

with Ms. F. that her income had been overstated and that child support should be set at \$50 per month for two children.

There are no genuine issues of material fact in dispute so CSSD moved for summary adjudication. At this time, Ms. F. does not have any income.⁷ However, this does not mean that she does not have an obligation to provide child support for her children. A parent is obligated both by statute and at common law to support his or her children.⁸ A parent is not relieved of this obligation simply because they have no income. Civil Rule 90.3(b)(3) requires that the minimum child support amount that may be ordered is \$50 per month. There being no dispute, Ms. F. has established by a preponderance of the evidence that CSSD's original child support calculation was in error, her appeal should be granted, and because she has no income her monthly child support should be \$50 per month for two children effective June 1, 2010 and ongoing.

V. Child Support Order

- Ms. F.'s appeal of the September 2, 2010 Administrative Child Support and Medical Support Order is granted;
- Ms. F.'s child support obligation for two children is \$50 per month effective June 1, 2010 and ongoing; and
- All other provisions of CSSD's September 12, 2010, Administrative Child Support and Medical Support Order remain in full force and effect.

DATED this 14th day of June 2011.

By: Signed _____

Rebecca L. Pauli
Administrative Law Judge

⁷ The commentary to AK. Rule Civ. P. 90.3 III(A) provides that means based sources of income should not be considered as income for purposes of child support.

⁸ *Matthews v. Matthews*, 739 P.2d 1298, 1299 (Alaska 1987) & AS 25.20.030.

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 1st day of July, 2011.

By: Signed
Signature
Rebecca L. Pauli
Name
Administrative Law Judge
Title

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