

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

In the matter of:	)	
	)	OAH No. 10-0244-CSS
S. S.	)	CSSD No. 001064057
_____	)	

**CORRECTED DECISION AND ORDER<sup>1</sup>**

**I. Introduction**

This case involves the Obligor S. S.’s appeal of a Modified Administrative Child Support and Medical Support Order that the Child Support Services Division (CSSD) issued on April 26, 1010. The children are T., who is 18 years old; A., who is 15 years old; and B., who is 13 years old.

The formal hearing was held on June 10, 2010. Erinn Brian, Child Support Specialist, appeared for CSSD. Mr. S. appeared in person and the Custodian, K. C., participated by phone.

**II. Discussion**

In 2007, Mr. S.’s child support obligation was reviewed. Mr. S.’s request for a hardship variance under Alaska Civil Rule 90.3(c) was granted and his modified ongoing child support amount for three children was set at \$300 per month. A footnote in the order section of the decision addressed what the proper support amount would be as Mr. S.’s children emancipated. It stated that in “the event this order is still in effect when Mr. S.’s children emancipate, the amount for two children should be \$250 per month, and the amount for one child should be \$200 per month.”<sup>2</sup>

When T. emancipated, effective November 1, 2009, CSSD’s accounting section issued a Notice of Review for Establishment of Subsequent Obligation based on the erroneous belief that the 2007 Order did not identify the subsequent support obligation for A. and B.<sup>3</sup> As part of the review process, CSSD requested income information from the parents. When Mr. S. did not provide the requested income information, CSSD based Mr. S.’s child support obligation on

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<sup>1</sup> This decision has been corrected at the direction of the final decision maker to correct typographical or other manifest errors pursuant to 2 AAC 64.350(b) and replaces the original decision in its entirety.

<sup>2</sup> *In re S. S.*, OAH 07-0609-CSS (December 7, 2007) at 4.

<sup>3</sup> Exhibit 2.

Alaska Department of Labor records and the Permanent Fund Dividend.<sup>4</sup> Using this information, CSSD calculated Mr. S.'s modified child support obligation to be \$469 per month for two children effective November 1, 2009 and ongoing.<sup>5</sup>

At hearing, when CSSD had an opportunity to review the 2007 order and footnote 16, it moved to vacate the April 26, 2010 order. Ms. C. objected because she did not believe the amount of \$250 a month for two children was appropriate.

CSSD's April 26, 2010 order was issued based upon a faulty premise that there was no valid child support order in effect. However, because there was a child support order in effect, the proper procedure requires a petition for modification be filed to initiate a modification review. It is only after a properly noticed review that it can be determined whether there has been a material change in circumstances sufficient to modify the December 2007 order. Because the April 26, 2010 order was issued in error, CSSD's request to vacate this order is granted. The December 2007 order remains in full force and effect until such time as it is properly modified.

Finally, under the terms of the December 2007 order Mr. S.'s child support obligation was reduced to \$250 per month for two children upon emancipation of T. Therefore, effective November 1, 2009, Mr. S.'s child support obligation became \$250 per month for two children.

### **III. Conclusion**

The April 26, 2010 Modified Administrative Child Support and Medical Support Order should be vacated. Effective November 1, 2009 Mr. S.'s ongoing child support obligation for two children should be \$250 per month.

### **IV. Child Support Order**

- The April 26, 2010 Modified Administrative Child Support and Medical Support Order is vacated.
- Effective November 1, 2009, the amount of ongoing child support for two children is \$250 per month.
- If the December 2007 order is still in effect when A. emancipates, the amount for one child is \$200 per month.

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<sup>4</sup> Exhibit 3.

<sup>5</sup> *Id.*

- The December 2007 Decision and Order remains in full force and effect until it is properly modified.

DATED as of the 10<sup>th</sup> day of June, 2010.

By: Signed  
Rebecca L. Pauli  
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 notice, 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 Rule of Appellate Procedure 602(a)(2) within 30 days after the date of this decision.

DATED this 8<sup>th</sup> day of July, 2010.

By: Signed  
Signature  
Jerry Burnett  
Name  
Deputy Commissioner  
Title

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