

SUPREME COURT OF ALASKA

Fowler v. State, Department of Revenue, Child Support Services
Division

168 P.3d 870 (Alaska 2007) · No. No. S-12314 · Decided October 12, 2007

SUMMARY

The Alaska Supreme Court affirmed registration and enforcement of an Idaho child support order under the Uniform Interstate Family Support Act and the federal Full Faith and Credit for Child Support Orders Act. The court held that David Fowler received due process because he had notice of the default, the reasons for it, and a meaningful opportunity to be heard at a subsequent hearing, which he did not attend.

CASE DETAILS

COURT	Supreme Court of Alaska
WRITING FOR THE COURT	Bryner, Justice; Fabe, Chief Justice; Matthews, Justice; Eastaugh, Justice; Carpeneti, Justice
JURISDICTION	Alaska
DECIDED	October 12, 2007
DOCKET	No. S-12314
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Alaska superior court's registration and enforcement of an Idaho child support order under Alaska's Uniform Interstate Family Support Act and the Federal Full Faith and Credit for Child Support Orders Act.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	David B. Fowler v. State of Alaska, Department of Revenue, Child Support Services Division

TOPICS

- child support
- due process
- full faith and credit
- family law procedure
- appellate procedure

PRACTICE AREAS

- family law
- constitutional law
- civil procedure
- appellate procedure

QUESTIONS PRESENTED

1. Whether the Idaho child support default judgment was void because the Idaho court rejected Fowler's answer for failure to pay a filing fee.
2. Whether the Idaho proceedings afforded Fowler due process when he received notice of the default, notice of the motion to strike his responsive pleadings, and a meaningful opportunity to attend a hearing.
3. Whether Alaska could register and enforce the Idaho child support order.

HOLDINGS

1. The Idaho proceedings did not violate Fowler's procedural due process rights because, despite the rejection of his original answer, he received notice of the default and the reasons for it and had a meaningful opportunity to be heard at a subsequent hearing, which he chose not to attend.
2. The Alaska superior court properly registered the Idaho child support order because Fowler failed to show that the Idaho judgment was void for lack of due process.

KEY QUOTATIONS

"He had notice and a "meaningful opportunity to be heard."" (873)

"Viewing the complete history of the proceedings in Idaho, the court concludes again that there was no due process violation." (873)

FACTUAL BACKGROUND

Fowler was served with an Idaho paternity and child-support action and submitted an answer without paying the required filing fee. The Idaho court entered default, Fowler received notice of the default and filed responsive pleadings, and the court scheduled a hearing on the Department's motion to strike those pleadings. Fowler received notice of the hearing but did not attend, after which the Idaho court struck his pleadings and left the default judgment in effect. After Fowler moved to Alaska, the Alaska Child Support Services Division sought registration and enforcement of the Idaho order, and Fowler challenged registration on due-process grounds.

PROCEDURAL HISTORY

The Alaska Child Support Services Division petitioned to register an Idaho child support order. Fowler objected, arguing that the Idaho default proceedings violated procedural due process because the Idaho court rejected his answer for failure to pay a filing fee. After an evidentiary hearing, the superior court rejected the challenge and registered the order; it later issued a written order denying reconsideration. The Alaska Supreme Court affirmed and adopted the superior court's order as the basis for its decision.

DISPOSITION

affirmed

CASES CITED

- State, Dep't of Revenue, CSED v. Maxwell, 6 P.3d 733 (Alaska 2000)

- In re Marriage of Leslie, 112 Wash. 2d 612, 772 P.2d 1013 (1989)
- Falkner v. Amerifirst Fed. Sav. & Loan Ass'n, 489 So. 2d 758 (Fla. Dist. Ct. App. 1986)
- Allstate Ins. Co. v. Khani, 75 Wash. App. 317, 877 P.2d 724 (1994)
- R.R. Gable, Inc. v. Burrows, 32 Wash. App. 749, 649 P.2d 177 (1982)

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