a uniform schedule of fees which may be charged the
6 obligor if the child support payments are 10 or more days overdue
7 or if payment is made by a check backed by insufficient funds.

8 (3) administer and enforce the Uniform Reciprocal Enforcement
9 of Support Act (AS 25.25);

10 (4) establish, enforce, and administer child support obliga-
11 tions administratively in accordance with this chapter; and

12 (5) administer the state plan required under Title IV-D of
13 the Social Security Act as amended.

14 * Sec. 18. AS 47.23.040 is repealed and re-enacted to read:

15 Sec. 47.23.040. DETERMINATION OF PATERNITY. (a) The agency shall
16 appear on behalf of minor children or their mother or legal custodian or
17 the state and initiate efforts to have the paternity of children born
18 out of wedlock determined by the court

19 (1) on voluntary application by the mother or other legal
20 custodian; or

21 ~~(2) when the children are recipients of aid to families with~~
22 ~~dependent children and the father refuses to execute an acknowledgement~~
23 ~~of paternity.~~

24 (b) The agency may not attempt to establish paternity in any
25 case involving incest or forcible rape, when legal proceedings for
26 adoption are pending, or when it would not be in the best interests of
27 the children or the state.

28 * Sec. 19. AS 47.23 is amended by adding a new section to read:

29 Sec. 47.23.045. DETERMINATION OF SUPPORT OBLIGATION. The agency

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH H 01 - JUNEAU 99811

May 13, 1977

Document # HFC #6

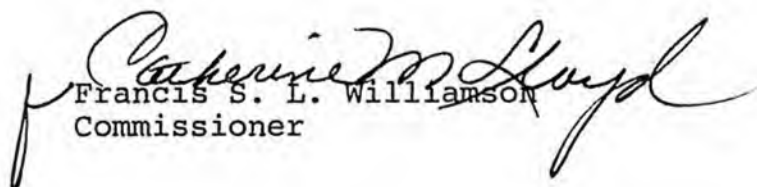
The Honorable Steve Cowper
Chairman, House Finance Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. Cowper:

Please find enclosed a copy of "Analysis of Various Sections of CSSB 148 Which Propose to Repeal Existing Law", which was requested by Representatives Duncan and Meekins.

If there is further information which you need please do not hesitate to contact our office.

Sincerely,


Francis S. L. Williamson
Commissioner

Enclosure

cc: Representative Duncan
Representative Meekins

ANALYSIS OF VARIOUS SECTIONS OF CSSB 148
WHICH PROPOSE TO REPEAL EXISTING LAW

- Sec. 7, page 4, line 7 proposes to repeal and re-enact section 25.25.130. Existing law provides that the Supreme Court may waive costs and fees in reciprocal actions. The new section expands the original authority by including provisions where the court may assess those costs against the interstate obligor.
- Sec. 11, page 6, line 25 proposes to repeal and re-enact AS 25.25.170. The existing law provides generally that where the court cannot locate a missing obligor, it will trace the defendant, hold the case pending, and notify the initiating state. The re-enacted revision, when read in pari materia with other sections, would require the agency to locate the obligor prior to filing with the court, and transmit the case to another state if the obligor is located outside Alaska.
- Sec. 17, page 10, line 23 proposes to repeal and re-enact AS 47.23.020. The existing law provides that the agency will administer and enforce Child Support Orders of the Superior Courts of this state and the Uniform Reciprocal Enforcement of Support Act. The re-enacted version would add additional duties.
- Sec. 18, page 11, line 14 proposes to repeal and re-enact AS 47.23.040. The existing law provides that the agency may initiate efforts to establish paternity only on voluntary application of the mother. That law is apparently in conflict with federal law and regulations which require the agency to establish paternity for welfare AFDC cases except those involving incest, forcible rape, or where adoption is pending, or the agency believes it would not be in the best interests of the child. (PL 93-647 §454(4); 45 CFR 303.5; see also Region X correspondence attached).
- Sec. 21, page 12, line 11 proposes to repeal AS 47.23.060(b). The existing law attempts to limit the agency's right to attempt to collect past due support which is more than 6 months in arrears at the time the mother notifies the agency. This, of course, applies only to those cases where the court ordered payments made direct to the mother, however, that section violates the intent of the federal law which envisions recovering past welfare payments (at least up to the amount previously ordered by the court). (PL 93-647 §457 etc.; 45 CFR 303.5, 302.51, 302.32, etc.; see also Region X correspondence attached dated 10/26/76.

Sec. 23, page 12, line 18 proposes to repeal and re-enact section AS 47.23.080. The existing law provides that the agency administer and enforce virtually all Child Support Orders entered in the state, regardless of the wishes of the people or their financial status. The re-enacted version would provide for the agency to handle only those cases where the children are welfare (AFDC) recipients, or where either of the parents specifically asks for services.

Sec. 24, page 13, line 4 proposes to repeal AS 47.23.090. Existing law apparently requires special hearings for reduction of arrearages to Judgment and includes defenses for retrospectively determining ability and custody modification. The existing law is somewhat confusing and ambiguous, as it apparently attempts to modify previously existing Civil Rules of Procedure concerning Judgment hearings; and retrospective ability determinations which were previously considered only in contempt proceedings; and custody modifications which should be handled by private attorneys. It is proposed to repeal the entire section and revert to previously existing law as supplemented by civil and criminal remedies for visitation violations addressed in Sections 2 & 3 on pages 1 - 3.

file

FEB 7 1977

Dr. Francis S. L. Williamson
Commissioner
Department of Health & Social Services
Pouch H 01
Juneau, Alaska 99811

Dear Dr. Williamson:

Attached for your use and information is a report of the results of a recently completed review of the Alaska Child Support Enforcement Agency (CSEA).

We found that the Alaska Child Support Enforcement program is in serious trouble. The program is underfunded and consequently understaffed to the point that the state is in violation of at least 13 of the 19 federal standards for an effective program (45 CFR Part 305 - Audit and Penalty Regulations of the Child Support Enforcement Program). There are tremendous backlogs in every facet of their operation. Those backlogs appear to be growing every day with no relief in sight.

We found that the employees of the CSEA have a very positive attitude and commitment to the program as reflected in their achievements to date. We found no instance of the CSEA taking an action in violation of federal regulations. However, the CSEA has not been given the resources and support needed for the type of program envisioned by Title IV-D of the Social Security Act.

We stand ready to provide any technical assistance you request; however, the funding and staffing problem can be solved only by the Alaska State Legislature and the Department of Health and Social Services.

Sincerely,

ISI BARBARA HENDERSON
Barbara Henderson
Regional Representative

Attachment

cc: Phil M. Nash ✓
Louis B. Hays

Health & Social Services
Child Support Enforcement Agency

FEB 10 1977



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

REGION X
ARCADE PLAZA BUILDING
1521 SECOND AVENUE
SEATTLE, WASHINGTON 98101

OFFICE OF
CHILD SUPPORT ENFORCEMENT

Dr. Francis S. L. Williamson
Commissioner
Department of Health & Social Services
Pouch H 01
Juneau, Alaska 99811

Dear Dr. Williamson:

This letter is in response to questions raised by Deputy Commissioner Frederick McGinnis concerning the child support program in Alaska.

Person has good cause

We understand that a change in Section 47.23.010 of Alaska Senate Bill 659 resulted in a requirement for concurrence by the person with custody of a child before the state can bring action against the person liable for the child's support. This addition to the bill is contrary to the intent of Section 454(4)(B) of the Social Security Act. That section calls for action by the state to secure support from the person legally liable for such support unless the state agency determines that it is against the best interests of the child to do so. The absence of concurrence by the person with custody does not relieve the state agency of its responsibility to collect support for children receiving benefits under Title IV-A.

Similarly the additions to Section 47.23.040 calling for consent of the mother to paternity determinations is in conflict with Section 402(a)(26)(B) which requires applicants or recipients of AFDC to cooperate in establishing paternity and 454(4)(A) which requires the state to undertake establishment of paternity unless the state agency determines that it is against the best interests of the child to do so.

We also understand that changes in the staffing and budget are under consideration. As discussed with Dr. McGinnis, any alternative plans should recognize the requirements that the child support program be in operation statewide (Section 454(1)) and that the agency either administer directly or supervise all of the activities described in 45 Code of Federal Regulations 303.20.

The requirements of Section 402(a)(27) for a child support program operating in conformance with an approved state plan were the subject of Dr. McGinnis' remaining question. As you know, a state not meeting

those requirements is subject to a 5% reduction of all federal matching funds for AFDC (Section 403(b)). In addition, if a state fails to meet the requirements of Section 402(a)(25) and (26) such failure becomes a Title IV-A compliance issue and ultimately could be subject to action by the Secretary of the Department of Health, Education, and Welfare to withhold the state's Title IV-A program funding.

We hope that the above information is responsive to Dr. McGinnis' questions. If any additional assistance is needed, please do not hesitate to let us know.

Sincerely yours,

Barbara Henderson

for **Jessie Jewett**
Acting Regional Director
Office of Child Support Enforcement

cc:
Dr. Frederick McGinnis
Deputy Regional Commissioner

File
OCT 26 1976

Dr. Francis S. L. Williamson
Commissioner
Department of Health & Social Services
Pouch H 01
Juneau, Alaska 99811

Dear Dr. Williamson:

On September 22, 1976, you submitted proposed changes to the Alaska State plan for Child Support Enforcement. As amended by Mr. Phil Nash's letter of October 5, 1976, those proposals adopt the language of the state plan to the specifics of Title IV-D implementation in Alaska.

We have reviewed the changes in accordance with 45 CFR 301.13 and the following amendments have been approved effective October 1, 1976: 1.1.1; 2.2.1, .2; 2.3; 2.4.1; 2.4.2; 2.4.8; 2.7.1; 2.10.1; 2.10.2; 2.10.5; and 2.10.9.

The only remaining section is 2.2.4 and we regret that we are unable to approve that proposed change. We are recommending that the Director of the Office of Child Support Enforcement disapprove this section because it conflicts with 45 CFR 303.6, which requires that the state collect arrearages as well as current support.

We wish to emphasize the fact that our recommendation for disapproval of Section 2.2.4 as amended does not affect the remainder of the State Plan. All other sections are approved and you are eligible to claim federal matching funds at 75% for those expenditures made in accordance with the approved plan.

If there are any questions concerning this letter, please do not hesitate to let us know.

Sincerely,

Barbara Henderson
Regional Representative

cc: Mr. Phil Nash ✓

NOV 5 1976

2.2 Support Obligations

1. The support rights assigned to the IV-D agency pursuant to 45 CFR 232.11 constitute an obligation owed to the State by the individual responsible for providing such support; such obligation is established by order of a court of competent jurisdiction.
2. Support obligations, established prior to July 1, 1976 other than those created by court order, cannot be eligible for agency enforcement until the appropriate court order is obtained. The agency will set to obtain child support orders whenever possible.
3. The amount of the support obligation is:
 - (a) the amount specified in the order of a court of competent jurisdiction.
4. Such support obligation will be collectible under all applicable State and local processes, provided however that pursuant to AS 47.2B.060(b), the IV-D agency cannot undertake enforcement activity on child support obligations that are six (6) months in arrears prior to application for services in those cases where the court order was entered:
 - (a) Prior to 1 July 1976 where the obligor was not required to make support payments to the clerk of court; and
 - (b) subsequent to 1 July 1976 where the court makes an initial finding of good cause to not require the obligor to make support payments to the IV-D agency. [AS 47.23.080] The IV-D agency will establish and continue a public awareness program to inform the public of this limitation upon agency jurisdiction.
5. Any amounts collected which represent support payments from an individual responsible for providing support under the State plan will reduce, dollar for dollar, the amount of his obligation under this section.

1 CHILD. (a) When a court order is specific as to when a custodian of a
2 minor child must permit another person to have visitation with that
3 child, and the custodian fails, wilfully and without just excuse, to
4 permit visitation with the child in substantial conformance with the
5 court order, the person entitled to visitation has a ^{separate} cause of action
6 against the custodian for damages.

7 (b) The amount of damages recoverable under this section is \$200
8 for each failure of the custodian, wilfully and without just excuse, to
9 permit visitation with the child for substantially the length of time
10 and substantially in the same manner as specified in the court order.
11 This amount may not be increased or decreased once liability has been
12 established. The custodian is not liable for more than one failure in
13 respect to what is, under the court order, a single continuous period of
14 violation. The prevailing party in an action commenced under this
15 section is entitled to recover a reasonable attorney fee.

16 (c) As used in this section,

17 (1) "court order" means a decree, judgment, or order issued
18 by a court of competent jurisdiction;

19 (2) "custodian" means a natural person who has been awarded
20 custody, either temporary or permanent, of a minor child;

21 (3) "just excuse" includes illness of the child which makes
22 it dangerous to the health of the child for visitation to take place in
23 conformance with the court order; "just excuse" does not include the
24 wish of the child not to have visitation with the person entitled to it.

25 * Sec. 3. AS 11 is amended by adding a new chapter to read:

26 CHAPTER 36. FAILURE TO PERMIT VISITATION WITH MINOR CHILD.

27 Sec. 11.36.010. FAILURE TO PERMIT VISITATION WITH MINOR CHILD.

28 (a) When a court order is specific as to when a custodian of a minor
29 child must permit another person to have visitation with that child, it

Original sponsor: Rules Committee by
request of the Governor

Offered: 4/23/77
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 148 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to domestic relations; changing Rule
7 26(b)(2)(iii), Rules of Criminal Procedure and Rule
8 67(b), Rules of Civil Procedure; and providing for an
9 effective date."

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

11 * Section 1. PURPOSE. Common law and statutory procedures governing the
12 remedies for enforcement of support for financially dependent minor children
13 by responsible parents have not proven sufficiently effective or efficient to
14 cope with the increasing incidence of financial dependency. The increasing
15 workload of courts, district attorneys, and the attorney general has made
16 such remedies uncertain, slow and inadequate, thereby resulting in a growing
17 burden on the financial resources of the state, which is required to provide
18 public assistance grants for basic maintenance requirements when parents fail
19 to meet their primary obligations. The state, therefore, exercising its
20 police and sovereign power, declares that the common law and Alaska statutes
21 pertaining to the establishment and enforcement of child support obligations
22 shall be augmented by additional remedies in order to meet the needs of minor
23 children. It is declared to be the public policy of this state that this Act
24 be construed and administered to the end that children shall be maintained
25 from the resources of responsible parents, thereby relieving, at least in
26 part, the burden presently born by the general citizenry through welfare and
27 welfare-related programs.

28 * Sec. 2. AS 09.55 is amended by adding a new section to read:

29 Sec. 09.55.238. ACTION FOR FAILURE TO PERMIT VISITATION WITH MINOR

1 punishable by a fine of not more than \$200
2 is a misdemeanor/for the custodian, wilfully and without just excuse, to
3 fail to permit visitation with the child in substantial conformance with
4 the court order.

5 (b) The custodian may not be charged under this section with more
6 than one offense in respect to what is, under the court order, a single
7 continuous period of visitation.

8 (c) As used in this section,

9 (1) "court order" means a decree, judgment, or order issued
10 by a court of competent jurisdiction;

11 (2) "custodian" means a natural person who has been awarded
12 custody, either temporary or permanent, of a minor child;

13 (3) "just excuse" includes illness of the child which makes
14 it dangerous to the health of the child for visitation to take place in
15 conformance with the decree, judgment, or order; "just excuse" does not
16 include the wish of the child not to have visitation with the person
17 entitled to it.

18 Sec. 11.36.020. SPOUSE AS WITNESS. In all prosecutions under this
19 chapter, existing provisions of law prohibiting the disclosure of con-
20 fidential communications between husband and wife do not apply, ^{if a court} and both
21 order has granted custody to one and visitation to the other, and
22 both husband and wife are competent to testify for or against each other as
23 to all relevant matters.

24 * Sec. 4. AS 25.25.010(6) is amended to read:

25 (6) "duty of support" includes a duty of support imposed or
26 imposable by law, or by a court order, decree or judgment, whether
27 interlocutory or final, whether incidental to a proceeding for divorce,
28 legal separation, separate maintenance or otherwise, and includes the
29 duty to pay arrearages of support past due and unpaid;

* Sec. 5. AS 25.25.010 is amended by adding new paragraphs to read:

(9) "foreign support order" means any support order defined

1 in (10) of this section issued by a court of competent jurisdiction in
2 another state;

3 (10) "support order" means any judgment, decree, or order of
4 support in favor of an obligee, whether temporary or final or subject to
5 modification, revocation, or remission, regardless of the kind of action
6 or proceeding in which it is entered.

7 * Sec. 6. AS 25.25.050 is amended to read:

8 Sec. 25.25.050. RELIEF FROM EXTRADITION. Any obligor contemplated
9 by sec. 40 of this chapter, who submits to the jurisdiction of the court
10 of this or such other state and complies with the court's order of
11 support, is relieved of extradition for desertion or nonsupport entered
12 in the courts of this state during the period of such compliance.

13 * Sec. 7. AS 25.25.130 is repealed and re-enacted to read:

14 Sec. 25.25.130. COSTS AND FEES. The supreme court may provide by
15 rule that a court of this state, when the state is acting as an initiat-
16 ing state, may not require payment of either a filing fee or other costs
17 from the obligee but may request the court of the responding state to
18 collect fees and costs from the obligor. The supreme court may also
19 provide by rule that a court of this state, when the state is acting as
20 a responding state, may not require payment of a filing fee or other
21 costs from the obligee, but may direct that all fees and costs requested
22 by the court in the initiating state and those incurred in this state
23 when acting as a responding state (including fees for filing of pleadings,
24 service of process, seizure of property, stenographic or duplication
25 service, or other service supplied to the obligee) be paid in whole or
26 in part by the obligor. These costs or fees do not have priority over
27 amounts due to the obligee.

28 * Sec. 8. AS 25.25.140 is amended to read:

29 Sec. 25.25.140. JURISDICTION BY ARREST. When the court of this

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CS FOR SENATE BILL NO. 148
IN THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE - FIRST SESSION
A BILL

For an Act entitled: "An Act relating to child support enforcement; and providing for an effective date."

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

* Section 1. AS 25.25.010(6) is amended to read:

(6) "duty of support" includes a duty of support imposed or imposable by law, or by a court order, decree or judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, legal separation, separate maintenance or otherwise, and includes the duty to pay arrearages of support past due and unpaid;

* Sec. 2. AS 25.25.010 is amended by adding new paragraphs to read:

(9) "foreign support order" means any support order defined in (10) of this section issued by a court of competent jurisdiction in another state;

(10) "support order" means any judgment, decree, or order of support in favor of an obligee whether temporary or final, or subject to modification, revocation, or remission, regardless of the kind of action or proceeding in which it is entered.

* Sec. 3. AS 25.25.050 is amended to read:

Sec. 25.25.050. RELIEF FROM EXTRADITION. Any obligor contemplated by sec. 40 of this chapter, who submits to the jurisdiction of the court of this or such other state and complies with the court's order of support, is relieved of extradition for desertion or non-support entered in the courts of this state during the period of such compliance.

1 * Sec. 4. AS 25.25.130 is repealed and re-enacted to read:

2 Sec. 25.25.130. COSTS AND FEES. The supreme court may provide
3 by rule that a court of this state, when the state is acting as an
4 initiating state, may not require payment of either a filing fee or
5 other costs from the obligee but may request the court of the responding
6 state to collect fees and costs from the obligor. The supreme court
7 may also provide by rule that a court of this state, when the state is
8 acting as a responding state, may not require payment of a filing fee
9 or other costs from the obligee, but may direct that all fees and
10 costs requested by the court in the initiating state and those incurred
11 in this state when acting as a responding state (including fees for
12 filing of pleadings, service of process, seizure of property, stenogra-
13 phic or duplication service, or other service supplied to the obligee)
14 be paid in whole or in part by the obligor. These costs or fees do
15 not have priority over amounts due to the obligee.

16 * Sec. 5. AS 25.25.140 is amended to read:

17 Sec. 25.25.140. JURISDICTION BY ARREST. When the court of this
18 state, acting either as an initiating or responding state, has reason
19 to believe that the defendant may flee the jurisdiction, it may (1) as
20 an initiating state, request in its certificate that the court of the
21 responding state obtain the body of the defendant by appropriate
22 process if that is permissible under the law of the responding state;
23 or (2) as a responding state, obtain the body of the defendant by
24 appropriate process. If the court of this state, acting as a responding
25 state, obtains the body of the defendant, it may then release him upon
26 his own recognizance or upon his giving a bond in an amount set by the
27 court to assure his appearance at the hearing.

28 * Sec. 6. AS 25.25.150 is amended to read:

29 Sec. 25.25.150. STATE INFORMATION AND LOCATOR AGENCY. The child

1 support enforcement agency [DEPARTMENT OF HEALTH AND SOCIAL SERVICES]
2 is designated as the state information and locator agency for all
3 matters concerning the enforcement of support obligations under AS
4 47.23 and under this chapter, and it is its duty to:

5 (1) compile a list of the courts and their addresses in
6 this state having jurisdiction under this chapter/and transmit it to
7 the state information agency of every other state which has adopted
8 this or a substantially similar statute;

9 (2) maintain a register of such lists received from other
10 states [AND TRANSMIT COPIES OF THEM AS SOON AS POSSIBLE AFTER RECEIPT
11 TO EVERY COURT IN THIS STATE HAVING JURISDICTION UNDER THIS CHAPTER];

12 (3) locate obligors by utilizing all sources of information
13 and records available in the state, and in other states as appropriate;
14 these sources include telephone directories, real property records,
15 personal property records, vital statistics records, police records,
16 records of appropriate federal agencies, records of employers who are
17 willing to cooperate, and official records of the state including
18 records of the state Departments of Public Safety, Health and Social
19 Services, Revenue, and Labor; if state agencies or departments have
20 information or records concerning the obligor which are made confi-
21 dential by state statute, and they are not prohibited from doing so by
22 federal statute or regulation, those agencies or departments shall
23 cooperate with the child support enforcement agency at its request by
24 supplying at least (A) the last known address of the obligor and (B)
25 the name and address of the last known employer of the obligor, if
26 that information is in their possession; this information shall be
27 kept confidential by the child support enforcement agency and may be
28 used by the agency only for purposes of child support enforcement.

29 * Sec. 7. AS 25.25.160 is amended to read:

1 Sec. 25.25.160. AGENCY [COURT] DUTY WHEN ALASKA RESPONDING
2 STATE. When the child support enforcement agency [COURT] of this
3 state, acting as a responding state, receives from the court or child
4 support enforcement agency of an initiating state the copies mentioned
5 in sec. 120 of this chapter, it shall (1) attempt to locate the obligor
6 [DOCKET THE CAUSE], (2) ~~if the obligor does not pay voluntarily,~~
7 present the cause to the court to docket and to set a time and place
8 if the obligor does not agree to entry of a voluntary order,
9 for hearing, and [NOTIFY THE ATTORNEY GENERAL OF THE STATE,] (3) [SET
10 A TIME AND PLACE FOR A HEARING, AND (4)] take such action as is neces-
11 sary in accordance with the laws of this state to obtain jurisdiction.

* Sec. 8. AS 25.25.170 is repealed and re-enacted to read:

12 Sec. 25.25.170. FURTHER DUTY OF RESPONDING STATE. (a) The
13 child support enforcement agency on its own initiative shall use all
14 means at its disposal to locate the obligor or his property, and, if
15 because of inaccuracies in the complaint or otherwise the court
16 cannot obtain jurisdiction, the agency shall inform the court of its
17 actions and request the court to continue the case pending receipt of
18 more accurate information or an amended complaint from the initiating
19 state.

20 (b) If the obligor or his property is not found in this state
21 and the child support enforcement agency discovers that the obligor or
22 his property may be found in another state, it shall forward the
23 documents received from the initiating state to the state information
24 agency in the state in which the obligor is believed to be located.
25 The agency shall inform the initiating state of its action immediately.

* Sec. 9. AS 25.25.190 is amended to read:

27 Sec. 25.25.190. TRANSMITTING ORDERS TO INITIATING STATE. The
28 child support enforcement agency [COURT] of this state, when acting as
29 a responding state, shall cause to be transmitted to the court or child

1 support enforcement agency of the initiating state a copy of all
2 orders of support or orders for reimbursement therefore.

3 * Sec. 10. AS 25.25.200(2) is amended to read:

4 (2) require the defendant to make payments at specified
5 intervals to the child support enforcement agency [CLERK OF THE COURT
6 OR THE OBLIGEE] and to report personally to the agency [CLERK] at such
7 times as may be considered necessary;

8 * Sec. 11. AS 25.25.210 is amended to read:

9 Sec. 25.25.210. ADDITIONAL AGENCY [COURT] DUTIES WHEN ALASKA
10 RESPONDING STATE. The child support enforcement agency [COURT] of
11 this state, when acting as a responding state, has the following
12 duties [WHICH MAY BE CARRIED OUT THROUGH THE CLERK OF THE COURT];

13 (1) upon the receipt of a payment made by the defendant
14 under an order of the court or otherwise, to transmit the payment
15 immediately to the court or child support enforcement agency of the
16 initiating state, and

17 (2) upon request, to furnish to the court or child support
18 enforcement agency of the initiating state a certified statement of
19 all payments made by the defendant.

20 * Sec. 12. AS 25.25.220 is amended to read:

21 Sec. 25.25.220. ADDITIONAL AGENCY [COURT] DUTY WHEN ALASKA
22 INITIATING STATE. The child support enforcement agency [COURT] of
23 this state, when acting as an initiating state, has the duty [, WHICH
24 MAY BE CARRIED OUT THROUGH THE CLERK OF THE COURT,] to receive and
25 disburse [IMMEDIATELY] all payments made by the defendant or trans-
26 mitted by the court or child support enforcement agency of the respond-
27 ing state.

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

29 Sec. 25.25.252. PROCEEDINGS NOT TO BE STAYED. Except as provided

1 in sec. 258(c) of this chapter, a court of this state, when the state
2 is a responding state, may not stay the proceeding or refuse a hearing
3 under this chapter because of any pending or prior action or proceeding
4 for divorce, separation, annulment, dissolution, habeas corpus, adoption,
5 or custody in this or any other state. The court shall hold a hearing
6 and may issue a support order pendente lite. In the interest of a
7 speedy resolution of the support issue, it may require the obligor to
8 post a bond for the prompt prosecution of the pending proceeding. If
9 the other action or proceeding is concluded before the hearing in the
10 instant proceeding and the judgment in the other proceeding provides
11 for the support demanded in the complaint being heard, the court must
12 conform its support order to the amount allowed in the other action or
13 proceeding. After the court has conformed its support order to the
14 amount in the other action, it may not stay enforcement of its support
15 order because of the retention of jurisdiction for enforcement purposes
16 by the court in the other action or proceeding.

17 Sec. 25.25.254. REGISTRATION OF FOREIGN SUPPORT ORDERS. (a) If
18 the duty of support is based on a support order of a court of competent
19 jurisdiction in another state, the obligee may register that foreign
20 support order in the superior court in the manner, with the effect,
21 and for the purposes provided in secs. 254 - 258 of this chapter.

22 (b) The clerk of the court shall maintain a registry of foreign
23 support orders in which he shall file the foreign support orders
24 registered with the court.

25 (c) An obligee seeking to register a foreign support order in
26 the superior court shall transmit to the clerk of the court (1) three
27 certified copies of the order with all modifications of it, (2) one
28 copy of the reciprocal enforcement of support act of the state in
29 which the order was made, and (3) a statement, verified and signed by

1 the obligee, showing the last known mailing address of the obligor,
2 the amount of support remaining unpaid, a description and the location
3 of any property of the obligor available upon execution, and a list of
4 the states in which the order is registered. Upon receipt of these
5 documents, the clerk of the court, shall file them in the registry of
6 foreign support orders. The filing constitutes registration under
7 this section. If prohibited by a rule of the Alaska Supreme Court,
8 under sec. 130 of the chapter, no filing fee or payment of other costs
9 may be required of the obligee.

10 (d) Promptly upon registration, the clerk of the court shall
11 send by certified or registered mail to the obligor at the address
12 given, a notice of the registration with a copy of the registered
13 support order and the mailing address of the obligee. He shall also
14 docket the case and notify the child support enforcement agency of his
15 action. The agency shall proceed to enforce the order.

16 Sec. 25.25.256. AGENCY TO REPRESENT OBLIGEE. Upon request of
17 the obligee, the child support enforcement agency shall represent the
18 obligee in proceedings to register a foreign support order in this
19 state.

20 Sec. 25.25.258. EFFECT OF REGISTRATION; ENFORCEMENT PROCEDURES.

21 (a) Upon registration, the foreign support order shall be treated in
22 the same manner as a support order issued by the superior court. It
23 has the same effect and is subject to the same procedures, defenses,
24 and proceedings for re-opening, vacating, or staying as a support
25 order of this state and may be enforced and satisfied in like manner.

26 (b) The obligor has 30 days after the mailing of notice of the
27 registration in which to petition the court to vacate the registration
28 or for other relief.

29 (c) At a hearing to enforce the registered support order, the

1 obligor may present only matters that would be available to him as
2 defenses in an action to enforce a foreign money judgment. If he
3 shows to the court that an appeal from the order is pending or will be
4 taken or that a stay of execution has been granted, the court shall
5 stay enforcement of the order until the appeal is concluded, the time
6 for appeal has expired, or the order is vacated or otherwise modified,
7 upon satisfactory proof that the obligor has furnished security for
8 payment of the support ordered as required by the state in which the
9 support order was issued. If he shows to the court any relevant
10 ground upon which enforcement of a support order of this state may be
11 stayed, the court shall stay enforcement of the order for an appropriate
12 period if the obligor furnishes the same security for payment of the
13 support ordered that is required for a support order of this state.

14 * Sec. 14. AS 47.23 is amended by adding a new section to read:

15 Sec. 47.23.025. RIGHT OF AGENCY TO BRING ACTION. The child
16 support enforcement agency may bring an action on behalf of the state
17 to enforce child support under AS 47.25.402.

18 * Sec. 15. AS 47.23.040 is amended to read:

19 Sec. 47.23.040. DETERMINATION OF PATERNITY. The agency may
20 initiate efforts to have the paternity of children born out of wedlock
21 determined by the court only on proper [VOLUNTARY] application by the
22 mother or other legal custodian. The agency shall appear on behalf of
23 the mother or legal custodian. The court may enter any appropriate
24 filiation order.

25 * Sec. 16. AS 47.23.060(a) is amended to read:

26 (a) In issuing an order of support the [AN ORDER OF SUPPORT
27 ESTABLISHES A RELATIONSHIP BY WHICH THE CUSTODIAN OF THE CHILD IS THE
28 ADMINISTRATOR FOR THE PURPOSES OF ADMINISTERING CHILD SUPPORT ON
29 BEHALF OF THE CHILD. THE] court shall carefully consider the need for

1 obligor may present only matters that would be available to him as
2 defenses in an action to enforce a foreign money judgment. If he
3 shows to the court that an appeal from the order is pending or will be
4 taken or that a stay of execution has been granted, the court shall
5 stay enforcement of the order until the appeal is concluded, the time
6 for appeal has expired, or the order is vacated or otherwise modified,
7 upon satisfactory proof that the obligor has furnished security for
8 payment of the support ordered as required by the state in which the
9 support order was issued. If he shows to the court any relevant
10 ground upon which enforcement of a support order of this state may be
11 stayed, the court shall stay enforcement of the order for an appropriate
12 period if the obligor furnishes the same security for payment of the
13 support ordered that is required for a support order of this state.

14 *Sec. 14. AS 47.23 is amended by adding a new section to read:

15 Sec. 47.23.005 PURPOSE. Common law and statutory procedures governing
16 the remedies for enforcement of support for financially dependent minor
17 children by responsible parents have not proven sufficiently effective
18 or efficient to cope with the increasing incidence of financial
19 dependency. The increasing workload of courts, district attorneys, and
20 the attorney general has made such remedies uncertain, slow and in-
21 adequate, thereby resulting in a growing burden on the financial resources
22 of the state, which is required to provide public assistance grants for
23 basic maintenance requirements when parents fail to meet their primary
24 obligations. The state of Alaska, therefore, exercising its police
25 and sovereign power, declares that the common law and Alaska statutes
26 pertaining to the establishment and enforcement of child support
27 obligations shall be augmented by additional remedies in order to meet
28 the needs of minor children; it is the legislative intent that the
29 remedies herein provided are in addition to, and not in lieu of,

1 existing law. It is declared to be the public policy of this state
2 that this chapter be construed and administered to the end that children
3 shall be maintained from the resources of responsible parents, thereby
4 relieving, at least in part, the burden presently born by the general
5 citizenry through welfare and welfare related programs.

6 *Sec. 15. AS 47.23.010 is amended to read:

7 Sec. 47.23.010. CREATION OF CHILD SUPPORT ENFORCEMENT AGENCY.

8 There is created in the Department of Revenue [Health and Social Services]
9 the child support enforcement agency.

10 *Sec. 16. AS 47.23 is amended by adding a new section to read

11 Sec. 47.23.115. PARENTAL OBLIGATION. The amount necessary for
12 support, maintenance, nurture, education, medical and dental needs of
13 a minor child are the responsibility of the parents of said minor child,
14 or either of them, and a cause of action for said amounts may be brought
15 by or on behalf of the minor child or his guardian or custodian or the
16 agency.

17 *Sec. 17. AS 47.23.020 is repealed and re-enacted to read:

18 Sec. 47.23.020. DUTIES OF THE AGENCY. The agency shall

19 (a) administer and enforce child support orders of the superior
20 courts of the state as provided in this chapter.

21 (b) shall establish regulations to implement the provisions of
22 this chapter including standards of minimum contributions for use by
23 the agency and the courts in determining the amount that a parent should
24 be expected to contribute toward the support of the minor child under
25 this chapter and as provided in title IV-D, Social Security Act.

26 (c) administer and enforce the Uniform Reciprocal Enforcement of
27 Support Act. (AS 25.25)

28 (d) administer and enforce child support obligations administra-
29 tively established pursuant to this chapter.

1 (e) administer the approved state IV-D plan as amended pursuant to
2 Title IV-D of the Social Security Act as now or hereafter amended.

3 *Sec. 18. AS 47.23.040 is repealed and re-enacted to read:

4 Sec. 47.23.040. DETERMINATION OF PATERNITY.

5 (a) The agency may appear on behalf of minor children or their
6 mother or legal custodian or the state and initiate efforts to have
7 the paternity of children born out of wedlock determined by the court:

8 1) on voluntary application by the mother or other legal
9 custodian, or

10 2) where the children are recipients of Aid to Families with
11 Dependent Children and the father refuses to execute an acknowledgment
12 of paternity.

13 (b) The agency shall not attempt to establish paternity in any
14 case involving incest or forcible rape, or where legal proceedings
15 for adoption are pending, or where it would not be in the best interests
16 of the children or the state.

17 *Sec. 19. AS 47.23.050 is amended to read:

18 Sec. 47.23.050. LEGAL ASSISTANCE. The agency shall [Department
19 of Health and Social Services] contract with the Department of Law to
20 provide needed legal services.

21 *Sec. 20. AS 47.23.060(b) is repealed and re-enacted to read:

22 Sec. 47.23.060(b). The agency may initiate a proceeding for an
23 order of support or amended order of support on behalf of minor children.

24 *Sec. 21. AS 47.23.070(b) is amended to read:

25 (b) The order of assignment is binding upon an employer upon service
26 of a copy of the order upon the employer and until further order of the
27 court. The employer may, for each payment made under the order, deduct
28 one dollar from other wages or salary owed to the employee [\$1 FOR EACH
29 PAYMENT MADE UNDER THE ORDER].

1 *Sec. 22. AS 47.23.080 is amended to read:

2 Sec. 47.23.080. ENFORCEMENT OF SUPPORT ORDERS. In a court order
3 requiring payment of child support [ABSENT A SHOWING OF GOOD CAUSE,]
4 the court shall order the payments made to the agency upon application
5 of the agency or either of the parents. [HOWEVER, THE COURT SHALL
6 ACCEPT REASONABLE AGREEMENTS AS TO METHOD OF PAYMENT.] The agency shall
7 take all necessary action to enforce those child support orders, in-
8 cluding (1) petitioning the court for orders to aid in the enforcement
9 of child support; and (2) appearing on behalf of the custodian and
10 enforcing any child support order entered. The determination or
11 enforcement of a duty of support is unaffected [MAY, IN THE DISCRETION
12 OF THE COURT, BE AFFECTED] by any [BAD FAITH] interference by the
13 custodian of the child with rights of custody or [AND] visitation granted
14 by a court.

15 *Sec. 23. AS 47.23.090 is repealed and re-enacted to read:

16 Sec. 47.23.090. REDUCING ARREARS TO JUDGMENT. The agency, on
17 behalf of the person awarded support for the benefit of a child may
18 enforce support orders through execution by application to the court
19 for an order reducing the outstanding arrears to judgment in accordance
20 with the Rules of Civil Procedure.

21 *Sec. 24. AS 47.23 is amended by adding a new section to read:

22 Sec. 47.23.95. UNIFORM FEE SCHEDULE. The agency shall develop
23 a uniform schedule or fees to be charged to the obligor in the event
24 that child support payments are ten (10) or more days overdue or in the
25 event of payment by non sufficient fund checks.

26 *Sec. 25. AS 47.23.100 is amended to read:

27 Sec. 47.23.100. ALL PERSONS MAY USE AGENCY. The agency shall
28 provide aid to any person due child support under the laws of this
29

1 state upon application and payment of the appropriate fee. If the obligee
2 is indigent or otherwise unable to pay for these services, the agency
3 shall act without charge to the obligee. If the agency determines that
4 the obligee is financially able to pay, costs shall be assessed
5 according to regulations adopted by the department and be paid into the
6 fund established in sec. 030 of this chapter [AS 47.23.035].

7 *Sec. 26. AS 47.23.110(2) is amended to read:

8 (2) "department" means the Department of Revenue [Health and Social
9 Services].

10 *Sec. 27. AS 47.23.110 is amended by adding new paragraphs to read:

11 (3) "duty of support" includes a duty of child support imposed
12 or imposable by law, or by a court order, decree or judgment, whether
13 interlocutory or final, whether incidental to a proceeding for divorce,
14 legal separation, separate maintenance, or otherwise, and includes
15 the duty to pay arrearages of support past due and unpaid;

16 (4) "obligee" means a person to whom a duty of support is owed;

17 (5) "obligor" means a person owing a duty of support;

18 (6) "support order" means any judgment, decree, or order of
19 child support in favor of an obligee whether temporary or final, or
20 subject to modification, revocation, or remission, regardless of the
21 kind of action or proceeding in which it is entered.

22 *Sec. 28. AS 47.23 is amended by adding a new section to read:

23 Sec. 47.23.125. PAYMENT OF PUBLIC ASSISTANCE FOR CHILD CONSTITUTES
24 DEBT TO STATE. (a) The payment of public assistance money or providing
25 of public assistance services by this state made to or for the benefit
26 of any minor child or children creates a debt due and owing to the state
27 by the natural or adoptive parent or parents who are responsible for
28 the support of such children in an amount equal to the amount of public
29 assistance money or services so paid; provided, that where there has been

1 a superior court order, the debt shall be limited to the amount provided
2 for by said order. The agency shall have the right to petition the
3 appropriate superior court for modification of a superior court order
4 on the same grounds as a party to said cause.

5 (b) Where a child has been placed in foster care or an institution
6 within this state or without, and a written agreement for payment of
7 support has been entered into by the responsible parent or parents
8 and the state, the debt shall be limited to the amount provided for in
9 said agreement; provided, that if a court order for support is or has
10 been entered, the provisions of said order shall prevail over the
11 agreement.

12 (c) The state shall be subrogated to the right of said child or
13 children or person having the care, custody and control of said child
14 or children to prosecute or maintain any support action or execute any
15 administrative remedy existing under the laws of the state of Alaska
16 to obtain reimbursement of moneys thus expended. If a superior court
17 order enters judgment for an amount of support to be paid by an obligor
18 parent, the state shall be subrogated to the debt created by such
19 order, and said money judgment shall be deemed to be in favor of the
20 state. This subrogation shall specifically be applicable up to the
21 amount paid by the state in public assistance moneys to or for the
22 benefit of a dependent child of children.

23 (d) Debt under this section shall not be incurred by nor at any
24 time be collected from a parent or other person who is the recipient of
25 public assistance moneys for the benefit of minor dependent children
26 for the period such person or persons are in such status.

27 *Sec. 29. AS 47.23 is amended by adding a new section to read:

28 Sec. 47.23.130. NOTICE AND COLLECTION OF SUPPORT DEBT BASED UPON
29 SUBROGATION TO OR ASSIGNMENT OF JUDGMENT. (a) The agency may issue a

1 notice of support debt accrued and/or accruing based upon subrogation to
2 or assignment of the judgment created by a superior court order. Said
3 notice may be served upon the debtor in the manner prescribed for the
4 service of a summons in a civil action or be mailed to the debtor at his
5 last known address by certified, registered or insured mail, return
6 receipt requested, demanding payment within thirty days of the date of
7 receipt.

8 (b) Said notice of debt shall include a statement of the support debt
9 accrued and/or accruing, computable on the amount required to be paid
10 under any superior court order to which the department is subrogated
11 or has an assigned interest; a statement that the property of the debtor
12 is subject to collection action; a statement that the property is
13 subject to lien and foreclosure, attachment, seizure and sale, or order
14 to withhold and deliver; and a statement that the net proceeds will be
15 applied to the satisfaction of the support debt.

16 (c) Action to collect said subrogated or assigned support debt by
17 lien and foreclosure, or attachment, seizure and sale, or order to
18 withhold and deliver shall be lawful after thirty days from the date
19 of service upon the debtor or thirty days from the receipt or refusal by
20 the debtor of said notice of debt.

21 *Sec. 30. AS 47.23 is amended by adding a new section to read:

22 Sec. 47.23.135. NOTICE AND COLLECTION OF SUPPORT DEBT BASED UPON
23 PAYMENT OF PUBLIC ASSISTANCE. (a) In the absence of a superior court
24 order the agency may issue a notice of a support debt accrued and/or
25 accruing based upon payment of public assistance to or for the benefit
26 of any dependent child or children. Said notice of debt shall be
27 served upon the debtor in the manner prescribed for the service of
28 summons in a civil action, including summons by publication where
29 appropriate and necessary.

1 (b) The notice of debt shall include a statement of the support
2 debt accrued and/or accruing, computable on the basis of the amount of
3 public assistance previously paid and to be paid in the future; a
4 statement of the amount of the monthly public assistance payment; a
5 statement of the name of the recipient and the name of the child or
6 children for whom assistance is being paid; a demand for immediate
7 payment of the support debt or in the alternative, a demand that the
8 debtor make answer within thirty days of the date of service to the agency
9 stating defenses to liability under AS 47.23.125; a statement that if
10 no answer is made on or before thirty days from the date of the service,
11 the support debt shall be assessed and determined subject to computation,
12 and is subject to collection action; a statement that the property of
13 the debtor will be subject to lien and foreclosure, attachment, seizure
14 and sale, or order to withhold and deliver.

15 (c) If no answer is had by the agency to the notice of debt on or
16 before thirty days of the date of service, the support debt shall be
17 assessed and determined subject to computation and the agency shall issue
18 a collection warrant authorizing collection action under this chapter.

19 (d) If the debtor, within thirty days of date of service of the
20 notice of debt, makes answer to the agency alleging defenses to
21 liability under AS 47.23.125, said debtor shall have the right to a fair
22 hearing pursuant to AS 47.25.370. The decision of the agency in the
23 fair hearing shall establish the liability of the debtor, if any, for
24 repayment of public assistance moneys expended to date as an assessed
25 and determined support debt.

26 (e) Action by the agency under the provisions of this chapter to
27 collect said support debt shall be lawful from the date of issuance of
28 the decision in the fair hearing.

29 (f) If the agency reasonably believes that the debtor is not a

1 resident of this state, or is about to move from this state, or has
2 concealed himself, absconded, absented himself or has removed or is
3 about to remove, secrete, waste, or otherwise dispose of property which
4 could be made subject to collection action to satisfy the support debt,
5 the agency may file and serve liens pursuant to AS 47.23.145 and
6 AS 47.23.150 during pendency of the fair hearing or thereafter, whether
7 or not appealed. The agency shall in such cases, make and file in the
8 record of the fair hearing an affidavit stating the reasons upon which
9 said belief is founded. However:

10 (1) That no further action under AS 47.23.155, may be taken on such
11 liens until final determination after fair hearing and/or appeal.

12 (2) The debtor may furnish a good and sufficient bond satisfactory
13 to the secretary during pendency of the fair hearing, or thereafter,
14 and in such case liens filed shall be released.

15 (f) If the decision of the fair hearing is in favor of the debtor,
16 all liens filed shall be released.

17 *Sec. 31. AS 47.23 is amended by adding a new section to read:

18 Sec. 47.23.140. NOTICE AND FINDING OF FINANCIAL RESPONSIBILITY OF
19 RESPONSIBLE PARENT--ALTERNATIVE PROCEDURE. (a) As an alternative to the
20 hearing and appeal procedures provided in AS 47.23.135, the agency may,
21 in the absence of a superior court order, serve on the responsible
22 parent a notice and finding of financial responsibility requiring a
23 responsible parent to appear and show cause in a hearing held by the
24 agency why the finding of responsibility and/or the amount thereof is
25 incorrect, should not be finally ordered, but should be rescinded or
26 modified. This notice and finding shall relate to the support debt
27 accrued and/or accruing under this chapter and AS 47.23.015, including
28 periodic payments to be made in the future for such period of time as
29 the child or children of said responsible parent are in need. Said

1 hearing shall be held pursuant to AS 47.25.370, and the rules and
2 regulations of the department.

3 (b) The notice and finding of financial responsibility shall be
4 served in the same manner prescribed for the service of a summons in a
5 civil action. Any responsible parent who objects to all or any part of
6 the notice and finding shall have the right for not more than thirty days
7 from the date of service to request in writing a hearing, which request
8 shall be served upon the agency or its designee by registered or cer-
9 tified mail or personally. If no such request is made, the notice and
10 finding of responsibility shall become final. If a request is made,
11 the execution of notice and finding of responsibility shall be stayed
12 pending the decision on such hearing, or any direct appeal to the
13 courts from that decision. Hearings may be held in the district or
14 residence or other place convenient to the responsible parent.

15 (c) The notice and finding of financial responsibility shall include:

16 (1) a statement of the amount the agency has determined the respon-
17 sible parent owes, the support debt accrued and/or accruing, and, as
18 appropriate, the amount to be paid thereon each month, all computable
19 on the basis of the amount of the monthly public assistance payment
20 previously paid, or need alleged, and the ability of the responsible
21 parent to pay all, or any portion of the amount so paid and/or being
22 paid and/or to be paid.

23 (2) a statement of the name of the recipient or custodian and the
24 name of the child or children for whom assistance is being paid or need
25 is alleged; and/or

26 (3) a statement of the amount of periodic future support payments as
27 to which financial responsibility is found, and

28 (4) a statement that the responsible parent may object to all or any
29 part of the notice and finding, request a hearing to show cause why

1 said responsible parent should not be determined to be liable for
2 any or all of the debt, past and future, determined, and the amount
3 to be paid thereon.

4 (5) a statement that if the responsible parent fails to request
5 a hearing that the support debt and payments stated in the notice and
6 finding, including periodic support payments in the future, shall
7 be assessed and determined and ordered by the agency and that this debt
8 shall be subject to collection action, and

9 (6) a statement that the property of the debtor, without further
10 advance notice or hearing, will be subject to lien and foreclosure,
11 attachment, seizure and sale, or order to withhold and deliver to
12 satisfy the debt.

13 (d) If a hearing is requested, it shall be promptly scheduled,
14 in no more than thirty days. The hearing examiner shall determine
15 the liability and responsibility, if any, of the alleged responsible
16 parent under AS 47.23.125, and shall also determine the amount of
17 periodic payments to be made to satisfy past, present or future
18 liability under AS 47.23.125 and/or AS 47.23.015. In making these
19 determinations, the hearing examiner shall include in his considerations
20 (1) the necessities and requirements of the child or children, exclusive
21 of any income of the custodian of said child or children (2) the
22 amount of support debt claimed, (3) the public policy and intent of
23 the legislature to require that children be maintained from the resources
24 of responsible parents thereby relieving to the greatest extent possible
25 the burden borne by the general citizenry through welfare programs, and
26 (4) the abilities and resources of the responsible parent.

27 (e) If the responsible parent fails to appear at the hearing, upon
28 a showing of valid service, the hearing examiner shall enter a decision
29 and order declaring the support debt and payment provisions stated in

1 the notice and finding of financial responsibility to be assessed and
2 determined and subject to collection action.

3 (f) The hearing examiner shall, within twenty days of the hearing,
4 enter findings, conclusions and a final decision determining liability
5 and responsibility and/or future periodic support payments. The
6 determination of the hearing examiner entered pursuant to this section
7 shall be entered as a decision and order and shall limit the support
8 debt under AS 47.23.125 to the amounts stated in said decision; however:

9 (1) That said decision establishing liability and/or future periodic
10 support payments shall be superseded upon entry of a superior court
11 order for support to the extent the superior court order is inconsistent
12 with the hearing order or decision; (2) That in the absence of a superior
13 court order either the responsible parent or the department may petition
14 the agency or its designee for issuance of an order to appear and show
15 cause based on a showing of good cause and material change of cir-
16 cumstances, to require the other party to appear and show cause why
17 the decision previously entered should not be prospectively modified.

18 If granted: (a) said order to appear and show cause together with a
19 copy of the affidavit upon which the order is based shall be served in
20 the manner of a summons in a civil action on the other party by the
21 petitioning party; (b) a hearing shall be set not less than fifteen
22 nor more than thirty days from the date of service, unless extended
23 for good cause shown; (c) Prospective modification may be ordered, but
24 only upon a showing of good cause and material change of circumstances.

25 (b) The agency in its original determinations, and the hearing
26 examiner in making determinations based on objections to original
27 determinations or on petitions to modify, shall consider the standards
28 promulgated pursuant to AS 47.23.020 and any standards for determination
29 of support payments used by the superior court of the district of

1 residence of the responsible parent.

2 Debts determined pursuant to this section, accrued and not paid are
3 subject to collection action under this chapter without further
4 necessity of action by the hearing examiner.

5 *Sec. 32. AS 47.23 is amended by adding a new section to read:

6 Sec. 47.23.145. ASSERTION OF LIEN. (a) Thirty-one days after
7 receipt or refusal of notice of debt under provisions of AS 47.23.130
8 or thirty-one days after service of notice of debt, or as otherwise
9 appropriate under the provisions of AS 47.23.135, a lien may be
10 asserted by the agency upon the real or personal property of the
11 debtor; (b) The claim of the agency for a support debt, not paid when
12 due, shall be a lien against all property of the debtor with priority
13 of a secured creditor. This lien shall be separate and apart from, and
14 in addition to, any other lien created by, or provided for, in this
15 title: (1) The lien shall attach to all real and personal property
16 of the debtor on the date of filing of such statement with the recorder
17 of the district in which such property is located; (2) A lien against
18 earnings shall attach and be effective subject to service requirements
19 of AS 47.23.150 upon filing with the recorder of the district in
20 which the employer does business or maintains an office or agent for the
21 purpose of doing business.

22 (c) Whenever a support lien has been filed and there is in the
23 possession of any person, firm, corporation, association or department
24 of the state having notice of said lien any property which may be
25 subject to the support lien, such property shall not be paid over,
26 released, sold, transferred, encumbered or conveyed, except as provided
27 for by the exemptions contained in AS 47.23.160 unless a written
28 release or waiver signed by the agency has been delivered to said person,
29 firm, corporation, association, political subdivision or department of

1 of the state or unless a determination has been made in a fair hearing
2 pursuant to AS 47.23.135 or by a superior court ordering release of said
3 support lien on the basis that no debt exists or that the debt has
4 been satisfied.

5 *Sec. 33. AS 47.23 is amended by adding a new section to read:

6 Sec. 47.23.150. SERVICE OF LIEN. (a) The agency may at any time
7 after filing of a support lien serve a copy of said lien upon any person,
8 firm, corporation, association, political subdivision or department of the
9 state in possession of earnings, or deposits or balances held in any
10 bank account of any nature which are due, owing, or belonging to said
11 debtor; (b) Said support lien shall be served upon the person, firm,
12 corporation, association, political subdivision or department of the
13 state either in the manner prescribed for the service of summons in a
14 civil action or by certified, registered or insured mail, return receipt
15 requested; (c) No lien filed under AS 47.23.145 shall have any effect
16 against earnings or bank deposits or balances unless it states the
17 amount of the support debt accrued and unless service upon said person,
18 firm, corporation, association, political subdivision or department of
19 the state in possession of earnings or bank accounts, deposits or balances
20 is accomplished pursuant to this section.

21 *Sec. 34. AS 47.23 is amended by adding a new section to read:

22 Sec. 47.23.155. ORDER TO WITHHOLD AND DELIVER. (a) After service
23 of a notice of debt as provided for in AS 47.23.130 stating a support
24 debt accrued and/or accruing based upon subrogation to or assignment
25 of the amount required to be paid under any superior court order or
26 whenever a support lien has been filed pursuant to AS 47.23.145, the
27 agency is hereby authorized to issue to any person, firm, corporation,
28 association, political subdivision or department of the state, an order
29 to withhold and deliver property of any kind including but not restrict-
ed to, earnings, which are due, owing, or belonging to the debtor,

1 when the agency has reason to believe that there is in the possession
2 of such person, firm, corporation, association, political subdivision
3 or department of the state property which is due, owing or belonging to
4 said debtor. (b) The order to withhold and deliver which shall also be
5 served upon the debtor, shall state the amount of the support debt
6 accrued, and shall state in summary the terms of AS 47.23.160 and
7 AS 47.23.165. The order to withhold and deliver shall be served in
8 the manner prescribed for the service of a summons in a civil action or
9 by certified, registered or insured mail, return receipt requested.
10 Any person, firm, corporation, association, political subdivision or
11 department of the state upon whom service has been made is hereby
12 required to answer said order to withhold and deliver within thirty
13 days, under oath and in writing, and shall make true answers to the
14 matters inquired of therein. (c) (1) (a) In the event there is in the
15 possession of any such person, firm, corporation, association, political
16 subdivision or department of the state any property which may be
17 subject to the claim of the agency, such property shall be withheld
18 immediately upon receipt of the order to withhold and deliver and shall
19 after the thirty day period, upon demand, be delivered forthwith to the
20 agency. (c) (1) (b) The agency shall hold said property in trust for
21 application on the indebtedness involved or for return, without interest,
22 in accordance with final determination of liability or nonliability.
23 (c) (2) In the alternative, there may be furnished to the agency a
24 good and sufficient bond, satisfactory to the agency, conditioned upon
25 final determination of liability. (c) (3) Where money is due and owing
26 under any contract of employment, express or implied, or is held by any
27 person, firm, corporation, or association, political subdivision or de-
28 partment of the state subject to withdrawal by the debtor, such money
29 shall be delivered by remittance payable to the order of the agency.

1 (d) Delivery to the agency of the money or other property held or
2 claimed shall satisfy the requirement of the order to withhold and
3 delivery. (e) Delivery to the agency shall serve as full acquittance
4 and the state warrants and represents that it shall defend and hold
5 harmless for such actions persons delivering money or property to the
6 agency pursuant to this chapter. The state also warrants and represents
7 that it shall defend and hold harmless for such actions persons
8 withholding money or property pursuant to this chapter. (f) The fore-
9 going is subject to the exemptions provided by law.

10 *Sec. 35. AS 47.23 is amended by adding a new section to read:

11 Sec. 47.23.160. CIVIL LIABILITY UPON FAILURE TO COMPLY WITH
12 ORDER OR LIEN. (a) Should any person, firm, corporation, association,
13 political subdivision or department of the state fail to make answer
14 to an order to withhold and deliver within the time prescribed herein;
15 or fail or refuse to deliver property pursuant to said order; or after
16 actual notice of filing of a support lien, pay over, release, sell,
17 transfer, or convey real or personal property subject to a support
18 lien to or for the benefit of the debtor or any other person; or fail
19 or refuse to surrender upon demand property attached; or fail or
20 refuse to honor an assignment of wages presented by the agency, said
21 person, firm, corporation, association, political subdivision or
22 department of the state shall be liable to the agency in an amount
23 equal to one hundred percent of the value of the debt which is the
24 basis of the lien, order to withhold and deliver, attachment, or
25 assignment of wages, together with costs, interest, and reasonable
26 attorney fees.

27 *Sec. 36. AS 47.23 is amended by adding a new section to read:

28 Sec. 47.23.165. JUDICIAL RELIEF--LIMITATIONS. Any person against
29 whose property a support lien has been filed or an order to withhold

1 and deliver has been served pursuant to this chapter may apply for
2 relief to the superior court.

3 *Sec. 37. AS 47.23 is amended by adding a new section to read:

4 Sec. 47.23.170. SEVERABILITY--ALTERNATIVE WHEN METHOD OF NOTIFICATION
5 HELD INVALID. If any provision of this chapter or the application thereof
6 to any person or circumstance is held invalid, such invalidity shall
7 not affect other provisions or applications of this chapter which can
8 be given effect without the invalid provision or application, and to
9 this end the provisions of this chapter are severable. If any method
10 of notification provided for in this chapter is held invalid
11 service as provided for by the laws of the state of Alaska for service
12 of process in a civil action shall be substituted for the method held
13 invalid.

14 *Sec. 38. AS 12.62.020(b) is repealed and re-enacted to read:

15 (b) No information collected under the provisions of any of the
16 following titles of the Alaska Statutes, except for information related
17 to criminal offenses under those titles, may be collected or stored in
18 criminal justice information systems:

- 19 (1) AS 02, except Chapters 20, 30, and 35;
- 20 (2) AS 03-04;
- 21 (3) AS 05, except chapters 20, 25, 30, and 35;
- 22 (4) AS 06-10;
- 23 (5) AS 13-15;
- 24 (6) AS 17;
- 25 (7) AS 18, except AS 18.60.120-18.60.175 and Ch. 65
- 26 (8) AS 19-24;
- 27 (9) AS 25, except chapter 25;
- 28 (10) AS 26-27;
- 29 (11) AS 29-32;

1 (12) AS 34-46; and

2 (13) AS 47, except chapters 10 and 23.

3 *Sec. 39. AS 12.62.070(6) is amended to read:

4 (6) "law enforcement agency" means a public agency which performs
5 as one of its principal functions activities pertaining to law enforce-
6 ment[.] and includes the Child Support Enforcement agency created by
7 AS 47.23.

8 *Sec. 40. AS 43.05.230(a) is amended to read:

9 (a) Except in connection with official investigations or proceedings
10 of the department, whether judicial or administrative, involving taxes
11 due under this title [,] and except in connection with official investi-
12 gations or proceedings of the child support enforcement agency, whether
13 judicial or administrative, involving child support obligations imposed
14 or imposable under AS 25 or 47, and except as otherwise provided in
15 this section, it is unlawful for an officer, employee or agent of the
16 state to divulge the amount of income or the particulars set out or
17 disclosed in a report or return made under this title.