

Section 1. At the end of each biennium ending on December 31 of even numbered years, the head of any territorial department may destroy all vouchers, documents and other records and papers on file that have been microfilmed, subject to the following conditions:

Destruction of department records.

a. No records, papers, vouchers, receipts, or other memoranda dealing with fiscal matters of the Territorial Government shall be destroyed, even though microfilmed, until an audit satisfactory to the Auditor has been made.

Exceptions until audited.

b. No record shall be destroyed which is in current use or which is considered by the head of the department concerned to be of permanent value.

Current use or permanent value.

c. No record shall be destroyed unless one microfilm copy has been furnished to the Auditor and placed by him in a fireproof vault or safe which shall be a central depository for all such records. The Auditor shall be responsible for maintaining proper receipts and accountability of such records.

Auditor to retain copy.

Auditor accountable.

Section 2. Chapter 71, SLA, 1951 is hereby repealed.

Repeal.

Approved March 13, 1953.

CHAPTER 31

AN ACT

[S. B. 10]

To improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. The purposes of this Act are to improve and extend by reciprocal legislation the enforcement of

- Purposes.** duties of support and to make uniform the law with respect thereto.
- Definitions.** Section 2. As used in this Act, unless the context shall require otherwise, the following terms shall have the meanings ascribed to them by this section:
- "State."** (1) "State" includes the Territory of Alaska and any state, territory or possession of the United States and the District of Columbia in which this or a substantially similar reciprocal law has been enacted.
- "Initiating state."** (2) "Initiating state" means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.
- "Responding state."** (3) "Responding state" means any state in which any proceeding pursuant to the proceeding in the initiating state is or may be commenced.
- "Court."** (4) "Court" shall mean and include any court having jurisdiction to determine the liability of persons for the support of dependents in this state and any state having a substantially similar reciprocal law.
- "Law."** (5) "Law" includes both common and statute law.
- "Duty of support."** (6) "Duty of support" includes any duty of support imposed or imposable by law, or by any court order, decree or judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, legal separation, separate maintenance or otherwise.
- "Obligor."** (7) "Obligor" means any person owing a duty of support.
- "Obligee."** (8) "Obligee" means any person to whom a duty of support is owed.
- Remedies are additional.** Section 3. The remedies herein provided are in addition to and not in substitution for any other remedies.

Section 4. Duties of support arising under the law

of this state, when applicable under Section 7, bind the obligor, present in this state, regardless of the presence or residence of the obligee.

Territorial law binds obligor.

Section 5. The Governor of this state (1) may demand from the Governor of any other state the surrender of any person found in such other state who is charged in this state with the crime of failing to provide for the support of any person in this state and (2) may surrender on demand by the Governor of any other state any person found in this state who is charged in such other state with the crime of failing to provide for the support of a person in such other state. The provisions for extradition of criminals not inconsistent herewith shall apply to any such demand although the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and although he had not fled therefrom. Neither the demand, the oath nor any proceedings for extradition pursuant to this section need state or show that the person whose surrender is demanded has fled from justice, or at the time of the commission of the crime was in the demanding or other state.

Extradition authorized.

Surrender of obligor.

Provisions for extradition of criminals may apply.

Section 6. Any obligor contemplated by Section 5, who submits to the jurisdiction of the court of such other state and complies with the court's order of support, shall be relieved of extradition for desertion or non-support entered in the courts of this state during the period of such compliance.

Relieved from extradition on compliance.

Section 7. Duties of support applicable under this law are those imposed or imposable under the laws of any state where the obligor was present during the period for which support is sought. The obligor is presumed to have been present in the responding state during the period for which support is sought until otherwise shown.

Presumption of presence.

Section 8. Whenever the state or a political subdivision thereof has furnished support to an obligee, it

Rights of state
for reimburse-
ment.

has the same right to invoke the provisions hereof as the obligee to whom the support was furnished for the purpose of securing reimbursement of expenditures so made and of obtaining continuing support.

Jurisdiction.

Section 9. All duties of support are enforceable by action irrespective of relationship between the obligor and obligee. Jurisdiction of all proceedings hereunder shall be vested in the United States District Court for the District of Alaska.

Contents of
complaint.

Section 10. The complaint shall be verified and shall state the name and, so far as known to the plaintiff, the addresses and circumstances of the defendant, his dependents for whom support is sought and all other pertinent information. The plaintiff may include in or attach to the complaint any information which may help in locating or identifying the defendant including, but without limitation by enumeration, a photograph of the defendant, a description of any distinguishing marks of his person, other names and aliases by which he has been or is known, the name of his employer, his fingerprints, or Social Security number.

Attorney General
to represent
plaintiff.

Section 11. The Attorney General for the Territory of Alaska, upon the request of the Department of Public Welfare or of the court, shall represent the plaintiff in any proceeding under this Act.

Guardianship
not required.

Section 12. A complaint on behalf of a minor obligee may be brought by a person having legal custody of the minor without appointment as guardian ad litem.

Procedure upon
finding of
support duty.

Section 13. If the court of this state acting as an initiating state finds that the complaint sets forth facts from which it may be determined that the defendant owes a duty of support and that a court of the responding state may obtain jurisdiction of the defendant or his property, it shall so certify and shall cause three copies of (1) the complaint, (2) its certificate and (3) this Act

to be transmitted to the court in the responding state. If the name and address of such court is unknown and the responding state has an information agency comparable to that established in the initiating state, it shall cause such copies to be transmitted to the state information agency or other proper official of the responding state, with a request that it forward them to the proper court, and that the court of the responding state acknowledge their receipt to the court of the initiating state.

Section 14. A court of this state acting either as an initiating or responding state may in its discretion direct that any part of or all fees and costs incurred in this state, including without limitation by enumeration, fees for filing, service of process, seizure of property, and stenographic service of both plaintiff and defendant, or either, shall be paid by this state from its general fund upon vouchers to be certified by the Treasurer of Alaska.

Fees and costs
may be paid by
Territory.

Section 15. When the court of this state acting either as an initiating or responding state has reason to believe that the defendant may flee the jurisdiction, it may (a) as an initiating state request in its certificate that the court of the responding state obtain the body of the defendant by appropriate process if that be permissible under the law of the responding state; or (b) as a responding state, obtain the body of the defendant by appropriate process.

Procedure upon
attempt of de-
fendant to flee.

Section 16. The Alaska Department of Public Welfare is hereby designated as the State Information Agency under this Act, and it shall be its duty:

Welfare Dept.
designated State
Information
Agency.

(1) To compile a list of the courts and their addresses in this state having jurisdiction under this Act and transmit the same to the State Information Agency of every other state which has adopted this or a substantially similar Act.

- Duties. (2) To maintain a register of such lists received from other states and to transmit copies thereof as soon as possible after receipt to every court in this state having jurisdiction under this Act.
- Duties of court. Section 17. When the court of this state acting as a responding state receives from the court of an initiating state the aforesaid copies, it shall (1) docket the cause, (2) notify the Attorney General for the Territory of Alaska, (3) set a time and place for a hearing, and (4) take such action as is necessary in accordance with the laws of this state to obtain jurisdiction.
- Responding state court to assist in locating defendant. Section 18. If a court of this state acting as a responding state is unable to obtain jurisdiction of the defendant or his property due to inaccuracies or inadequacies in the complaint or otherwise, the court shall communicate this fact to the court in the initiating state, shall on its own initiative use all means at its disposal to trace the defendant or his property, and shall hold the case pending the receipt of more accurate information or an amended complaint from the court in the initiating state.
- Order. Section 19. If the court of the responding state finds a duty of support, it may order the defendant to furnish support or reimbursement therefor and subject the property of the defendant to such order.
- Copy to initiating state. Section 20. The court of this state when acting as a responding state shall cause to be transmitted to the court of the initiating state a copy of all orders of support or orders for reimbursement therefor.
- Additional powers of responding state. Section 21. In addition to the foregoing powers, the court of this state when acting as the responding state has the power to subject the defendant to such terms and conditions as the court may deem proper to assure compliance with its orders and in particular:
- Require bond. (a) To require the defendant to furnish recognition in the form of a cash deposit or bond of such char-

acter and in such amount as the court may deem proper to assure payment of any amount required to be paid by the defendant.

(b) To require the defendant to make payments at specified intervals to the clerk of the court or the obligee and to report personally to such clerk at such times as may be deemed necessary.

Require payments.

(c) To punish the defendant who shall violate any order of the court to the same extent as is provided by law for contempt of the court in any other suit or proceeding cognizable by the court.

Punish for contempt.

Section 22. The court of this state when acting as a responding state shall have the following duties which may be carried out through the clerk of the court:

Duties of clerk of court.

(a) Upon the receipt of a payment made by the defendant pursuant to any order of the court or otherwise, to transmit the same forthwith to the court of the initiating state, and

(b) Upon request to furnish to the court of the initiating state a certified statement of all payments made by the defendant.

Section 23. The court of this state when acting as an initiating state shall have the duty which may be carried out through the clerk of the court to receive and disburse forthwith all payments made by the defendant or transmitted by the court of the responding state.

Court to receive and disburse payments.

Section 24. Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this Act. Husband and wife are competent witnesses and may be compelled to testify to any relevant matter, including marriage and parentage.

Husband and wife competent witnesses.

Section 25. Any order of support issued by a court of this state when acting as a responding state shall

Support order does not supersede previous orders.

not supersede any previous order of support issued in a divorce or separate maintenance action, but the amounts for a particular period paid pursuant to either order shall be credited against amounts accruing or accrued for the same period under both.

Jurisdiction not affected.

Section 26. Participation in any proceedings under this Act shall not confer upon any court jurisdiction of any of the parties thereto in any other proceeding.

Severability clause.

Section 27. If any provision hereof or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Interpretation.

Section 28. This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

Citation.

Section 29. This Act may be cited as the uniform reciprocal enforcement of support Act.

Approved March 13, 1953.

CHAPTER 32

AN ACT

[S. B. 50]

To appropriate the sum of \$6,000.00 as a deficiency appropriation to be used in paying United States Commissioners, Clerks of Court, and others for recording and reporting Vital Statistics records; and declaring an emergency.

Be it enacted by the Legislature of the Territory of Alaska:

Deficiency appropriation.

Section 1. The sum of \$6,000.00, or so much thereof as may be necessary, is appropriated for the use of the Registrar of Vital Statistics in paying United States Commissioners, Clerks of Court, and others for recording