

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 80/2

9526 SENATE • HEALTH EDUCATION & SOCIAL SERVICES 163

ALASKA STATE

HOSPITAL & NURSING HOME

ASSOCIATION

POSITION PAPER

SENATE BILL 149 Health Care Facility Audits & Reports

March 27, 1997

"An Act relating to, reports and audits of health facilities; and providing for an effective date."

WHY SUPPORT THE MEDICAID AUDIT BILL?

1. It clarifies that Medicaid audits may be used in the Medicaid rate setting process.
 - Federal law requires that states perform Medicaid audits.
 - Recent rate appeal decisions state that Medicaid audits done in 1993 and 1994 may not be used to set rates.
 - This bill is not designed to overturn those decisions but rather to clarify future application.
2. It repeals a State filing deadline that has been superseded by Federal deadlines. Under State law, facilities must file a year end report with the Alaska Department of Health & Social Services (DHSS) within 120 days after year end. As a result of Federal deadline changes, facilities no longer receive the documents they need from Federal payment intermediaries (Blue Cross of Washington & Alaska) until five months after year end. Since those documents must be filed as part of the year end report to the State, the 120 day deadline no longer works.
3. It adds language that acknowledges that it is not required for DHSS to audit every facility every year for Medicaid. They are all audited by their independent C.P.A.'s every year and we believe it would be appropriate for Medicaid audits to be done less frequently. If there is no history of audit problems with a facility and the amount of Medicaid paid to that facility is not material compared to the total Medicaid budget, a process could be designed to reduce the administrative burden related to the audit activity.
4. The Department of Health and Social Services and the Alaska State Hospital and Nursing Home Association jointly support the bill as a measure to ensure proper operation of the Medicaid rate setting process.

SENATE BILL 149 "Relating to reports and audits concerning health care facilities; and providing for an effective date."

Question: Will the Department of Health and Social Services continue to audit health care facilities on an annual basis.

Answer: The current rate setting system for health care facilities uses a prospective rate setting methodology, i.e., rates are based on historical cost information projected forward to establish a rate for the current year. This approach calls for annual audit to insure that the state reimburses facilities at an appropriate rate.

However, the Department of Health and Social Services has been exploring possible alternative rate setting methodologies with several of the smaller health care facilities. Both the department and the facilities believe that a less cumbersome methodology for setting rates for small facilities may allow the department to audit those facilities less frequently than annually.

These discussions will continue and the Legislature will be fully informed when, and if, a new rate setting approach is agreed upon..

SB

152

SENATE COMMITTEE REPORT

DATE: 4/18/97

FURTHER: Finance

DATE TURNED IN TO OFFICE: 4/25/97

Health, Education and Social Services Committee considered SENATE BILL NO. 152

"An Act relating to certified nurse aides; and providing for an effective date."

and recommends:

be replaced with _____ CS _____ ()

adopt previous _____ CS SB 152 (L+C)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to the _____ Committee

Senate Bill:

- same title
- new title

House Bill:

- same title
- technical change
- new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>[Signature]</i>	<input checked="" type="checkbox"/>		
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>			<input checked="" type="checkbox"/>
CHAIR:		CHAIR: <i>[Signature]</i>	<input checked="" type="checkbox"/>		

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
Commerce + Econ Dev	4/3/97		*86.3
Health + Social Services	4/3/97	<input checked="" type="checkbox"/>	

APPROPRIATION -- no fiscal note

*Include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 1
 Bill Version: SB152
 (S) Publish Date: 4/16/97

Revision Date: _____
 Title: An Act relating to certified nurse aides.
 Sponsor: Senator Leman
 Requestor: Senate Labor & Commerce

Department: Commerce and Economic Development
 BRU: Occupational Licensing
 Component: Operations

COMPONENT SERIAL NO. 1844

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	59.8	59.8	59.8	59.8	59.8	59.8
TRAVEL	2.0	2.0	2.0	2.0	2.0	2.0
CONTRACTUAL	15.7	15.7	15.7	15.7	15.7	15.7
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	8.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	86.3	78.3	78.3	78.3	78.3	78.3

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES	86.3	78.3	78.3	78.3	78.3	78.3
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FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other 1091 Designated PR	86.3	78.3	78.3	78.3	78.3	78.3
TOTAL	86.3	78.3	78.3	78.3	78.3	78.3

Estimate of any current year (FY 97) cost: \$ 0.0

POSITIONS	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
FULL-TIME	1	1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The bill places certification of nurse aides under the Board of Nursing and grants disciplinary authority of certified nurse aides to the board. Certification of nurse aides is currently administered by the Department of Commerce and Economic Development under Administrative Order #115 signed on 8/4/88. However, current administration of the program does not include enforcement of unacceptable or inappropriate conduct. Since the bill assigns enforcement responsibility to the Board of Nursing, this fiscal note provides a full-time investigator to work certified nurse aide cases and provides funding for legal services. See attached for further explanation.

Prepared by: Jennifer Strickler, Administrative Officer
 Division: Occupational Licensing
 Approved by Commissioner: William L. Hensley
 Agency: Commerce and Economic Development

Phone: 485-2144
 Date: 4/3/97
 Date: 4-3-97

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CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 1
 Bill Version: SB152
 (S) Publish Date: 4/16/97

Revision Date: _____
 Title: An Act relating to certified nurse aides.

Department: Commerce and Economic Development
 BRU: Occupational Licensing
 Component: Operations

Sponsor: Senor Leman
 Requestor: Senate Labor & Commerce

COMPONENT SERIAL NO. 1844

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EQUIPMENT	8.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	86.3	78.3	78.3	78.3	78.3	78.3
CAPITAL EXPENDITURES						
CHANGE IN REVENUES	86.3	78.3	78.3	78.3	78.3	78.3

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other 1091 Designated PR	86.3	78.3	78.3	78.3	78.3	78.3
TOTAL	86.3	78.3	78.3	78.3	78.3	78.3

Estimate of any current year (FY 97) cost: \$ 0.0

POSITIONS	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
FULL-TIME	1	1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The bill places certification of nurse aides under the Board of Nursing and grants disciplinary authority of certified nurse aides to the board. Certification of nurse aides is currently administered by the Department of Commerce and Economic Development under Administrative Order #115 signed on 8/4/89. However, current administration of the program does not include enforcement of unacceptable or inappropriate conduct. Since the bill assigns enforcement responsibility to the Board of Nursing, this fiscal note provides a full-time investigator to work certified nurse aide cases and provides funding for legal services. See attached for further explanation.

Prepared by: Jennifer Strickler, Administrative Officer
 Division: Occupational Licensing

Approved by Commissioner: William L. Hensley
 Agency: Commerce and Economic Development

Phone: 465-2144
 Date: 4/3/97
 Date: 4-3-97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO.: SB 152 * 1

ANALYSIS: (Continued)

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS

PERSONAL SERVICES 59.6

1 - Permanent Full-Time Investigator III, Range 18, GGU

TRAVEL 2.0

- Travel and Per Diem for the Investigator III to conduct field work throughout the State: \$2.0

CONTRACTUAL 15.7

- Contractual-related costs for the Investigator III position, such as communications (phones, postage, etc.), misc. case related costs (copies of records), expert witnesses, depositions, etc.: \$3.0
- Office space costs for the Investigator III position: \$2.5
- Legal services in preparing cases for litigation. The funding provides 120 hours of legal services (10 hours per month x 12) at \$85 per hour. There are 1,929 certified nurse aides. At the rate of \$85 per hour, each individual would be responsible to contribute \$5.29 of their licensing fees toward enforcement, for a total of: \$10.2

SUPPLIES 1.0

Provides daily operating desk top supplies for the Investigator III.

EQUIPMENT (One-time costs only) 8.0

Workstation	3.0
Phone/Install	2.0
Computer	2.0
File Cabinet	1.0

TOTAL FY 98 Costs: \$ 86.3

REVENUE:

Certified Nurse Aides currently pay biennial fees of \$30 (\$15 per year). Fees will be adjusted to cover its program costs.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

Jo. 2
Bill Version: SB 152
(S) Publish Date: 4/16/97

Revision Date: _____
Title: "An Act relating to certified nurse aides;
and providing for an effective date."
Sponsor: Senator Leman by request
Requestor: _____

Dept. Affected: Health and Social Services
BRU: Medical Assistance Admin
Component: Certification & Licensing
COMPONENT SERIAL NO. 245
See also (SN#): _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
CHANGES IN REVENUES ()						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

Federal monies are already provided to fund this program, and no additional funding needs are anticipated.

Prepared by: Ronald A. Cowan *RC* Phone: 561-8081
Division: Medical Assistance Date: 04/02/97

Approved by Commissioner: Karen Perdue, Commissioner *KPerdue* Date: 4-3-97
Agency: Department of Health & Social Services

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SENATOR LOREN LEMAN

Northwest Anchorage

716 W 4th Ave, Suite 520, Anchorage, AK 99501 (907) 258-8189 Session: State Capitol, Juneau, AK 99801 (907) 465-2095

Sponsor Statement Senate Bill 152: Certified Nurse Aides

I sponsored SB 152 at the request of the Alaska Nurses Association.

Although certification of nurse aides has been administered by the Department of Commerce, Division of Occupational Licensing, there is no provision for revocation of certificates for inappropriate behavior.

In response to changes in federal law, SB 152 allows for the creation of a certified nurse aide registry to include the information required when a nurse aide is found to have committed abuse, neglect, or misappropriation of property in connection with their employment as a nurse aide.

SB 152 provides a mechanism for the Department of Health and Social Services to alert the Board of Nursing to inappropriate behavior by a certified nurse aide, when that behavior occurs in a state-licensed facility.

This legislation protects the health, safety and welfare of a vulnerable population served by certified nurse aides, as well as ensuring competency in the performance of nurse aide duties.

**SECTIONAL ANALYSIS
FOR
CS SB 152(L&C): CERTIFIED NURSE AIDES**

Section 1: Amends AS 08.01.087 and allows the Department of Commerce (the investigative agency for the Board of Nursing) to designate other state or local agencies (with their consent) to conduct investigations into reports of abuse by CNAs.

Section 2: Cross-references the exemption in AS 08.68.33(c) from the requirements of the Administrative Procedure Act.

Section 3: Amends AS 08.68.100(a) and gives the Board of Nursing authority to adopt regulations regarding certified nurse aides.

Section 4: Amends AS 08.68.140 to exempt certified nurse aide certificate revocation procedures from the requirements of the Administrative Procedure Act.

Section 5: Creates a new article in AS 08.68. Contains several new sections giving the Board of Nursing authority to regulate and certify nurse aides.

AS 08.68.332: Class B misdemeanor for a person to use the title "certified nurse aide" or the abbreviation "C.N.A." unless the person is certified by the board.

AS 08.68.333: Requires Board of Nursing to establish and maintain a registry of certified nurse aides. Establishes procedures for including findings of abuse and neglect or misappropriation of property in connection with employment as a nurse aide in a registry.

AS 08.68.334: Establishes the grounds for denial or suspension of a nurse aide's certification, and the Board of Nursing's disciplinary authority.

AS 08.68.335: Provides immunity for good faith reports to the board.

AS 08.68.336: Allows the Department of Commerce to set and collect fees for certified nurse aides for application, examination, certification and renewal.

Section 6: Adds a definition for "certified nurse aide".

Section 7: Amends AS 44.62.330(a)(10) to exempt functions related to the nurse aide registry from the requirements of the Administrative Procedure Act.

Section 8: Amends AS 47.05.010 adding to the duties of the Department of Health and Social Services the investigation of reports of abuse, neglect, or misappropriation of property by a certified nurse aide in DHSS licensed facilities (AS 18.20).

Section 9: Requires the DHSS to adopt procedures to report to the Board of Nursing suspected abuse, neglect, or misappropriation of property by CNAs who work as home care providers.

Section 10: Gives the DHSS authority to investigate reports of abuse or neglect by CNAs in facilities licensed by DHSS under AS 18.20. The department would hold hearings under regulations it adopts. Reports of findings of abuse, neglect or misappropriation of property by a CNA must be reported to the Board of Nursing. If the facility is a long-term care facility covered under 42 CFR sec. 483.5, only the designated state survey and certification agency (Health Facilities Licensing & Certification Section, Department of Health and Social Services) may make the report to the registry. This provision is included to comply with federal law (see 42 CFR 483.156(b)(2)).

Section 11: Amends AS 47.17.030, regarding investigation by state and local agencies of reports of harm to children, to require that suspected abuse or neglect by CNAs be reported to the Board of Nursing.

Section 12: Amends AS 47.17.290(13) to include certified nurse aides among the practitioners of the healing arts required to report suspected abuse or neglect of children under their care.

Section 13: Amends AS 47.24.010(a) to add CNAs to the list of those required to report the suspected exploitation or abuse of vulnerable adults under their care.

Section 14: Amends AS 47.24.013, regarding the investigation of abuse of elderly persons to require that suspected abuse, neglect or misappropriation of property by CNAs be reported to the Board of Nursing.

Section 15: Amends AS 47.25.015 which requires DHSS to investigate reports of harm to elderly that are not addressed under AS 47.24.013. Requires DHSS to report suspected abuse, neglect or misappropriation of property to the Board of Nursing.

Section 16: Amends AS 47.33.520 to require that suspected abuse, neglect or misappropriation of property to the Board of Nursing.

Section 17 and 19: Allow the Board of Nursing and other affected state agencies, before the effective date of the new laws, to begin drafting the regulations necessary to implement the bill.

Section 18: Transition section providing persons who are certified as nurse aides immediately before the effective date of the Act retain their certifications, subject to continued eligibility. CNAs whose certifications have expired within two years before the Act takes effect may apply to renew them, but must do so before September 1, 1998.



Senator Loren Leman
Juneau, Alaska

ALASKA NURSES ASSOCIATION

237 E. 3rd Avenue #3 Anchorage, AK 99501-2523
(907) 274-0827 FAX: (907) 272-0292

Dear Senator Leman:

On behalf of the Alaska Nurses Association, I'd like to take this opportunity to comment on SB 152. "An Act relating to certified nurse aides. The Alaska Nurses Association supports this bill and its greater purpose to protect the health, safety, and welfare of the public served by nurses aides as well as to ensure competency in the performance of nurses aide tasks.

The Alaska Nurses Association believes that this act is a positive first step toward the goal to mandate certification for all nurse aides. The Alaska Nurses Association passed a resolution in support of requiring certification for all nurse aides at the annual convention in 1995. The Alaska Nurses Association continues to be committed to certification of all unlicensed assistive personnel not just those individuals who are already mandated to be certified.

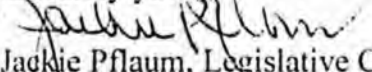
The nursing profession is accountable for the quality of service it provides to the consumer. This includes responsibility for developing nursing policies and procedures and setting the standards of practice for the nursing care of populations served. Provision of any care which constitutes nursing or any activity represented as nursing is a regulatory responsibility of Boards of Nursing. This Act rightly assigns the oversight for the practice of certified nurse aides and the protection of the public to the Alaska Board of Nursing.

The Alaska Nurses Association supports the sections of the HB which provide the following:

- Definitions of covered individuals.
- Authorization for the Board to Nursing to certify nurse aides and maintain a registry.
- Authorization for the Board to discipline certified nurse aides.
- Enforcement authorization.
- Authorization for the Board of Nursing to approve curricula and adopt standards for educational programs and to adopt regulations.

The Alaska Nurses Association thanks you for the opportunity to give input on this piece of legislation. Thank you for sponsoring this legislation.

Sincerely yours,


Jackie Pflaum, Legislative Chairperson

SB

154

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 4/1/97

FURTHER: Finance

Date of 5-Day Notice: 4/17/97
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 4/29/97

Health, Education and Social Services Committee considered

SENATE BILL NO. 154

CHILD SUPPORT & PATERNITY.

and recommends:

be replaced with CS SB 154 (HES)

adopt previous CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to the _____ Committee

Senate Bill:
 same title
 new title
House Bill:
 same title
 technical title
 new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>Original</i>	✓		
		<i>Life Green</i>			✓
CHAIR:		CHAIR: <i>Conry</i>			✓

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
H+SS - Public Health	4/25/97	✓	
Revenue - CSED	4/25/97	✓	
C+ED - Occupational Licensing	4/23/97	✓	
Court System	4/28/97	✓	
H+SS - Public Assistance	4/17/97	✓	
Admin - DMV	4/21/97	✓	
H+SS - DFYS	4/17/97	✓	

SB+
CS

APPROPRIATION -- no fiscal note

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

*include fiscal notes accompanying Governor's bill

0-LS0853VE
Lauterbach
4/18/97

CS FOR SENATE BILL NO. 154()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR PEARCE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to paternity determination and child support; relating to
2 reporting of and access to financial or other information for child support
3 purposes; making changes to laws relating to occupational, recreational, or other
4 licenses, permits, certificates, or other authorizations issued by the state to
5 facilitate administration of child support laws; relating to the interest rate on
6 judgments or decrees for child support; relating to immunity from civil liability
7 for good faith compliance with reporting or other requirements for child support
8 purposes; relating to voiding fraudulent transfers and to penalties for
9 noncompliance with orders for child support purposes; amending Rules 4, 5, 35,
10 52, 58, 60(b), 78, 90.1, and 90.3, Alaska Rules of Civil Procedure; amending
11 Rule 901, Alaska Rules of Evidence; amending Rules 3 and 5, Alaska Bar
12 Association Rules; repealing the effective date of sec. 45, ch. 107, SLA 1996;

1 of records, and other state law changes that must be made in order for the state to receive
2 federal funds for its child support enforcement program and for its welfare programs.

3 (b) It is, therefore, the legislature's intent in enacting this Act to

4 (1) strengthen the state's child support enforcement efforts so that children,
5 whenever possible, continue to be supported financially by both of their parents after their
6 parents separate or divorce rather than by the state through its welfare system; and

7 (2) comply with federal requirements relating to paternity establishment,
8 interstate child support cases, social security numbers, and other matters so that federal funds
9 continue to be available to the state for the state's child support enforcement and welfare
10 programs; the legislature expects each state agency that gathers social security numbers as
11 required under this Act to comply with federal laws governing the agency's use and disclosure
12 of those numbers so as to avoid misuse of the numbers and violations of privacy laws while
13 ensuring that public documents remain available for public inspection.

14 * **Sec. 2.** AS 06.05 is amended by adding a new section to read:

15 **Sec. 06.05.537. Copies of records for child support purposes.** If a copy of
16 a record concerning an individual who owes or is owed child support, including a
17 record concerning assets and liabilities of the individual, prepared or maintained by a
18 bank of this state is requested by the child support enforcement agency established in
19 AS 25.27.010 or the child support enforcement agency of another state, the bank shall
20 provide the requesting agency with a certified copy of the record. If information is
21 prepared or maintained by the bank in an electronic data base, the bank may provide
22 the requesting agency a copy of the electronic record and a statement certifying its
23 contents. The agency receiving information under this section may use the information
24 only for child support purposes authorized under law.

25 * **Sec. 3.** AS 06.20.020 is amended by adding a new subsection to read:

26 (b) In addition to the requirements in (a) of this section, if a natural person
27 makes application for a license, the applicant shall supply the applicant's social
28 security number to the department. Upon request, the department shall provide the
29 social security number to the child support enforcement agency created in
30 AS 25.27.010, or the child support enforcement agency of another state, for child
31 support purposes authorized under law.

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Central Microfilm Services
Department of Education
State of Alaska

Rev. 6/98

0-LS0853VE
Lauterbach
4/18/97

CS FOR SENATE BILL NO. 154()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR PEARCE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to paternity determination and child support; relating to
2 reporting of and access to financial or other information for child support
3 purposes; making changes to laws relating to occupational, recreational, or other
4 licenses, permits, certificates, or other authorizations issued by the state to
5 facilitate administration of child support laws; relating to the interest rate on
6 judgments or decrees for child support; relating to immunity from civil liability
7 for good faith compliance with reporting or other requirements for child support
8 purposes; relating to voiding fraudulent transfers and to penalties for
9 noncompliance with orders for child support purposes; amending Rules 4, 5, 35,
10 52, 58, 60(b), 78, 90.1, and 90.3, Alaska Rules of Civil Procedure; amending
11 Rule 901, Alaska Rules of Evidence; amending Rules 3 and 5, Alaska Bar
12 Association Rules; repealing the effective date of sec. 45, ch. 107, SLA 1996;

1 and providing for an effective date."

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

3 * Section 1. FINDINGS; INTENT. (a) It is the legislature's firm conviction that

4 (1) children, whenever possible, should not be forced to bear the negative
5 consequences of a breakdown in their parents' relationship;

6 (2) one of the negative consequences of separations and divorces can be a
7 substantial drop in the standard of living for the children in the family if the income of their
8 noncustodial parent becomes unavailable to them; in these situations, the taxpayers of the state
9 are often forced to support the children through the state's welfare system;

10 (3) child support enforcement is one of the most effective ways to ensure that
11 children continue to be supported financially by both of their parents rather than by the state's
12 welfare system;

13 (4) child support enforcement efforts could be enhanced by having more
14 effective procedures for the establishment of paternity, more uniformity in the handling of
15 interstate child support cases, increased ability to identify and locate noncustodial parents who
16 are not supporting their children, and increased ability to track the income and assets of those
17 parents;

18 (5) identification and location of noncustodial parents and their financial
19 resources could be improved significantly by requiring that social security numbers be
20 routinely included on a wide variety of financial, occupational, and vital statistics records;

21 (6) it is in the public interest that the state continue to receive federal funds
22 to administer the state's child support enforcement program and to offset a major portion of
23 the costs of the state's welfare programs;

24 (7) the Congress has recognized that better child support enforcement can
25 decrease the government's welfare costs so the Congress included numerous new child support
26 enforcement requirements in the recent federal welfare reform act, known as the Personal
27 Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193);

28 (8) the changes required under P.L. 104-193 include changes in procedures
29 relating to paternity establishment, greater uniformity in the treatment of interstate child
30 support cases. new requirements for the inclusion of social security numbers on a wide variety

1 of records, and other state law changes that must be made in order for the state to receive
2 federal funds for its child support enforcement program and for its welfare programs.

3 (b) It is, therefore, the legislature's intent in enacting this Act to

4 (1) strengthen the state's child support enforcement efforts so that children,
5 whenever possible, continue to be supported financially by both of their parents after their
6 parents separate or divorce rather than by the state through its welfare system; and

7 (2) comply with federal requirements relating to paternity establishment,
8 interstate child support cases, social security numbers, and other matters so that federal funds
9 continue to be available to the state for the state's child support enforcement and welfare
10 programs; the legislature expects each state agency that gathers social security numbers as
11 required under this Act to comply with federal laws governing the agency's use and disclosure
12 of those numbers so as to avoid misuse of the numbers and violations of privacy laws while
13 ensuring that public documents remain available for public inspection.

14 * Sec. 2. AS 06.05 is amended by adding a new section to read:

15 **Sec. 06.05.537. Copies of records for child support purposes.** If a copy of
16 a record concerning an individual who owes or is owed child support, including a
17 record concerning assets and liabilities of the individual, prepared or maintained by a
18 bank of this state is requested by the child support enforcement agency established in
19 AS 25.27.010 or the child support enforcement agency of another state, the bank shall
20 provide the requesting agency with a certified copy of the record. If information is
21 prepared or maintained by the bank in an electronic data base, the bank may provide
22 the requesting agency a copy of the electronic record and a statement certifying its
23 contents. The agency receiving information under this section may use the information
24 only for child support purposes authorized under law.

25 * Sec. 3. AS 06.20.020 is amended by adding a new subsection to read:

26 (b) In addition to the requirements in (a) of this section, if a natural person
27 makes application for a license, the applicant shall supply the applicant's social
28 security number to the department. Upon request, the department shall provide the
29 social security number to the child support enforcement agency created in
30 AS 25.27.010, or the child support enforcement agency of another state, for child
31 support purposes authorized under law.

1 * Sec. 4. AS 06.40.050(a) is amended to read:

2 (a) Application for a license under this chapter shall be in writing and in the
3 form prescribed by the department. If the applicant is a natural person, the
4 application form must require submission of the applicant's social security
5 number.

6 * Sec. 5. AS 06.40.050 is amended by adding a new subsection to read:

7 (e) Upon request, the department shall provide a social security number
8 submitted under (a) of this section to the child support enforcement agency created in
9 AS 25.27.010, or the child support agency of another state, for child support purposes
10 authorized under law.

11 * Sec. 6. AS 08.01.060 is amended by adding a new subsection to read:

12 (b) If the applicant is a natural person, the application must require that the
13 applicant submit the applicant's social security number to the department.
14 Notwithstanding any other provision of this title, a license to engage in a profession
15 may not be issued by the department to a natural person unless the social security
16 number has been provided to the department.

17 * Sec. 7. AS 08.01 is amended by adding a new section to read:

18 **Sec. 08.01.089. Copies of records for child support purposes.** If a copy of
19 a public record concerning an individual who owes or is owed child support that is
20 prepared or maintained by the department is requested by the child support
21 enforcement agency created in AS 25.27.010 or a child support enforcement agency
22 of another state, the department shall provide the requesting agency with a certified
23 copy of the public record, including the individual's social security number. If these
24 records are prepared or maintained by the department in an electronic data base, the
25 records may be supplied by providing the requesting agency with a copy of the
26 electronic record and a statement certifying its contents. A requesting agency
27 receiving information under this section may use it only for child support purposes
28 authorized under law.

29 * Sec. 8. AS 08.01.100 is amended by adding a new subsection to read:

30 (e) Notwithstanding any other provision of this title, a renewal of a license
31 may not be issued by the department to a natural person unless the licensee's social

1 security number has been provided to the department.

2 * Sec. 9. AS 08.08.137 is amended to read:

3 Sec. 08.08.137. Fingerprints. The Board of Governors shall require an
4 applicant for admission to be fingerprinted and to provide the applicant's social
5 security number. The fingerprints shall be used to determine whether the applicant
6 has a record of criminal convictions in this state or another jurisdiction. The Board
7 of Governors may use the information obtained from the fingerprinting only in its
8 official determination of the character and fitness of the applicant for admission to the
9 Alaska Bar Association. The applicant's social security number shall be provided
10 to the child support enforcement agency established in AS 25.27.010, or the child
11 support enforcement agency of another state, upon request by the respective
12 agency; the requesting agency may use that information only for child support
13 purposes authorized under law.

14 * Sec. 10. AS 09.25.100 is amended to read:

15 Sec. 09.25.100. Disposition of tax information. Information in the possession
16 of the Department of Revenue that discloses the particulars of the business or affairs
17 of a taxpayer or other person is not a matter of public record, except for purposes of
18 child support administration as described in (b) of this section, investigation, and
19 law enforcement. The information shall be kept confidential except when its
20 production is required in response to a request for purposes of child support
21 administration as described in (b) of this section, in an official investigation, in an
22 administrative adjudication under AS 43.05.400 - 43.05.499, or in a court proceeding.
23 These restrictions do not prohibit the publication of statistics presented in a manner
24 that prevents the identification of particular reports and items, [PROHIBIT] the
25 publication of tax lists showing the names of taxpayers who are delinquent and
26 relevant information that may assist in the collection of delinquent taxes, or
27 [PROHIBIT] the publication of records, proceedings, and decisions under
28 AS 43.05.400 - 43.05.499.

29 * Sec. 11. AS 09.25.100 is amended by adding a new subsection to read:

30 (b) If a copy of a record of tax information is requested under (a) of this
31 section for the purposes of child support administration, the copy may be released only

1 to the child support enforcement agency created in AS 25.27.010 or a child support
2 enforcement agency of another state. The Department of Revenue shall provide the
3 requesting agency with a copy of the record. The requesting agency receiving
4 information under this subsection may use it only for child support purposes authorized
5 under law.

6 * Sec. 12. AS 09.30.070(a) is amended to read:

7 (a) Except as provided in (c) of this section, the [THE] rate of interest on
8 judgments and decrees for the payment of money is 10.5 percent a year, except that
9 a judgment or decree founded on a contract in writing, providing for the payment of
10 interest until paid at a specified rate not exceeding the legal rate of interest for that
11 type of contract, bears interest at the rate specified in the contract if the interest rate
12 is set out in the judgment or decree.

13 * Sec. 13. AS 09.30.070 is amended by adding a new subsection to read:

14 (c) The rate of interest on judgments or decrees for child support is governed
15 by AS 25.27.025.

16 * Sec. 14. AS 09.55.050 is amended to read:

17 **Sec. 09.55.050. Effect of presumptive death certificate.** After the judge or
18 magistrate has entered an order declaring that the person is presumed to be dead either
19 under AS 09.55.020 - 09.55.060 or under the laws dealing with missing persons, the
20 judge or magistrate shall make out and sign a certificate entitled "Presumptive Death
21 Certificate" in the form and manner and containing the information required by the
22 Bureau of Vital Statistics. In addition to the information required by the Bureau
23 of Vital Statistics, the certificate must contain the decedent's social security
24 number, if ascertainable. The certificate shall be recorded by the judge or magistrate
25 and then filed with the Bureau of Vital Statistics. Upon the entry of the order and the
26 recording and filing of the "Presumptive Death Certificate" as herein provided, the
27 missing person is presumed to be dead, and the person's estate may be administered
28 in accordance with the then existing provisions of law applicable to the administration
29 of the estates of deceased persons.

30 * Sec. 15. AS 09.65 is amended by adding a new section to read:

31 **Sec. 09.65.240. Immunity for certain actions related to child support. A**

1 person, including the state and its subdivisions, agencies, officers, and employees, may
2 not be held liable for good faith

3 (1) compliance with a subpoena of this or another state that requests
4 information, including the social security number and employment history of a person,
5 issued by the child support enforcement agency created in AS 25.27.010, or the child
6 support enforcement agency of another state, for child support purposes authorized
7 under law;

8 (2) collection of child support, including encumbering or surrendering
9 assets in response to a notice of lien or levy for the payment of child support; or

10 (3) compliance with an income withholding notice or an order to
11 withhold and deliver that is regular on its face and is for child support purposes.

12 * Sec. 16. AS 14.20 is amended by adding a new section to read:

13 **Sec. 14.20.027. Reporting of and access to social security numbers.**

14 Notwithstanding AS 14.20.010 - 14.20.040, the department may not issue a teacher
15 certificate under AS 14.20.020 or a limited teacher certificate under AS 14.20.025
16 unless the applicant has supplied the department with the applicant's social security
17 number. Upon request, the department shall provide the social security number to the
18 child support enforcement agency created in AS 25.27.010, or the child support
19 enforcement agency of another state, for child support purposes authorized under law.

20 * Sec. 17. AS 16.05.450(a) is amended to read:

21 (a) The commissioner or an authorized agent shall issue a crewmember fishing
22 license under AS 16.05.480 to each qualified person who files a written application at
23 a place in the state designated by the commissioner, containing the reasonable
24 information required by the commissioner together with the required fee. The
25 commissioner shall require the reporting of the applicant's social security number
26 on the application. The application shall be simple in form and shall be executed by
27 the applicant under the penalty of unsworn falsification.

28 * Sec. 18. AS 16.05.450 is amended by adding a new subsection to read:

29 (d) Upon request, the commissioner shall provide a social security number
30 provided under (a) of this section to the child support enforcement agency created in
31 AS 25.27.010, or the child support enforcement agency of another state, for child

1 support purposes authorized under law.

2 * Sec. 19. AS 16.05.480(b) is amended to read:

3 (b) A person applying for a resident commercial license under this section
4 shall provide the person's social security number and the proof of residence that the
5 department requires by regulation.

6 * Sec. 20. AS 16.05.480 is amended by adding a new subsection to read:

7 (d) Upon request, the department shall provide a social security number
8 provided under (a) of this section to the child support enforcement agency created in
9 AS 25.27.010, or the child support agency of another state, for child support purposes
10 authorized under law.

11 * Sec. 21. AS 16.05.815(a) is amended by adding a new paragraph to read:

12 (8) any of its records and reports to the child support enforcement
13 agency created in AS 25.27.010, or the child support enforcement agency of another
14 state, for child support purposes authorized under law.

15 * Sec. 22. AS 18.50.160(e) is amended to read:

16 (e) If the mother was not married at conception, during the pregnancy, or at
17 birth, the name of the father may not be entered on the certificate of birth [,] unless

18 (1) paternity has been lawfully determined by a tribunal, in which case
19 the name of the father, if determined by the tribunal, shall be entered;

20 (2) both the mother and the man to be named as the father have
21 executed affidavits attesting that that man is the father, so long as the affidavits meet
22 the requirements of (g) of this section and AS 18.50.165; or

23 (3) [AS] otherwise specified by statute.

24 * Sec. 23. AS 18.50.165(a) is amended to read:

25 (a) The state registrar shall prepare a form for use in acknowledging paternity
26 under AS 25.20.055. On an after July 1, 1997, the form must comply with the
27 minimum requirements of 42 U.S.C. 652(a)(7). The form must include

28 (1) a statement that the man who signs the form is acknowledging that
29 the man is the natural father of the child named in the form and that the man assumes
30 the parental duty of support of that child;

31 (2) the address and social security number of both parents of the child

1 named in the form;

2 (3) signature lines for both parents; [AND]

3 (4) a signature line for either a witness or notary public; and

4 (5) on and after July 1, 1997, a statement that

5 (A) sets out the legal consequences to and the rights and
6 responsibilities of the mother and the man acknowledging paternity of
7 signing the form, including

8 (i) if one of the parents is a minor, any rights given
9 due to minority status;

10 (ii) legal alternatives to signing the form; and

11 (iii) the legal responsibility that arises from signing
12 the form;

13 (B) the mother and the man acknowledging paternity have
14 been notified that, unless fraud, duress, or material mistake of fact is
15 shown in accordance with AS 25.20.050, the acknowledgment may only be
16 rescinded by the earlier of the following dates:

17 (i) 60 days after the date of the person's signature;

18 or

19 (ii) the date of initiation of an administrative or
20 judicial procedure to establish support of the child in which the
21 person is a party; and

22 (C) the mother and the man acknowledging paternity have
23 read and understand the contents of the form.

24 * Sec. 24. AS 18.50.165 is amended by adding new subsections to read:

25 (e) An acknowledgment of paternity that met the requirements of state law at
26 the time that the acknowledgment was made in this state is not ineffective due to
27 changes in the form for acknowledgment occurring after the date that the
28 acknowledgment was made.

29 (f) An acknowledgment of paternity affidavit or form executed in another state
30 meeting that state's legal requirements shall be considered in this state as if the
31 affidavit or form was executed in compliance with this section.

1 (g) The registrar shall offer voluntary acknowledgment of paternity services
2 by making available technical assistance about the form described in this section.
3 Upon request, the registrar shall provide oral assistance to parents wishing to complete
4 the form.

5 * Sec. 25. AS 18.50.230 is amended by adding a new subsection to read:

6 (f) A death certificate issued under this section must include the decedent's
7 social security number, if ascertainable. Upon request, the registrar shall provide a
8 decedent's social security number to the child support enforcement agency created in
9 AS 25.27.010, or the child support agency of another state, for child support purposes
10 authorized under law.

11 * Sec. 26. AS 18.50.280(a) is amended to read:

12 (a) For each dissolution, divorce, and annulment of marriage granted by a
13 court in the state, the clerk of the court shall prepare and file a certificate of
14 dissolution, divorce, or annulment with the bureau, on forms prescribed and furnished
15 by the bureau. The forms must require the reporting of the social security
16 numbers of the petitioner or plaintiff and, if ascertainable, the other party to the
17 dissolution, divorce, or annulment of marriage. The petitioner or plaintiff shall
18 furnish the court with the information necessary to complete the certificate, and the
19 furnishing of this information is prerequisite to the issuance of a decree.

20 * Sec. 27. AS 18.50.280 is amended by adding a new subsection to read:

21 (c) Upon request, the bureau shall provide a social security number supplied
22 under (a) of this section to the child support enforcement agency created in
23 AS 25.27.010, or the child support enforcement agency of another state, for child
24 support purposes authorized under law.

25 * Sec. 28. AS 18.50.320 is amended to read:

26 **Sec. 18.50.320. Copies of data from vital records.** Except as otherwise
27 provided and in accordance with the regulations adopted under AS 18.50.310,

28 (1) the bureau and the custodian of permanent local records shall, upon
29 request, issue a certified copy of a certificate or record in their custody, or a part of
30 it; each copy issued must show the date of registration or recording, and copies issued
31 from records marked "delayed," "amended," or "court order" shall be similarly marked

1 and must show the effective date;

2 (2) a certified copy of a certificate or a part of it issued in accordance
3 with (1) of this section is considered the original for all purposes, and is prima facie
4 evidence of the facts stated, provided that the evidentiary value of a certificate or
5 record filed more than one year after the event, or a record that has been amended, or
6 a presumptive death certificate, shall be determined by the judicial or administrative
7 body or official before whom the certificate is offered as evidence;

8 (3) the National Office of Vital Statistics may be furnished the copies
9 or data it requires for national statistics [,] if the bureau is reimbursed for the cost of
10 furnishing the data; the National Office of Vital Statistic. may not use the data for
11 purposes other than statistical purposes unless authorized by the state registrar;

12 (4) federal, state, local, and other public or private agencies, upon
13 request, may be furnished copies or data for statistical purposes on the terms or
14 conditions prescribed by the bureau;

15 (5) a person or agency may not prepare or issue a certificate or part of
16 a certificate that purports to be an original, certified copy, or copy of a certificate of
17 birth, death, fetal death, or marriage, except as authorized in this chapter or the
18 regulations adopted under it;

19 (6) upon request, the bureau shall furnish a copy of a certificate or
20 record registered by the bureau to the child support enforcement agency created
21 in AS 25.27.010, or the child support enforcement agency of another state, for
22 child support purposes authorized under law; such a certificate or record that is
23 prepared or maintained in an electronic data base may be supplied by providing
24 the requesting agency with a copy of the electronic certificate or record and a
25 statement certifying its contents.

26 * Sec. 29. AS 18.60.395(a) is amended to read:

27 (a) The Department of Labor shall adopt regulations for the licensing of boiler
28 operators. The regulations must conform to the generally accepted nationwide
29 standards and practices established for boiler operators. In addition to any
30 requirements adopted by regulation under this subsection, a person applying for
31 a license shall provide to the department, on the application, the person's social

1 security number.

2 * **Sec. 30.** AS 18.60.395 is amended by adding a new subsection to read:

3 (d) Upon request, the department shall provide a social security number
4 provided under (a) of this section to the child support enforcement agency created in
5 AS 25.27.010, or the child support enforcement agency of another state, for child
6 support purposes authorized under law.

7 * **Sec. 31.** AS 18.65.410 is amended to read:

8 **Sec. 18.65.410. Applications.** Application for a license as a security guard
9 must be made on forms provided by the commissioner. The application must require
10 the furnishing of information reasonably required by the commissioner to carry out the
11 provisions of AS 18.65.400 - 18.65.490, including classifiable fingerprints to enable
12 the search of criminal indices for evidence of a prior criminal record, and must
13 require the furnishing of the applicant's social security number if the applicant
14 is a natural person. The application must be accompanied by a nonrefundable
15 application fee of \$50 for a security guard and \$200 for a security guard agency.

16 * **Sec. 32.** AS 18.65.410 is amended by adding a new subsection to read:

17 (b) Upon request, the commissioner shall provide a social security number
18 provided under (a) of this section to the child support enforcement agency created in
19 AS 25.27.010, or the child support enforcement agency of another state, for child
20 support purposes authorized under law.

21 * **Sec. 33.** AS 18.72.030 is amended to read:

22 **Sec. 18.72.030. Fireworks wholesaler's license.** (a) A person who desires
23 to sell fireworks at wholesale in the state shall first make verified application for a
24 license to the state fire marshal on forms provided by the state fire marshal. The
25 forms must require the applicant to supply the applicant's social security number
26 if the applicant is a natural person. The application shall be accompanied by an
27 annual license fee of \$50.

28 (b) The license required under (a) of this section is valid until December 31
29 of the year during which it is issued [,] and is renewable upon

30 (1) the payment of each subsequent annual license fee and affirmation
31 that the information contained in the wholesaler's original application for a fireworks

1 wholesaler's license is currently accurate; and
2 (2) supplying the wholesaler's social security number if it has not
3 previously been supplied under (a) of this section and if the wholesaler is a
4 natural person.

5 * Sec. 34. AS 21.06 is amended by adding a new section to read:

6 **Sec. 21.06.255. Information for child support purposes.** Notwithstanding
7 any other provision of this title, a natural person who applies for a license or requests
8 renewal of a license issued by the director under this title shall provide the director
9 with the person's social security number. Upon request, the director shall provide a
10 social security number provided under this section to the child support enforcement
11 agency created in AS 25.27.010, or the child support enforcement agency of another
12 state, for child support purposes authorized under law.

13 * Sec. 35. AS 23.20.110(e) is amended to read:

14 (e) The department shall provide information

15 (1) requested by a state or federal agency under an income and
16 eligibility verification system that meets the requirements of 42 U.S.C. 1320b-7 (Social
17 Security Act); or

18 (2) as required by federal law for child support purposes.

19 * Sec. 36. AS 23.20.110 is amended by adding a new subsection to read:

20 (o) Upon request and for child support purposes authorized under law, the
21 department shall provide to the child support enforcement agency created in
22 AS 25.27.010, or the child support enforcement agency of another state, the following:

23 (1) the name, address, social security number, ordinary occupation, and
24 employment status of each applicant for or recipient of benefits under this chapter;

25 (2) information about the applicant's or recipient's right to benefits
26 under this chapter;

27 (3) the name, address, and employer identification number of the
28 applicant's or recipient's current or former employer;

29 (4) information, if available, on the applicant or recipient concerning

30 (A) earnings or other income of the applicant or recipient;

31 (B) benefits from employment, including rights to or enrollment

1 in group health care coverage; and

2 (C) the type, status, location, and amount of assets of or debts
3 owed by or to the applicant or recipient.

4 * Sec. 37. AS 25.05.091 is amended by adding a new subsection to read:

5 (b) In addition to the requirements of (a) of this section, each contracting party
6 to the prospective marriage shall provide to the licensing officer the party's social
7 security number, if any. Upon request, the licensing officer shall provide a social
8 security number provided under this subsection to the child support enforcement
9 agency created in AS 25.27.010, or the child support enforcement agency of another
10 state, for child support purposes authorized under law.

11 * Sec. 38. AS 25.20.050(a) is amended to read:

12 (a) A child born out of wedlock is legitimated and considered the heir of the
13 putative parent when (1) the putative parent subsequently marries the undisputed parent
14 of the child; (2) for acknowledgments made before July 1, 1997, the putative parent
15 acknowledges, in writing, being a parent of the child; (3) for acknowledgments made
16 on or after July 1, 1997, the putative father and the mother both sign a form for
17 acknowledging paternity under AS 18.50.165; or (4) [(3)] the putative parent is
18 determined [JUDGED] by a superior court without jury or by another tribunal,
19 upon sufficient evidence, to be a parent of the child. Acceptable evidence includes [,
20 BUT IS NOT LIMITED TO,] evidence that the putative parent's conduct and bearing
21 toward the child, either by word or act, indicates that the child is the child of the
22 putative parent. That conduct may be construed by the tribunal [COURT] to
23 constitute evidence of parentage. When indefinite, ambiguous, or uncertain terms are
24 used, the tribunal [COURT] may use extrinsic evidence to show the putative parent's
25 intent.

26 * Sec. 39. AS 25.20.050(d) is amended to read:

27 (d) The results of a genetic test that is of a type generally acknowledged as
28 reliable by an accreditation body designated by the Secretary of Health and
29 Human Services and performed by a laboratory approved by such an
30 accreditation body [A BLOOD TEST, TISSUE-TYPE TEST, PROTEIN
31 COMPARISON, OR OTHER SCIENTIFICALLY ACCEPTED PROCEDURE] shall

1 be admitted and weighed in conjunction with other evidence in determining the
2 statistical probability that the putative parent is a legal parent of the child in question.
3 However, a genetic test described in this subsection [SCIENTIFICALLY
4 ACCEPTED PROCEDURE] that establishes a probability of parentage at 95 percent
5 or higher creates a presumption of parentage that may be rebutted only by clear and
6 convincing evidence.

7 * Sec. 40. AS 25.20.050(e) is repealed and reenacted to read:

8 (e) Except as provided in (i) of this section, in proceedings in which paternity
9 is contested, the tribunal shall order the parties, including the child, to submit to testing
10 as described in (d) of this section upon request of

11 (1) the child support enforcement agency created in AS 25.27.010 or
12 the child support enforcement agency of another state; or

13 (2) a party, including a sworn statement

14 (A) alleging the paternity of an individual and setting out facts
15 that show a reasonable possibility that the mother and that individual had
16 sexual contact that could have resulted in the conception of the child; or

17 (B) denying the paternity of an individual and setting out facts
18 that show a reasonable possibility that the mother and that individual did not
19 have sexual contact that could have resulted in the conception of the child.

20 * Sec. 41. AS 25.20.050(f), as amended by sec. 11, ch. 107, SLA 1996, is amended to
21 read:

22 (f) [IF THE CHILD SUPPORT ENFORCEMENT AGENCY IS A PARTY IN
23 AN ACTION IN WHICH PATERNITY IS CONTESTED, THE AGENCY SHALL
24 REQUEST THE COURT TO ORDER THE TESTS AND PROCEDURES
25 DESCRIBED IN (e) OF THIS SECTION.] The child support enforcement agency
26 may recover the costs of testing ordered under (e) of this section from the alleged
27 father unless the testing establishes that the individual is not the father [TESTS
28 AS A COST OF THE ACTION], except that costs may not be recovered from a
29 person who is a recipient of assistance under AS 47.27 (Alaska temporary assistance
30 program).

31 * Sec. 42. AS 25.20.050(h) is amended to read:

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(h) The tribunal [COURT] in a paternity action shall give full faith and credit to a determination of paternity made by another state, whether established through voluntary acknowledgment or through administrative or judicial procedures.

* Sec. 43. AS 25.20.050 is amended by adding new subsections to read:

(i) If a tribunal finds that good cause exists not to order genetic testing after considering the best interests of the child, the tribunal may not order testing under (e) of this section.

(j) Invoices, bills, or other standard documents showing charges for medical and related costs of pregnancy, childbirth, or genetic testing are admissible in an action to establish paternity without testimony or other evidence from the medical or other provider or third-party payor to provide the foundation for admissibility of the documents. The documents shall constitute prima facie evidence of the amounts incurred for such charges.

(k) Upon the motion of the child support enforcement agency or another party in the action to establish paternity, the tribunal shall issue a temporary order for support of the child whose paternity is being determined. The order shall be effective until the tribunal issues a final order on paternity and a permanent order for support is issued or the tribunal dismisses the action. The temporary order may only be issued if the tribunal finds clear and convincing evidence of the paternity of the putative father on the basis of the results of the genetic tests and other evidence admitted in the proceeding.

(l) The tribunal shall consider a completed and signed form for acknowledging paternity that meets the requirements of AS 18.50.165(a) as a legal finding of paternity for a child born out of wedlock. For an acknowledgment signed on or after July 1, 1997, the acknowledgment may only be withdrawn by the earlier of the following dates: (1) 60 days after the date that the person signed it, or (2) the date on which judicial or administrative procedures are initiated to establish child support for, or to determine paternity of, the child who is the subject of the acknowledgement. After this time period has passed, the acknowledgment may only be contested in superior court on the basis of fraud, duress, or material mistake. The parent wishing to contest the acknowledgment carries the burden of proof by a preponderance of the

1 evidence. Unless good cause is shown, the court may not stay child support or other
2 legal responsibilities while the action to contest the acknowledgment is pending.

3 (m) If a parent signs an acknowledgment of paternity under (a) of this section
4 and does not successfully challenge the acknowledgment under (l) of this section, the
5 child born out of wedlock is considered legitimated and the heir of the parent without
6 further action of the tribunal to ratify the acknowledgment of paternity.

7 (n) On and after July 1, 1997, a paternity order or an acknowledgment made
8 under this section must include the social security numbers, if ascertainable, of the
9 following persons:

- 10 (1) the father;
11 (2) the mother;
12 (3) the child.

13 (o) In this section, unless the context requires otherwise, "tribunal" means a
14 court, administrative agency, or quasi-judicial entity authorized by state law to
15 determine parentage.

16 * Sec. 44. AS 25.20.055 is amended by adding a new subsection to read:

17 (d) Notwithstanding (a) of this section, the Department of Health and Social
18 Services may adopt regulations to establish exceptions for good cause that identify
19 circumstances under which a hospital is not required to comply with (a) of this section.
20 A hospital may be excused from complying with (a) of this section if the hospital
21 meets those regulatory requirements.

22 * Sec. 45. AS 25.24.160 is amended by adding a new subsection to read:

23 (d) In a judgment issued under this section, the court shall include the social
24 security numbers, if ascertainable, of the following persons:

- 25 (1) each party to the action;
26 (2) each child whose rights are addressed in the judgment.

27 * Sec. 46. AS 25.24.170(b) is amended to read:

28 (b) For the purposes of a motion to modify or terminate child support, the
29 adoption or enactment of guidelines or a significant amendment to guidelines for
30 determining support is a material change in circumstances [,] if the guidelines are
31 relevant to the motion. As necessary to comply with 42 U.S.C. 666, a periodic

1 modification of child support may be made without a showing of a material
2 change in circumstances.

3 * Sec. 47. AS 25.24.210(e) is amended by adding a new paragraph to read:

4 (12) the social security numbers, if ascertainable, of the following
5 persons:

6 (A) both spouses to the marriage being dissolved;

7 (B) each child whose rights are being addressed in the petition

8 for dissolution.

9 * Sec. 48. AS 25.24.230 is amended by adding a new subsection to read:

10 (i) In a judgment issued under this section, the court shall include the social
11 security numbers, if ascertainable, of the following persons:

12 (1) each party to the dissolution of marriage;

13 (2) each child whose rights are addressed in the judgment.

14 * Sec. 49. AS 25.24 is amended by adding a new section to read:

15 Sec. 25.24.920. Provision of information to child support enforcement
16 agency. For purposes of 42 U.S.C. 666 and AS 25.27.193, when a court order or
17 judgment provides for child support to be paid, the clerk of the court shall provide a
18 copy of the order or judgment to the child support enforcement agency created in
19 AS 25.27.010.

20 * Sec. 50. AS 25.25.101(7) is amended to read:

21 (7) "initiating state" means a state from [IN] which a proceeding is
22 forwarded or in which a proceeding is filed for forwarding to a responding state
23 under this chapter or a law or procedure substantially similar to this chapter, or
24 under a law or procedure substantially similar to [THE FORMER PROVISIONS
25 OF THIS CHAPTER,] the Uniform Reciprocal Enforcement of Support Act [,] or the
26 Revised Uniform Reciprocal Enforcement of Support Act [IS FILED FOR
27 FORWARDING TO A RESPONDING STATE];

28 * Sec. 51. AS 25.25.101(16) is amended to read:

29 (16) "responding state" means a state in [TO] which a proceeding is
30 filed or to which a proceeding is forwarded for filing from an initiating state under
31 this chapter or a law or procedure substantially similar to this chapter, or under a

1 law or procedure substantially similar to [THE FORMER PROVISIONS OF THIS
2 CHAPTER,] the Uniform Reciprocal Enforcement of Support Act or the Revised
3 Uniform Reciprocal Enforcement of Support Act;

4 * Sec. 52. AS 25.25.101(19) is amended to read:

5 (19) "state" means a state of the United States, the District of
6 Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession
7 subject to the jurisdiction of the United States; the term "state" includes a foreign
8 jurisdiction that has enacted a law or established procedures for issuance and
9 enforcement of support orders that are substantially similar to the procedures under this
10 chapter or under the Uniform Reciprocal Enforcement of Support Act or the
11 Revised Uniform Reciprocal Enforcement of Support Act;

12 * Sec. 53. AS 25.25.207 is repealed and reenacted to read:

13 **Sec. 25.25.207. Recognition of controlling child support order.** (a) If a
14 proceeding is brought under this chapter and only one tribunal has issued a child
15 support order, the order of that tribunal is controlling and shall be recognized.

16 (b) If a proceeding is brought under this chapter and two or more child support
17 orders have been issued by tribunals of this state or another state with regard to the
18 same obligor and child, a tribunal of this state shall apply the following rules in
19 determining which order to recognize for purposes of continuing, exclusive
20 jurisdiction:

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

24 (2) if more than one of the tribunals would have continuing, exclusive
25 jurisdiction under this chapter, an order issued by a tribunal in the current home state
26 of the child shall be recognized, but, if an order has not been issued in the current
27 home state of the child, the order most recently issued is controlling and shall be
28 recognized;

29 (3) if none of the tribunals would have continuing, exclusive
30 jurisdiction under this chapter, the tribunal of this state having jurisdiction over the
31 parties shall issue a child support order, which is controlling and shall be recognized.

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1 law or procedure substantially similar to [THE FORMER PROVISIONS OF THIS
 2 CHAPTER,] the Uniform Reciprocal Enforcement of Support Act or the Revised
 3 Uniform Reciprocal Enforcement of Support Act;

4 * Sec. 52. AS 25.25.101(19) is amended to read:

5 (19) "state" means a state of the United States, the District of
 6 Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession
 7 subject to the jurisdiction of the United States; the term "state" includes a foreign
 8 jurisdiction that has enacted a law or established procedures for issuance and
 9 enforcement of support orders that are substantially similar to the procedures under this
 10 chapter or under the Uniform Reciprocal Enforcement of Support Act or the
 11 Revised Uniform Reciprocal Enforcement of Support Act;

12 * Sec. 53. AS 25.25.207 is repealed and reenacted to read:

13 Sec. 25.25.207. Recognition of controlling child support order. (a) If a
 14 proceeding is brought under this chapter and only one tribunal has issued a child
 15 support order, the order of that tribunal is controlling and shall be recognized.

16 (b) If a proceeding is brought under this chapter and two or more child support
 17 orders have been issued by tribunals of this state or another state with regard to the
 18 same obligor and child, a tribunal of this state shall apply the following rules in
 19 determining which order to recognize for purposes of continuing, exclusive
 20 jurisdiction:

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

24 (2) if more than one of the tribunals would have continuing, exclusive
 25 jurisdiction under this chapter, an order issued by a tribunal in the current home state
 26 of the child shall be recognized, but, if an order has not been issued in the current
 27 home state of the child, the order most recently issued is controlling and shall be
 28 recognized;

29 (3) if none of the tribunals would have continuing, exclusive
 30 jurisdiction under this chapter, the tribunal of this state having jurisdiction over the
 31 parties shall issue a child support order, which is controlling and shall be recognized.

1 (c) If two or more child support orders have been issued for the same obligor
2 and child and if the obligor or the individual obligee resides in this state, a party may
3 request a tribunal of this state to determine which order controls and shall be
4 recognized under (b) of this section. The request shall be accompanied by a certified
5 copy of every support order in effect. Every party whose rights may be affected by
6 a determination of the controlling order shall be given notice of the request for that
7 determination.

8 (d) The tribunal that issued the order that shall be recognized as controlling
9 under (a), (b), or (c) of this section is the tribunal that has continuing, exclusive
10 jurisdiction in accordance with AS 25.25.205.

11 (e) A tribunal of this state that determines by order the identity of the
12 controlling child support order under (b)(1) or (2) of this section, or that issues a new
13 controlling child support order under (b)(3) of this section, shall include in that order
14 the basis upon which the tribunal made its determination.

15 (f) Within 30 days after issuance of the order determining the identity of the
16 controlling order, the party obtaining that order shall file a certified copy of that order
17 with each tribunal that had issued or registered an earlier order of child support.
18 Failure of the party obtaining the order to file a certified copy as required under this
19 subsection subjects that party to appropriate sanctions by a tribunal in which the issue
20 of failure to file arises, but that failure has no effect on the validity or enforceability
21 of the controlling order.

22 * Sec. 54. AS 25.25.301(b) is amended to read:

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

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

26 (2) enforcement of a support order and income withholding order of
27 another state without registration under AS 25.25.501 - 25.25.507 [AS 25.25.501 -
28 25.25.502];

29 (3) registration of an order for child support or spousal support of
30 another state for enforcement under AS 25.25.601 - 25.25.614 [AS 25.25.601 -
31 25.25.612];

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

3 (5) registration of an order for child support of another state for
4 modification under AS 25.25.601 - 25.25.614 [AS 25.25.601 - 25.25.612];

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

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

8 * Sec. 55. AS 25.25.304 is amended by adding a new subsection to read:

9 (b) If a responding state has not enacted a law or procedure substantially
10 similar to this chapter, a tribunal of this state may issue a certificate or other
11 documents and make findings required by the law of the responding state. If the
12 responding state is a foreign jurisdiction, the tribunal may specify the amount of
13 support sought and provide other documents necessary to satisfy the requirements of
14 the responding state.

15 * Sec. 56. AS 25.25.305(a) is amended to read:

16 (a) When a responding tribunal of this state receives a complaint or
17 comparable pleading from an initiating tribunal or directly under AS 25.25.301(c), it
18 shall cause the complaint or pleading to be filed and notify the petitioner [BY FIRST
19 CLASS MAIL] where and when it was filed.

20 * Sec. 57. AS 25.25.305(e) is amended to read:

21 (e) If a responding tribunal of this state issues an order under this chapter, the
22 tribunal shall send a copy of the order [BY FIRST CLASS MAIL] to the petitioner
23 and the respondent and to the initiating tribunal, if any.

24 * Sec. 58. AS 25.25.306 is amended to read:

25 **Sec. 25.25.306. Inappropriate tribunal.** If a complaint or comparable
26 pleading is received by an inappropriate tribunal of this state, it shall forward the
27 complaint or pleading, and accompanying documents, to an appropriate tribunal in this
28 state or another state and notify the petitioner [BY FIRST CLASS MAIL] where and
29 when the complaint or pleading was sent.

30 * Sec. 59. AS 25.25.307(b) is amended to read:

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

1 enforcement agency shall, as appropriate,

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

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

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

8 (4) send written notice from an initiating, responding, or registering
9 tribunal to the petitioner [BY FIRST CLASS MAIL] within two days of receipt,
10 exclusive of Saturdays, Sundays, and legal holidays;

11 (5) send a copy of a written communication from the respondent or the
12 respondent's attorney to the petitioner [BY FIRST CLASS MAIL] within two days of
13 receipt, exclusive of Saturdays, Sundays, and legal holidays; and

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

16 * Sec. 60. AS 25.25.310 is amended to read:

17 **Sec. 25.25.310. Duties of state information and locator agency.** The child
18 support enforcement agency is the state information agency under this chapter, and it
19 shall

20 (1) compile and maintain a current list, including addresses, of the
21 tribunals [COURTS] in this state that have jurisdiction under this chapter and the
22 appropriate agency offices in this state and transmit a copy to the state information
23 agency of every other state;

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

26 (3) forward to the appropriate tribunal in this state all documents
27 concerning a proceeding under this chapter received from an initiating tribunal or the
28 state information agency of the initiating state; and

29 (4) obtain information concerning the location of the obligor and the
30 obligor's property within this state that is not exempt from execution by postal
31 verification and federal or state locator services, examination of telephone directories,

1 requests for the obligor's address from employers, and examination of governmental
2 records, including, to the extent not prohibited by other law, those relating to real
3 property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses,
4 and social security.

5 * Sec. 61. AS 25.25.312 is amended to read:

6 **Sec. 25.25.312. Nondisclosure of information in exceptional circumstances.**
7 Upon [SUBJECT TO THE PROVISIONS OF AS 25.27.275 AND UPON] a finding,
8 which may be made ex parte, that the health, safety, or liberty of a party or child
9 would be unreasonably put at risk by the disclosure of identifying information, or if
10 an existing order so provides, a tribunal shall order that the address of the child or
11 party or other identifying information not be disclosed in a pleading or other document
12 filed in a proceeding under this chapter.

13 * Sec. 62. AS 25.25.501 is repealed and reenacted to read:

14 **Sec. 25.25.501. Employer's receipt of income withholding order of another**
15 **state.** An income withholding order issued in another state may be sent to the person
16 or entity defined as the obligor's employer under AS 25.27 without first filing a
17 complaint or comparable pleading or registering the order with a tribunal of this state.

18 * Sec. 63. AS 25.25.502 is repealed and reenacted to read:

19 **Sec. 25.25.502. Employer's compliance with income withholding order of**
20 **another state.** (a) Upon receipt of an order under AS 25.25.501, the obligor's
21 employer shall immediately provide a copy of the order to the obligor.

22 (b) The employer shall treat an income withholding order issued in another
23 state that appears regular on its face as if it were issued by a tribunal of this state.

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

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

29 (2) the person or agency designated to receive payments and the
30 address to which the payments are to be forwarded;

31 (3) medical support, whether in the form of periodic cash payment,

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1 requests for the obligor's address from employers, and examination of governmental
2 records, including, to the extent not prohibited by other law, those relating to real
3 property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses,
4 and social security.

5 * **Sec. 61.** AS 25.25.312 is amended to read:

6 **Sec. 25.25.312. Nondisclosure of information in exceptional circumstances.**
7 Upon [SUBJECT TO THE PROVISIONS OF AS 25.27.275 AND UPON] a finding,
8 which may be made ex parte, that the health, safety, or liberty of a party or child
9 would be unreasonably put at risk by the disclosure of identifying information, or if
10 an existing order so provides, a tribunal shall order that the address of the child or
11 party or other identifying information not be disclosed in a pleading or other document
12 filed in a proceeding under this chapter.

13 * **Sec. 62.** AS 25.25.501 is repealed and reenacted to read:

14 **Sec. 25.25.501. Employer's receipt of income withholding order of another**
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16 or entity defined as the obligor's employer under AS 25.27 without first filing a
17 complaint or comparable pleading or registering the order with a tribunal of this state.

18 * **Sec. 63.** AS 25.25.502 is repealed and reenacted to read:

19 **Sec. 25.25.502. Employer's compliance with income withholding order of**
20 **another state.** (a) Upon receipt of an order under AS 25.25.501, the obligor's
21 employer shall immediately provide a copy of the order to the obligor.

22 (b) The employer shall treat an income withholding order issued in another
23 state that appears regular on its face as if it were issued by a tribunal of this state.

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

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

29 (2) the person or agency designated to receive payments and the
30 address to which the payments are to be forwarded;

31 (3) medical support, whether in the form of periodic cash payment,

1 stated as a sum certain, or an order to the obligor to provide health insurance coverage
2 for the child under a policy available through the obligor's employment;

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

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

8 (d) The employer shall comply with the law of the state of the obligor's
9 principal place of employment for withholding from income with respect to

10 (1) the employer's fee for processing an income withholding order;

11 (2) the maximum amount permitted to be withheld from the obligor's
12 income; and

13 (3) the time periods within which the employer must implement the
14 withholding order and forward the child support payment.

15 * **Sec. 64.** AS 25.25 is amended by adding new sections to article 5 to read:

16 **Sec. 25.25.503. Compliance with multiple income withholding orders.** If
17 an obligor's employer receives multiple orders to withhold support from the earnings
18 of the same obligor, the employer shall be considered to have satisfied the terms of the
19 multiple orders if the employer complies with the law of the state of the obligor's
20 principal place of employment to establish the priorities for withholding and allocating
21 income withheld for multiple child support orders.

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

26 **Sec. 25.25.505. Penalties for noncompliance.** An employer who wilfully fails
27 to comply with an income withholding order issued by another state and received for
28 enforcement is subject to the same penalties that may be imposed for noncompliance
29 with an order issued by a tribunal of this state.

30 **Sec. 25.25.506. Contest by obligor.** (a) An obligor may contest the validity
31 or enforcement of an income withholding order issued in another state and received

1 directly by an employer in this state in the same manner as if the order were issued
2 by a tribunal of this state. The provisions of AS 25.25.604 apply to the contest.

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

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

5 (2) each employer that has directly received an income withholding
6 order; and

7 (3) if

8 (A) a person or an agency is designated to receive payments in
9 the income withholding order, to that person or agency; or

10 (B) no person or agency is designated to receive payments in
11 the income withholding order, to the obligee.

12 **Sec. 25.25.507. Administrative enforcement of orders.** (a) A party seeking
13 to enforce a support order or an income withholding order, or both, issued by a
14 tribunal of another state may send the documents required for registering the order to
15 the child support enforcement agency of this state.

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

23 * **Sec. 65.** AS 25.25.602(a) is amended to read:

24 (a) A support order or income withholding order of another state may be
25 registered in this state by sending the following documents and information to a
26 tribunal of this state:

27 (1) a letter of transmittal to the tribunal requesting registration and
28 enforcement;

29 (2) two copies, including one certified copy, of all orders to be
30 registered, including any modification of an order;

31 (3) a sworn statement by the party seeking registration or a certified

1 statement by the custodian of the records showing the amount of any arrearage;

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

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

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

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

8 (D) the names [NAME] and addresses [ADDRESS] of all
9 potential third-party [THIRD PARTY] resources, including a health insurer,
10 that might be available to meet the requirements of a medical support order;
11 and

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

14 * Sec. 66. AS 25.25.605(a) is amended to read:

15 (a) When a support order or income withholding order issued in another state
16 is registered, the registering tribunal shall notify the nonregistering party. [NOTICE
17 SHALL BE GIVEN BY FIRST CLASS, CERTIFIED, OR REGISTERED MAIL OR
18 BY ANY MEANS OF PERSONAL SERVICE AUTHORIZED BY THE LAW OF
19 THIS STATE.] The notice must be accompanied by a copy of the registered order and
20 the documents and relevant information accompanying the order.

21 * Sec. 67. AS 25.25.605(b) is amended to read:

22 (b) The notice must inform the nonregistering party

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

25 (2) that a hearing to contest the validity or enforcement of the
26 registered order must be requested within 20 days after [THE DATE OF MAILING
27 OR PERSONAL SERVICE OF THE] notice;

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

1 (4) of the amount of alleged arrearages.

2 * Sec. 68. AS 25.25.606(a) is amended to read:

3 (a) A nonregistering party seeking to contest the validity or enforcement of a
4 registered order in this state shall request a hearing within 20 days after the [DATE
5 OF MAILING OR PERSONAL SERVICE OF] notice of the registration. The
6 nonregistering party may seek to vacate the registration, to assert a defense to an
7 allegation of noncompliance with the registered order, or to contest the remedies being
8 sought or the amount of alleged arrearages under AS 25.25.607.

9 * Sec. 69. AS 25.25.606(c) is amended to read:

10 (c) If a nonregistering party requests a hearing to contest the validity or
11 enforcement of the registered order, the registering tribunal shall schedule the matter
12 for hearing and give notice to the parties [BY FIRST CLASS MAIL] of the date, time,
13 and place of the hearing.

14 * Sec. 70. AS 25.25.609 is amended to read:

15 **Sec. 25.25.609. Procedure to register child support order of another state**
16 **for modification.** If a party or the child support enforcement agency seeks to modify,
17 or to modify and enforce, a child support order issued in another state but not
18 registered in this state, the party or agency shall register that order in this state in the
19 same manner provided in AS 25.25.601 - 25.25.608 [AS 25.25.601 - 25.25.604]. A
20 complaint for modification may be filed at the same time as a request for registration,
21 or later. The pleading must specify the grounds for modification.

22 * Sec. 71. AS 25.25.611(a) is amended to read:

23 (a) After a child support order issued in another state has been registered in
24 this state, unless the provisions of AS 25.25.613 apply, the responding tribunal of this
25 state may modify that order only if, after notice and an opportunity for hearing, it finds
26 that

27 (1) the following requirements are met:

28 (A) the child, the individual obligee, and the obligor do not
29 reside in the issuing state;

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

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

3 (2) an individual party or the child is subject to the personal jurisdiction
4 of the tribunal and all of the individual parties have filed a written consent in the
5 issuing tribunal providing that a tribunal of this state may modify the support order and
6 assume continuing, exclusive jurisdiction over the order; however, if the issuing state
7 is a foreign jurisdiction that has not enacted a law or procedure substantially
8 similar to this chapter, the written consent of the individual party residing in this
9 state is not required for the tribunal to assume jurisdiction to modify the child
10 support order.

11 * Sec. 72. AS 25.25.611(c) is amended to read:

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

17 * Sec. 73. AS 25.25.612 is amended to read:

18 Sec. 25.25.612. Recognition of order modified in another state. A tribunal
19 of this state shall recognize a modification of its earlier child support order by a
20 tribunal of another state that assumed jurisdiction under this chapter or a law or
21 procedure substantially similar to this chapter and, upon request, except as otherwise
22 provided in this chapter, shall

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

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

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

28 (4) recognize the modifying order of the other state, upon registration,
29 for the purpose of enforcement.

30 * Sec. 74. AS 25.25 is amended by adding new sections to article 6 to read:

31 Sec. 25.25.613. Jurisdiction to modify support order of another state when

1 individual parties reside in this state. (a) If all of the individual parties reside in
2 this state and the child does not reside in the issuing state, a tribunal of this state has
3 jurisdiction to enforce and to modify the issuing state's child support order in a
4 proceeding to register that order.

5 (b) A tribunal of this state exercising jurisdiction as provided in this section.
6 shall apply the provisions of AS 25.25.101 - 25.25.209 and 25.25.601 - 25.25.614 to
7 the enforcement or modification proceeding. AS 25.25.301 - 25.25.507, 25.25.701,
8 25.25.801, and 25.25.802 do not apply, and the tribunal shall apply the procedural and
9 substantive law of this state.

10 **Sec. 25.25.614. Notice to issuing tribunal of modification.** Within 30 days
11 after issuance of a modified child support order, the party obtaining the modification
12 shall file a certified copy of the order with the issuing tribunal that had continuing,
13 exclusive jurisdiction over the earlier order and with each tribunal in which the party
14 knows that an earlier order has been registered. Failure of the party obtaining the
15 order to file a certified copy as required subjects that party to appropriate sanctions by
16 a tribunal in which the issue of failure to file arises, but that failure has no effect on
17 the validity or enforceability of the modified order of the new tribunal of continuing,
18 exclusive jurisdiction.

19 * Sec. 75. AS 25.25.701(a) is amended to read:

20 (a) A tribunal of this state may serve as an initiating or responding tribunal in
21 a proceeding brought under this chapter or a law or procedure substantially similar
22 to this chapter, a law or procedure substantially similar to the former provisions of
23 this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised
24 Uniform Reciprocal Enforcement of Support Act to determine whether the petitioner
25 is a parent of a particular child or to determine whether a respondent is a parent of that
26 child.

27 * Sec. 76. AS 25.27.020(a)(2) is amended to read:

28 (2) adopt regulations to carry out the purposes of this chapter and AS 25.25,
29 including regulations that establish

30 (A) [SCHEDULES FOR DETERMINING THE AMOUNT AN
31 OBLIGOR IS LIABLE TO CONTRIBUTE TOWARD THE SUPPORT OF AN

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OBLIGEE UNDER THIS CHAPTER AND UNDER 42 U.S.C. 651 - 669 (TITLE IV-D, SOCIAL SECURITY ACT);

(B)] procedures for hearings conducted under AS 25.27.170 and for administrative enforcement of support orders;

(B) [(C)] subject to AS 25.27.025 and to federal law, a uniform rate of interest on arrearages of support that shall be charged the obligor upon notice if child support payments are 10 or more days overdue or if payment is made by a check backed by insufficient funds; however, an obligor may not be charged interest on late payment of a child support obligation, other than a payment on arrearages, if the obligor is

(i) employed and income is being withheld from the obligor's wages under an income withholding order;

(ii) receiving unemployment compensation and child support obligations are being withheld from the obligor's unemployment payments under AS 23.20.401; or

(iii) receiving compensation for disabilities under AS 23.30 and child support obligations are being withheld from the obligor's compensation payments; [AND]

(C) [(D)] procedures for establishing and disestablishing paternity under AS 25.27.165 and 25.27.166 [AS 25.27.165 - 25.27.166], including procedures for hearings; and

(D) procedures under which the agency shall enter into contracts or agreements with financial institutions doing business in the state to develop and operate an automated data match system as required by 42 U.S.C. 666(a)(17).

* Sec. 77. AS 25.27.020(a)(6) is amended to read:

(6) disburse support payments collected by the agency to the obligee, together with interest charged under (2)(B) [(2)(C)] of this subsection; *broker houses, insurances, + others doing business*

* Sec. 78. AS 25.27.020(a)(13) is amended to read:

(13) act as the central registry for all child support orders and exchange information as required by federal law.

Current definition includes regs should cover how MAY all suggestions Gary Roth Denali Banks

1 * Sec. 79. AS 25.27.020(a) is amended by adding a new paragraph to read:

2 (14) act as the state disbursement unit or, at the agency's discretion,
3 enter into contracts or agreements with contractors, directly responsible to the agency,
4 to perform some or all of the functions of the state disbursement unit.

5 * Sec. 80. AS 25.27.020 is amended by adding new subsections to read:

6 (d) The agency may issue an administrative order or request a court order that
7 requires an individual in arrears under an order of support for a child who is receiving
8 assistance under AS 47.07, or under AS 47.25.310 - 47.25.420 or a successor program,
9 to make payments according to an approved payment plan or, if the individual is not
10 incapacitated, to participate in appropriate work activities.

11 (e) To the extent required by federal law and as necessary for locating
12 individuals for child support purposes, the agency, the child support enforcement
13 agency of another state, or the federal government is entitled to have access to
14 information used by the Department of Public Safety or a successor agency to locate
15 an individual for purposes relating to motor vehicles or law enforcement.

16 * Sec. 81. AS 25.27.025 is amended to read:

17 Sec. 25.27.025. Rate of interest. The rate of interest imposed under
18 AS 25.27.020(a)(2)(B) [AS 25.27.020(a)(2)(C)] shall be six percent a year or a lesser
19 rate that is the maximum rate of interest permitted to be imposed under federal law.

20 * Sec. 82. AS 25.27.040(a), as amended by sec. 13, ch. 107, SLA 1996, is amended to
21 read:

22 (a) The agency may appear on behalf of minor children or their mother or
23 legal custodian or the state and initiate efforts to have the paternity of children born
24 out of wedlock determined by the court. When the agency is a party to a court action
25 in which paternity is contested, it shall request and pay for genetic testing and
26 procedures under AS 25.20.050(e) and may recover the costs of the testing as
27 provided in AS 25.20.050(f). [THE AGENCY MAY RECOVER THE COSTS OF
28 THE TESTS AS A COST OF THE COURT ACTION, EXCEPT THAT COSTS MAY
29 NOT BE RECOVERED FROM A PERSON WHO IS A RECIPIENT OF
30 ASSISTANCE UNDER AS 47.27 (ALASKA TEMPORARY ASSISTANCE
31 PROGRAM).]

1 * Sec. 83. AS 25.27.045 is amended to read:

2 **Sec. 25.27.045. Determination of support obligation. (a) The parent of a**
3 **child has a duty to support the child regardless of whether an order, decree, or**
4 **judgment for support has been entered by a tribunal.**

5 **(b) The agency may appear in an action seeking an award of support on behalf**
6 **of a child owed a duty of support, or to enforce a spousal support order if a spousal**
7 **support obligation has been established and if a support obligation, established with**
8 **respect to a child of that spouse, is also being administered, and may also appear in**
9 **an action seeking modification of a support order, decree or judgment already entered.**
10 **Action under this section may be undertaken upon application of an obligee, or upon**
11 **application of the agency at the agency's own discretion [IF THE OBLIGOR IS**
12 **LIABLE TO THE STATE UNDER AS 25.27.120(a) OR (b)].**

13 * Sec. 84. AS 25.27 is amended by adding a new section to read:

14 **Sec. 25.27.055. Relief from judgment, decree, or order for support based**
15 **on false information. If a judgment, a decree, or an order that provides for child**
16 **support is entered or modified by a tribunal based upon information submitted by a**
17 **party who knows that the information is false, at the discretion of the tribunal or on**
18 **request of the party, the tribunal may vacate the judgment, decree, or order and enter**
19 **a new judgment, decree, or order covering the same time period, correctly stating the**
20 **child support obligation. Such an action is not a retroactive modification for purposes**
21 **of Rule 90.3(h)(2), Alaska Rules of Civil Procedure.**

22 * Sec. 85. AS 25.27.062(d) is amended to read:

23 **(d) Income withholding under a support order that does not require immediate**
24 **income withholding and that is not being enforced by the agency may be initiated**
25 **either by filing a motion with the court and complying with applicable court rules or,**
26 **if there is a child support arrearage, by making a written request to the agency**
27 **for immediate income withholding under AS 25.27.150. Application to the agency**
28 **under this subsection may not, by itself, be construed as a request for other**
29 **services of the agency. If immediate withholding under this subsection is sought**
30 **through a motion to the court, the [. THE] court shall order the beginning of income**
31 **withholding under this subsection if the court finds that any of the grounds in (c)(1),**

1 (2), or (3)(B) [(c)(1), (c)(2), OR (c)(3)(B)] of this section is satisfied. It is not a
2 defense to a motion based on (c)(2) of this section that less than one full month's
3 payment is past due by 30 days if at least one full month's payment was past due by
4 30 days on the date the motion was filed. Notice to the obligor of income withholding
5 ordered under this subsection must be given in a manner that complies with court-
6 rules. In this subsection, "past due by 30 days" means unpaid 30 days after the
7 monthly due date specified in the support order.

8 * Sec. 86. AS 25.27.062(e) is amended to read:

9 (e) The agency or the person who obtains an income withholding order under
10 this chapter shall immediately send a copy of the income withholding order, a copy
11 of the relevant provisions of AS 25.27.260 and this section, and an explanation of the
12 effect of the statutes to persons who may owe money to an obligor. These items may
13 be sent by first class mail or certified mail, return receipt requested, or they may be
14 served personally by a process server, except that the agency alternatively may send
15 the items by electronic means. An income withholding order made under this chapter
16 is binding upon a person, employer, political subdivision, or department of the state
17 immediately upon receipt of a copy of the income withholding order. An employer
18 shall immediately begin withholding the specified amount from the employee's wages,
19 The amount withheld shall be sent to the agency within seven business days after
20 the date the amount would otherwise have been paid or credited to the employee
21 [(1) 14 WORKING DAYS AFTER THE MAILING DATE ON THE ORDER OF
22 WITHHOLDING OR 14 WORKING DAYS AFTER THE DATE ON WHICH THE
23 ORDER WAS PERSONALLY SERVED, WHICHEVER IS APPLICABLE, OR (2)
24 ON THE FIRST DAY OF THE NEXT PAY PERIOD, IF EARLIER. THE AMOUNT
25 WITHHELD SHALL BE SENT TO THE AGENCY WITHIN 10 WORKING DAYS
26 AFTER THE DATE THE EMPLOYEE IS PAID]. An employer may, for each
27 payment made under an order, deduct \$5 from other wages or salary owed to the
28 obligor.

29 * Sec. 87. AS 25.27.062(f) is amended to read:

30 (f) An employer may not discharge, discipline, or refuse to employ an obligor
31 on the basis of an income withholding order issued under this chapter. If an employer

1 discharges, disciplines, or refuses to employ an obligor because of an income
2 withholding obligation, the court, after notice and hearing, may order reinstatement or
3 restitution to the obligor, or both. A person who violates this subsection or a
4 regulation adopted to implement it, is liable for a civil penalty of not more than
5 \$10,000 [\$1,000].

6 * Sec. 88. AS 25.27.062(j) is amended to read:

7 (j) An employer may combine into a single payment to the agency amounts
8 withheld from more than one obligor if the employer specifies the portion of the
9 payment attributable to each obligor and complies with the time deadlines set out
10 in (e) of this section.

11 * Sec. 89. AS 25.27.075 is repealed and reenacted to read:

12 Sec. 25.27.075. **Employment information.** (a) An employer doing business
13 in the state shall report to the agency the hiring, rehiring, or returning to work of each
14 employee within the time limits set out in (b) of this section. The report must contain
15 the name, address, social security number, and date of hire for each of those
16 employees, the name and address of the employer, and the identifying number assigned
17 to the employer by the Internal Revenue Service under 26 U.S.C. 6109.

18 (b) An employer required to report under (a) of this section may make the
19 report by either of the following methods:

20 (1) if the report is submitted magnetically or electronically, the report
21 shall be made in a format mutually agreed upon by the employer and the agency;
22 employers using this reporting method shall comply with (a) of this section by
23 transmitting two monthly reports not less than 12 days nor more than 16 days apart;
24 or

25 (2) if the report is not made magnetically or electronically, the report
26 shall be made on an Internal Revenue Service W-4 form or, at the option of the
27 employer, an equivalent form; the report may be transmitted by first class mail and
28 must be received by the agency within 20 days after the date of the hiring, rehiring,
29 or returning to work of the employee.

30 (c) An employer that does business in this state and that has employees in at
31 least one other state is not required to comply with (a) of this section if the employer

1 (1) submits, magnetically or electronically, timely reports of its
2 employees to the state directory in another state in which the employer has employees
3 if the directory serves the same purpose as the directory maintained under (a) of this
4 section and the employer makes the report in compliance with the laws of that state;
5 and

6 (2) provides written notification of its choice to the Secretary of Health
7 and Human Services.

8 (d) An employer of an obligor or a labor union of which an obligor is a
9 member shall promptly provide to the agency, or the child support enforcement agency
10 of another state, information requested regarding an employee's or contractor's
11 compensation, employment, wages or salary, and occupation. The information required
12 under this subsection is in addition to the information, if any, required under (a) of this
13 section.

14 (e) For each employee reported under this section, an employer may deduct
15 \$1 from wages or salary owed to that employee to cover the cost of reporting.

16 (f) In addition to another penalty under law, an employer or a labor union that
17 knowingly violates this section, or a regulation adopted under this section, is liable for
18 a civil penalty of not more than \$1,000.

19 (g) In this section,

20 (1) "employee" means an individual who is an employee within the
21 meaning of 26 U.S.C. 3401(c), but does not include an employee of a federal or state
22 agency performing intelligence or counterintelligence functions if the head of that
23 agency has determined that reporting under this section with respect to the employee
24 could endanger the safety of the employee or compromise an ongoing investigation or
25 intelligence mission;

26 (2) "employer" has the meaning given in AS 25.27.900;

27 (3) "labor organization" has the meaning given that term in 29 U.S.C.
28 152; "labor organization" includes an entity sometimes known as a hiring hall that is
29 used by the organization and an employer to carry out requirements described in 29
30 U.S.C. 158(f)(3) of an agreement between the organization and the employer.

31 * Sec. 90. AS 25.27.085 is amended to read:

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Sec. 25.27.085. Subpoenas. The agency [, WITH THE CONCURRENCE OF THE COMMISSIONER OF REVENUE,] may subpoena persons, books, records, and documents to

(1) obtain any financial or other information needed to establish, modify, or enforce a child support order [DETERMINE THE EXTENT AND LOCATION OF ASSETS OF ANY OBLIGOR WHO IS MORE THAN 45 DAYS IN ARREARS IN A CHILD SUPPORT OBLIGATION ESTABLISHED EITHER BY COURT OR ADMINISTRATIVE ORDER];

(2) determine the paternity of a child under AS 25.27.165; or

(3) disestablish the paternity of a child under AS 25.27.166.

* Sec. 91. AS 25.27.085 is amended by adding new subsections to read:

(b) An administrative subpoena issued under this section shall be delivered by first class mail. Proof of service may be completed according to Rule 5, Alaska Rules of Civil Procedure.

(c) A person who is issued an administrative subpoena shall be provided an opportunity to refuse to comply with it for good cause by filing a request for a conference with the agency in this state in the manner and within the time specified in regulations adopted by the agency. Good cause shall be limited to mistake in identity of the person or to a prohibition under law to release such information.

(d) After a conference requested under (c) of this section, the agency shall issue an order on the request relating to good cause. If the person continues to refuse to comply with the administrative subpoena, the agency in this state shall issue an order to impose a civil penalty of \$10 for each day of noncompliance with the subpoena.

(e) In addition to being subject to possible criminal penalties, a person who avoids, prevents, or obstructs compliance, in whole or part, with an administrative subpoena issued under this section, or who unlawfully removes from a place, conceals, withholds, destroys, falsifies, mutilates, or alters books, records, or documents requested in the administrative subpoena, is subject to a civil fine by the superior court, upon petition of the agency, of not more than \$5,000 for each act or occurrence.

(f) An order imposing a civil penalty under this section is a final

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1 administrative decision and may be appealed under AS 25.27.210.

2 (g) This section does not limit the ability of the agency to make other lawful
3 requests for information.

4 * Sec. 92. AS 25.27 is amended by adding a new section to read:

5 **Sec. 25.27.086. Subpoenas issued by agency of another state.** (a) If the
6 child support enforcement agency of another state issues a subpoena regarding persons,
7 books, records, or documents in this state, the subpoena must be complied with as if
8 it were issued by this state's child support enforcement agency if

9 (1) the subpoena is for obtaining

10 (A) financial or other information needed to establish, modify,
11 or enforce a support order; or

12 (B) information needed to determine or disestablish the paternity
13 of a child under the laws of the state in which the subpoena was issued; and

14 (2) the issuing agency complied with AS 25.27.085(b).

15 (b) The procedures in or adopted under AS 25.27.085(c) and (d) apply to a
16 person who is issued a subpoena described in (a) of this section.

17 (c) The child support enforcement agency of this state shall enforce a subpoena
18 described in (a) of this section and shall provide the opportunity for conference and
19 issue any order under AS 25.27.085(c) and (d) on behalf of the issuing agency.
20 AS 25.27.085(f) applies to an order under this subsection.

21 (d) The penalties provided in AS 25.27.085 apply regarding a subpoena
22 described in (a) of this section.

23 (e) Nothing in this section limits the ability of a child support enforcement
24 agency of another state to make other lawful requests for information in this state.

25 * Sec. 93. AS 25.27.100(a) is amended to read:

26 (a) The agency shall provide aid to any person due child support under the
27 laws of this state upon application. The [SUBJECT TO (b) OF THIS SECTION,
28 THE] agency may, by regulation, impose a fee for services provided under this
29 chapter.

30 * Sec. 94. AS 25.27.103 is amended to read:

31 **Sec. 25.27.103. Payments to agency.** An obligor shall [MAY] make child

1 support payments to the agency if the agency is enforcing a duty of child support
2 under AS 25.25 or this chapter. [AN OBLIGOR MAY PAY MONEY TO THE
3 AGENCY TO SATISFY THE OBLIGOR'S IMMEDIATE DUTY OF CHILD
4 SUPPORT AS WELL AS ANY ADDITIONAL AMOUNT OF MONEY INTENDED
5 BY THE OBLIGOR TO BE USED FOR SUPPORT OF THE CHILD.] The agency
6 shall disburse that portion of a payment that exceeds the amount of money necessary
7 to satisfy the obligor's immediate duty of support in accordance with state and federal
8 requirements [THE INSTRUCTIONS OF THE OBLIGOR]. The agency shall credit
9 money disbursed under this subsection toward satisfaction of the obligor's duty of
10 support.

11 * Sec. 95. AS 25.27.105 is amended to read:

12 Sec. 25.27.105. Audit of collections. Within 30 working days after receipt
13 of a written request from an obligor, the obligor's legal representative, the obligee, or
14 the obligee's legal representative, the agency shall provide an audit of all child support
15 payments made by the obligor and received by the agency. The audit shall include the
16 date and amount of each payment, the name of the obligee, and the total amount of
17 arrearages of support past due and amount of unpaid penalties and interest imposed
18 under AS 25.27.020(a)(2)(B) [AS 25.27.020(a)(2)(C)]. The agency is required to
19 provide only one audit each year for each obligee and obligor under this section.

20 * Sec. 96. AS 25.27.120(c) is amended to read:

21 (c) Within 30 days after the agency knows the identity and address of an
22 obligor who resides in the state and who is liable to the state under this section, the
23 agency shall send written notification by certified mail to the obligor and the obligee
24 [PARENT] of the obligor's accruing liability and that the obligor shall make child
25 support payments to the agency. The notice required under this subsection must be
26 in clear, concise, and easily readable language. The notice may accompany other
27 communications by the agency.

28 * Sec. 97. AS 25.27.150(a) is amended to read:

29 (a) If an arrearage occurs under [IN ORDER TO INITIATE INCOME
30 WITHHOLDING FOR] a support order being enforced by the agency for which
31 immediate income withholding is not required under AS 25.27.062(a) or an

1 application is made to the agency for withholding under AS 25.27.062(d), the
2 agency may execute an income withholding order without prior notice to the
3 obligor. At the time of execution, the agency shall serve a notice of [ITS INTENT
4 TO INITIATE] income withholding on the obligor. Notice under this subsection shall
5 be served upon the obligor by certified mail to the obligor's last known address, and
6 service is complete when the notice is properly addressed, certified, and mailed.

7 * Sec. 98. AS 25.27.150(c) is amended to read:

8 (c) The notice shall inform the obligor that [THE] income withholding has
9 been ordered and of the procedures to follow if the obligor wishes to contest
10 withholding on the grounds that the withholding is improper due to a mistake of
11 fact. The notice must also inform the obligor of the information that was
12 provided to the employer in the document that ordered the withholding [ORDER
13 WILL TAKE EFFECT 15 DAYS AFTER THE DATE ON WHICH THE NOTICE IS
14 SERVED UNLESS THE OBLIGOR REQUESTS A HEARING WITHIN 15 DAYS
15 AFTER THE NOTICE IS SERVED. IF THE OBLIGOR REQUESTS A HEARING,
16 AN INCOME WITHHOLDING ORDER MAY NOT TAKE EFFECT UNTIL THE
17 CONCLUSION OF THE HEARING].

18 * Sec. 99. AS 25.27.150(e) is amended to read:

19 (e) The conference [APPEALS] officer shall inform the obligor of the
20 informal conference decision [,] either at the informal conference hearing or within
21 15 days after the hearing [, WHETHER OR NOT THE WITHHOLDING WILL
22 OCCUR AND OF THE DATE ON WHICH IT IS TO COMMENCE].

23 * Sec. 100. AS 25.27.150(f) is amended to read:

24 (f) If the conference [APPEALS] officer determines that withholding will
25 continue [OCCUR], the obligor may request a formal hearing [,] as provided in the
26 department's regulations. [THE INCOME WITHHOLDING ORDER SHALL BE
27 ISSUED AND WITHHOLDING SHALL BEGIN UNDER THE PROCEDURES IN
28 AS 25.27.062, WHETHER OR NOT THE OBLIGOR REQUESTS A FORMAL
29 HEARING, UNLESS THE OBLIGOR POSTS SECURITY OR A BOND IN THE
30 AMOUNT THAT WOULD HAVE BEEN WITHHELD PENDING THE OUTCOME
31 OF A FORMAL HEARING.]

1 * Sec. 101. AS 25.27.160(b) is amended to read:

2 (b) The notice and finding of financial responsibility served under (a) of this
3 section must state

4 (1) the sum or periodic payments for which the alleged obligor is found
5 to be responsible under this chapter [, CALCULATED BY TAKING INTO
6 CONSIDERATION THE NEED OF THE ALLEGED OBLIGEE, THE ALLEGED
7 OBLIGOR'S LIABILITY TO THE STATE UNDER AS 25.27.120 IF ANY, AND
8 THE DUTY OF SUPPORT UNDER THE LAW];

9 (2) the name of the alleged obligee and the obligee's custodian;

10 (3) that the alleged obligor may appear and show cause in a hearing
11 held by the agency why the finding is incorrect, should not be finally ordered, and
12 should be modified or rescinded, because

13 (A) no duty of support is owed; or

14 (B) the amount of support found to be owed is incorrect;

15 (4) that, if the person served with the notice and finding of financial
16 responsibility does not request a hearing within 30 days, the property and income of
17 the person will be subject to execution under AS 25.27.062 and 25.27.230 - 25.27.270
18 in the amounts stated in the finding without further notice or hearing.

19 * Sec. 102. AS 25.27.165(a) is amended to read:

20 (a) Upon application from a mother, custodian, putative father, or legal
21 custodian of a child, or from a state, the agency may institute administrative
22 proceedings to determine the paternity of a child born out of wedlock.

23 * Sec. 103. AS 25.27.165(b) is amended to read:

24 (b) In order to initiate a paternity proceeding administratively, the agency shall
25 serve a mother and putative father, as appropriate, with a notice of paternity and
26 financial responsibility. The notice shall be served personally as set out in Rule 4(d),
27 Alaska Rules [RULE] of Civil Procedure, [4(d)] or by registered, certified, or insured
28 mail, return receipt requested, for restricted delivery only to the person to whom the
29 notice is directed or to the person authorized under federal law to receive that person's
30 restricted delivery mail. The notice must be accompanied by

31 (1) an administrative order requiring that the mother, child, and putative

1 father submit to genetic testing to be arranged by the agency and stating that a party
2 may provide information to show good cause not to order the testing;

3 (2) an administrative order requiring the putative father to provide
4 financial information, as defined by the agency in regulation, within 20 days after
5 service of the notice; all financial information provided to the agency under an order
6 under this paragraph shall be held confidential by the agency, according to any
7 applicable regulations; and

8 (3) a notice of right to informal conference, to be held within 20 days
9 after receipt of an admission of paternity or service upon the parties of genetic test
10 results.

11 * Sec. 104. AS 25.27.165(d) is amended to read:

12 (d) Upon receipt of genetic test results, the agency shall serve on the putative
13 father notice of the test results and of the date for the informal conference. Service
14 of the notice shall be made by first class mail. If the genetic test results are negative
15 under the standard set in AS 25.20.050(d), the agency shall issue a finding of
16 nonpaternity within 20 days after the agency's receipt of the test results. If the genetic
17 test results are positive under the standard set in AS 25.20.050(d), the agency shall
18 issue an informal conference decision within 20 days after the agency's receipt of the
19 test results. Upon request and advance payment by a party, the agency shall order
20 additional genetic tests. If the second genetic test results contradict the first
21 genetic test results, the agency shall provide copies of the second genetic test
22 results to the parties and conduct another informal conference. The agency shall
23 issue the second informal conference decision within 20 days after the agency's
24 receipt of the second genetic test results.

25 * Sec. 105. AS 25.27.165(i), as amended by sec. 21, ch. 107, SLA 1996, is amended to
26 read:

27 (i) The agency may recover any costs it pays for genetic tests required by this
28 section from the putative father unless the testing establishes that the individual
29 is not the father, except that costs may not be recovered from a person who is a
30 recipient of assistance under AS 47.27 (Alaska temporary assistance program).

31 * Sec. 106. AS 25.27.165 is amended by adding new subsections to read:

1 (j) A decision establishing paternity or an admission of paternity under this
2 section must include the social security numbers, if ascertainable, of the father, mother,
3 and the child.

4 (k) Notwithstanding any other provision of this section, if the agency
5 determines, after considering the best interests of the child, that good cause exists not
6 to order genetic testing under this section, it shall, without ordering the genetic testing
7 and as the agency determines appropriate in the best interests of the child,

8 (1) end the administrative proceedings under this section without
9 making a determination of paternity; or

10 (2) after a hearing provided for under regulations adopted by the
11 agency. enter a final decision regarding paternity.

12 * Sec. 107. AS 25.27.166(a) is amended to read:

13 (a) The agency shall, by regulation, establish procedures and standards for the
14 disestablishment of paternity of a child whose paternity was established in this state
15 other than by court order if the paternity was not established by

16 (1) genetic test results that met the standard set out in AS 25.20.050(d)
17 at the time the test was performed; or

18 (2) an acknowledgment of paternity under AS 25.20.050 or an
19 admission of paternity under AS 25.27.165.

20 * Sec. 108. AS 25.27.190(a) is amended to read:

21 (a) Unless a support order has been entered by a court and except as
22 provided in AS 25.25, the obligor, or the obligee or the obligee's custodian, may
23 petition the agency or its designee for a modification of the administrative finding or
24 decision of responsibility previously entered with regard to future periodic support
25 payments. In addition, the agency may initiate a modification and grant a hearing
26 under (c) - (e) of this section.

27 * Sec. 109. AS 25.27.190(c) is amended to read:

28 (c) If a hearing is granted, the agency shall serve a notice of hearing together
29 with a copy of any [THE] petition and affidavits submitted on the obligee or the
30 obligee's custodian and the obligor personally or by registered, certified, or insured
31 mail, return receipt requested, for restricted delivery only to the person to whom the

1 notice is directed or to the person authorized under federal regulation to receive that
2 person's restricted delivery mail.

3 * Sec. 110. AS 25.27 is amended by adding a new section to read:

4 **Sec. 25.27.193. Periodic review or adjustment of support orders.** As
5 necessary to comply with 42 U.S.C. 666, the agency, by regulation, shall provide
6 procedures and standards for the modification, through periodic review or adjustment,
7 of a support order. Regulations adopted under this section must include procedures
8 for periodic notice of the right to request review, procedures for hearings, and
9 standards for adjustments regarding future periodic support payments. A modification
10 under this section may be made without a showing of a material change in
11 circumstances.

12 * Sec. 111. AS 25.27.200 is amended to read:

13 **Sec. 25.27.200. Use of standards in administrative determinations of**
14 **support amounts.** In making its findings under AS 25.27.160 and in establishing and
15 modifying amounts of periodic support payments under AS 25.27.180 and 25.27.190,
16 the agency shall apply the standards and guidelines set by the Alaska Supreme
17 Court in court rules, as amended from time to time [CONSIDER THE
18 STANDARDS ADOPTED BY REGULATION UNDER AS 25.27.020 AND ANY
19 STANDARDS FOR DETERMINATION OF SUPPORT PAYMENTS USED BY THE
20 SUPERIOR COURT OF THE DISTRICT OF RESIDENCE OF THE OBLIGOR].

21 * Sec. 112. AS 25.27.230(a) is amended to read:

22 (a) At the expiration of 30 days after (1) the date of distribution of an income
23 withholding order under AS 25.27.062; [,] (2) the date of service of a notice and
24 finding of financial responsibility under AS 25.27.160; [,] or (3) the date of service of
25 a decision establishing paternity under AS 25.27.165 [AS 25.27.165(c) OR (d)], the
26 agency may assert a lien upon the real or personal property of the obligor [,] in the
27 amount of the obligor's liability.

28 * Sec. 113. AS 25.27.230 is amended by adding new subsections to read:

29 (e) A lien arising under the child support laws of another state shall be given
30 full faith and credit in this state and may be asserted in this state upon the real or
31 personal property of the obligor, in the amount of the obligor's liability, by complying

1 with the requirements of this section.

2 (f) A lien recorded under this section is a judgment lien and may be enforced
3 by execution under AS 09.35 in the full amount of the obligor's liability at the time
4 of execution.

5 * Sec. 114. AS 25.27.240(a) is amended to read:

6 (a) The agency of this state or another state, or a person seeking to enforce
7 a child support obligation, may, at any time after recording of a lien recorded under
8 AS 25.27.230, serve a copy of the lien upon any person, political subdivision, or
9 department of the state possessing earnings, or deposits or balances held in any bank
10 account of any nature that are due, owing, or belonging to the obligor.

11 * Sec. 115. AS 25.27.244(a) is amended to read:

12 (a) The agency shall compile and maintain a list of obligors who are not in
13 substantial compliance with a support order or payment schedule negotiated under
14 (g)(1) of this section and of other persons who, after receiving appropriate notice,
15 have failed to comply with a subpoena or warrant relating to paternity or a child
16 support proceeding. The agency may not include an obligor on the list unless the
17 agency has sent to the obligor, at the obligor's most recent address on file with the
18 agency, written notice of the arrearages at least 60 days before placement on the list.
19 The list must include the names, social security numbers, dates of birth, and last
20 known addresses of the persons [OBLIGORS]. The list shall be updated by the
21 agency on a monthly basis.

22 * Sec. 116. AS 25.27.244(c) is amended to read:

23 (c) Promptly after receiving an application from an applicant and before
24 issuing or renewing a license, a licensing entity, other than one issuing recreational
25 licenses or commercial crewmember fishing licenses, shall determine whether the
26 applicant is on the most recent list provided by the agency. If the applicant is on the
27 list, the licensing entity shall immediately serve notice under (e) of this section of the
28 licensing entity's intent to withhold issuance or renewal of the license. The notice
29 shall be considered given when delivered personally to the applicant or deposited in
30 the United States mail addressed to the applicant's last known mailing address on file
31 with the licensing entity.

1 * Sec. 117. AS 25.27.244(d) is amended to read:

2 (d) Other than for a recreational license, or a commercial crewmember
3 fishing license, a [A] licensing entity shall issue a temporary license valid for a period
4 of 150 days to an applicant whose name is on the list if the applicant is otherwise
5 eligible for a license. The temporary license may not be extended. Only one
6 temporary license may be issued during a regular license term and its validity shall
7 coincide with the first 150 days of that license term. A license for the full or
8 remainder of the license term may be issued or renewed only upon compliance with
9 this section. An applicant for a recreational license is not entitled to receive a
10 temporary license under this section. If a license or application is denied under this
11 section, money paid by the applicant or licensee shall be refunded by the licensing
12 entity after retention of the temporary license fee, if any.

13 * Sec. 118. AS 25.27.244(e) is amended to read:

14 (e) Notices for use under (c), (s), and (t) of this section shall be developed by
15 each licensing entity under guidelines provided by the agency and are subject to
16 approval by the agency. The notice must include the address and telephone number
17 of the agency and shall emphasize the necessity of obtaining a release from the agency
18 as a condition for the issuance or renewal of a license. Except for notices issued
19 under (s) and (t) of this section regarding recreational licenses, the [THE] notice
20 must inform an applicant whose license is governed by (d) of this section that the
21 licensing entity shall issue a temporary license for 150 calendar days under (d) of this
22 section if the applicant is otherwise eligible and that, upon expiration of that time
23 period, the license will be denied unless the licensing entity has received a release
24 from the agency. The agency shall also develop a form that the applicant may use to
25 request a review by the agency. A copy of this form shall be included with each
26 notice sent under (c), (s), or (t) of this section.

27 * Sec. 119. AS 25.27.244(g) is amended to read:

28 (g) If the applicant wishes to challenge being included on the list, the applicant
29 shall submit to the agency a written request for review within 30 days after receiving
30 the notice under (c), (s), or (t) of this section by using the form developed under (e)
31 of this section. Within 30 days after receiving a written request for review, the agency

1 shall inform the applicant in writing of the agency's findings. The agency shall
2 immediately send a release to the appropriate licensing entity and the applicant if any
3 of the following conditions is met:

4 (1) the applicant is found to have complied with all subpoenas and
5 warrants described in (a) of this section, if applicable, and is found to be in
6 substantial compliance with each support order applicable to the applicant or has
7 negotiated an agreement with the agency for a payment schedule on arrearages and is
8 in substantial compliance with the negotiated agreement; if the applicant fails to be in
9 substantial compliance with an agreement negotiated under this paragraph, the agency
10 shall send to the appropriate licensing entity a revocation of any release previously sent
11 to the entity for that applicant;

12 (2) the applicant has submitted a timely request for review to the
13 agency, but the agency will be unable to complete the review and send notice of
14 findings to the applicant in sufficient time for the applicant to file a timely request for
15 judicial relief within the 150-day period during which the applicant's temporary license
16 is valid under (d) of this section; this paragraph applies only if the delay in completing
17 the review process is not the result of the applicant's failure to act in a reasonable,
18 timely, and diligent manner upon receiving notice from the licensing entity that the
19 applicant's name is on the list;

20 (3) the applicant has, within 30 days after receiving the agency's
21 findings following a request for review under (2) of this subsection, filed and served
22 a request for judicial relief under this section, but a resolution of that relief will not
23 be made within the 150-day period of the temporary license under (d) of this section;
24 this paragraph applies only if the delay in completing the judicial relief process is not
25 the result of the applicant's failure to act in a reasonable, timely, and diligent manner
26 upon receiving the agency's notice of findings; or

27 (4) the applicant has obtained a judicial finding of substantial
28 compliance.

29 * Sec. 120. AS 25.27.244(i) is amended to read:

30 (i) Except as otherwise provided in this section, the agency may not issue a
31 release if the applicant is not in substantial compliance with the order for support or

1 [IS NOT IN SUBSTANTIAL COMPLIANCE] with an agreement negotiated under
2 (g)(1) of this section, or is not in compliance with a subpoena or warrant described
3 in (a) of this section. The agency shall notify the applicant in writing that the
4 applicant may request any or all of the following: (1) judicial relief from the agency's
5 decision not to issue a release or the agency's decision to revoke a release under (g)(1)
6 of this section; (2) a judicial determination of substantial compliance; (3) a
7 modification of the support order. The notice must also contain the name and address
8 of the court in which the applicant may file the request for relief and inform the
9 applicant that the applicant's name shall remain on the list if the applicant does not
10 request judicial relief within 30 days after receiving the notice. The applicant shall
11 comply with all statutes and rules of court implementing this section. This section
12 does not limit an applicant's authority under other law to request an order to show
13 cause or notice of motion to modify a support order or to fix a payment schedule on
14 arrearages accruing under a support order or to obtain a court finding of substantial
15 compliance with a support order or a court finding of compliance with subpoenas
16 and warrants described in (a) of this section.

17 * Sec. 121. AS 25.27.244(j) is amended to read:

18 (j) A request for judicial relief from the agency's decision must state the
19 grounds on which relief is requested, and the judicial action shall be limited to those
20 stated grounds. Judicial relief under this subsection is not an appeal [,] and shall be
21 governed by court rules adopted to implement this section. Unless otherwise provided
22 by court rule, the court shall hold an evidentiary hearing within 20 calendar days after
23 the filing of service on the opposing party. The court's decision shall be limited to a
24 determination of each of the following issues, as applicable:

25 (1) whether there is a support order or a payment schedule on
26 arrearages;

27 (2) whether the petitioner is the obligor covered by the support order;

28 [AND]

29 (3) whether the obligor is in substantial compliance with the support
30 order or payment schedule; and

31 (4) whether the person requesting relief complied with all

1 subpoenas and warrants relating to paternity or a child support proceeding.

2 * Sec. 122. AS 25.27.244(k) is amended to read:

3 (k) If the court finds that the person requesting relief [OBLIGOR] is in
4 substantial compliance with the support order or payment schedule, and is in
5 compliance with all subpoenas and warrants described in (a) of this section, the
6 agency shall immediately send a release under (g) of this section to the appropriate
7 licensing entity and the applicant.

8 * Sec. 123. AS 25.27.244(l) is amended to read:

9 (l) If an applicant [WHEN THE OBLIGOR] is in substantial compliance with
10 a support order or payment schedule, and is in compliance with subpoenas and
11 warrants described in (a) of this section, the agency shall mail to the applicant and
12 the appropriate licensing entity a release stating that the applicant is in substantial
13 compliance or is in compliance with the subpoenas and warrants, as applicable.
14 The receipt of a release shall serve to notify the applicant and the licensing entity that,
15 for the purposes of this section, the applicant is in substantial compliance with the
16 support order or payment schedule, or is in compliance with the subpoenas and
17 warrants, unless the agency, under (a) of this section, certifies subsequent to the
18 issuance of a release that the applicant is once again not in substantial compliance with
19 a support order or payment schedule, or is not in compliance with a subpoena or
20 warrant.

21 * Sec. 124. AS 25.27.244(q)(2) is amended to read:

22 (2) "license"

23 (A) means, except as provided in (B) of this paragraph, a
24 recreational license, or a license, certificate, permit, registration, or other
25 authorization that, at the time of issuance, will be valid for more than 150 days
26 and that may be acquired from a state agency to perform an occupation,
27 including the following:

- 28 (i) license relating to boxing or wrestling under
29 AS 05.10;
- 30 (ii) authorization to perform an occupation regulated
31 under AS 08;

- 1 (iii) teacher certificate under AS 14.20;
- 2 (iv) authorization under AS 18.08 to perform emergency
- 3 medical services;
- 4 (v) asbestos worker certification under AS 18.31;
- 5 (vi) boiler operator's license under AS 18.60.395;
- 6 (vii) certificate of fitness under AS 18.62;
- 7 (viii) hazardous painting certification under AS 18.63;
- 8 (ix) security guard license under AS 18.65.400 -
- 9 18.65.490;
- 10 (x) license relating to insurance under AS 21.27;
- 11 (xi) employment agency permit under AS 23.15.330 -
- 12 23.15.520;
- 13 (xii) registration as a broker-dealer, agent, or investment
- 14 adviser under AS 45.55.030;
- 15 (xiii) certification as a pesticide applicator under
- 16 AS 46.03.320;
- 17 (xiv) certification as a storage tank worker or contractor
- 18 under AS 46.03.375; [AND]
- 19 (xv) certification as a water and wastewater works
- 20 operator under AS 46.30; and
- 21 (xvi) commercial crewmember fishing license under
- 22 AS 16.05.480 other than an entry permit or interim-use permit
- 23 under AS 16.43;
- 24 (B) does not include
- 25 (i) [A COMMERCIAL FISHING LICENSE UNDER
- 26 AS 16.05.480, INCLUDING A CREWMEMBER FISHING LICENSE;
- 27 (ii)] a vessel license issued under AS 16.05.490 or
- 28 16.05.530;
- 29 (ii) [(iii)] a license issued under AS 47.35;
- 30 (iii) [(iv)] a business license issued under AS 43.70;
- 31 (iv) [(v)] an entry permit or interim-use permit issued

1 under AS 16.43; or

2 (v) [(vi)] a driver's license issued under AS 28.15;

3 * Sec. 125. AS 25.27.244(q)(5) is amended to read:

4 (5) "list" means the list of obligors and other persons compiled and
5 maintained under (a) of this section;

6 * Sec. 126. AS 25.27.244(q)(6) is amended to read:

7 (6) "substantial compliance" regarding [WITH] a support order or
8 payment schedule ["] means that, with respect to a support order or a negotiated
9 payment schedule under (g) of this section, whichever is applicable, the obligor either
10 has no arrearage or has an arrearage in an amount that is not more than four times the
11 monthly obligation under the support order or payment schedule.

12 * Sec. 127. AS 25.27.244(q) is amended by adding new paragraphs to read:

13 (7) "recreational fishing" has the meaning given the term "sport fishing"
14 in AS 16.05.940;

15 (8) "recreational fishing license" means a sport fishing license under
16 AS 16.05.340;

17 (9) "recreational hunting" does not include subsistence hunting as
18 defined in AS 16.05.940, or the taking, hunting for, or possession of game under
19 AS 16.05 - AS 16.40, and regulations adopted under those statutes, for personal
20 consumption;

21 (10) "recreational hunting license" means a hunting license under
22 AS 16.05.340 and includes a big game hunt drawing permit under AS 16.05;

23 (11) "recreational license" means a recreational fishing license or a
24 recreational hunting license.

25 * Sec. 128. AS 25.27.244 is amended by adding new subsections to read:

26 (r) Notwithstanding any provision of AS 16, a commercial crewmember fishing
27 license described in (q)(2)(A)(xvi) of this section issued to an individual whose name
28 is on the list is void and invalid, and the individual is subject to criminal sanctions for
29 conducting the activities for which such a license is required. Notwithstanding any
30 provision of AS 16, a recreational license issued to an individual whose name is on
31 the list is void and invalid for recreational fishing or recreational hunting, and the

1 individual is subject to criminal sanctions for conducting the recreational fishing or
2 recreational hunting activities for which a license is required. Nothing in this
3 subsection prohibits an individual from using a recreational license to participate in
4 nonrecreational fishing or hunting activities, including subsistence fishing or hunting
5 activities and personal use fishing activities. The licensing entity for fishing and
6 hunting licenses shall print a notice on fishing and hunting license forms, including
7 commercial crewmember fishing license forms, clearly stating the provisions of this
8 subsection.

9 (s) After receiving information, including information from a licensing agent
10 appointed under AS 16.05.380, that a commercial crewmember fishing license or a
11 recreational license, other than a big game hunt drawing permit, has been issued to an
12 applicant, the licensing entity for the license shall promptly determine whether the
13 applicant was, at the time the applicant obtained the license, on the most recent list
14 provided by the agency under (b) of this section. If the applicant was on that list, the
15 licensing entity shall immediately serve notice under (e) of this section that (1) for a
16 recreational license, the license issued is void and invalid except for use for
17 nonrecreational fishing or hunting, including subsistence fishing or hunting and
18 personal use fishing, as applicable; or (2) for a commercial crewmember fishing
19 license, the license is void and invalid and that, notwithstanding the limitation of (d)
20 of this section, the applicant can request the licensing entity to issue a temporary
21 license under this section. A notice under this subsection is considered given when
22 delivered personally to the applicant or deposited in the United States mail addressed
23 to the applicant's last known mailing address on file with the licensing entity.

24 (t) Upon selection of successful applicants for a permit to take big game in a
25 drawing hunt, the licensing entity shall promptly determine whether any of the
26 successful applicants are on the most recent list provided by the agency under (b) of
27 this section. If an applicant is on that list, the licensing entity shall immediately deny
28 issuance of the permit to that applicant and give notice of the denial to the applicant
29 under (e) of this section. The notice is considered given when delivered personally to
30 the applicant or deposited in the United States mail addressed to the applicant's last
31 known mailing address on file with the licensing entity.

1 * **Sec. 129.** AS 25.27.246(a) is amended to read:

2 (a) The agency shall compile and maintain a list of obligors who have a
3 driver's license and are not in substantial compliance with a support order or payment
4 schedule negotiated under (f)(1) of this section and of other persons who, after
5 receiving appropriate notice, have failed to comply with a subpoena or warrant
6 relating to paternity or a child support proceeding. The agency may not include
7 an obligor on the list unless the agency has sent to the obligor, at the obligor's most
8 recent address on file with the agency, written notice of the arrearages at least 60 days
9 before placement on the list. The list must include the names, social security numbers,
10 dates of birth, and last known addresses of the persons [OBLIGORS]. The list shall
11 be updated by the agency on a monthly basis.

12 * **Sec. 130.** AS 25.27.246(b) is amended to read:

13 (b) The agency shall serve notice under (d) of this section to each person on
14 the list that the person's driver's license will be suspended in 150 days, and will not
15 be reissued or renewed the next time it is applied for if the person's name is on the
16 list at the time of the subsequent application, unless the licensee receives a release
17 from the agency. The notice shall be considered given when delivered personally to
18 the person [OBLIGOR] or deposited in the United States mail addressed to the
19 person's [OBLIGOR'S] last known mailing address on file with the agency.

20 * **Sec. 131.** AS 25.27.246(f) is amended to read:

21 (f) If a licensee wishes to challenge being included on the list, the licensee
22 shall submit to the agency a written request for review within 30 days after the notice
23 under (b) of this section was personally delivered or postmarked by using the form
24 developed under (d) of this section. Within 30 days after receiving a written request
25 for review, the agency shall inform the licensee in writing of the agency's findings.
26 The agency shall immediately send a release to the department and the licensee if any
27 of the following conditions is met:

28 (1) the licensee is found by the agency to have complied with all
29 subpoenas and warrants described in (a) of this section and is found to be in
30 substantial compliance with each support order applicable to the licensee or has
31 negotiated an agreement with the agency for a payment schedule on arrearages and is

1 in substantial compliance with the negotiated agreement; if the licensee fails to be in
2 substantial compliance with an agreement negotiated under this paragraph, the agency
3 shall send to the department a revocation of any release previously sent to the entity
4 for that licensee;

5 (2) the licensee has submitted a timely request for review to the
6 agency, but the agency will be unable to complete the review and send notice of
7 findings to the licensee in sufficient time for the licensee to file a timely request for
8 judicial relief within the 150-day period before the licensee's license will be suspended
9 under (c) of this section; this paragraph applies only if the delay in completing the
10 review process is not the result of the licensee's failure to act in a reasonable, timely,
11 and diligent manner upon receiving notice from the agency that the licensee's driver's
12 license will be suspended in 150 days;

13 (3) the licensee has, within 30 days after receiving the agency's
14 findings following a request for review under (2) of this subsection, filed and served
15 a request for judicial relief under this section, but a resolution of that relief will not
16 be made within the 150-day period before license suspension under (c) of this section;
17 this paragraph applies only if the delay in completing the judicial relief process is not
18 the result of the licensee's failure to act in a reasonable, timely, and diligent manner
19 upon receiving the agency's notice of findings; or

20 (4) the licensee has obtained a judicial finding of substantial
21 compliance.

22 * Sec. 132. AS 25.27.246(h) is amended to read:

23 (h) Except as otherwise provided in this section, the agency may not issue a
24 release if the licensee [APPLICANT] is not in substantial compliance with the order
25 for support or [IS NOT IN SUBSTANTIAL COMPLIANCE] with an agreement
26 negotiated under (f)(1) of this section, or is not in compliance with a subpoena or
27 warrant described in (a) of this section. The agency shall notify the licensee in
28 writing that the licensee may request any or all of the following: (1) judicial relief
29 from the agency's decision not to issue a release or the agency's decision to revoke
30 a release under (f)(1) of this section; (2) a judicial determination of substantial
31 compliance; (3) a modification of the support order. The notice must also contain the

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska

1 * Sec. 129. AS 25.27.246(a) is amended to read:

2 (a) The agency shall compile and maintain a list of obligors who have a
3 driver's license and are not in substantial compliance with a support order or payment
4 schedule negotiated under (f)(1) of this section and of other persons who, after
5 receiving appropriate notice, have failed to comply with a subpoena or warrant
6 relating to paternity or a child support proceeding. The agency may not include
7 an obligor on the list unless the agency has sent to the obligor, at the obligor's most
8 recent address on file with the agency, written notice of the arrearages at least 60 days
9 before placement on the list. The list must include the names, social security numbers,
10 dates of birth, and last known addresses of the persons [OBLIGORS]. The list shall
11 be updated by the agency on a monthly basis.

12 * Sec. 130. AS 25.27.246(b) is amended to read:

13 (b) The agency shall serve notice under (d) of this section to each person on
14 the list that the person's driver's license will be suspended in 150 days, and will not
15 be reissued or renewed the next time it is applied for if the person's name is on the
16 list at the time of the subsequent application, unless the licensee receives a release
17 from the agency. The notice shall be considered given when delivered personally to
18 the person [OBLIGOR] or deposited in the United States mail addressed to the
19 person's [OBLIGOR'S] last known mailing address on file with the agency.

20 * Sec. 131. AS 25.27.246(f) is amended to read:

21 (f) If a licensee wishes to challenge being included on the list, the licensee
22 shall submit to the agency a written request for review within 30 days after the notice
23 under (b) of this section was personally delivered or postmarked by using the form
24 developed under (d) of this section. Within 30 days after receiving a written request
25 for review, the agency shall inform the licensee in writing of the agency's findings.
26 The agency shall immediately send a release to the department and the licensee if any
27 of the following conditions is met:

28 (1) the licensee is found by the agency to have complied with all
29 subpoenas and warrants described in (a) of this section and is found to be in
30 substantial compliance with each support order applicable to the licensee or has
31 negotiated an agreement with the agency for a payment schedule on arrearages and is

1 in substantial compliance with the negotiated agreement; if the licensee fails to be in
2 substantial compliance with an agreement negotiated under this paragraph, the agency
3 shall send to the department a revocation of any release previously sent to the entity
4 for that licensee;

5 (2) the licensee has submitted a timely request for review to the
6 agency, but the agency will be unable to complete the review and send notice of
7 findings to the licensee in sufficient time for the licensee to file a timely request for
8 judicial relief within the 150-day period before the licensee's license will be suspended
9 under (c) of this section; this paragraph applies only if the delay in completing the
10 review process is not the result of the licensee's failure to act in a reasonable, timely,
11 and diligent manner upon receiving notice from the agency that the licensee's driver's
12 license will be suspended in 150 days;

13 (3) the licensee has, within 30 days after receiving the agency's
14 findings following a request for review under (2) of this subsection, filed and served
15 a request for judicial relief under this section, but a resolution of that relief will not
16 be made within the 150-day period before license suspension under (c) of this section;
17 this paragraph applies only if the delay in completing the judicial relief process is not
18 the result of the licensee's failure to act in a reasonable, timely, and diligent manner
19 upon receiving the agency's notice of findings; or

20 (4) the licensee has obtained a judicial finding of substantial
21 compliance.

22 * Sec. 132. AS 25.27.246(h) is amended to read:

23 (h) Except as otherwise provided in this section, the agency may not issue a
24 release if the licensee [APPLICANT] is not in substantial compliance with the order
25 for support or [IS NOT IN SUBSTANTIAL COMPLIANCE] with an agreement
26 negotiated under (f)(1) of this section, or is not in compliance with a subpoena or
27 warrant described in (a) of this section. The agency shall notify the licensee in
28 writing that the licensee may request any or all of the following: (1) judicial relief
29 from the agency's decision not to issue a release or the agency's decision to revoke
30 a release under (f)(1) of this section; (2) a judicial determination of substantial
31 compliance; (3) a modification of the support order. The notice must also contain the

1 name and address of the court in which the licensee may file the request for relief and
2 inform the licensee that the licensee's name shall remain on the list if the licensee does
3 not request judicial relief within 30 days after receiving the notice. The licensee shall
4 comply with all statutes and rules of court implementing this section. This section
5 does not limit a licensee's authority under other law to request an order to show cause
6 or notice of motion to modify a support order or to fix a payment schedule on
7 arrearages accruing under a support order or to obtain a court finding of substantial
8 compliance with a support order or a court finding of compliance with subpoenas
9 and warrants described in (a) of this section.

10 * Sec. 133. AS 25.27.246(i) is amended to read:

11 (i) A request for judicial relief from the agency's decision must state the
12 grounds on which relief is requested, and the judicial action shall be limited to those
13 stated grounds. Judicial relief under this subsection is not an appeal and shall be
14 governed by court rules adopted to implement this section. Unless otherwise provided
15 by court rule, the court shall hold an evidentiary hearing within 20 calendar days after
16 the filing of service on the opposing party. The court's decision shall be limited to a
17 determination of each of the following issues, as applicable:

18 (1) whether there is a support order or a payment schedule on
19 arrearages;

20 (2) whether the petitioner is the obligor covered by the support order;
21 [AND]

22 (3) whether the obligor is in substantial compliance with the support
23 order or payment schedule; and

24 (4) whether the person requesting relief complied with all
25 subpoenas and warrants relating to paternity or a child support proceeding.

26 * Sec. 134. AS 25.27.246(j) is amended to read:

27 (j) If the court finds that the person requesting relief [OBLIGOR] is in
28 substantial compliance with the support order or payment schedule, or is in
29 compliance with subpoenas and warrants described in (a) of this section, the
30 agency shall immediately send a release under (f) of this section to the department and
31 the licensee.

1 * Sec. 135. AS 25.27.246(k) is amended to read:

2 (k) If a licensee [WHEN THE OBLIGOR] is in substantial compliance with
3 a support order or payment schedule, and is in compliance with all subpoenas and
4 warrants described in (a) of this section, the agency shall mail to the licensee
5 [APPLICANT] and the department a release stating that the licensee is in substantial
6 compliance or is in compliance with the subpoenas and warrants, as applicable.
7 The receipt of a release shall serve to notify the licensee and the department that, for
8 the purposes of this section, the licensee [APPLICANT] is in substantial compliance
9 with the support order or payment schedule, or is in compliance with the subpoenas
10 and warrants, unless the agency, under (a) of this section, certifies subsequent to the
11 issuance of a release that the licensee is once again not in substantial compliance with
12 a support order or payment schedule, or is not in compliance with a subpoena or
13 warrant.

14 * Sec. 136. AS 25.27.246(n)(4) is amended to read:

15 (4) "list" means the list of obligors and other persons compiled and
16 maintained under (a) of this section;

17 * Sec. 137. AS 25.27.246(n)(5) is amended to read:

18 (5) "substantial compliance" regarding [WITH] a support order or
19 payment schedule ["] means that, with respect to a support order or a negotiated
20 payment schedule under (f) of this section, whichever is applicable, the obligor either
21 has no arrearage or has an arrearage in an amount that is not more than four times the
22 monthly obligation under the support order or payment schedule.

23 * Sec. 138. AS 25.27.250(a) is amended to read:

24 (a) At the expiration of (1) [15 DAYS AFTER THE DATE OF SERVICE OF
25 AN INCOME WITHHOLDING ORDER UNDER AS 25.27.062 OR NOTICE UNDER
26 AS 25.27.150, OR (2)] 30 days after the date of service of a notice and finding of
27 financial responsibility under AS 25.27.160; [,] or (2) [(3)] 30 days after service of a
28 decision establishing paternity under AS 25.27.165 [AS 25.27.165(c) OR (d)], the
29 agency may issue to any person, political subdivision, or department of the state an
30 order to withhold and deliver property without prior notice to the obligor.

31 * Sec. 139. AS 25.27.250(d) is amended to read: