

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

IN THE MATTER OF:)
)
A. S. M.) OAH No. 10-0515-CSS
) CSSD No. 001110775
_____)

DECISION AND ORDER

I. Introduction

This case concerns the obligation of A. S. M. for the support of S. S. M., D. A. M., J. A. M., and B. A. M. The custodian of record is C. S. T.

II. Facts

On September 7, 2010, the Child Support Services Division issued a modified administrative child support order adding S. to an existing order and setting ongoing support in the amount of \$50 per month, with arrears for S. in the amount of \$768.

III. Discussion

Mr. M. filed an appeal, asserting that because he is incarcerated he is unable to pay \$50 per month, and that the interest on his arrears exceeds his ability to pay. The division filed a motion for summary adjudication, noting that the division has reduced the support order to the minimum amount allowed by law. Mr. M. did not respond to the motion.

The division is required to set the amount of child support based on a party's income. However, 15 AAC 125.085(d) provides that the agency will set the support order "at no less than the minimum support amount of \$50 per month" unless a the parent is entitled to a lesser amount due to extended visitation or shared, divided or hybrid custody. In this case, none of those special circumstances apply. Accordingly, the support order may not be set at less than \$50 per month.

IV. Conclusion

Because the child support order is set at the minimum amount permitted by law, the division's motion is granted. Mr. M. may request relief from enforcement of the order by contacting his caseworker.

CHILD SUPPORT ORDER

The Modified Administrative Child Support and Medical Support Order dated September 7, 2010 is **AFFIRMED**.

DATED: January 5, 2011

Signed _____
Andrew M. Hemenway
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 25th day of January, 2011.

By: *Signed* _____
Signature
Andrew M. Hemenway
Name
Administrative Law Judge
Title

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