

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS  
ON REFERRAL BY THE COMMISSIONER OF REVENUE**

IN THE MATTER OF )

F. D. )

) OAH Case No. 10-0143-CSS

) CSSD Case No. 001120975, 001152728

**DECISION & ORDER**

**I. Introduction**

The obligor, F. D., appeals a Modified Administrative Child Support and Medical Support Order issued by the Child Support Services Division (CSSD) on November 3, 2009. A hearing was held on April 19, 2010. Erinn Brian represented CSSD by telephone. Ms. D. did not appear. The custodian is the State of Alaska.<sup>1</sup> The children are L. M., N. P.-D., and K. C.

The Modified Administrative Order, which set support at \$42 per month for two children while one child is in Ms. D.'s custody, is affirmed.

**II. Facts**

Of the three children in this case, two are in foster care and one is in Ms. D.'s custody. Each of the children has different fathers, but because the children are in foster care none of the fathers are parties to this case. The custodian of record is the State of Alaska. CSSD modified the order to include all three children on one order. This allows Ms. D. to have the support she owes to the state for the two children in foster care reduced because of the child she is caring for in her own home.

A previous order from July 17, 2003, had set Ms. D.'s support amount for K. only at \$364 per month with K.'s father listed as the custodian. The modified order adds L. and N. to the order, and lowers the support amount to \$63 per month for three children, but just \$42 per month while one child is in Ms. D.'s home with her. Although K.'s father is shown as the custodian of record, in fact the State of Alaska is the custodian for the two children in foster care.

**III. Discussion**

At a formal hearing, the person requesting the hearing has the burden of proving that CSSD's decision was in error.<sup>2</sup> In her appeal, Ms. D. stated that K.'s father has not had contact with K. for a number of years and does not have custody of her. Ms. D. also pointed out that K.'s father is not the father of the other two children.

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<sup>1</sup> Each of the three children in this case has a different father. At least one of the fathers had been listed in some case documents as the custodial parent, but two of the children are in foster care and the third is in Ms. D.'s custody. Thus, none of the fathers are parties to this case.

<sup>2</sup> 15 AAC 05.030(h).

CSSD does not disagree with Ms. D. By putting all of the children on one order, CSSD may give Ms. D. credit for the child in her home against the support she owes to the state for the two children in foster care. If the children were on separate orders, it would not be possible to lower Ms. D.'s support obligation in this way.

#### **IV. Conclusion**

There is no disagreement in this case, and Ms. D. has not identified any errors in CSSD's action. The modified order should be affirmed.

#### **V. Order**

IT IS HEREBY ORDERED that the Modified Administrative Child Support and Medical Support Order issued by the Child Support Services Division on November 3, 2009, be AFFIRMED.

DATED this 4<sup>th</sup> day of May, 2010.

By: Signed  
DALE WHITNEY  
Administrative Law Judge

#### **Adoption**

This Order is issued under the authority of AS 43.05.010 and AS 44.17.010. The undersigned, on behalf of the Commissioner of Revenue and in accordance with AS 44.64.060, adopts this Decision and Order as the final administrative determination in this matter.

Under AS 25.27.062 and AS 25.27.250, the obligor's income and property are subject to withholding. Without further notices, a withholding order may be served on any person, political subdivision, department of the State, or other entity.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with AS 25.27.210 and Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 26th day of May, 2010.

By: Signed  
Signature  
Terry L. Thurbon  
Name  
Chief Administrative Law Judge  
Title

[This document has been modified to conform to technical standards for publication.]