

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1246

Amending Civil Rule 79, Civil Rule 82, and Civil Rule 90.3 concerning actions relating to child support.

IT IS ORDERED:

1. The following note is added at the end of Civil Rule 79:

Note: AS 25.25.313(c), added by § 6 of ch. 57 SLA 1995 (the Uniform Interstate Family Support Act), has the effect of amending Civil Rule 79 by requiring the court to award costs and fees against a party who requests a hearing primarily for delay in a support proceeding listed in AS 25.25.301.

2. The following note is added at the end of Civil Rule 82:

Note: AS 25.25.313(c), added by § 6 of ch. 57 SLA 1995 (the Uniform Interstate Family Support Act), has the effect of amending Civil Rule 82 by requiring the court to award costs and fees against a party who requests a hearing primarily for delay in a support proceeding listed in AS 25.25.301.

3. Civil Rule 90.3(h)(2) is amended to read as follows:

(2) Child support arrearage may not be modified retroactively, except as allowed by AS 25.27.166(d). A modification which is effective on or after the date that a motion for modification, or a notice of petition for modification by the Child Support Enforcement Division, is served on the opposing party is not considered a retroactive modification.

4. The following note is added at the end of Civil Rule 90.3:

Note to Civil Rule 90.3(h)(2): AS 25.27.166(d), enacted by § 14 of ch. 57 SLA 1995, has the effect of amending Civil Rule 90.3(h)(2) by allowing retroactive modification of child support arrearage under circumstances involving disestablishment of paternity, to the extent such modification is not prohibited by federal law.

DATED: May 2, 1996

EFFECTIVE DATE: July 15, 1996

/s/  
Chief Justice Compton

/s/  
Justice Rabinowitz

/s/  
Justice Matthews

/s/  
Justice Eastaugh

/s/  
Justice Fabe