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Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Dana Benfield, Department of Revenue

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: November 22, 2023

RE: Filed Permanent Regulations: Department of Revenue

Department of Revenue, Child Support Services Division regulations re: Child Support Enforcement (15 AAC 125.420, .510, .840, & .875)

Attorney General File:	2022200507
Regulation Filed:	11/22/2023
Effective Date:	12/22/2023
Print:	248, January 2024

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis



THE STATE
of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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November 21, 2023

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: *15 AAC 125.420, .510, .840, & .875: DOR - Child Support Services
Division, Child Support Enforcement*
Our file: 2022200507

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Department of Revenue, Child Support Services Division against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Department of Revenue, Child Support Services Division after the close of the public comment period.

The regulations concern requests for administrative review regarding passports, procedures to contest income withholding, interest on child support arrears, and case closure in order to provide for one consistent appeal timeframe for passport denials and the Federal Offset Program tax garnishment; remove potential confusion of custodial parents caused by sending notices of withholding orders to them, to achieve cost saving; reduce paperwork between the agency and client; and update an outdated Code of Federal Regulations (C.F.R.) reference.

The July 26, 2023, public notice and the November 20, 2023, adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.060. The corrections are incorporated into the attached copy of the regulations.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

By: **Rebecca C. Polizzotto** Digitally signed by
Rebecca C. Polizzotto
Date: 2023.11.21
11:44:49 -09'00'

Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

RCP/SCW

CC w/enclosure: Dana Benfield, Regulation Contact
Department of Revenue

Steven C. Weaver, Assistant Attorney General
Department of Law

Jonathan Clement, Assistant Attorney General
Department of Law

APPENDIX I: Adoption Order

ORDER ADOPTING CHANGES TO REGULATIONS
OF CHILD SUPPORT ENFORCEMENT DIVISION

The attached two pages of regulations, dealing with the appeal timeframe for passports, procedures to contest withholding, reducing paperwork on interest on child support arrears, and case closures, are adopted and certified to be a correct copy of the regulation changes that the Child Support Enforcement Division (CSED) adopts under the authority of AS 25.25.604, AS 25.27.020, AS 25.27.025, AS 25.27.080, AS 25.27.140, AS 25.27.250 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

Although no public comments were received, the Child Support Enforcement Division paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 11/20/2023

Phuong (Chris) Tran Digitally signed by Phuong (Chris) Tran
Date: 2023.11.20 09:24:17 -0900

Chris Tran, CSED Director

April Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on

November 22, 2023, at 1:23 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

April Simpson
for Lieutenant Governor *Nancy Dahlstrom*

Effective: December 22, 2023.

Register: 24th, January 2024.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

The introductory language of 15 AAC 125.420(c) is amended to read:

(c) An obligor to whom notice is given under (b) of the section **may submit a written request for an administrative review to contest the agency's determination not more than 30** [HAS 15] days after the date of mailing of the notice [IN WHICH TO MAKE A WRITTEN REQUEST FOR AN ADMINISTRATIVE REVIEW TO CONTEST THE AGENCY'S DETERMINATION]. The request must state the specific reasons for the review and be accompanied by all documents upon which the person requesting the review intends to rely. The agency may reject a request for administrative review if the request does not comply with the requirements of this subsection. The agency's administrative review is limited to the following issues:

...

(Eff. 10/1/98, Register 147; am 9/12/2008, Register 187; am 2/16/2013, Register 205; am 12 / 22 / 2023, Register 248)

Authority: AS 25.27.020 AS 25.27.080 AS 25.27.140

15 AAC 125.510(a) is amended to read:

15 AAC 125.510. Procedures to contest income withholding. (a) Immediately upon issuance of an order to withhold and deliver under 15 AAC 125.500 or 15 AAC 125.505(g), the agency will send a notice **that an order to withhold and deliver has been issued** by first class mail or by electronic means to the obligor[, THE CUSTODIAL PARENT] and, **if appropriate,** to a child support enforcement agency of another state[, IF APPROPRIATE, THAT AN ORDER TO WITHHOLD AND DELIVER HAS BEEN ISSUED]. The notice must

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(1) inform the parties that the agency has issued an order to withhold and deliver;
[AND MUST]

(2) describe the procedures that a party shall follow if the party wishes to contest withholding; **and** [. THE NOTICE MUST ALSO]

(3) include the information **from the order to withhold and deliver that the agency** provided to the **obligor's** employer [IN THE ORDER TO WITHHOLD AND DELIVER].

(Eff. 10/1/98, Register 147; am 2/16/2013, Register 205; am 12 / 22 / 2023, Register 248)

Authority: AS 25.27.020 AS 25.27.140 AS 25.27.250

15 AAC 125.840(f)(1) is amended to read:

(1) has been assigned to the state, the agency may[, ENTER INTO A WRITTEN AGREEMENT WITH THE OBLIGOR TO] waive interest on arrears;

(Eff. 10/1/98, Register 147; am 2/16/2013, Register 205; am 12 / 22 / 2023, Register 248)

Authority: AS 25.25.604 AS 25.27.020 AS 25.27.025

15 AAC 125.875(a) is amended to read:

(a) The agency will close a child support case when the requirements of 45 C.F.R. 303.11 are met. The requirements of 45 C.F.R. 303.11, as revised as of **October 1, 2021** [OCTOBER 1, 2012], are adopted by reference.

(Eff. 4/1/2005, Register 173; am 2/16/2013, Register 205; am 12 / 22 / 2023 Register 248)

Authority: AS 25.27.020