

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8474 SENATE STATE AFFAIRS

739

SB

280

WALTER J. HICKEL
GOVERNOR



P. O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 4, 1994

*The Honorable Rick Halford
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182*

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill creating the Afognak Island State Park.

On August 23, 1993, the Exxon Valdez Oil Spill Trustee Council (council) adopted a resolution approving, for restoration purposes, acquisition of approximately 41,549 acres of land in Alaska on the northeast corner of Afognak Island, including Seal Bay and Tonki Cape. Although the federal government initially expressed a desire to include this property within the Kodiak National Wildlife Refuge, portions of which are located nearby, the state trustees on the council persuaded the council as a whole that this property has a more logical connection with Shuyak State Park, located on an island immediately to the north of the Seal Bay property. Thus, the resolution adopted by the council provided the state the first opportunity to acquire title to this irreplaceable Alaska property. The resolution further provided that, to fulfill the council's restoration obligations, the property was to be included in a state park and commercial timber harvest was not to be permitted. The resolution specifically allowed limited commercial use as well as sport, personal use, and subsistence hunting and fishing, trapping, and recreational uses, insofar as they are permitted under law or regulations of the Board of Fisheries or Board of Game. Only if the state was unwilling or unable to establish a state park was the federal government to take title to this property.

Based on the council's resolution, the state entered into a purchase agreement on November 4, 1993 with the Seal Bay Timber Company, owner of the property, and The Nature Conservancy. The agreement provided for title to the property to first go to The Nature Conservancy to hold until the state has an opportunity to establish a park to accept the property.

Under AS 37.07.080(h) and AS 37.14.450, the Legislative Budget and Audit Committee approved the expenditure of EXXON VALDEZ civil trust money for the purchase at its November 5, 1993 meeting. The purchase was completed on November 23, 1993 when title to the property passed to The Nature Conservancy.

The Honorable Rick Halford
February 4, 1994
Page 2

In accordance with the purchase agreement, The Nature Conservancy will convey the property to the state for placement in a state park if the park is created by November 23, 1994, one year from the date of purchase. Otherwise, the property must be conveyed to the federal government for placement in a federal conservation unit. The purpose of this bill is to create that required state park.

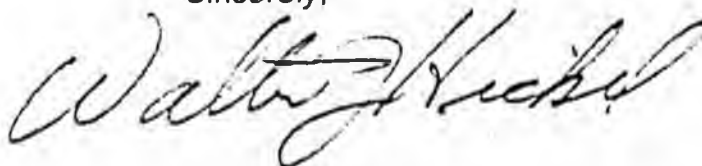
The acquisition and protection of this land in a state park has widespread and nearly unanimous public support. Expressions of support for the acquisition have come from such diverse groups as the Kodiak Island Borough mayor and assembly, City of Kodiak, Kodiak Chamber of Commerce, various commercial fishing groups, local tour operators, and environmental organizations.

Seal Bay has historically supported high value wilderness-based recreation such as hunting, boating, and fishing. The area has high scenic value and excellent wildlife viewing. It contains important habitat for several species of wildlife for which significant injury resulting from the oil spill has been documented, including marbled murrelets, harlequin ducks, black oyster catchers, and river otters. Harbor seal haulouts and intertidal and subtidal biota are all found in substantial numbers along the shoreline. Concentrations of sea otters exist in this area. Anadromous streams and bald eagle nests are found on this property. Protection of this property will aid recovery of these injured resources and services.

The proposed park would include all lands acquired from Seal Bay Timber Company as well as tidelands. Submerged lands would not be included except those lying within lagoons on the property. The Department of Fish and Game would be responsible for the management of fish and game resources in the park, consistent with the principle of sustained yield. Sport and subsistence hunting and fishing, personal use fishing, trapping, recreational activities, and commercial fishing would be permitted in the park. These are the purposes for which Alaskans have traditionally used these lands. By creating a state park for this property, we will ensure that future generations will be able to continue to use and enjoy this magnificent part of our state.

I urge your prompt consideration and passage of this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Walter J. Hickel". The signature is fluid and cursive, with the first name "Walter" being the most prominent part.

Walter J. Hickel
Governor

DEPARTMENT OF FISH AND GAME

POSITION PAPER

BILL NO: Senate Bill 280

SPONSOR: Senate Rules

DIVISION: Habitat and Restoration

DEPARTMENT POSITION:

The Department of Fish and Game supports passage of Senate Bill 280 creating the Afognak Island State Park. This bill will enhance public access to and use of valuable fish and wildlife resources on Afognak Island and will help to maintain the habitat needed to restore resources and services injured by the Exxon Valdez oil spill (EVOS).

The uplands contained in the proposed park were acquired by the EVOS Trustee Council to restore injured resources and services including pink salmon, Dolly Varden, herring, harbor seals, river otters, harlequin ducks, marbled murrelets, bald eagles, black oystercatchers, pigeon guillemot, and sea otters. Moreover, the lands and waters included in the proposed park support additional valuable fish and wildlife resources including elk, deer, brown bear, fox, and coho salmon. The proposed park is important for recreational and commercial fishing, hunting, trapping, and wildlife viewing and has a high potential to support increased public uses in the future.

Designation of the lands as a unit of state park system will ensure that the land and its resources will be managed in the long term interests of the state. Pursuant to the purchase agreement adopted by the EVOS Trustee Council, a failure to legislatively protect the lands in 1994 will result in transfer of the title to the Federal government. Federal management would likely precipitate more restrictive access provisions and federal management of fish and wildlife on this land.

COMMISSIONER'S SIGNATURE



DATE

2/25/94



Alaska Center for the Environment

519 West 8th Avenue, Suite 201 • Anchorage, Alaska 99501 • (907) 274-3621

SB 280/HB 447 would establish the Afognak State Park from land on Afognak Island at Seal Bay. This park is strongly supported by local residents, who in November 1993 passed Resolution 93-37 in support of acquisition of the area by the Trustee Council. The Kodiak Borough mayor's office applauds the "reasonable access for lawful sport and subsistence hunting and fishing, personal use fishing, trapping, recreational uses, and commercial fishing" which are present in this bill and requests state park status so that local interests can be represented in determining the future use and development of the park.

In the spring of 1993, the staff of the Exxon Valdez Oil Spill Trustee Council distributed 33,000 copies of a 10 page, newspaper size survey and held 22 public hearings to ascertain what the public felt should be done with the remainder of the spill settlement funds (then about \$600 million). The overwhelming response of the public was that habitat acquisition should be emphasized. Upwards of 90 percent of the public comments on the draft Restoration Plan prepared by the Trustee Council supported use of the Settlement for habitat protection. Seal Bay, the area which this bill would establish as the Afognak Island State Park, was one of the land parcels which was ranked highest in terms of desirability for acquisition.

The Seal Bay parcel contains mature forest habitat adjacent to highly productive marine waters. Streams within the parcel support a diversity of anadromous fish. Forests on this parcel are believed to provide high value marbled murrelet nesting habitat. Recreation values, particularly for fishing, hunting, and non-consumptive uses are high. The parcel also supports high numbers of non-injured species including deer, elk, and brown bear, according to Seal Bay Proposal Options and Analysis, by Habitat Protection Working Group 5/7/93. In the ranking system, parcels are judged on containing essential habitat for injured species or services.

The Seal Bay lands were evaluated by the Trustee Council as part of an "imminent threat" study process in February 1993 which examined sixteen parcels that were under near-term threat of development such as logging. The study examined these parcels with particular regard for the resources injured by the Exxon Valdez oil spill (i.e. species and values such as anadromous fish streams, bald eagle nesting sites, wilderness qualities, etc.)

The Trustee Council approached the land owners, Akiok and Old Harbor native corporations, and negotiated a deal for the sale of about 40,000 acres at Seal Bay. It was based on an independent appraisal of approximately \$38 million. (The Trustee Council has adopted a policy that it will not pay more than fair market value for property). The Seal Bay land purchase was a willing-seller transaction by a private land owner. It presented a win-win opportunity: the private landowner can realize economic benefits from the use (sale) of the land, and the general public can benefit from the protection of important habitat values. In

November, 1993, the Legislative Budget and Audit Committee endorsed the \$38.7 million purchase.

The intention of the state trustees was that the land be turned into a state park. However, there is a stipulation that if the Legislature does not turn the land into a state park within one year, it will go to the federal government, to save the land from becoming snarled in the Mental Health Lands dispute. There is strong support for state park status, from the Kodiak Borough, to the general public, to the Public Advisory Group of the Trustees Council.



Alaska State Legislature

Please enter into the record my testimony to the Senate State Affairs
committee name

committee on SB 280, dated March 2, 1994
bill/subject

Mr. Chairman and committee members,

I support passage of SB 280. The Seal Bay area of Afognak island will be an excellent addition to our State Park system. It will also ensure a protected area for many of the species damaged by the Exxon Valdez Oil Spill. This was the intention of the Trustee Council in acquiring the area. Much of Afognak Island is being destroyed by logging, further hindering the recovery process for some of the injured resources. I believe establishment of Afognak Island State Park will also aid the Kodiak economy. It will be a tourist attraction which will benefit our growing tourism industry. If the land is not designated a State park, the area's destiny will be determined by the Federal Government possibly limiting State and local control. Please pass this bill. Thank you.

Signed: _____

Testifier

Representing (Optional)

418 Mill Bay Rd Kodiak 99615

Address

480-2685

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate State Affairs
 committee name
 committee on SB 280 / Afognak State Park, dated March 2, 1994.
 bill/subject

The Kodiak Regional Aquaculture Association (KRAA) strongly supports SB 280 as written. KRAA has been a staunch and active supporter of protecting salmon habitat in Kodiak Area waters. SB 280 will help ensure continued protection of all salmon producing systems of the proposed Afognak State Park area for the benefit of all user groups, namely commercial, sport, and recreational fishermen.

Signed: Lawrence M. Malloy
 Testifier

Kodiak Regional Aquaculture Association
 Representing (Optional)

P.O. Box 3407 Kodiak AK
 Address

486-6555
 Phone No.

FISCAL NOTE

Bill Version: SB 280
(S) Publish Date: 2-4-94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Revision Date: 14-Jan-94 Dept Affected: Natural Resources
 Title: Establish Afognak Island State Park BRU: Parks and Recreation Management
 Component: Parks Management
 Sponsor: Rules Committee
 Requestor: Governor Component Serial No. 452

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	12.0	12.0	12.0	12.0	12.0	12.0
TRAVEL	10.0	10.0	10.0	10.0	10.0	10.0
CONTRACTUAL						
SUPPLIES	3.0	2.0	1.0	1.0	1.0	1.0
EQUIPMENT	8.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	33.0	24.0	23.0	23.0	23.0	23.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	33.0	24.0	23.0	23.0	23.0	23.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	33.0	24.0	23.0	23.0	23.0	23.0

Estimate of any current year (FY94) cost: \$ None

POSITIONS

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

The legislation will add 41,000 acres to the State Parks System. This remote unit will be passively managed - permanent staff will make occasional visits based on need. Volunteers in parks (VIPs) will provide seasonal monitoring of public use of area and development of resource inventory. This information will be used by the permanent staff to develop a master plan for Afognak Island State Park.

Prepared by: Pete J. Panarese Phone: 762-2603
 Division: Parks and Outdoor Recreation Date: 14-Jan-94
 Approved by Commissioner:  Date: 14-Jan-94
 Agency: Natural Resources

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

No. 2
Bill Version: SB 280
(S) Publish Date: 2-4-94

Revision Date: _____ Dept. Affected: Public Safety
Title: "An Act establishing the Afognak BRU: Fish & Wildlife Protection
Island State Park" Component: Enforcement & ISU
Sponsor: Rules
Requestor: Governor COMPONENT SERIAL NO. 490

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE:						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0	0	0	0	0	0

Estimate of current year (FY 94) impact: \$ _____

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact upon the Division of Fish & Wildlife Protection is anticipated.

Prepared By: Capt. Ted Ruddell Phone: 269-5589
Division: Fish & Wildlife Protection Date: 01/06/94
Approved by Commissioner: *Richard L. Burton* Date: 01/06/94
Agency: Richard L. Burton, Dept. of Public Safety

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

FISCAL NOTE

No. 3
 Bill Version: SB 280
 (S) Publish Date: 2-4-94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

Revision Date: January 7, 1994
 Title: "An Act establishing the Afognak Island State Park."
 Sponsor: Rules Committee/Request of the Governor
 Requestor: Governor's Office/OMB

Department Affected: Department of Law
 BRU: Legal Services
 Component: Operations
 COMPONENT SERIAL NO. 0093

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
FART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)
 Please see the attached analysis.

Richard I. Pegues

Prepared by: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Division Date: January 7, 1994
 Approved by Commissioner: Bruce M. Botelho, Acting Attorney General
 Agency: Department of Law Date: January 7, 1994

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. _____

ANALYSIS CONTINUATION:

This bill would establish the Afognak Island State Park by incorporating the approximately 41,549 acres at Seal Bay and Tonki Cape for inclusion in the state park system. Monies for the purchase of these lands were provided by the Exxon Valdez Trustee Council and the subsequent expenditure to execute the purchase was approved by the Legislative Budget and Audit Committee on November 23, 1993. Any subsequent activities would require little, if any, involvement by the Department of Law and there should not be a fiscal impact for the department.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB 280

Revision Date: _____
 Title: Afognak Island State Park
 Sponsor: Senate Rules
 Requestor: Senate State Affairs

Dept. Affected: Fish and Game
 BRU: Habitat and Restoration
 Component: Habitat
 COMPONENT SERIAL NO. 486

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY '99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL EXPENDITURES	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

CHANGE IN REVENUES ()	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY 94) cost: \$ 0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Frank Rue
 Division: Habitat and Restoration
 Approved by Commissioner: [Signature]
 Agency: Alaska Department of Fish and Game

Phone: 465-4105
 Date: 2/25/94
 Date: 2/25/94

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES OF GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

SB

302

WALTER J. HICKEL
GOVERNOR



P. O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 11, 1994

The Honorable Rick Halford
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99501-1182

302

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the Uniform Interstate Family Support Act and the repeal of the Uniform Reciprocal Enforcement of Support Act.

The bill would repeal the laws currently found in AS 25.25, the Uniform Reciprocal Enforcement of Support Act (URESAs), and replace them with a new Uniform Act, the Uniform Interstate Family Support Act (UIFSA), with minor modifications. Two provisions of the bill also have the effect of amending Alaska Rule of Civil Procedure 82 and Alaska Rule of Administration 9. (See secs. 6 and 7 of the bill.) Under art. IV, sec. 15, of the Alaska Constitution, the legislature may change a court rule governing "practice and procedure." Although the bill has the effect of amending a court rule relating to filing fees that is designated as an "administrative" rule, I believe that the rule affects individuals' substantive rights regarding access to our justice system and, therefore, is one that the legislature is authorized to change. Additionally, the provision that has the effect of amending the administrative rule is an integral part of UIFSA.

The Uniform Interstate Family Support Act was drafted to update URESAs. The bill, like URESAs, applies to those actions relating to the establishment, modification, and enforcement of support orders and the determination of parentage in situations where the parties reside in more than one state.

A major feature of UIFSA is that it does not require reciprocity of laws between states in order to take action under its provisions. In order to ease the transition between URESAs and UIFSA, the bill recognizes substantially similar state laws as equivalent to

The Honorable Rick Halford
February 11, 1994
Page 2

UIFSA for purposes of interstate actions. (See proposed AS 25.25.101(7) and (16).) The bill also contains its own long arm jurisdiction provision providing the home state of a supported family the maximum possible opportunity to secure personal jurisdiction over an absent parent.

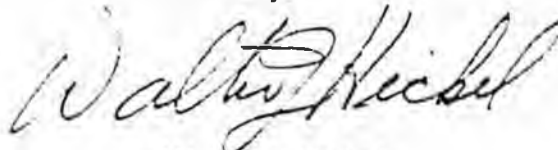
The bill promotes, to the extent possible, the premise of continuing, exclusive jurisdiction over support orders. Under the law as it exists under URESA, multiple orders for child support often result. UIFSA seeks to limit the existence of multiple support orders by limiting the circumstances under which subsequent support orders may be entered in states other than the initiating state.

The bill also recognizes the growing use of administrative procedures in addition to or in place of judicial proceedings in the establishment and enforcement of support orders. The bill does not confer new authority on Alaska's child support enforcement agency, but it does recognize the authority otherwise conferred on the agency and support enforcement agencies of other states. The bill specifically recognizes the child support enforcement agency's authority to act in interstate cases in the same manner in which it may act in intrastate actions.

UIFSA was prepared by the National Conference of Commissioners on Uniform State Laws, which has approved and recommended it for enactment in all the states. Although it was first adopted by that conference in the summer of 1992, it has already been enacted in eight states. There are indications that it will be introduced in as many as 25 states this year. It has been endorsed by the United States Commission on Interstate Child Support and the American Bar Association, and the bill has the support of Alaska's child support enforcement agency.

I urge prompt consideration and passage of this bill.

Sincerely,



Walter J. Hickel
Governor

FISCAL NOTE

No. 2

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BIL Bill Version: SB 302

(S) Publish Date: 2-11-94

Revision Date: _____ Dept. Affected: Revenue
 Title: Uniform Interstate Family Support Act (UIFSA) BRU: Child Support Enforcement Division
 Component: Child Support Enforcement Division
 Sponsor: House Rules Committee
 Requestor: Governor COMPONENT SERIAL NO. 111

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	277.4	272.5	273.2	0.0	0.0	0.0
TRAVEL	1.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	7.3	7.3	9.5	0.0	0.0	0.0
SUPPLIES	28.0	28.0	32.0	0.0	0.0	0.0
EQUIPMENT	73.2	73.2	83.5	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS				0.0	0.0	0.0
TOTAL OPERATING	387.9	382.2	398.2	0.0	0.0	0.0
CAPITAL						
REVENUE FUND SOURCE:	1,500.0	1,500.0	1,789.0	0.0	0.0	0.0

FUNDING: (Thousands of Dollars)

1002 Federal Receipts	256.0	252.3	262.8	0.0	0.0	0.0
1003 GF Match	63.3	62.3	65.0	0.0	0.0	0.0
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other 1016 Fed Incent	68.6	67.6	70.4	0.0	0.0	0.0
TOTAL	387.9	382.2	398.2	0.0	0.0	0.0

POSITIONS:

FULL-TIME	7	7	8	0	0	0
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: \$ 0.0

ANALYSIS: (Attach a separate page if necessary.)
 UIFSA applies to those actions relating to the establishment, modification, and enforcement of support orders and the determining of parentage in situations where the parties reside in more than one state. The passage of this bill will improve service to case parties involved in interstate enforcement of child support orders. It simplifies the process and authorizes the movement to a one order system for child support obligations that is honored by all states which pass UIFSA. It will increase the caseload by making it easier for custodial parents to initiate and enforce interstate child support cases. Currently the interstate caseload is increasing at 16% per year. Many custodial parents have not sought enforcement due to the cumbersome interstate process, but with the ease of case processing with UIFSA, the already rapidly increasing caseload will accelerate. The caseload of 5,941 in 1990 has increased to 8,787 in 1993 cases. Assuming this trend continues the caseload will be approximately 14,000 in three years. This does not consider the increase resulting from this legislation. (continued)

Prepared by: Mary Gay, Director Phone: 263-6270
 Division: Child Support Enforcement Division Date: _____
 Approved by Commissioner: Daniel J. Rexwinkel Date: 1/31/94
 Agency: Department of Revenue

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information call the Governor's Legislative Office

(Continuation of Fiscal Note)

PERSONAL SERVICES:

The division will need an additional 22 positions over three years. The Division will need 7 additional positions in FY 95, 7 in FY 96 and 8 in FY 97. Positions required in FY 95:

One Child Support Enforcement Officer II, to manage and supervise assigned personnel in a interstate unit responsible for establishing paternity and/or support orders, and the modification and enforcement of these orders.

Two Child Support Enforcement Officer I's, work in a lead support position on an interstate unit responsible for establishing paternity and/or support orders, and the modification and enforcement of these orders.

Four Clerk IV's, work under the direction of a Child Support Enforcement Officer initiating actions on interstate support cases.

CONTRACTUAL:

Additional cost of long distance telephone service for new positions. Cost of paying for copies, photographs and other items required from other states in the processing of interstate cases where the other state's agencies charge for certain services.

SUPPLIES:

Interstate employees process approximately 4 times as much paper and mail as other CSED employees therefore they will require \$4,000 per year per employee for pens, pencils, paper, envelopes etc.

EQUIPMENT:

The following is a breakdown of equipment per new position:

Computer	\$ 5,760
Workstation furniture	\$ 3,506
Phone equip & service	\$ 1,191
Total	\$10,457

The seven additional positions would result in an additional \$1.5 million in revenue to the general fund through the collection of child support owed to the State previously given as AFDC grants to custodial parents. The additional positions would also collect \$3.7 million in child support owed directly to custodial parents. These monies would allow many custodial parents to live without the need to seek AFDC assistance.

Federal funding is provided at the rate of 66% on authorized expenditures. Federal incentives are calculated based on a cost effectiveness ratio of AFDC collections compared to expenditures.

The U.S. Commission on Interstate Child Support recommends "verbatim" enactment of UIFSA under penalty of losing federal funding. Congress is currently considering several bills which make passage of this legislation mandatory.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

E Bill Version: SB 302
(S) Publish Date: 2-11-94

Revision Date: _____ Dept. Affected: Health and Social Services
Title: An Act relating to the Uniform BRU: Assistance Payments
Interstate Family Support Act Component: AFDC
Sponsor: _____
Requestor: Governor COMPONENT SERIAL NO. 0220

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE FUND SOURCE	0	0	0	0	0	0

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY94) impact: NONE

ANALYSIS: (Attach a separate page if necessary)

This bill adopts the model Uniform Interstate Family Support Act drafted by the Uniform Law Commission. The bill is expected to make it easier for the State to establish and enforce interstate orders for the payment of child support and medical support, and to establish paternity for children whose putative fathers live outside of Alaska.

Applicants for AFDC assign to the state the right to collect child support paid on behalf of children who receive assistance. Support collected under assignment is applied toward the state and federal costs of AFDC cash assistance payments.

Prepared by: Jan L. Hansen, Director
Division: Division of Public Assistance
Approved by Commissioner: Margaret R. Lowe, M.Ed., Ed.S.
Agency: Department of Health & Social Services

Phone: 465-2680
Date: 1-25-94
Date: 1-25-94

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information call the Governor's Legislative Office

ANALYSIS (cont.):

Child support collections generally affect the funding sources, not the program costs, of AFDC. The state portion of child support collections made on behalf of AFDC recipients is budgeted as General Fund Program Receipts in the AFDC component of the Assistance Payments BRU.

The Child Support Enforcement Division expects the adoption of the Governor's bill to result in an increase in the number and amount of interstate support collections made on behalf of children who receive AFDC benefits. However, because the impacts of the legislation depend in large part on the adoption of similar legislation by the other states, and only eight states have so far adopted the model bill, CSED does not project a specific dollar amount of increased collections. We do not, therefore, project a measurable impact on the AFDC budget.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB 302

Revision Date: _____ Dept. Affected: Revenue
 Title: Uniform Interstate Family Support Act (UIFSA) BRU: Child Support Enforcement Division
 Component: Child Support Enforcement Division
 Sponsor: Senate Rules Committee
 Requestor: Senate State Affairs COMPONENT SERIAL NO. 111

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	170.2	170.2	170.2	170.2	170.2	170.2
TRAVEL	0.2	0.2	0.2	0.2	0.2	0.2
CONTRACTUAL	4.2	4.2	4.2	4.2	4.2	4.2
SUPPLIES	16.0	16.0	16.0	16.0	16.0	16.0
EQUIPMENT	41.8	41.8	41.8	41.8	41.8	41.8
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	232.4	232.4	232.4	232.4	232.4	232.4

CAPITAL						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE:	427.8	427.8	427.8	427.8	427.8	427.8
----------------------	-------	-------	-------	-------	-------	-------

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts	153.4	153.4	153.4	153.4	153.4	153.4
03 GF Match	37.2	37.2	37.2	37.2	37.2	37.2
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other 1016 Fed Incent	41.8	41.8	41.8	41.8	41.8	41.8
TOTAL	232.4	232.4	232.4	232.4	232.4	232.4

POSITIONS:

FULL-TIME	4	4	4	4	4	4
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: \$ 0.0

ANALYSIS: (Attach a separate page if necessary.)
 UIFSA applies to those actions relating to establishment, modification, and enforcement of support orders and the determining of parentage in situations where the parties reside in more than one state. The passage of this bill will improve service to case parties involved in interstate enforcement of child support orders by clarifying which state has jurisdiction. It authorizes the movement to a one order system for child support obligations that is honored by all states which pass UIFSA. UIFSA reduces agency response time in some areas in an effort to provide support collections sooner. It will increase the caseload since custodial parents will believe the opportunity for collection has improved. Currently the interstate caseload is increasing at 16% per year. (continued)

Prepare J by: Mary Gay, Director Phone: 263-6270
 Division: Child Support Enforcement Division Date: _____
 Approved by Commissioner: Darrel J. Rexwinkel Date: 3/10/94
 Agency: Department of Revenue

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information call the Governor's Legislative Office

(Continuation of Fiscal Note)

PERSONAL SERVICES:

The division will need an additional 4 positions :

Four Child Support Enforcement Officer I's, working in lead support positions on an interstate unit responsible for establishing paternity and/or support orders, and the modification and enforcement of those orders.

CONTRACTUAL:

Additional cost of long distance telephone service for new positions. Cost of paying for copias, photographs and other items required from other states in the processing of interstate cases where the other state's agencies charge for certain services.

SUPPLIES:

Interstate employees process approximately 4 times as much paper and mail as other CSED employees therefore they will require \$4,000 per year per employee for pens, pencils, paper , envelopes etc.

EQUIPMENT:

The following is a breakdown of equipment per new position;

Computers & Software	\$ 5,760
Workstation furniture	\$ 3,506
Phone equip & service	\$ 1,191
Total	\$10,457

The four additional positions would result in an additional \$855,900 in revenue to the general fund through the collection of child support owed to the State previously given as AFDC grants to custodial parents. Fifty (50) percent of the revenue collected will be returned to the Federal Government leaving a net revenue to the general fund of \$427,850. The additional positions would also collect \$2.1 million in child support owed directly to custodial parents. These monies would allow many custodial parents to live without the need to seek AFDC assistance.

Federal funding is provided at the rate of 66% on authorized expenditures. Federal incentives are calculated based on a cost effectiveness ratio of AFDC collections compared to expenditures.

The U.S. Commission on Interstate Child Support recommends "verbatim" enactment of UIFSA under penalty of losing federal funding. Congress is currently considering several bills which make passage of this legislation mandatory.

STATE OF ALASKA

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

P.O. BOX 5
JUNEAU, ALASKA 99811-0400
PHONE: (907) 465-2300
TELEFAX: (907) 465-2389

February 23, 1994

The Honorable Loren Leman
Chair, Senate State Affairs Committee
Alaska State Legislature
State Capitol, Room 113
Juneau, Alaska 99801-1182

Dear Senator Leman:

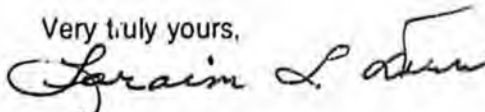
On behalf of the Governor, I am requesting four changes in the text to Senate Bill 302, a bill which is presently before the Senate State Affairs Committee. These changes are necessary to better conform the bill to the Uniform Interstate Family Support Act, upon which the bill is based.

The changes are as follows:

- On page 3, line 14, delete "the superior court" and replace it with "a registering tribunal".
- On page 3, line 15, delete "registering court" and replace it with "registering tribunal".
- On page 3, line 15, delete "the superior court" and replace it with "a tribunal".
- One page 17, line 11, delete "the superior court" and replace it with "a tribunal".

Please contact Mary Gay, Director, Child Support Enforcement Division, with any questions you may have about these requested changes (269-6890).

Very truly yours,



Laraine L. Derr
Deputy Commissioner
Department of Revenue

94-034

cc: Raga S. Elim, Legislative Liaison
Office of the Governor

Mary Gay, Director
Child Support Enforcement Division

Linda L. Kesterson
Assistant Attorney General

Deborah E. Behr
Assistant Attorney General

STATE OF ALASKA

DEPARTMENT OF REVENUE

CHILD SUPPORT ENFORCEMENT DIVISION

WALTER J. HICKEL, GOVERNOR

550 WEST 7TH, 4TH FLOOR
ANCHORAGE, AK 99501-3558
PHONE: (907) 276-3441
TOLL FREE ALASKA: 800-478-3300
CASEWORKER FAX: (907) 283-6203
ADMINISTRATION FAX: (907) 283-6263

March 9, 1994

The Honorable Loren Leman
Chair, Senate State Affairs Committee
Alaska State Legislature
State Capitol, Room 113
Juneau, Alaska 99801-1182

MAR 10 1994

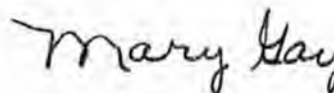
Dear Senator Leman:

Senate Bill 302, "Uniform Interstate Family Support Act (UIFSA)" was introduced by the Rules Committee by request of the Governor. Passage of this bill will improve service to case parties involved in interstate enforcement of child support orders by simplifying the process and moving to a one order system honored by all states which pass UIFSA. While not yet mandated by the Federal Government, eight states currently have passed the UIFSA. Twenty-five other states have also introduced it in the current session.

I would appreciate your scheduling this bill for hearing at the earliest possible date. The Child Support Enforcement Division within the Department of Revenue is the agency responsible for this proposed legislation. As always, we are available if you have questions and look forward to the earliest opportunity to testify.

Your attention and consideration is appreciated.

Sincerely,



Mary Gay
Director

94-036

Enclosure: Fiscal Note

cc: Raga S. Elim, Legislative Liaison
Office of the Governor

Laraine L. Derr, Deputy Commissioner
Department of Revenue

LAW OFFICES

DILLON & FINDLEY

A PROFESSIONAL CORPORATION

JUNEAU

Dennis C. Bailey
Caroline Crenna
Paul L. Dillon
Thomas W. Findley
Richard D. Monkman
Arthur H. Peterson
Peter K. Putzier

350 N. Franklin Street
Juneau, Alaska 99801
Telephone (907) 586-4000
Facsimile (907) 586-3777

ANCHORAGE

Ray R. Brown
Mauri Long

1029 W. Third Ave., Suite 220
Anchorage, Alaska 99501
Telephone (907) 277-5400
Facsimile (907) 277-9896

MAR 22 1994

March 22, 1994

Hon. Loren Leman, Chair
Senate State Affairs Committee
Alaska State Legislature
Room 113, State Capitol
Juneau, Alaska 99801-1182

HAND-DELIVERED

Re: SB 302, Uniform Interstate Family
Support Act

Dear Senator Leman:

Thank you for scheduling SB 302 to be heard by your committee again tomorrow. I will not be able to attend the hearing, but wanted you and your committee to know of my support for the bill.

All United States jurisdictions have enacted the Uniform Reciprocal Enforcement of Support Act (URESA), promulgated by the National Conference of Commissioners on Uniform State Laws. To solve problems that have arisen under URESA in the last couple of decades, and generally to update the law, the National Conference has promulgated the Uniform Interstate Family Support Act (UIFSA) to replace the URESA. Soon, all jurisdictions will have enacted the UIFSA. Alaska should not lag behind the others.

Thank you for your consideration of the measure. I urge a "Do Pass" recommendation.

Very truly yours,



Arthur H. Peterson
Uniform Law Commissioner
for Alaska

STATE OF ALASKA

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

P.O. BOX 110400
JUNEAU, ALASKA 99811-0400
TELEPHONE: (907) 465-2300
FACSIMILE: (907) 465-2389

March 22, 1994

MAR 22 1994

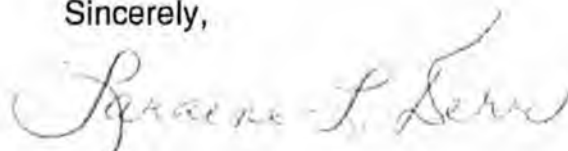
The Honorable Loren Lemam, Chair
Senate State Affairs Committee
Alaska State Legislature
State Capitol, Room 113
Juneau, Alaska 99801-1182

Dear Senator Lemam:

Pursuant to your request in the Senate State Affairs Committee hearing March 21, 1994, a summary of differences between the Revised Uniform Reciprocal Enforcement of Support Act and the Uniform Interstate Family Support Act is attached.

If you have further questions or need additional information, please contact me at 465-4800.

Sincerely,



Laraine L. Derr
Deputy Commissioner

94-056

cc: Senate State Affairs Committee Members

**A SUMMARY OF THE DIFFERENCES BETWEEN
THE REVISED UNIFORM RECIPROCAL ENFORCEMENT
OF SUPPORT ACT**

AND

THE UNIFORM INTERSTATE FAMILY SUPPORT ACT

by

**Linda Ann Hammond
Assistant Staff Director
Child Support Project
Center on Children and the Law
American Bar Association**

Policy Statement: This publication was made possible through a contract with the Office of Child Support Enforcement, Administration for Children and Families, U.S. Department of Health and Human Services, Contract No. 233-89-0006. Any statements, opinions, findings or conclusions expressed herein do not necessarily reflect the views or policies of this agency or the American Bar Association.

Discrimination Prohibited: Under provisions of applicable public laws enacted by Congress since 1964, no person in the United States shall, on the grounds of race, color, national origin, handicap, or age, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity (or, on the basis of sex, with respect to any education program or activity) receiving Federal financial assistance. In addition, Executive Order 11141 prohibits discrimination on the basis of age by contractors and subcontractors in the performance of Federal contracts and Executive Order 11246 states that no federally funded contractor may discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. Therefore, the Administration for Children and Families must be operated in compliance with these laws and Executive Orders.

Requests for this publication may be directed to:
Administration for Children and Families
Office of Child Support Enforcement
National Reference Center
Mail Stop OCSE/RC
370 L'Enfant Promenade, SW
Washington, DC 20447
(202) 401-9383

For more information on ABA child support activities, please contact:
Child Support Project
Center on Children and the Law
American Bar Association
1800 M Street, N.W.
Washington, D.C. 20036
(202) 331-2250

THE UNIFORM INTERSTATE FAMILY SUPPORT ACT

THE NEXT STEP IN IMPROVING

INTERSTATE FAMILY SUPPORT COLLECTIONS

INTRODUCTION

In 1950, the Uniform Reciprocal Enforcement of Support Act (URESA) was a revolutionary effort to address the problem of nonpayment of family support by interstate obligors. After more than 40 years of experience in interstate collections, numerous technological advances, and three subsequent versions of URESA, a much different interstate law has been developed for State consideration.

The new interstate law is entitled the Uniform Interstate Family Support Act (UIFSA). It is intended to replace the original and Revised Uniform Reciprocal Enforcement of Support Acts (RURESA).

The highlights of UIFSA are described below. Following the narrative account is a chart which briefly summarizes the differences between UIFSA and RURESA. This Reference Chart can be quickly consulted to determine the variances between UIFSA and RURESA. The highlights and chart are intended to be an introduction or an overview, not a replacement for exhaustive legal research and analysis. If one requires more detailed information, please refer to the model uniform acts found at Unif. Reciprocal Enforcement of Support Act (1950 Act)(amended 1952, 1958), 9B U.L.A. 553 (1987); Revised Unif. Reciprocal Enforcement of Support Act (1968 Act), 9B U.L.A. 381 (1987); Unif. Interstate Family Support Act, 9 Part 1 U.L.A. 77 (Supp. 1993).

UIFSA HIGHLIGHTS

The One Order Theory

Only One Order in a Case at One Time. Under URESA, most support proceedings are *de novo* (that is, treated as new cases), resulting in more than one valid, co-existing order in a case. This has often caused confusion when calculating arrearages or determining which order to enforce. To solve this dilemma, under UIFSA there is only one support order in effect in a case at any one time. This is referred to as the one order theory or the one order - one time concept.

Rules are set forth to determine which order should prevail if several orders were rendered prior to the enactment of UIFSA. See Section 207 of UIFSA for the specifics. Rules also exist for resolving actions pending in two or more States, which basically require that one State defer to another, taking into consideration where the child has lived for the prior six months. See Section 204 for details. Last, the Act requires that States treat interstate multiple order cases (for two or more families supported by the same obligor) as they would in-state multiple order cases.

Continuing, Exclusive Jurisdiction. The method used to enforce the one order theory is to allow only one State the right to change the order at any one time. The one State with this right has "continuing, exclusive jurisdiction" over the case. The State with continuing, exclusive jurisdiction to modify the order is the State that issued the order.

Continuing, exclusive jurisdiction endures so long as one party or child resides in the State unless the individual parties agree in writing to take their case to another State.

If the parties no longer reside in the issuing State or if a written agreement exists regarding jurisdiction, the Act establishes registration procedures for modification. See the section on "Registration for Modification" below.

One State Procedures

Under URESA, interstate cases can only be pursued when both the initiating and responding jurisdictions take some action. UIFSA includes new remedies that allow a State to handle a case locally, even if the parties live in different States. Two important "one State procedures" are long-arm jurisdiction and direct income withholding.

Long-Arm Jurisdiction. One of the most important provisions contained in UIFSA is the addition of long-arm jurisdiction. Long-arm jurisdiction authorizes a State to extend its jurisdiction over an individual who may be outside the geographical boundaries of the State. In this context, jurisdiction means the State's power to bring a person before its own tribunals and to require compliance with its tribunals' orders. UIFSA defines jurisdiction to maximize the tribunal's power over nonresidents, while remaining within the confines of the United States Constitution. See *Kulko v. Superior Court*, 436 U.S. 84 (1978) for a full explanation of this issue. UIFSA's broad definition includes long-arm jurisdiction in a paternity case based upon the individual's conduct within the State (e.g., engaging in sexual intercourse within the State).

Direct Income Withholding. For the first time, the Act authorizes that an income - withholding order may be mailed directly to an obligor's employer in another State, regardless of whether the issuing State has jurisdiction over the out-of-state employer. UIFSA requires the employer to comply with the order without the necessity of a tribunal or administrative hearing, unless the employee objects. (OCSE's current regulations require IV-D interstate income withholding requests to be sent to the central registry in the responding State).

Two-State Procedures

Registration for Enforcement. The one order theory ends responding States' *de novo* hearings on new interstate petitions. If there is an existing order, UIFSA authorizes its enforcement in any State. The enforcement process begins by registering the order in the responding State (or States) for the purpose of enforcement only. Registration for enforcement only does not permit modification of the order in the responding State.

Administrative Enforcement. The responding State may choose to use administrative proceedings to enforce a support order or an income withholding order rather than formally registering the order for enforcement, if appropriate. If the obligor contests the administrative enforcement of the order, the agency must register the order pursuant to the Act.

Registration for Modification. A State may no longer have sufficient interest in maintaining the power to modify its order, because neither the child nor the parties continue to reside there. In such a situation, the responding State may assume the power to modify if certain requirements are met:

- Neither the child nor parties reside in the issuing State;
 - the petitioner is a nonresident of the responding State; and
 - the respondent is subject to the personal jurisdiction of the responding State.
- or
- One party is subject to the personal jurisdiction of the tribunal; and
 - all parties have consented to the tribunal's jurisdiction in writing.

The State modifying the order becomes the new State of continuing, exclusive jurisdiction. Note that the responding State's ability to modify the order is limited to the child support provisions only.

Evidentiary Improvements

UIFSA takes advantage of technology which did not exist at the time URESA was originally enacted. For instance, facsimile materials may be placed in evidence. Depositions may be videotaped and sent interstate. Testimony and depositions may take place by telephone conference calling. It is now less likely that the petitioner's presence is required in the tribunal.

There is greater access to relevant evidence without the expense of transporting documents and witnesses from one State to another.

UIFSA also eases some evidentiary rules as to materials typically needed in child support cases: Certain documents given under oath by a party or witness residing in another State, copies of payment records certified as true copies by the custodian of records, parentage testing bills, and health care bills relating to the birth of the child are all admissible into evidence.

A User-Friendly Law

UIFSA provides a number of very practical improvements to ease interstate support collection practices. The Act recognizes administrative agencies as well as tribunals for processing cases. Initiation of a case is made ministerial rather than a matter of tribunal review, so no certification is required. A party can choose to file directly with the responding State, bypassing initiating jurisdiction procedures.

There are more benefits to the parties. Parties have greater access to information on their cases because of the timeframes established for acting on cases, and because of the many notice requirements contained in the law. For the first time, remedies are available to both parties, obligors as well as obligees. UIFSA does not address issues of attorney/client relationships with obligors and obligees, however. The Act also clearly authorizes representation by private attorneys, including recovery of attorney fees.

Finally, the Act clearly authorizes establishing paternity without seeking support.

REFERENCE CHART

TOPIC

UIFSA

RURESА

ESTABLISHMENT ISSUES

Paternity

Clearly authorizes establishment of parentage in an interstate proceeding, even if not coupled with proceeding to establish support.

Authorizes paternity establishment but unclear whether action must be coupled with support proceeding.

Temporary Support

Provides for temporary support order based on paternity acknowledgment or other clear and convincing evidence (e.g., genetic test results) that defendant is child's parent.

No analogous provision.

Long-Arm Jurisdiction

Provides for long-arm jurisdiction over nonresident up to limits of *Kulko*. Includes long-arm paternity action based upon obligor's conduct within the State.

No analogous provision.

Type of Orders That May be Established

May only be used for proceedings involving support of child or spouse (i.e., not support of a parent).

"Obligee" is anyone to whom a duty of support is owed.

ENFORCEMENT ISSUES

Direct Enforcement

Provides for two "direct enforcement" procedures:

No analogous provisions.

1. Income withholding order may be mailed directly to obligor's employer in another State which triggers wage withholding unless employee objects. (Current federal regulations requires interstate income withholding request in IV-D cases to go through a responding State's central registry).
2. Direct administrative enforcement by obligor's State if same is available for intrastate cases.

Registration

Two-state enforcement activity begins with registration of support order in responding State. Full range of enforcement remedies available. However, registered order continues to be the order of the issuing State. Role of the responding State is limited to enforcing the order except in limited circumstances where the order has also been properly registered for purpose of modification.

Registration provisions may be used to domesticate foreign order; order may be subject to modification.

MODIFICATION ISSUES

Continuing, Exclusive Jurisdiction

Act establishes one controlling order:

1. State that issued the order has continuing, exclusive jurisdiction to modify the order.
2. Continuing, exclusive jurisdiction exists so long as one party lives in the State unless parties agree in writing for another State to exercise jurisdiction.
3. If parties no longer reside in the issuing State or if they agree in writing for another State to exercise jurisdiction, Act establishes registration procedure for modification.
4. In such situations party seeking modification must register order in State with personal jurisdiction over opposing party.
5. State modifying order becomes new State of continuing, exclusive jurisdiction.

No analogous provision.

Most proceedings are *de novo*; even if order is registered for enforcement, the registering State often asserts the right to modify registered order. More than one valid order can be in effect in more than one State.

Spousal Support

Spousal support is modifiable only by the original issuing State.

Child and spousal support are treated identically.

CHOICE OF LAW ISSUES

Determination of Support Duty

Apply law of responding State. In long-arm cases, the State conducting the hearing is defined as the responding State. If parentage previously determined pursuant to law, nonparentage may not be raised as a defense.

Apply law of State where obligor present for period of time when support is sought. Law of responding State presumed to apply.

Determination of Support Amount

Apply guidelines of the responding State.

Apply guidelines of the responding State.

Enforcement of Support Order

Procedure and law of the responding State apply as to enforcement issues, EXCEPT:

1. Law of the issuing State governs interpretation of order being enforced.
2. If issuing and responding States have different statutes of limitations for enforcement, the longer time period applies.

Complex choice of law (i.e., apply the law of the State where the obligor was present for the period during which support is sought). Otherwise, the law of the responding State.

EVIDENTIARY PROVISIONS

Electronic Information Transfer

Authorizes electronic information transfer; testimony or deposition by telephone conference; and interstate discovery.

No analogous provision.

Records

Copy of payment records from another State, copy of health care bills, and facsimile copies are admissible into evidence.

No analogous provision.

Communications Between Tribunals

Tribunals of different States may communicate with each other to obtain information about laws of other State or orders of other tribunal.

No analogous provision.

Assistance with Discovery

Tribunals may assist one another by compelling discovery ordered by tribunal of another State.

Judge of initiating State may assist with deposition requested by responding tribunal.

CRIMINAL RENDITION

Under certain conditions, may demand return of obligor charged criminally in initiating State with failure to provide for support.

Same provision.

GENERAL PROVISIONS

Terminology

"Tribunal" includes administrative agencies that establish, enforce, and modify support, as well as tribunals.

"Court" refers to traditional tribunals only.

Definition of Support

Includes health care, interest, and attorney fees.

Support not defined.

Initiation of a Case

Initiation of an interstate case is ministerial. No requirement of certification. Also, party in the initiating State may file an action directly in the responding State, without going through initiating State.

Initiation of an interstate case requires initiating tribunal's review and signature.

Safeguarding Information

Nondisclosure authorized when the health, safety, or liberty of a party or child is at risk.

No protection.

Case Information Access

Tribunal and agency must keep parties informed about all important case developments.

No analogous provision.

Visitation

Visitation issues cannot be raised in UIFSA proceedings. Not a defense to nonpayment of support.

Similar provision.

Private Attorney Access

Explicitly authorized, including attorney fees.

Authorized, but no mention of attorney fees.

Reciprocity

Not required: URESA, RURESА, and all substantially similar State laws are deemed equivalent to UIFSA.

Required by law.

Availability of Remedies

UIFSA remedies available to both obligors and obligees.

URESА remedies available only to obligees.

Costs and Fees

Both obligor and obligee may file without payment of costs and fees. Continues RURESА rule that only obligor may be assessed costs and fees.

Costs and fees assessed against obligor only. No free filing to obligor.

Representation

Act does not create or negate any attorney/client relationship. Look to other State law.

Prosecuting attorney upon request of tribunal or Dept. of Welfare shall represent obligee.

Transition Where Multiple Orders Exist

Priority established:

1. Order issued by tribunal with continuing, exclusive jurisdiction as defined by Act.
2. If more than one tribunal would have continuing, exclusive jurisdiction, order issued by child's home State.
3. If more than one tribunal would have continuing, exclusive jurisdiction but no home State, the most recent order has priority.
4. If no tribunal would have continuing, exclusive jurisdiction under Act, responding State may issue new support order and becomes continuing, exclusive jurisdiction.

No analogous provision.

CHILD SUPPORT ENFORCEMENT TRANSMITTAL

PLAINTIFF/PETITIONER

- IV-D NON AFDC
- IV-D AFDC/IV-E FOSTER CARE
- NON IV-D

DEFENDANT/RESPONDENT

INITIATING CASE/DOCKET NO

TO: RESPONDING CENTRAL REGISTRY
COURT OR AGENCY (ADDRESS)

FIPS
CODE

COUNTY/STATE

OTHER REFERENCE NO

FILE STAMP

FROM: INITIATING CONTACT PERSON
(AGENCY AND ADDRESS)

FIPS
CODE

RESPONDING CASE/DOCKET NO

COUNTY/STATE

OTHER REFERENCE NO

IF COLLECTION LOCATION IS NEW OR DIFFERENT LIST IN SECTION VI PAGE 2.

I. ACTION REQUESTED Please return the Acknowledgment attached

- | | |
|--|---|
| <p>1. <input type="checkbox"/> LOCATION OF</p> <p style="margin-left: 20px;">A. <input type="checkbox"/> ABSENT PARENT C. <input type="checkbox"/> ASSETS</p> <p style="margin-left: 20px;">B. <input type="checkbox"/> EMPLOYER AND WAGES D. <input type="checkbox"/> OTHER INFORMATION TO ASSIST IN LOCATION</p> <p>2. <input type="checkbox"/> ESTABLISHMENT OF PATERNITY (URESА)</p> <p>3. <input type="checkbox"/> ESTABLISHMENT OF ORDER (URESА) FOR</p> <p style="margin-left: 20px;">A. <input type="checkbox"/> CHILD SUPPORT D. <input type="checkbox"/> MEDICAL COVERAGE</p> <p style="margin-left: 20px;">B. <input type="checkbox"/> SPOUSAL SUPPORT (NON IV-D ONLY) E. <input type="checkbox"/> OTHER COSTS (E.G. DELIVERY OTHER MEDICAL GENETIC TESTING COSTS ATTORNEYS FEES)</p> <p style="margin-left: 20px;">C. <input type="checkbox"/> UNREIMBURSED PUBLIC ASSISTANCE (IN IV-D CASES, THE AMOUNT MUST BE REDUCED TO A CHILD SUPPORT JUDGMENT)</p> <p>4. <input type="checkbox"/> MODIFICATION OF EXISTING RESPONDING STATE ORDER (URESА)</p> <p>5. <input type="checkbox"/> INCOME WITHHOLDING</p> <p>6. <input type="checkbox"/> COLLECTION OF ARREARS (URESА OR UEFIА)</p> | <p>7. <input type="checkbox"/> ENFORCEMENT OF EXISTING ORDER (URESА)</p> <p>8. <input type="checkbox"/> REGISTRATION OF FOREIGN SUPPORT ORDER (URESА)</p> <p>9. <input type="checkbox"/> CHANGE OF PAYEE (E.G., AFDC STATUS CHANGE)</p> <p>10. <input type="checkbox"/> REDIRECT PAYMENT (E.G., CUSTODIAN HAS MOVED)</p> <p>11. <input type="checkbox"/> ADMINISTRATIVE REVIEW FOR FEDERAL TAX OFFSET</p> <p>12. <input type="checkbox"/> DOCUMENTATION OF INFORMATION (FEDERAL TAX OFFSET)</p> <p style="margin-left: 20px;">A. <input type="checkbox"/> VERIFICATION OR PROVISION OF SSN</p> <p style="margin-left: 20px;">B. <input type="checkbox"/> VERIFICATION AND PROVISION OF SUPPORT ORDER AND ANY MODIFICATIONS</p> <p style="margin-left: 20px;">C. <input type="checkbox"/> VERIFICATION OF ARREARS AND PROVISION OF CALCULATIONS</p> <p>13. <input type="checkbox"/> OTHER: _____</p> |
|--|---|

II. CASE SUMMARY (BACKGROUND OF THIS MATTER)

DATE OF SUPPORT ORDER	STATE & COUNTY ISSUING ORDER	DATE AND TYPE OF LAST COURT/ADMINISTRATIVE ACTION	COURT CASE NO.
SUPPORT AMOUNT/FREQUENCY	DATE OF LAST PAYMENT (Month Day Yr)	AMOUNT OF ARREARS	PERIOD OF COMPUTATION
\$		\$	FROM THRU

OTHER BRIEF SUMMARY OF REQUEST:

III. 1. ABSENT PARENT INFORMATION

FULL NAME AND ALIASES (First Name, MI, Last Name)	ADDRESS (Street, City, State, Zip)	EMPLOYER (NAME) AND ADDRESS (Street, City, State, Zip)
HOME PHONE (Include Area Code)	WORK PHONE (Include Area Code)	DATE AND PLACE OF BIRTH SEX SOCIAL SECURITY NO.

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

P.O. BOX 110400
JUNEAU, ALASKA 99811-0400
TELEPHONE: (907) 465-2300
FACSIMILE: (907) 465-2389

March 22, 1994

MAR 22 1994

The Honorable Loren Leman, Chair
Senate State Affairs Committee
Alaska State Legislature
State Capitol, Room 113
Juneau, Alaska 99801-1182

Dear Senator Leman:

Pursuant to your request in the Senate State Affairs Committee hearing March 21, 1994, a summary of differences between the Revised Uniform Reciprocal Enforcement of Support Act and the Uniform Interstate Family Support Act is attached.

If you have further questions or need additional information, please contact me at 465-4800.

Sincerely,



Laraine L. Derr
Deputy Commissioner

94-056

cc: Senate State Affairs Committee Members

**A SUMMARY OF THE DIFFERENCES BETWEEN
THE REVISED UNIFORM RECIPROCAL ENFORCEMENT
OF SUPPORT ACT**

AND

THE UNIFORM INTERSTATE FAMILY SUPPORT ACT

by

**Linda Ann Hammond
Assistant Staff Director
Child Support Project
Center on Children and the Law
American Bar Association**

Policy Statement: This publication was made possible through a contract with the Office of Child Support Enforcement, Administration for Children and Families, U.S. Department of Health and Human Services, Contract No. 233-89-0006. Any statements, opinions, findings or conclusions expressed herein do not necessarily reflect the views or policies of this agency or the American Bar Association.

Discrimination Prohibited: Under provisions of applicable public laws enacted by Congress since 1964, no person in the United States shall, on the grounds of race, color, national origin, handicap, or age, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity (or, on the basis of sex, with respect to any education program or activity) receiving Federal financial assistance. In addition, Executive Order 11141 prohibits discrimination on the basis of age by contractors and subcontractors in the performance of Federal contracts and Executive Order 11246 states that no federally funded contractor may discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. Therefore, the Administration for Children and Families must be operated in compliance with these laws and Executive Orders.

Requests for this publication may be directed to:
Administration for Children and Families
Office of Child Support Enforcement
National Reference Center
Mail Stop OCSE/RC
370 L'Enfant Promenade, SW
Washington, DC 20447
(202) 401-9383

For more information on ABA child support activities, please contact:
Child Support Project
Center on Children and the Law
American Bar Association
1800 M Street, N.W.
Washington, D.C. 20036
(202) 331-2250

THE UNIFORM INTERSTATE FAMILY SUPPORT ACT THE NEXT STEP IN IMPROVING INTERSTATE FAMILY SUPPORT COLLECTIONS

INTRODUCTION

In 1950, the Uniform Reciprocal Enforcement of Support Act (URESA) was a revolutionary effort to address the problem of nonpayment of family support by interstate obligors. After more than 40 years of experience in interstate collections, numerous technological advances, and three subsequent versions of URESA, a much different interstate law has been developed for State consideration.

The new interstate law is entitled the Uniform Interstate Family Support Act (UIFSA). It is intended to replace the original and Revised Uniform Reciprocal Enforcement of Support Acts (RURESAs).

The highlights of UIFSA are described below. Following the narrative account is a chart which briefly summarizes the differences between UIFSA and RURESAs. This Reference Chart can be quickly consulted to determine the variances between UIFSA and RURESAs. The highlights and chart are intended to be an introduction or an overview, not a replacement for exhaustive legal research and analysis. If one requires more detailed information, please refer to the model uniform acts found at Unif. Reciprocal Enforcement of Support Act (1950 Act)(amended 1952, 1958), 9B U.L.A. 553 (1987); Revised Unif. Reciprocal Enforcement of Support Act (1968 Act), 9B U.L.A. 381 (1987); Unif. Interstate Family Support Act, 9 Part 1 U.L.A. 77 (Supp. 1993).

UIFSA HIGHLIGHTS

The One Order Theory

Only One Order in a Case at One Time. Under RURESAs, most support proceedings are *de novo* (that is, treated as new cases), resulting in more than one valid, co-existing order in a case. This has often caused confusion when calculating arrearages or determining which order to enforce. To solve this dilemma, under UIFSA there is only one support order in effect in a case at any one time. This is referred to as the one order theory or the one order - one time concept.

Rules are set forth to determine which order should prevail if several orders were rendered prior to the enactment of UIFSA. See Section 207 of UIFSA for the specifics. Rules also exist for resolving actions pending in two or more States, which basically require that one State defer to another, taking into consideration where the child has lived for the prior six months. See Section 204 for details. Last, the Act requires that States treat interstate multiple order cases (for two or more families supported by the same obligor) as they would in-state multiple order cases.

Continuing, Exclusive Jurisdiction. The method used to enforce the one order theory is to allow only one State the right to change the order at any one time. The one State with this right has "continuing, exclusive jurisdiction" over the case. The State with continuing, exclusive jurisdiction to modify the order is the State that issued the order.

Continuing, exclusive jurisdiction endures so long as one party or child resides in the State unless the individual parties agree in writing to take their case to another State.

If the parties no longer reside in the issuing State or if a written agreement exists regarding jurisdiction, the Act establishes registration procedures for modification. See the section on "Registration for Modification" below.

One State Procedures

Under URESA, interstate cases can only be pursued when both the initiating and responding jurisdictions take some action. UIFSA includes new remedies that allow a State to handle a case locally, even if the parties live in different States. Two important "one State procedures" are long-arm jurisdiction and direct income withholding.

Long-Arm Jurisdiction. One of the most important provisions contained in UIFSA is the addition of long-arm jurisdiction. Long-arm jurisdiction authorizes a State to extend its jurisdiction over an individual who may be outside the geographical boundaries of the State. In this context, jurisdiction means the State's power to bring a person before its own tribunals and to require compliance with its tribunals' orders. UIFSA defines jurisdiction to maximize the tribunal's power over nonresidents, while remaining within the confines of the United States Constitution. See *Kulko v. Superior Court*, 436 U.S. 84 (1978) for a full explanation of this issue. UIFSA's broad definition includes long-arm jurisdiction in a paternity case based upon the individual's conduct within the State (e.g., engaging in sexual intercourse within the State).

Direct Income Withholding. For the first time, the Act authorizes that an income withholding order may be mailed directly to an obligor's employer in another State, regardless of whether the issuing State has jurisdiction over the out-of-state employer. UIFSA requires the employer to comply with the order without the necessity of a tribunal or administrative hearing, unless the employee objects. (OCSE's current regulations require IV-D interstate income withholding requests to be sent to the central registry in the responding State).

Two-State Procedures

Registration for Enforcement. The one order theory ends responding States' *de novo* hearings on new interstate petitions. If there is an existing order, UIFSA authorizes its enforcement in any State. The enforcement process begins by registering the order in the responding State (or States) for the purpose of enforcement only. Registration for enforcement only does not permit modification of the order in the responding State.

Administrative Enforcement. The responding State may choose to use administrative proceedings to enforce a support order or an income withholding order rather than formally registering the order for enforcement, if appropriate. If the obligor contests the administrative enforcement of the order, the agency must register the order pursuant to the Act.

Registration for Modification. A State may no longer have sufficient interest in maintaining the power to modify its order, because neither the child nor the parties continue to reside there. In such a situation, the responding State may assume the power to modify if certain requirements are met:

- Neither the child nor parties reside in the issuing State;
- the petitioner is a nonresident of the responding State; and
- the respondent is subject to the personal jurisdiction of the responding State.

or

- One party is subject to the personal jurisdiction of the tribunal; and
- all parties have consented to the tribunal's jurisdiction in writing.

The State modifying the order becomes the new State of continuing, exclusive jurisdiction. Note that the responding State's ability to modify the order is limited to the child support provisions only.

Evidentiary Improvements

UIFSA takes advantage of technology which did not exist at the time URESA was originally enacted. For instance, facsimile materials may be placed in evidence. Depositions may be videotaped and sent interstate. Testimony and depositions may take place by telephone conference calling. It is now less likely that the petitioner's presence is required in the tribunal.

There is greater access to relevant evidence without the expense of transporting documents and witnesses from one State to another.

UIFSA also eases some evidentiary rules as to materials typically needed in child support cases: Certain documents given under oath by a party or witness residing in another State, copies of payment records certified as true copies by the custodian of records, parentage testing bills, and health care bills relating to the birth of the child are all admissible into evidence.

A User-Friendly Law

UIFSA provides a number of very practical improvements to ease interstate support collection practices. The Act recognizes administrative agencies as well as tribunals for processing cases. Initiation of a case is made ministerial rather than a matter of tribunal review, so no certification is required. A party can choose to file directly with the responding State, bypassing initiating jurisdiction procedures.

There are more benefits to the parties. Parties have greater access to information on their cases because of the timeframes established for acting on cases, and because of the many notice requirements contained in the law. For the first time, remedies are available to both parties, obligors as well as obligees. UIFSA does not address issues of attorney/client relationships with obligors and obligees, however. The Act also clearly authorizes representation by private attorneys, including recovery of attorney fees.

Finally, the Act clearly authorizes establishing paternity without seeking support.

REFERENCE CHART

TOPIC

UIFSA

RURECA

ESTABLISHMENT ISSUES

Paternity

Clearly authorizes establishment of parentage in an interstate proceeding, even if not coupled with proceeding to establish support.

Authorizes paternity establishment but unclear whether action must be coupled with support proceeding.

Temporary Support

Provides for temporary support order based on paternity acknowledgment or other clear and convincing evidence (e.g., genetic test results) that defendant is child's parent.

No analogous provision.

Long-Arm Jurisdiction

Provides for long-arm jurisdiction over nonresident up to limits of *Kulko*. Includes long-arm paternity action based upon obligor's conduct within the State.

No analogous provision.

Type of Orders That May be Established

May only be used for proceedings involving support of child or spouse (i.e., not support of a parent).

"Obligee" is anyone to whom a duty of support is owed.

ENFORCEMENT ISSUES

Direct Enforcement

Provides for two "direct enforcement" procedures:

No analogous provisions.

1. Income withholding order may be mailed directly to obligor's employer in another State which triggers wage withholding unless employee objects. (Current federal regulations requires interstate income withholding request in IV-D cases to go through a responding State's central registry).
2. Direct administrative enforcement by obligor's State if same is available for intrastate cases.

Registration

Two-state enforcement activity begins with registration of support order in responding State. Full range of enforcement remedies available. However, registered order continues to be the order of the issuing State. Role of the responding State is limited to enforcing the order except in limited circumstances where the order has also been properly registered for purpose of modification.

Registration provisions may be used to domesticate foreign order; order may be subject to modification.

MODIFICATION ISSUES

Continuing, Exclusive Jurisdiction

Act establishes one controlling order:

1. State that issued the order has continuing, exclusive jurisdiction to modify the order.
2. Continuing, exclusive jurisdiction exists so long as one party lives in the State unless parties agree in writing for another State to exercise jurisdiction.
3. If parties no longer reside in the issuing State or if they agree in writing for another State to exercise jurisdiction, Act establishes registration procedure for modification.
4. In such situations party seeking modification must register order in State with personal jurisdiction over opposing party.
5. State modifying order becomes new State of continuing, exclusive jurisdiction.

No analogous provision.

Most proceedings are *de novo*; even if order is registered for enforcement, the registering State often asserts the right to modify registered order. More than one valid order can be in effect in more than one State.

Spousal Support

Spousal support is modifiable only by the original issuing State.

Child and spousal support are treated identically.

CHOICE OF LAW ISSUES

Determination of Support Duty

Apply law of responding State. In long-arm cases, the State conducting the hearing is defined as the responding State. If parentage previously determined pursuant to law, nonparentage may not be raised as a defense.

Apply law of State where obligor present for period of time when support is sought. Law of responding State presumed to apply.

Determination of Support Amount

Apply guidelines of the responding State.

Apply guidelines of the responding State.

Enforcement of Support Order

Procedure and law of the responding State apply as to enforcement issues, EXCEPT:

1. Law of the issuing State governs interpretation of order being enforced.
2. If issuing and responding States have different statutes of limitations for enforcement, the longer time period applies.

Complex choice of law (i.e., apply the law of the State where the obligor was present for the period during which support is sought). Otherwise, the law of the responding State.

EVIDENTIARY PROVISIONS

Electronic Information Transfer

Authorizes electronic information transfer; testimony or deposition by telephone conference; and inter-state discovery.

No analogous provision.

Records

Copy of payment records from another State, copy of health care bills, and facsimile copies are admissible into evidence.

No analogous provision.

Communications Between Tribunals

Tribunals of different States may communicate with each other to obtain information about laws of other State or orders of other tribunal.

No analogous provision.

Assistance with Discovery

Tribunals may assist one another by compelling discovery ordered by tribunal of another State.

Judge of initiating State may assist with deposition requested by responding tribunal.

CRIMINAL RENDITION

Under certain conditions, may demand return of obligor charged criminally in initiating State with failure to provide for support.

Same provision.

GENERAL PROVISIONS

Terminology

"Tribunal" includes administrative agencies that establish, enforce, and modify support, as well as tribunals.

"Court" refers to traditional tribunals only.

Definition of Support

Includes health care, interest, and attorney fees.

Support not defined.

Initiation of a Case

Initiation of an interstate case is ministerial. No requirement of certification. Also, party in the initiating State may file an action directly in the responding State, without going through initiating State.

Initiation of an interstate case requires initiating tribunal's review and signature.

Safeguarding Information

Nondisclosure authorized when the health, safety, or liberty of a party or child is at risk.

No protection.

Case Information Access

Tribunal and agency must keep parties informed about all important case developments.

No analogous provision.

Visitation

Visitation issues cannot be raised in UIFSA proceedings. Not a defense to nonpayment of support.

Similar provision.

Private Attorney Access

Explicitly authorized, including attorney fees.

Authorized, but no mention of attorney fees.

Reciprocity

Not required: URESA, RURESА, and all substantially similar State laws are deemed equivalent to UIFSA.

Required by law.

Availability of Remedies

UIFSA remedies available to both obligors and obligees.

URESА remedies available only to obligees.

Costs and Fees

Both obligor and obligee may file without payment of costs and fees. Continues RURESА rule that only obligor may be assessed costs and fees.

Costs and fees assessed against obligor only. No free filing to obligor.

Representation

Act does not create or negate any attorney/client relationship. Look to other State law.

Prosecuting attorney upon request of tribunal or Dept. of Welfare shall represent obligee.

Transition Where Multiple Orders Exist

Priority established:

1. Order issued by tribunal with continuing, exclusive jurisdiction as defined by Act.
2. If more than one tribunal would have continuing, exclusive jurisdiction, order issued by child's home State.
3. If more than one tribunal would have continuing, exclusive jurisdiction but no home State, the most recent order has priority.
4. If no tribunal would have continuing, exclusive jurisdiction under Act, responding State may issue new support order and becomes continuing, exclusive jurisdiction.

No analogous provision.

CHILD SUPPORT ENFORCEMENT TRANSMITTAL

PLAINTIFF/PETITIONER

- IV-D NON AFDC
- IV-D AFDC/IV-E FOSTER CARE
- NON IV-D

DEFENDANT/RESPONDENT

INITIATING CASE/DOCKET NO

TO: RESPONDING CENTRAL REGISTRY
COURT OR AGENCY (ADDRESS)

FIPS
CODE

COUNTY/STATE

OTHER REFERENCE NO

FILE STAMP

FROM: INITIATING CONTACT PERSON
AGENCY AND ADDRESS

FIPS
CODE

RESPONDING CASE/DOCKET NO

COUNTY/STATE

OTHER REFERENCE NO

IF COLLECTION LOCATION IS NEW OR DIFFERENT LIST IN SECTION VI PAGE 2.

I. ACTION REQUESTED



Please return the Acknowledgment attached

- | | |
|--|---|
| <p>1. <input type="checkbox"/> LOCATION OF</p> <p style="margin-left: 20px;">A. <input type="checkbox"/> ABSENT PARENT</p> <p style="margin-left: 20px;">B. <input type="checkbox"/> EMPLOYER AND WAGES</p> <p>2. <input type="checkbox"/> ESTABLISHMENT OF PATERNITY (URESА)</p> <p>3. <input type="checkbox"/> ESTABLISHMENT OF ORDER (URESА) FOR</p> <p style="margin-left: 20px;">A. <input type="checkbox"/> CHILD SUPPORT</p> <p style="margin-left: 20px;">B. <input type="checkbox"/> SPOUSAL SUPPORT (NON IV-D ONLY)</p> <p style="margin-left: 20px;">C. <input type="checkbox"/> UNREIMBURSED PUBLIC ASSISTANCE (IN IV-D CASES THE AMOUNT MUST BE REDUCED TO A CHILD SUPPORT JUDGMENT)</p> <p>4. <input type="checkbox"/> MODIFICATION OF EXISTING RESPONDING STATE ORDER (URESА)</p> <p>5. <input type="checkbox"/> INCOME WITHHOLDING</p> <p>6. <input type="checkbox"/> COLLECTION OF ARREARS (URESА OR UEFJA)</p> | <p style="margin-left: 20px;">C. <input type="checkbox"/> ASSETS</p> <p style="margin-left: 20px;">D. <input type="checkbox"/> OTHER INFORMATION TO ASSIST IN LOCATION</p> <p>7. <input type="checkbox"/> ENFORCEMENT OF EXISTING ORDER (URESА)</p> <p>8. <input type="checkbox"/> REGISTRATION OF FOREIGN SUPPORT ORDER (URESА)</p> <p>9. <input type="checkbox"/> CHANGE OF PAYEE (E.G., AFDC STATUS CHANGE)</p> <p>10. <input type="checkbox"/> REDIRECT PAYMENT (E.G., CUSTODIAN HAS MOVED)</p> <p>11. <input type="checkbox"/> ADMINISTRATIVE REVIEW FOR FEDERAL TAX OFFSET</p> <p>12. <input type="checkbox"/> DOCUMENTATION OF INFORMATION (FEDERAL TAX OFFSET)</p> <p style="margin-left: 20px;">A. <input type="checkbox"/> VERIFICATION OR PROVISION OF SSN</p> <p style="margin-left: 20px;">B. <input type="checkbox"/> VERIFICATION AND PROVISION OF SUPPORT ORDER AND ANY MODIFICATIONS</p> <p style="margin-left: 20px;">C. <input type="checkbox"/> VERIFICATION OF ARREARS AND PROVISION OF CALCULATIONS</p> <p>13. <input type="checkbox"/> OTHER _____</p> |
|--|---|

II. CASE SUMMARY (BACKGROUND OF THIS MATTER)

DATE OF SUPPORT ORDER

STATE & COUNTY ISSUING ORDER

DATE AND TYPE OF LAST COURT/ADMINISTRATIVE ACTION
COURT CASE NO.

SUPPORT AMOUNT/FREQUENCY

DATE OF LAST PAYMENT (Month, Day, Yr)

AMOUNT OF ARREARS

PERIOD OF COMPUTATION

\$

\$

FROM THRU

OTHER BRIEF SUMMARY OF REQUEST

III. 1. ABSENT PARENT INFORMATION

FULL NAME AND ALIASES (First Name, MI, Last Name)

ADDRESS (Street, City, State, Zip)

EMPLOYER (NAME) AND ADDRESS (Street, City, State, Zip)

HOME PHONE (Include Area Code)

WORK PHONE (Include Area Code)

DATE AND PLACE OF BIRTH

SEX

SOCIAL SECURITY NO.

LAW OFFICES
DILLON & FINDLEY

A PROFESSIONAL CORPORATION

JUNEAU
Dennis C. Bailey
Caroline Crenna
Paul L. Dillon
Thomas W. Findley
Richard D. Monkman
Arthur H. Peterson
Peter K. Putzier

350 N. Franklin Street
Juneau, Alaska 99801
Telephone (907) 586-4000
Facsimile (907) 586-3777

ANCHORAGE
Ray R. Brown
Mauri Long

1029 W. Third Ave., Suite 220
Anchorage, Alaska 99501
Telephone (907) 277-5400
Facsimile (907) 277-9896

March 22, 1994

MAR 22 1994

Hon. Loren Leman, Chair
Senate State Affairs Committee
Alaska State Legislature
Room 113, State Capitol
Juneau, Alaska 99801-1182

HAND-DELIVERED

Re: SB 302, Uniform Interstate Family
Support Act

Dear Senator Leman:

Thank you for scheduling SB 302 to be heard by your committee again tomorrow. I will not be able to attend the hearing, but wanted you and your committee to know of my support for the bill.

All United States jurisdictions have enacted the Uniform Reciprocal Enforcement of Support Act (URESAs), promulgated by the National Conference of Commissioners on Uniform State Laws. To solve problems that have arisen under URESAs in the last couple of decades, and generally to update the law, the National Conference has promulgated the Uniform Interstate Family Support Act (UIFSA) to replace the URESAs. Soon, all jurisdictions will have enacted the UIFSA. Alaska should not lag behind the others.

Thank you for your consideration of the measure. I urge a "Do Pass" recommendation.

Very truly yours,



Arthur H. Peterson
Uniform Law Commissioner
for Alaska

March 23, 1994

William Grant Callow, Esq.
425 G Street, Suite 610
Anchorage, AK 99501

Re: Proposed Uniform Interstate Family Support Act

Dear Mr. Callow:

Thank you for giving me the opportunity to comment on UIFSA. Please feel free to pass these comments along to whomever you like.

Let me begin by saying that while I have serious problems with some of the specifics, I strongly favor the adoption of UIFSA in some form. You have no doubt noticed that the commentary to UIFSA makes a number of references to the problems of a "multi-order system." Let me give you an example of how this actually causes problems. Mom, dad, and child live in Texas in the early 1980's. Mom and dad get divorced there, and she gets the child and (because he is a high-paid oilfield worker) \$800 per month in child support. Subsequently, oil prices go down, he loses his job, and the best job he can find is in Kansas, so he moves there. Mom now files the Texas order in Kansas under URESA. Dad's Kansas attorney moves to modify the order based on his client's lower income, and succeeds; the Kansas courts reduce the order to \$200 per month. For the next six years, dad works in Kansas and faithfully pays the \$200 per month, thinking that is what he is liable for. Eventually he gets a slightly better-paying job in California, and moves there. Mom takes the original Texas order for \$800 per month and registers it in California, claiming arrearages in the amount of \$600 per month, multiplied by all those months that he paid the lower amount. The California court, whether it seems fair or not, will establish an order for those arrearages, probably in excess of \$40,000, which dad will not be able to pay, forcing him to become a "deadbeat dad" and spend the rest of his life getting garnished and attached by his ex-wife despite the fact that he thought he was paid in full. The reason this is possible is that, under URESA/RURESAs, you can modify an order in a state where it is being enforced, but the modification applies only in that state, and the order from the old state can be enforced in other states. I have personally seen this lead to a number of tragic and unfair situations.

UIFSA would change this because there would only be one valid order. In the above hypothetical, at the point at which dad's

Re: UIFSA
March 23, 1994
Page 2

Kansas attorney attempted to modify the Texas decree in the enforcement action in Kansas, he would be told dad needs to make a motion in Texas to change the underlying child support order. It would be slightly more difficult for dad to do this than to file it in the state in which he is now living, but at least he knows what he has to do, and doesn't spend years developing an unknown arrearage.

I am aware that if UIFSA is going to work, the versions in effect in different states should be at least substantially similar; therefore it is not my intention here to suggest rewriting UIFSA as much as I may be tempted. However, I have specific problems which, if remedied, I do not believe will do harm to the core of the act.

My first problem is found at Section 201(1). The US Supreme Court has held, unfortunately, in Burnham v. Superior Court, 495 US 604 (1990) that it is not unconstitutional to assume jurisdiction over the obligor merely through service in the state. On the other hand, it is not fair nor is it good public policy. Custody and visitation orders often require a parent to visit a child in the other parent's home state, or accompany the child on travel for visitation. At other times, long term visitation may be so miserly that the parent has no choice but to occasionally visit the child in the other parent's home state. Circumstances such as those should not cause anyone to be subjected to the jurisdiction of a state with which they otherwise have no contact. This is especially critical in terms of Alaska, since it may be an extreme burden on a parent who has no connection with Alaska other than having had to come up occasionally to accompany their child, to defend a child support modification action in this distant state. That section of the proposed act should be eliminated.

Section 305(b)(9) provides that a tribunal may issue a bench warrant for the obligor. Unfortunately, the term "tribunal" includes the administrative agency. This is unacceptable for two reasons. First, in this state only judges and officials of the court system issue bench warrants, not administrative agencies; this is a significant deprivation of liberty and has always been a prerogative of the judiciary. Second, the agency which would have the authority to issue the bench warrant would be Child Support Enforcement Division, or its parent, the Department of Revenue. However, AS 25.27 provides that CSED is to represent the interests of the child, which they have always interpreted to mean that the more money they can squeeze out of the obligor, the better. Allowing them bench warrant power amounts to giving the prosecutor the authority, without going through a judge, to haul people into jail. That section should be modified to provide that only the court may issue a bench warrant.

Re: UIFSA
March 23, 1994
Page 3

In Section 205(d) it is mandated that a responding tribunal of this state may not condition the payment of a support order upon compliance by a party with provisions for visitation. This is consistent with general policy, for instance, Civil Rule 90.3, which provides that the court should not condition child support upon visitation, and vice versa. However, this section goes too far. It may be the case in a custodial parent kidnapping situation (where the parent with custody of the child is hiding the child) that the judge may need to put extra pressure on that party by, for instance, suspending child support until the child is produced. Conceivably, this section could prevent that, and it ought to be eliminated. Custodial parent kidnappings are one of the most serious unrecognized (by judges and legislators) problems in the family law system today, and this just makes it worse.

Section 312 should be eliminated, or at least limited to judicial cases. We already have a law which makes it extremely difficult for the obligor to find out where the child is living. This section unnecessarily gives the Child Support Enforcement Division, which has no experience or authority whatsoever with regard to issues of health or safety, a blanket authority to simply refuse to provide information which they are legally required to provide under the current statute. Given the rabid anti-male attitudes at Alaska CSED, the likely result of this section would be that if the custodian wishes to hide the children, all she need do is tell CSED that there was violence and the obligor can forget about seeing his kids. There is no provision for a hearing on the issue, so the obligor will never get an opportunity to rebut the accusation. Oftentimes, CSED is the only avenue the obligor has to track down a spouse who has absconded with his children. There is already a substantial hurdle in place; that avenue should not be further blocked.

Section 313(b) is grossly unfair, and suggestive of an attitude which, unfortunately, is common among child support enforcers, that the obligor is automatically a bad guy. The section provides that attorneys fees and costs may be enforced against the obligor, but not against anyone else in the case. Why not? Why is it that the obligor, who has committed no crime and done nothing wrong, other than that some judge has presumably decided it would be better for his children to spend most of their time with his ex-spouse, is treated as a criminal? This section should be modified to provide that both parties may be liable for costs and fees.

Sections 606(a) and 608 are unduly harsh. They both provide, without any apparent available exceptions, that if you have failed to raise an objection within twenty days of service, you may not ever bring any such objections again. That's too much. In court actions, there are opportunities to amend one's answer to raise

Re: UIFSA
March 23, 1994
Page 4

defenses which were missed, allowances for late filings or responses for good cause, and provisions to set aside judgments within a reasonable time for a variety of reasons. Some flexibility ought to be allowed here. We should remember that we are dealing with potentially massive amounts of money which may or may not really be owed. To cut someone off from a significant defense because he or she was unable to respond in time to the mailing is draconian and unreasonable.

Another reason Section 606 should be softened, is that there are many Alaskans who may not be home when the service is made. I have seen frequent situations in which papers were served by some legally acceptable means (for instance, delivery to an adult of suitable age and discretion at the obligor's normal domicile) while the person was out fishing, or crabbing, or surveying, or guiding, or working at remote site, or what have you, and the person does not even see the paperwork until after the deadline for responding has passed. The courts, in these situations, have generally been willing to allow late filings; the way Sections 606 and 608 read, no such discretion would be available in the administrative cases (and arguably in the court cases as well).

I have a technical problem with Section 611, and I am not sure why this wasn't picked up by the drafters, unless of course I am misinterpreting something. Section 611(a)(1) provides that a state may take jurisdiction to modify an order from another state only if three conditions are met: they are that neither the parties nor the child still reside in the issuing state, that the person who has filed the petition is a nonresident of this state, and that the other party is subject to personal jurisdiction in this state. I am confused about the need for the second provision. In most cases, it would be perfectly reasonable, but what if both of the parents live in the same state (not the issuing state)? While it is not common for both parents, after a divorce, to move out of the state they divorced in and into the same new state, it does happen, and for a variety of reasons. Probably the most common reason is that the noncustodial parent may wish to spend more time with the children by moving into the same area. This requirement may be an attempt to avoid Burnham v. Superior Court situations, by making it impossible to drag the other parent into your jurisdiction by personal service, but in other situations it may create a procedural conundrum. A better solution would be to eliminate personal service alone as a basis for jurisdiction, and drop the second requirement under Section 611(a)(1).

There are a few minor procedural points. Under Section 601(7) I am not aware of any putative father registry in this state, so that section should probably be dropped. Under Section 316(h), it is probably the intention of the drafters that the privilege against disclosure of communications between spouses does not apply

Re: UIFSA
March 23, 1994
Page 5

to the extent the spouses are the parties involved in the case, but that should be more carefully spelled out. I am happy to see that, under Section 701, the agency could now make paternity determinations, but if you are going to do this, you are going to need to enact some laws over in AS 25.27 so that there is actually an administrative procedure in place for determining paternity. You would also need to harmonize the fact that the Alaska Supreme Court has held that a paternity determination is a significant matter entailing potential loss of liberty or property, and in which an indigent party is entitled to appointed counsel.

Finally, there are two things which should be done to harmonize this law with current Alaska law. First, UIFSA should be carefully gone through to determine whether further changes need to be made because of the use of "tribunal" to refer both to the agency and the court system; I have noted some of the problems but I am not sure I have caught them all. Second, our child support laws are split between AS 25.25 (URESAs) and AS 25.27 (regarding CSED). The latter statutes should be carefully gone through to assure that they are in harmony with UIFSA, as there appear to be places in which the law under UIFSA would differ from what we presently have in AS 25.27.

Again, thank you for the opportunity to comment. Please feel free to call or write if you desire additional commentary. These comments are my own, and not made on behalf of any client or organization.

Sincerely,

Kenneth Kirk

KK/mlr

FAX COVER SHEET

Juneau Legislative Information Office

Office - (907) 465-4648

Fax - (907) 465-2864

To: Senate State Affairs From: Shana, Sen. Records
 Attn: Portia Phone: 3870
 Fax: 3810
 Phone: _____

Notes:

Mr. Kirk's testimony is typed pretty much
verbatim, but I can send you a tape if
any thing is unclear.

Date & Time Sent: 3/23/94 12:20 pm
 Number of pages three not counting cover sheet.

SENATE STATE AFFAIRS COMMITTEE
 March 23, 1994

SENATE BILL NO. 302

"An Act relating to the establishment, modification, and enforcement of support orders and the determination of parentage in situations involving more than one state; amending Alaska Rule of Administration 9; amending Alaska Rule of Civil Procedure 82; and providing for an effective date."

Testimony from:

Kenneth Kirk
 900 W. 5th Ave., Suite 730
 Anchorage, AK 99501
 (907) 279-1659

Mr. Kirk states he is speaking for himself, though he does work with and act as legal counsel for Family Support Group. He also emphasizes that he is in favor of SB 302 and UIFSA, though it may not sound like it because he intends to air some very specific criticisms of SB 302.

UIFSA is needed because the present URISA system has a real potential to ruin people's lives. Mr. Kirk says he has seen situations where there are two different orders from two different
 situations where there are two different orders from two different
 situations where there are two different orders from two different
 situations where there are two different orders from two different

potential to ruin people's lives. Mr. Kirk says he has seen situations where there are two different orders from two different states, both of which are valid and enforceable, which are completely inconsistent with one another. 2

Mr. Kirk states he faxed a copy of a letter, which was originally sent to William Grant Cowell (sp?), about the original draft of the legislation before it was put into SB 302, to the Senate State Affairs Committee on March 22, 1994. Mr. Kirk does not know if he sent it in time for it to be included in the bill packets, but he hopes the committee had time to look at it, because most of the criticism he had was contained in that letter.

Mr. Kirk states he will review his biggest concerns. First, it does not appear anyone has taken the time to harmonize SB 302 with AS 25.27, which is the CSED (Child Support Enforcement Division) statute. He thinks there are potential problems related to conflict between the provisions of SB 302 and AS 25.27. He suggests legislative counsel review AS 25.27 for purposes of making AS 25.27 more consistent with UIFSA.

His second concern relates to specific things he thinks should be changed in SB 302, without causing any harm to the overall intent of the bill. On page 4, line 24, the language gives the state jurisdiction over the non-resident. That language is not constitutional, pursuant to a case called Burnham (sp?) v. Superior Court. It is also bad public policy, is unfair, and should be eliminated. For instance, someone who has never had any connection

KIRK TESTIMONY

- 1 -

March 23, 1994

with Alaska, but their ex-spouse moved here with the kids, flies up to Alaska periodically to see the children or to accompany them out of state. When the out-of-state spouse flies up to see the child, they can then be handed a complaint and summons in a child support case and will then be subject to Alaska's laws on child support, rather than the laws of the place he actually resides. So he sees a problem with that, as a public policy matter.

Mr. Kirk also sees a problem on page 10, line 9, subsection (b) regarding tribunals. Mr. Kirk states there are several powers there that are not proper for administrative agencies of the state to have, including criminal contempt, and the issuance of bench warrants. He would hope that if SB 302 is passed, CSED will recognize that they do not really have that authority, and they will not try to issue bench warrants and hold people in criminal contempt. It would be much easier to simply delete that provision from SB 302, rather than go to court over it. Since the bill states CSED can use any other remedies already in law, that provision could be left out.

Mr. Kirk's next concern is with Section 25.25.312 on page 13, starting on line 16, NONDISCLOSURE OF INFORMATION IN EXCEPTIONAL CIRCUMSTANCES. Mr. Kirk states this is inconsistent with 25.27.275, which states the agency shall relate the information about the location of a child if the obligor is current in child support and there is a visitation or joint custody order in effect. His second concern with Section 25.25.312 is that it is ex parte, which means the obligor does not even get a chance to present their side of the story. The custodial parent can simply tell the enforcement officer that the non-custodial parent is dangerous, or scares them, or something like that, and without any contest, all of a sudden there is what appears to be a permanent order in place. There is no provision set up for appeal at a formal hearing, so the non-custodial parent might not even get to contest that order. Finally, there are no real standards for it, it is a very broad statement. CSED does not have any expertise with regard to issues relating to the health, safety, or liberty of the child, or of domestic violence. That should be left with the courts, not with CSED. Or at the least, there should be better standards and an appeal process.

Mr. Kirk states he also has a concern with the next section of the bill, Section 25.25.313, COSTS AND FEES. What this provision would essentially do is require the obligee, when they lose an appeal, to pay the entire attorney's fee bill for the other side. But if the obligee wins, all the obligee is entitled to is, at most, about one-quarter to one-third of attorney's fees. So SB 302 would basically set up unequal standards for the custodial parent to the obligee. The mind-set between too many of these laws is that the obligee is the "bad guy". All the obligee has ever done wrong, necessarily, is that some judge decided at some time that the obligee's children would be better off spending most of their time

with the other parent. There may not even be that, if there has never actually been a court case, such as if the child was born out of wedlock or the marriage was terminated through dissolution. That whole section, 25.25.313, should be dropped.

Mr. Kirk states Section 25.25.608, which precludes any further contest of the order with respect to a matter that could have been asserted at the time of registration, should be "softened" up a bit in default cases. In both court cases and administrative cases, if a person has a good-faith reason for not responding, you will often be allowed to re-open a case. Situations like this are common in Alaska. A person gets served the day before going out on a crab processor for six months, and in the meantime defaults on an order. This section would appear to completely preclude a person from any opportunity to re-open the matter later for redetermination.

Mr. Kirk states he will be in Juneau March 24th and 25th for a Correctional Industries Commission meeting and would be glad to meet with legislators or staff any time the commission is not taking care of business, if anyone wishes to do so. He acknowledges the complexity of SB 302, and is not always sure himself how the bill will play out in practice, but recognizes that some people may be less sure of it than he, and so would like to make himself available to work on it. He can be reached at the above phone number.

Mr. Kirk thanks the committee members for their time.

MEMORANDUM

TO: PORTIA BABCOCK
FROM: KENNETH KIRK
RE: SB 302
DATE: MARCH 24, 1994

Proposes changes to bill:

Vok 1. (DOR has no position) page 4 line 24-25: add language at the end "except that the tribunal may dismiss such a case for improper venue.

Vok 2. (DOR has no objection) change page 13, line 17 to say "upon a finding by the court".

Vok 3. (DOR has no position) page 13 lines 22 on eliminate subparagraph (b) leaving (a) and (c) in place.

4. (DOR has no position) page 21 line 11 add the following "except to the extent a party was reasonably unable to respond".

"interpretation"
of this language.

CLOSE NOTE

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

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


130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 25, 1994

SUBJECT: Court Rule Changes (CSSB 302(STA), version "E")

TO: Senator Loren Leman
ATTN: Portia

FROM: Terri Lauterbach 
Legislative Counsel

Enclosed is the State Affairs CS you requested for SB 302.

Sec. 8 of this bill states that AS 25.25.313 will not go into effect if a two-thirds vote is not received. This is the usual way of stating the effectiveness of a section that affects a court rule. However, AS 25.25.313 affects tribunals other than courts and should probably go into effect as to those tribunals even if the two-thirds vote is not obtained for a court rule change.

Therefore, I recommend deleting section 8 from the bill. A two-thirds vote will still be required to make AS 25.25.313 applicable to the courts, but if the two-thirds vote is not achieved, at least AS 25.25.313 will still apply to tribunals that are not courts, such as administrative agencies.

Please let me know if you have questions about this matter or if I can be of other assistance.

TML:lmb
94-104.lmb

Enclosure

FISCAL NOTE

No. 2

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BIL Bill Version: SB 302

(S) Publish Date: 2-11-94

Revision Date:	Dept. Affected: Revenue
Title: <u>Uniform Interstate Family Support Act (UIFSA)</u>	BRU: <u>Child Support Enforcement Division</u>
Sponsor: <u>House Rules Committee</u>	Component: <u>Child Support Enforcement Division</u>
Requestor: <u>Governor</u>	COMPONENT SERIAL NO. <u>111</u>

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	277.4	272.5	273.2	0.0	0.0	0.0
TRAVEL	1.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	7.3	7.3	9.5	0.0	0.0	0.0
SUPPLIES	28.0	28.0	32.0	0.0	0.0	0.0
EQUIPMENT	73.2	73.2	83.5	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS				0.0	0.0	0.0
TOTAL OPERATING	387.9	382.2	398.2	0.0	0.0	0.0
CAPITAL						

REVENUE FUND SOURCE:	1,500.0	1,500.0	1,789.0	0.0	0.0	0.0
----------------------	---------	---------	---------	-----	-----	-----

FUNDING: (Thousands of Dollars)

1002 Federal Receipts	256.0	252.3	262.8	0.0	0.0	0.0
03 GF Match	63.3	62.3	65.0	0.0	0.0	0.0
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other 1016 Fed Incent	68.6	67.6	70.4	0.0	0.0	0.0
TOTAL	387.9	382.2	398.2	0.0	0.0	0.0

POSITIONS:

FULL-TIME	7	7	8	0	0	0
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: \$ 0.0

ANALYSIS: (Attach a separate page if necessary.)
 UIFSA applies to those actions relating to the establishment, modification, and enforcement of support orders and the determining of parentage in situations where the parties reside in more than one state. The passage of this bill will improve service to case parties involved in interstate enforcement of child support orders. It simplifies the process and authorizes the movement to a one order system for child support obligations that is honored by all states which pass UIFSA. It will increase the caseload by making it easier for custodial parents to initiate and enforce interstate child support cases. Currently the interstate caseload is increasing at 16% per year. Many custodial parents have not sought enforcement due to the cumbersome interstate process, but with the ease of case processing with UIFSA; the already rapidly increasing caseload will accelerate. The caseload of 5,941 in 1990 has increased to 8,787 in 1993 cases. Assuming this trend continues the caseload will be approximately 14,000 in three years. This does not consider the increase resulting from this legislation. (continued)

Prepared by: <u>Mary Gay, Director</u>	Phone: <u>263-6270</u>
Division: <u>Child Support Enforcement Division</u>	Date: _____
Approved by Commissioner: <u>Darrel J. Rexwinkel</u>	Date: <u>1/31/94</u>
Agency: <u>Department of Revenue</u>	

**PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information call the Governor's Legislative Office**

OLD

(Continuation of Fiscal Note)

PERSONAL SERVICES:

The division will need an additional 22 positions over three years. The Division will need 7 additional positions in FY 95, 7 in FY 96 and 8 in FY 97. Positions required in FY 95:

One Child Support Enforcement Officer II, to manage and supervise assigned personnel in a interstate unit responsible for establishing paternity and/or support orders, and the modification and enforcement of these orders.

Two Child Support Enforcement Officer I's, work in a lead support position on an interstate unit responsible for establishing paternity and/or support orders, and the modification and enforcement of these orders.

Four Clerk IV's, work under the direction of a Child Support Enforcement Officer initiating actions on interstate support cases.

CONTRACTUAL:

Additional cost of long distance telephone service for new positions. Cost of paying for copies, photographs and other items required from other states in the processing of interstate cases where the other state's agencies charge for certain services.

SUPPLIES:

Interstate employees process approximately 4 times as much paper and mail as other CSED employees therefore they will require \$4,000 per year per employee for pens, pencils, paper, envelopes etc.

EQUIPMENT:

The following is a breakdown of equipment per new position;

Computer	\$ 5,760
Workstation furniture	\$ 3,506
Phone equip & service	\$ 1,191
Total	\$10,457

The seven additional positions would result in an additional \$1.5 million in revenue to the general fund through the collection of child support owed to the State previously given as AFDC grants to custodial parents. The additional positions would also collect \$3.7 million in child support owed directly to custodial parents. These monies would allow many custodial parents to live without the need to seek AFDC assistance.

Federal funding is provided at the rate of 66% on authorized expenditures. Federal incentives are calculated based on a cost effectiveness ratio of AFDC collections compared to expenditures.

The U.S. Commission on Interstate Child Support recommends "verbatim" enactment of UIFSA under penalty of losing federal funding. Congress is currently considering several bills which make passage of this legislation mandatory.

8-GS2011E
Lauterbach
3/25/94

**CS FOR SENATE BILL NO. 302(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION**

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:
Referred:

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

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the establishment, modification, and enforcement of support
2 orders and the determination of parentage in situations involving more than one
3 state; amending Alaska Rule of Administration 9; amending Alaska Rules of Civil
4 Procedure 79 and 82; and providing for an effective date."

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

6 * Section 1. AS 25.25 is amended by adding new sections to read:

7 **ARTICLE 1. GENERAL PROVISIONS.**

8 **Sec. 25.25.101. DEFINITIONS.** In this chapter,

9 (1) "child" means an individual, whether over or under the age of
10 majority, who is or is alleged to be owed a duty of support by the individual's parent
11 or who is or is alleged to be the beneficiary of a support order directed to the parent;

12 (2) "child support order" means a support order for a child, including
13 a child who has attained the age of majority under the law of the issuing state;

14 (3) "duty of support" means an obligation imposed or imposable by law

1 to provide support for a child, spouse, or former spouse, including an unsatisfied
2 obligation to provide support;

3 (4) "home state" means the state in which a child lived with a parent
4 or a person acting as parent for at least six consecutive months immediately preceding
5 the time of filing of a complaint or comparable pleading for support and, if a child is
6 less than six months old, the state in which the child lived from birth with a parent or
7 person acting as a parent; a period of temporary absence of a parent or person acting
8 as a parent is counted as part of the six-month or other period;

9 (5) "income" includes earnings or other periodic entitlements to money
10 from any source and any other property subject to withholding for support under the
11 law of this state;

12 (6) "income withholding order" means an order or other legal process
13 directed to an obligor, an obligor's employer, an obligor's future employer, or another
14 person, political subdivision, or department of the state, under AS 25.27 to withhold
15 support from the income of the obligor under AS 25.27;

16 (7) "initiating state" means a state in which a proceeding under this
17 chapter or a law substantially similar to this chapter, the former provisions of this
18 chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform
19 Reciprocal Enforcement of Support Act is filed for forwarding to a responding state;

20 (8) "initiating tribunal" means the authorized tribunal in an initiating
21 state;

22 (9) "issuing state" means the state in which a tribunal issues a support
23 order or renders a judgment determining parentage;

24 (10) "issuing tribunal" means the tribunal that issues a support order
25 or renders a judgment determining parentage;

26 (11) "law" includes decisional and statutory law and rules and
27 regulations having the force of law;

28 (12) "obligee" means

29 (A) an individual to whom a duty of support is or is alleged to
30 be owed or in whose favor a support order has been issued or a judgment
31 determining parentage has been rendered;

1 (B) a state or political subdivision to which the rights under a
2 duty of support or support order have been assigned or that has independent
3 claims based on financial assistance provided to an individual obligee; or

4 (C) an individual seeking a judgment determining parentage of
5 the individual's child;

6 (13) "obligor" means an individual or the est: of a decedent who

7 (A) owes or is alleged to owe a duty of support;

8 (B) is alleged but has not been adjudicated to be a parent of a
9 child; or

10 (C) is liable under a support order;

11 (14) "register" means to file a support order or judgment determining
12 parentage with the superior court;

13 (15) "registering court" means the superior court in which a support
14 order or judgment determining parentage is registered;

15 (16) "responding state" means a state to which a proceeding is
16 forwarded under this chapter or a law substantially similar to this chapter, the former
17 provisions of this chapter, the Uniform Reciprocal Enforcement of Support Act, or the
18 Revised Uniform Reciprocal Enforcement of Support Act;

19 (17) "responding tribunal" means the authorized tribunal in a
20 responding state;

21 (18) "spousal support order" means a support order for a spouse or
22 former spouse of the obligor;

23 (19) "state" means a state of the United States, the District of
24 Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession
25 subject to the jurisdiction of the United States; the term "state" includes a foreign
26 jurisdiction that has established procedures for issuance and enforcement of support
27 orders that are substantially similar to the procedures under this chapter;

28 (20) "support enforcement agency" means a public official or agency
29 authorized to seek

30 (A) enforcement of support orders or laws relating to the duty
31 of support;

1 (B) establishment or modification of child support orders;

2 (C) determination of parentage; or

3 (D) the location of obligors or their assets;

4 (21) "support order" means a judgment, decree, or order, whether
5 temporary, final, or subject to modification, for the benefit of a child, a spouse, or a
6 former spouse, that provides for monetary support, health care, arrearages, or
7 reimbursement, and may include related costs and fees, interest, income withholding,
8 attorney fees, and other relief;

9 (22) "tribunal" means a court, administrative agency, or quasi-judicial
10 entity authorized to establish, enforce, or modify support orders or to determine
11 parentage.

12 Sec. 25.25.102. TRIBUNALS OF THIS STATE. The superior court and the
13 child support enforcement agency are the tribunals of this state.

14 Sec. 25.25.103. REMEDIES CUMULATIVE. Remedies provided by this
15 chapter are cumulative and do not affect the availability of remedies under other law.

16 * Sec. 2. AS 25.25 is amended by adding new sections to read:

17 ARTICLE 2. JURISDICTION.

18 Sec. 25.25.201. BASES FOR JURISDICTION OVER NONRESIDENT. In
19 a proceeding to establish, enforce, or modify a support order or to determine parentage,
20 a tribunal of this state may exercise personal jurisdiction over a nonresident individual
21 or the individual's guardian or conservator if

22 (1) the individual is personally served with a citation, summons, or
23 notice within this state; however, in a case based on service under this paragraph, a
24 tribunal may dismiss the case for improper venue;

25 (2) the individual submits to the jurisdiction of this state by consent,
26 by entering a general appearance, or by filing a responsive document having the effect
27 of waiving any contest to personal jurisdiction;

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

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

31 (5) the child resides in this state as a result of the acts or directives of

1 the individual;

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

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

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

8 Sec. 25.25.202. PROCEDURE WHEN EXERCISING JURISDICTION OVER
9 NONRESIDENT. A tribunal of this state exercising personal jurisdiction over a
10 nonresident under AS 25.25.201 may apply AS 25.25.316 to receive evidence from
11 another state and AS 25.25.318 to obtain discovery through a tribunal of another state.
12 In all other respects, AS 25.25.301 - 25.25.701 do not apply and the tribunal shall
13 apply the procedural and substantive law of this state, including the rules on choice of
14 law other than those established by this chapter.

15 Sec. 25.25.203. INITIATING AND RESPONDING TRIBUNAL OF THIS
16 STATE. Under this chapter, a tribunal of this state may serve as an initiating tribunal
17 to forward proceedings to another state and as a responding tribunal for proceedings
18 initiated in another state.

19 Sec. 25.25.204. SIMULTANEOUS PROCEEDINGS IN ANOTHER STATE.
20 (a) A tribunal of this state may exercise jurisdiction to establish a support order if the
21 complaint or comparable pleading is filed after a complaint or comparable pleading is
22 filed in another state only if

23 (1) the complaint or comparable pleading in this state is filed before
24 the expiration of the time allowed in the other state for filing a responsive pleading
25 challenging the exercise of jurisdiction by the other state;

26 (2) the contesting party timely challenges the exercise of jurisdiction
27 in the other state; and

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

29 (b) A tribunal of this state may not exercise jurisdiction to establish a support
30 order if the complaint or comparable pleading is filed before a complaint or
31 comparable pleading is filed in another state if

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

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

6 (3) if relevant, the other state is the home state of the child.

7 Sec. 25.25.205. CONTINUING, EXCLUSIVE JURISDICTION. (a) A
8 tribunal of this state issuing a support order consistent with the law of this state has
9 continuing, exclusive jurisdiction over a child support order

10 (1) as long as this state remains the residence of the obligor, the
11 individual obligee, or the child for whose benefit the support order is issued; or

12 (2) until each individual party has filed written consent with the tribunal
13 of this state for a tribunal of another state to modify the order and assume continuing,
14 exclusive jurisdiction.

15 (b) A tribunal of this state issuing a child support order consistent with the law
16 of this state may not exercise its continuing jurisdiction to modify the order if the
17 order has been modified by a tribunal of another state under a law substantially similar
18 to this chapter.

19 (c) If a child support order of this state is modified by a tribunal of another
20 state under a law substantially similar to this chapter, a tribunal of this state loses its
21 continuing, exclusive jurisdiction with regard to prospective enforcement of the order
22 issued in this state and may only

23 (1) enforce the order that was modified as to amounts accruing before
24 the modification;

25 (2) enforce nonmodifiable aspects of that order; and

26 (3) provide other appropriate relief for violations of that order that
27 occurred before the effective date of the modification.

28 (d) A tribunal of this state shall recognize the continuing, exclusive jurisdiction
29 of a tribunal of another state that has issued a child support order under a law
30 substantially similar to this chapter.

31 (e) A temporary support order issued ex parte or pending resolution of a

1 jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing
2 tribunal.

3 (f) A tribunal of this state issuing a support order consistent with the law of
4 this state has continuing, exclusive jurisdiction over a spousal support order throughout
5 the existence of the support obligation. A tribunal of this state may not modify a
6 spousal support order issued by a tribunal of another state having continuing, exclusive
7 jurisdiction over that order under the law of that state.

8 Sec. 25.25.206. ENFORCEMENT AND MODIFICATION OF SUPPORT
9 ORDER BY TRIBUNAL HAVING CONTINUING JURISDICTION. (a) A tribunal
10 of this state may serve as an initiating tribunal to request a tribunal of another state to
11 enforce or modify a support order issued in that state.

12 (b) A tribunal of this state having continuing, exclusive jurisdiction over a
13 support order may act as a responding tribunal to enforce or modify the order. If a
14 party subject to the continuing, exclusive jurisdiction of the tribunal no longer resides
15 in the issuing state, in subsequent proceedings the tribunal may apply AS 25.25.316
16 to receive evidence from another state and AS 25.25.318 to obtain discovery through
17 a tribunal of another state.

18 (c) A tribunal of this state that lacks continuing, exclusive jurisdiction over a
19 spousal support order may not serve as a responding tribunal to modify a spousal
20 support order of another state.

21 Sec. 25.25.207. RECOGNITION OF CHILD SUPPORT ORDERS. (a) If a
22 proceeding is brought under this chapter, and one or more child support orders have
23 been issued in this or another state with regard to an obligor and a child, a tribunal of
24 this state shall apply the following criteria in determining which order to recognize for
25 purposes of continuing, exclusive jurisdiction:

26 (1) if only one tribunal has issued a child support order, the order of
27 that tribunal shall be recognized;

28 (2) if two or more tribunals have issued child support orders for the
29 same obligor and child, and only one of the tribunals would have continuing, exclusive
30 jurisdiction under this chapter, the order of that tribunal shall be recognized;

31 (3) if two or more tribunals have issued child support orders for the

1 same obligor and child, and more than one of the tribunals would have continuing,
2 exclusive jurisdiction under this chapter, an order issued by a tribunal in the current
3 home state of the child shall be recognized but, if an order has not been issued in the
4 current home state of the child, the order most recently issued must be recognized;

5 (4) if two or more tribunals have issued child support orders for the
6 same obligor and child, and none of the tribunals would have continuing, exclusive
7 jurisdiction under this chapter, the tribunal of this state may issue a child support order
8 that shall be recognized.

9 (b) The tribunal that has issued an order recognized under (a) of this section
10 is the tribunal having continuing, exclusive jurisdiction.

11 Sec. 25.25.208. MULTIPLE CHILD SUPPORT ORDERS FOR TWO OR
12 MORE OBLIGEES. In responding to multiple registrations or complaints for
13 enforcement of two or more child support orders in effect at the same time with regard
14 to the same obligor and different individual obligees, when at least one of the orders
15 was issued by a tribunal of another state, a tribunal of this state shall enforce those
16 orders in the same manner as if the multiple orders had been issued by a tribunal of
17 this state.

18 Sec. 25.25.209. CREDIT FOR PAYMENTS. Amounts collected and credited
19 for a particular period under a support order issued by a tribunal of another state shall
20 be credited against the amounts accruing or accrued for the same period under a
21 support order issued by the tribunal of this state.

22 * Sec. 3. AS 25.25 is amended by adding new sections to read:

23 ARTICLE 3. CIVIL PROVISIONS OF GENERAL APPLICATION.

24 Sec. 25.25.301. PROCEEDINGS UNDER THIS CHAPTER. (a) Except as
25 otherwise provided in this chapter, AS 25.25.301 - 25.25.319 apply to all proceedings
26 under this chapter.

27 (b) This chapter provides for the following proceedings:

28 (1) establishment of an order for child support or spousal support under
29 AS 25.25.401;

30 (2) enforcement of a support order and income withholding order of
31 another state without registration under AS 25.25.501 - 25.25.502;

1 (3) registration of an order for child support or spousal support of
2 another state for enforcement under AS 25.25.601 - 25.25.612;

3 (4) modification of an order for child support or spousal support issued
4 by a tribunal of this state under AS 25.25.203 - 25.25.206;

5 (5) registration of an order for child support of another state for
6 modification under AS 25.25.601 - 25.25.612;

7 (6) determination of parentage under AS 25.25.701; and

8 (7) assertion of jurisdiction over nonresidents under AS 25.25.201 -
9 25.25.202.

10 (c) An individual or a support enforcement agency may commence a
11 proceeding authorized under this chapter by filing a complaint or a comparable
12 pleading in an initiating tribunal for forwarding to a responding tribunal or by filing
13 a complaint or a comparable pleading directly in a tribunal of another state that has
14 or can obtain personal jurisdiction over the respondent.

15 Sec. 25.25.302. ACTION BY MINOR PARENT. A minor parent, or a
16 guardian or other legal representative of a minor parent, may maintain a proceeding
17 on behalf of or for the benefit of the minor's child.

18 Sec. 25.25.303. APPLICATION OF LAW OF THIS STATE. Except as
19 otherwise provided by this chapter, a responding tribunal of this state shall

20 (1) apply the procedural and substantive law, including the rules on
21 choice of law, generally applicable to similar proceedings originating in this state and
22 may exercise all powers and provide all remedies available in those proceedings; and

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

25 Sec. 25.25.304. DUTIES OF INITIATING TRIBUNAL. Upon the filing of
26 a complaint or comparable pleading authorized by this chapter, an initiating tribunal
27 of this state shall forward three copies of the complaint or comparable pleading and
28 its accompanying documents

29 (1) to the responding tribunal or appropriate support enforcement
30 agency in the responding state; or

31 (2) if the identity of the responding tribunal is unknown, to the state

1 information agency of the responding state with a request that they be forwarded to the
2 appropriate tribunal and that receipt be acknowledged.

3 Sec. 25.25.305. DUTIES AND POWERS OF RESPONDING TRIBUNAL.

4 (a) When a responding tribunal of this state receives a complaint or comparable
5 pleading from an initiating tribunal or directly under AS 25.25.301(c), it shall cause
6 the complaint or pleading to be filed and notify the petitioner by first class mail where
7 and when it was filed.

8 (b) A responding tribunal of this state, to the extent otherwise specifically
9 authorized by law, may do one or more of the following:

10 (1) issue or enforce a support order, modify a child support order, or
11 render a judgment to determine parentage;

12 (2) order an obligor to comply with a support order, specifying the
13 amount and the manner of compliance;

14 (3) order income withholding;

15 (4) determine the amount of any arrearages, and specify a method of
16 payment;

17 (5) enforce orders by civil or criminal contempt, or both;

18 (6) set aside property for satisfaction of the support order;

19 (7) place liens and order execution on the obligor's property;

20 (8) order an obligor to keep the tribunal informed of the obligor's
21 current residential address, telephone number, employer, address of employment, and
22 telephone number at the place of employment;

23 (9) issue a bench warrant for an obligor who has failed after proper
24 notice to appear at a hearing ordered by the tribunal and enter the bench warrant in
25 any local and state computer systems for criminal warrants;

26 (10) order the obligor to seek appropriate employment by specified
27 methods;

28 (11) award reasonable attorney fees and other fees and costs; and

29 (12) grant any other available remedy.

30 (c) A responding tribunal of this state shall include in a support order issued
31 under this chapter, or in the documents accompanying the order, the calculations on

1 which the support order is based.

2 (d) A responding tribunal of this state may not condition the payment of a
3 support order issued under this chapter upon compliance by a party with provisions for
4 visitation.

5 (e) If a responding tribunal of this state issues an order under this chapter, the
6 tribunal shall send a copy of the order by first class mail to the petitioner and the
7 respondent and to the initiating tribunal, if any.

8 Sec. 25.25.306. INAPPROPRIATE TRIBUNAL. If a complaint or comparable
9 pleading is received by an inappropriate tribunal of this state, it shall forward the
10 complaint or pleading, and accompanying documents, to an appropriate tribunal in this
11 state or another state and notify the petitioner by first class mail where and when the
12 complaint or pleading was sent.

13 Sec. 25.25.307. DUTIES OF CHILD SUPPORT ENFORCEMENT AGENCY.

14 (a) The child support enforcement agency of this state, upon request, shall provide
15 services to a petitioner in a proceeding under this chapter.

16 (b) In providing services under this chapter to the petitioner, the child support
17 enforcement agency shall, as appropriate

18 (1) take the steps necessary to enable an appropriate tribunal in this
19 state or another state to obtain jurisdiction over the respondent;

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

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

24 (4) send written notice from an initiating, responding, or registering
25 tribunal to the petitioner by first class mail within two days of receipt, exclusive of
26 Saturdays, Sundays, and legal holidays;

27 (5) send a copy of a written communication from the respondent or the
28 respondent's attorney to the petitioner by first class mail within two days of receipt,
29 exclusive of Saturdays, Sundays, and legal holidays; and

30 (6) notify the petitioner if jurisdiction over the respondent cannot be
31 obtained.

1 (c) This chapter does not create or negate a relationship of attorney and client
2 or other fiduciary relationship between the child support enforcement agency or the
3 attorney for the agency and the individual being assisted by the agency.

4 Sec. 25.25.308. DUTY OF ATTORNEY GENERAL. If the attorney general
5 determines that the child support enforcement agency is neglecting or refusing to
6 provide services to an individual, the attorney general may order the agency to perform
7 its duties under this chapter or may provide those services directly to the individual.

8 Sec. 25.25.309. PRIVATE COUNSEL. An individual may employ private
9 counsel to represent the individual in proceedings authorized by this chapter.

10 Sec. 25.25.310. STATE INFORMATION AND LOCATOR AGENCY. The
11 child support enforcement agency is the state information agency under this chapter,
12 and it shall

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

17 (2) maintain a register of tribunals and support enforcement agencies
18 received from other states;

19 (3) forward to the appropriate tribunal in the place in this state in which
20 the individual obligee or the obligor resides, or in which the obligor's property is
21 believed to be located, all documents concerning a proceeding under this chapter
22 received from an initiating tribunal or the state information agency of the initiating
23 state; and

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

31 Sec. 25.25.311. PLEADINGS AND ACCOMPANYING DOCUMENTS. (a)

1 A petitioner seeking to establish or modify a support order or to determine parentage
 2 in a proceeding under this chapter shall verify the complaint or comparable pleading.
 3 Unless otherwise ordered under AS 25.25.312, or otherwise prohibited by law, the
 4 complaint or comparable pleading or accompanying documents must provide, so far
 5 as is known, the name, residential address, and social security numbers of the obligor
 6 and the obligee, and the name, sex, residential address, social security number, and
 7 date of birth of each child for whom support is sought. The complaint or comparable
 8 pleading must be accompanied by a certified copy of any support order in effect. The
 9 complaint or comparable pleading may include other information that may assist in
 10 locating or identifying the respondent.

11 (b) The complaint or comparable pleading must specify the relief sought. The
 12 complaint or comparable pleading and accompanying documents must conform
 13 substantially with the requirements imposed by the forms mandated by federal law for
 14 use in cases filed by a support enforcement agency.

15 Sec. 25.25.312. NONDISCLOSURE OF INFORMATION IN EXCEPTIONAL
 16 CIRCUMSTANCES. Upon a finding by a tribunal, ^{amend #1 by Miller} which may be made ex parte, that
 17 the health, safety, or liberty of a party or child would be unreasonably put at risk by
 18 the disclosure of identifying information, or if an existing order so provides, a tribunal
 19 shall order that the address of the child or party or other identifying information not
 20 be disclosed in a pleading or other document filed in a proceeding under this chapter. *adopted*

21 Sec. 25.25.313. COSTS AND FEES. (a) Notwithstanding any other provision
 22 of law, including a rule of the Alaska Supreme Court, at the time a complaint or
 23 comparable pleading is filed under this chapter, a tribunal may not require the
 24 petitioner to pay a filing fee or other costs.

25 (b) The superior court shall order the payment of costs and reasonable attorney
 26 fees, including filing fees that were waived under (a) of this section, by a party who
 27 requests a hearing under this chapter if it determines that the hearing was requested
 28 primarily for delay. In a proceeding under AS 25.25.601 - 25.25.612, a hearing is
 29 presumed to have been requested primarily for delay if a registered support order is
 30 confirmed or enforced without change; however, the party who requested the hearing
 31 may present evidence to rebut this presumption.

1 Sec. 25.25.314. LIMITED IMMUNITY OF PETITIONER. (a) Participation
2 by a petitioner in a proceeding before a responding tribunal, whether in person, by
3 private attorney, or through services provided by the support enforcement agency, does
4 not confer personal jurisdiction over the petitioner in another proceeding.

5 (b) A petitioner is not amenable to service of civil process while physically
6 present in this state to participate in a proceeding under this chapter.

7 (c) The immunity granted by this section does not extend to civil litigation
8 based on acts unrelated to a proceeding under this chapter committed by a party while
9 present in this state to participate in the proceeding.

10 Sec. 25.25.315. NONPARENTAGE AS DEFENSE. A party whose parentage
11 of a child has been previously determined under law may not plead nonparentage as
12 a defense to a proceeding under this chapter.

13 Sec. 25.25.316. SPECIAL RULES OF EVIDENCE AND PROCEDURE. (a)
14 The physical presence of the petitioner in a responding tribunal of this state is not
15 required for the establishment, enforcement, or modification of a support order or the
16 rendition of a judgment determining parentage.

17 (b) A verified complaint or comparable pleading, affidavit, document
18 substantially complying with federally mandated forms, and a document incorporated
19 by reference in any of them, not excluded under the hearsay rule if given in person,
20 is admissible in evidence if given under oath by a party or witness residing in another
21 state.

22 (c) A copy of the record of child support payments certified as a true copy of
23 the original by the custodian of the record may be forwarded to a responding tribunal.
24 The copy is evidence of facts asserted in it and is admissible to show whether
25 payments were made.

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

30 (e) Documentary evidence transmitted from another state to a tribunal of this
31 state by telephone, telecopier, or other means that do not provide an original writing

1 may not be excluded from evidence on an objection based on the means of
2 transmission.

3 (f) In a proceeding under this chapter, a tribunal of this state may permit a
4 party or witness residing in another state to be deposed or to testify by telephone,
5 audiovisual means, or other electronic means at a designated tribunal or other location
6 in that state. A tribunal of this state shall cooperate with tribunals of other states in
7 designating an appropriate location for the deposition or testimony.

8 (g) If a party called to testify at a civil hearing refuses to answer on the
9 ground that the testimony may be self-incriminating, the trier of fact may draw an
10 adverse inference from the refusal.

11 (h) A privilege against disclosure of communications between spouses does not
12 apply in a proceeding under this chapter.

13 (i) The defense of immunity based on the relationship of husband and wife or
14 parent and child does not apply in a proceeding under this chapter.

15 Sec. 25.25.317. COMMUNICATIONS BETWEEN TRIBUNALS. A tribunal
16 of this state may communicate with a tribunal of another state in writing, or by
17 telephone or other means, to obtain information concerning the laws of that state, the
18 legal effect of a judgment, decree, or order of that tribunal, and the status of a
19 proceeding in the other state. A tribunal of this state may furnish similar information
20 by similar means to a tribunal of another state.

21 Sec. 25.25.318. ASSISTANCE WITH DISCOVERY. A tribunal of this state
22 may

23 (1) request a tribunal of another state to assist in obtaining discovery;
24 and

25 (2) upon request, compel a person over whom it has jurisdiction to
26 respond to a discovery order issued by a tribunal of another state.

27 Sec. 25.25.319. RECEIPT AND DISBURSEMENT OF PAYMENTS. The
28 child support enforcement agency of this state shall disburse promptly any amounts
29 received under a support order, as directed by the order. The agency shall furnish to
30 a requesting party or tribunal of another state a certified statement by the custodian of
31 the record of the amounts and dates of all payments received.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

ARTICLE 4. ESTABLISHMENT OF SUPPORT ORDER.

Sec. 25.25.401. COMPLAINT TO ESTABLISH SUPPORT ORDER. (a) If a child support order entitled to recognition under this chapter has not been issued, a responding tribunal of this state may issue a child support order if

- (1) the individual seeking the order resides in another state; or
- (2) the support enforcement agency seeking the order is located in another state.

(b) The tribunal may issue a temporary child support order if

- (1) the respondent has signed a verified statement acknowledging parentage;
- (2) the respondent has been determined under law to be the parent; or
- (3) there is other clear and convincing evidence that the respondent is the child's parent.

(c) If a spousal support order entitled to recognition under this chapter has not been issued, a responding superior court of this state may issue a spousal support order if

- (1) the individual seeking the order resides in another state; or
- (2) the support enforcement agency seeking the order is located in another state.

(d) If, after providing an obligor with notice and opportunity to be heard, an appropriate tribunal finds that the obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders under AS 25.25.305.

(e) Before issuing an order under (b) of this section, the child support enforcement agency shall adopt regulations for issuing such an order.

ARTICLE 5. DIRECT ENFORCEMENT OF ORDER OF ANOTHER STATE WITHOUT REGISTRATION.

Sec. 25.25.501. RECOGNITION OF INCOME WITHHOLDING ORDER OF ANOTHER STATE. (a) An income withholding order issued in another state may be sent by first class mail to the person or entity defined as the obligor's employer under AS 25.27 without first filing a complaint or comparable pleading or registering

1 the order with the superior court of this state. Upon receipt of the order, the employer
2 shall

3 (1) treat an income withholding order issued in another state that
4 appears regular on its face as if it had been issued by a tribunal of this state;

5 (2) immediately provide a copy of the order to the obligor; and

6 (3) distribute the funds as directed in the withholding order.

7 (b) An obligor may contest the validity or enforcement of an income
8 withholding order issued in another state in the same manner as if the order had been
9 issued by a tribunal of this state. AS 25.25.604 applies to the contest. The obligor
10 shall give notice of the contest to any support enforcement agency providing services
11 to the obligee and

12 (1) to the person or agency designated to receive payments in the
13 income withholding order; or

14 (2) if no person or agency is designated, to the obligee.

15 Sec. 25.25.502. ADMINISTRATIVE ENFORCEMENT OF ORDERS. (a) A
16 party seeking to enforce a support order or an income withholding order, or both,
17 issued by a tribunal of another state may send the documents required for registering
18 the order to the child support enforcement agency of this state.

19 (b) Upon receipt of the documents, the child support enforcement agency,
20 without initially seeking to register the order, shall consider and, if appropriate, use
21 any administrative procedure authorized by the law of this state to enforce a support
22 order or an income withholding order, or both. If the obligor does not contest
23 administrative enforcement, the order need not be registered. If the obligor contests
24 the validity or administrative enforcement of the order, the child support enforcement
25 agency shall register the order under this chapter.

26 ARTICLE 6. ENFORCEMENT AND MODIFICATION OF
27 SUPPORT ORDER AFTER REGISTRATION.

28 Sec. 25.25.601. REGISTRATION OF ORDER FOR ENFORCEMENT. A
29 support order or an income withholding order issued by a tribunal of another state may
30 be registered in this state for enforcement.

31 Sec. 25.25.602. PROCEDURE TO REGISTER ORDER FOR

1 ENFORCEMENT. (a) A support order or income withholding order of another state
2 may be registered in this state by sending the following documents and information
3 to a tribunal of this state:

4 (1) a letter of transmittal requesting registration and enforcement;
5 (2) two copies, including one certified copy, of orders to be registered,
6 including modification of an order;

7 (3) a sworn statement by the party seeking registration or a certified
8 statement by the custodian of the records showing the amount of arrearage;

9 (4) the name of the obligor and, if known:

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

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

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

15 (5) the name and address of the obligee and, if applicable, the agency
16 or person to whom support payments are to be remitted.

17 (b) On receipt of a request for registration, the tribunal shall file the order as
18 a foreign judgment. together with one copy of the documents and information,
19 regardless of their form.

20 (c) A complaint or comparable pleading seeking a remedy that must be
21 affirmatively sought under other law of this state may be filed at the same time as the
22 request for registration or later. The pleading must specify the grounds for the remedy
23 sought.

24 Sec. 25.25.603. EFFECT OF REGISTPATION FOR ENFORCEMENT. (a)
25 A support order or income withholding order issued in another state is registered when
26 the order is filed in a tribunal of this state.

27 (b) A registered order issued in another state is enforceable in the same
28 manner and is subject to the same procedures as an order issued by a tribunal of this
29 state.

30 (c) Except as otherwise provided in AS 25.25.601 - 25.25.612, a tribunal of
31 this state shall recognize and enforce, but may not modify, a registered order if the

1 issuing tribunal had jurisdiction.

2 Sec. 25.25.604. CHOICE OF LAW. (a) The law of the issuing state governs
3 the nature, extent, amount, and duration of current payments and other obligations of
4 support and the payment of arrearages under the order.

5 (b) In a proceeding for arrearages, the statute of limitation under the laws of
6 this state or of the issuing state, whichever is longer, applies.

7 Sec. 25.25.605. NOTICE OF REGISTRATION OF ORDER. (a) When a
8 support order or income withholding order issued in another state is registered, the
9 tribunal shall notify the nonregistering party. Notice shall be given by first class,
10 certified, or registered mail or by any means of personal service authorized by the law
11 of this state. The notice must be accompanied by a copy of the registered order and
12 the documents and relevant information accompanying the order.

13 (b) The notice must inform the nonregistering party

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

16 (2) that a hearing to contest the validity or enforcement of the
17 registered order must be requested within 20 days after the date of mailing or personal
18 service of the notice;

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

23 (4) of the amount of alleged arrearages.

24 (c) Upon registration of an income withholding order for enforcement, the
25 tribunal shall notify the obligor's employer under AS 25.27.

26 Sec. 25.25.606. PROCEDURE TO CONTEST VALIDITY OR
27 ENFORCEMENT OF REGISTERED ORDER. (a) A nonregistering party seeking
28 to contest the validity or enforcement of a registered order in this state shall request
29 a hearing within 20 days after the date of mailing or personal service of notice of the
30 registration. The nonregistering party may seek to vacate the registration, to assert a
31 defense to an allegation of noncompliance with the registered order, or to contest the

1 remedies being sought or the amount of alleged arrearages under AS 25.25.607.

2 (b) If the nonregistering party fails to contest the validity or enforcement of
3 the registered order in a timely manner, the order is confirmed by operation of law.

4 (c) If a nonregistering party requests a hearing to contest the validity or
5 enforcement of the registered order, the tribunal shall schedule the matter for hearing
6 and give notice to the parties by first class mail of the date, time, and place of the
7 hearing.

8 **Sec. 25.25.607. CONTEST OF REGISTRATION OR ENFORCEMENT. (a)**

9 A party contesting the validity or enforcement of a registered order or seeking to
10 vacate the registration has the burden of proving one or more of the following
11 defenses:

12 (1) the issuing tribunal lacked personal jurisdiction over the contesting
13 party;

14 (2) the order was obtained by fraud;

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

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

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

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

19 (7) the statute of limitation under AS 25.25.604 precludes enforcement
20 of some or all of the arrearages.

21 (b) If a party presents evidence establishing a full or partial defense under (a)
22 of this section, the tribunal may stay enforcement of the registered order, continue the
23 proceeding to permit production of additional relevant evidence, and issue other
24 appropriate orders. An uncontested portion of the registered order may be enforced
25 by all remedies available under the law of this state.

26 (c) If the contesting party does not establish a defense under (a) of this section
27 to the validity or enforcement of the order, the tribunal shall issue an order confirming
28 the order.

29 **Sec. 25.25.608. CONFIRMED ORDER.** Confirmation of a registered order,
30 whether by operation of law or after notice and hearing, precludes further contest of
31 the order with respect to a matter that could have been asserted at the time of