



LAWS OF ALASKA

1994

Source

SCS CSHB 362(JUD) am S

Chapter No.

86

AN ACT

Relating to the statute of limitations for actions brought upon a child support judgment; and establishing the crime of aiding the nonpayment of child support.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: June 6, 1994
Actual Effective Date: September 4, 1994

AN ACT

1 Relating to the statute of limitations for actions brought upon a child support judgment; and
2 establishing the crime of aiding the nonpayment of child support.

3

4 * **Section 1.** AS 09.10.040 is amended to read:

5 Sec. 09.10.040. ACTION UPON JUDGMENT OR SEALED INSTRUMENT
6 IN 10 YEARS. Except as provided in (b) of this section, a [NO] person may no
7 bring an action upon a judgment or decree of a court of the United States, or of a state
8 or territory within the United States, and an [NO] action may not be brought upon a
9 sealed instrument, unless the action is commenced within 10 years.

10 * **Sec. 2.** AS 09.10.040 is amended by adding a new subsection to read:

11 (b) An action may be brought to establish a judgment for child support
12 payments that are 30 or more days past due under a support order, as defined in

Chapter 86

1 AS 25.27.900, if the action is commenced by the date on which the youngest child
2 covered by the support order becomes 21 years of age. An action after the
3 establishment of the judgment is governed by (a) of this section.

4 * Sec. 3. AS 11.51 is amended by adding a new section to read:

5 Sec. 11.51.122. AIDING THE NONPAYMENT OF CHILD SUPPORT. (a)

6 A person commits the crime of aiding the nonpayment of child support if the person

7 (1) knows that an obligor has a duty under an administrative or judicial
8 order for payment of child support; and

9 (2) intentionally

10 (A) withholds information about the residence or employment
11 of the obligor when that information is requested by a child support
12 enforcement agency; or

13 (B) participates in a commercial, business, or employment
14 arrangement with the obligor, knowing at the time that the arrangement is made
15 that it will allow the obligor to avoid paying all or some of the support when
16 it is due or to avoid having a lien placed on assets for the payment of
17 delinquent support; receipt of a substantial asset for less than fair market value
18 from an obligor after the obligor's support order has been established
19 constitutes a rebuttable presumption that the person receiving the asset knew
20 that the transfer would allow the obligor to avoid paying all or some of the
21 support or to avoid having a lien placed on the asset.

22 (b) In a prosecution under (a)(2)(B) of this section, it is a defense that the

23 (1) defendant did not intend to assist the obligor in the nonpayment of
24 child support; or

25 (2) obligor did not intend to avoid paying child support.

26 (c) This section does not prohibit an arrangement entered into with an attorney
27 for the purpose of paying the attorney who represents the child support obligor in
28 proceedings to contest or modify a child support order.

29 (d) Aiding the nonpayment of child support is a class A misdemeanor.