

HOUSE BILL NO. 167

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE EASTMAN

Introduced: 5/14/19

Referred: Health & Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to disqualification from the food stamp program for refusal to**
2 **cooperate with the child support services agency or for past due child support**
3 **payments; relating to the duties of the Department of Health and Social Services; and**
4 **relating to the duties of the child support services agency."**

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

6 *** Section 1.** AS 25.27.020(a) is amended to read:

7 (a) The agency shall

8 (1) seek enforcement of child support orders of the state in other
9 jurisdictions and shall obtain, enforce, and administer the orders in this state;

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

12 (A) procedures for hearings conducted under AS 25.27.170 and
13 for administrative enforcement of support orders;

14 (B) subject to AS 25.27.025 and to federal law, a uniform rate

1 of interest on arrearages of support that shall be charged the obligor upon
 2 notice if child support payments are 10 or more days overdue or if payment is
 3 made by a check backed by insufficient funds; however, an obligor may not be
 4 charged interest on late payment of a child support obligation, other than a
 5 payment on arrearages, if the obligor is

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

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

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

14 (C) procedures for establishing and disestablishing paternity
 15 under AS 25.27.165 and 25.27.166, including procedures for hearings; and

16 (D) procedures under which the agency shall enter into
 17 contracts or agreements with financial institutions, including brokerage houses,
 18 insurance companies, and other companies providing individual investment,
 19 transaction, or deposit accounts, doing business in the state to develop and
 20 operate an automated data match system as required by 42 U.S.C. 666(a)(17);
 21 the agency may pay a reasonable fee to a financial institution for conducting a
 22 data match under a contract or agreement under this subparagraph; the fee may
 23 not exceed the actual costs incurred by the financial institution for conducting
 24 the data match;

25 (3) administer and enforce AS 25.25 (Uniform Interstate Family
 26 Support Act);

27 (4) establish, enforce, and administer child support obligations
 28 administratively under this chapter;

29 (5) administer the state plan required under 42 U.S.C. 651 - 669 (Title
 30 IV-D, Social Security Act) as amended;

31 (6) disburse support payments collected by the agency to the obligee,

1 together with interest charged under (2)(B) of this subsection;

2 (7) establish and enforce administratively under this chapter, or
3 through the superior courts of the state, child support orders from other jurisdictions
4 pertaining to obligors within the state;

5 (8) enforce and administer spousal support orders if a spousal support
6 obligation has been established with respect to the spouse and if the support obligation
7 established with respect to the child of that spouse is also being administered;

8 (9) obtain a medical support order that meets the requirements of
9 AS 25.27.060(c) and 25.27.063;

10 (10) act on behalf of the Department of Health and Social Services in
11 the enforcement of AS 47.07.025(b);

12 (11) establish or disestablish, administratively under AS 25.27.165 -
13 25.27.166 or through court action, the paternity of a child;

14 (12) promptly provide to the Bureau of Vital Statistics, in a format
15 approved by the bureau, any final agency decision administratively establishing or
16 disestablishing the paternity of a child born in this state; [AND]

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

19 **(14) determine whether an applicant or participant in the food**
20 **stamp program, administered under AS 47.25.975 - 47.25.990, is cooperating with**
21 **the agency in good faith and notify the Department of Health and Social Services**
22 **and the applicant or participant of the agency's determination;**

23 **(15) provide a procedure for reconsideration of the agency's**
24 **determination made under (14) of this subsection; and**

25 **(16) review and comment on the findings and basis for a proposed**
26 **determination by the Department of Health and Social Services under**
27 **AS 47.25.975(e) regarding whether an applicant or participant in the food stamp**
28 **program has good cause for refusing to cooperate with the agency.**

29 * **Sec. 2.** AS 47.25.975 is amended by adding new subsections to read:

30 (d) A person who is the custodial or noncustodial parent of a child may not
31 participate in the food stamp program unless the person cooperates with the child

1 support services agency, or, in the case of a custodial parent, the department
2 determines that the person has good cause for refusing to cooperate with the agency.
3 To determine that a custodial parent is cooperative under this subsection, the agency
4 must find that the custodial parent is cooperating with the agency in establishing the
5 paternity of the child and in establishing, modifying, or enforcing a support order with
6 respect to the child and the person. To determine that a noncustodial parent is
7 cooperative under this subsection, the agency must find that the noncustodial parent is
8 cooperating with the agency in establishing the paternity of the child and in providing
9 support for the child. If the agency determines that a noncustodial parent is not
10 cooperating in good faith, the department shall determine whether the noncooperation
11 constitutes a refusal to cooperate. For purposes of this subsection, a noncustodial
12 parent refuses to cooperate if the noncustodial parent demonstrates an unwillingness to
13 cooperate as opposed to an inability to cooperate.

14 (e) The department shall notify the householder in writing at the time of
15 application and reapplication for continued benefits of the right to a good-cause
16 exception to the requirement for a custodial parent to cooperate under (d) of this
17 section and of all the requirements applicable to a good-cause determination. If a
18 custodial parent claims good cause for refusing to cooperate with the agency, the
19 department shall determine, based on corroborative evidence, whether the custodial
20 parent has good cause for refusing to cooperate. The custodial parent must provide
21 corroborative evidence to support the claim of good cause, and the department may
22 only make a determination after an examination of the corroborative evidence. Before
23 making a final determination regarding good cause, the department shall provide the
24 agency with an opportunity to review and comment on the department's findings and
25 the proposed determination. The department shall consider any recommendation from
26 the agency. The department may find good cause if the custodial parent has
27 demonstrated to the satisfaction of the department that cooperation with the agency

28 (1) would make it more difficult for the custodial parent or child to
29 escape domestic violence or unfairly penalize the custodial parent or child who is or
30 has been the victim of domestic violence or is at risk of further domestic violence; or

31 (2) is not in the best interest of the child under other circumstances

1 identified by the department by regulation.

2 (f) A person meets the requirements under (d) of this section if the person
3 receives benefits under the Alaska temporary assistance program under AS 47.27.010
4 - 47.27.085 or the medical assistance program under AS 47.07, or assistance from the
5 agency under AS 25.27, and the agency has determined that the person is cooperating
6 or the department has established that the person has good cause for refusing to
7 cooperate with the agency for one of those purposes.

8 (g) A noncustodial parent who has a past due obligation for child support
9 established by a court or a child support enforcement agency in the state or another
10 jurisdiction is not eligible to participate in the food stamp program

11 (1) until

12 (A) a court or child support enforcement agency has approved a
13 payment schedule to delay payment; and

14 (B) the noncustodial parent is in substantial compliance with
15 the payment schedule as determined by the child support services agency; or

16 (2) unless the department, in consultation with the child support
17 services agency, finds that the noncustodial parent has good cause for nonpayment of
18 child support.

19 (h) Disqualification under (d) or (g) of this section applies to the person, but
20 does not apply to the entire household.

21 (i) The department shall initiate a collection action for any month that a
22 householder is disqualified for delinquent child support payments under (g) of this
23 section by sending the household a written-demand letter. In the demand letter, the
24 department shall inform the household

25 (1) of the amount owed;

26 (2) of the reason for the claim;

27 (3) how the household may pay the claim; and

28 (4) of the adjusted amount of income, resources, and deductible
29 expenses of the remaining members of the household for the month that a household
30 member is disqualified under (g) of this section.

31 (j) A person who is disqualified from participating in the food stamp program

1 under (d) of this section is eligible to participate in the food stamp program when the
 2 agency determines that the person is cooperating in good faith with the agency. The
 3 department shall establish a procedure for requalifying a person to participate in the
 4 food stamp program under this subsection.

5 (k) The department may only use information collected from the agency for
 6 the purpose for which the information is collected.

7 (l) In this section,

8 (1) "absent parent" means a noncustodial parent who lives with the
 9 child less than 70 percent of the time;

10 (2) "agency" means the child support services agency;

11 (3) "custodial parent" includes a natural or adoptive parent of a child
 12 under 18 years of age who has an absent parent;

13 (4) "noncustodial parent" includes an identified or putative parent of a
 14 child under 18 years of age and who does not live with the child on a full-time basis.

15 * **Sec. 3.** AS 47.25.980(a) is amended to read:

16 (a) The department shall

17 (1) adopt regulations necessary to carry out the food stamp program;

18 (2) cooperate with the federal government and do all things necessary
 19 to continue state eligibility under the food stamp program;

20 (3) comply with the requirements of 7 U.S.C. 2011 - 2036 (Food
 21 Stamp Program);

22 **(4) notify, in writing, all applicants to and participants in the food**
 23 **stamp program, at the time of application and reapplication for continued**
 24 **benefits, of the requirement to cooperate with the child support services agency**
 25 **under AS 47.25.975(d) - (f) and of the right to an exception for good cause under**
 26 **AS 47.25.975(e), if applicable;**

27 **(5) refer all appropriate applicants to and participants in the food**
 28 **stamp program to the child support services agency.**

29 * **Sec. 4.** AS 47.25.990 is amended by adding a new paragraph to read:

30 (5) "child support services agency" means the agency created in
 31 AS 25.27.010.

1 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 **FOOD STAMP PROGRAM STATE PLAN.** The Department of Health and Social
4 Services shall amend and submit for federal approval a state plan for the food stamp program
5 consistent with this Act.

6 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 **TRANSITION: NOTICE TO PARTICIPANTS.** Not more than 30 days after the
9 effective date of this Act, the Department of Health and Social Services shall provide notice
10 to participants in the food stamp program on the effective date of this Act of the changes
11 made by AS 47.25.975(d) - (l), enacted by sec. 2 of this Act. The department shall terminate
12 coverage for participants who are not in compliance with AS 47.25.975(d) - (l), enacted by
13 sec. 2 of this Act, not more than 30 days after providing the notice required under this section.