

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

IN THE MATTER OF	)	
	)	
W E. T	)	OAH No. 11-0184-CSS
<hr/>	)	CSSD No. 001146402

**DECISION & ORDER ON SUMMARY ADJUDICATION**

**I. Introduction**

This case is W E. T's appeal the decision of the Alaska Child Support Service Division (Division) not to disclose the contact information of C M. On June 6, 2011, a formal hearing was held to consider a motion for summary adjudication filed by the Division. Mr. T did not participate.<sup>1</sup> Ms. M, the custodial parent, also did not participate.<sup>2</sup> Andrew Rawls, Child Support Services Specialist, represented the Division. The hearing was audio-recorded. The record closed at the end of the hearing.

Because there is already a court order in effect prohibiting the disclosure of the contact information of C E. M, the Administrative Law Judge concludes that the Division's motion should be granted.

**II. Facts**

There is a New Jersey Court order in effect prohibiting the disclosure of Ms. M's contact information on any documents filed under the Uniform Interstate Family Support Act (UIFSA).<sup>3</sup> The Division has jurisdiction over Mr. T's child support obligation as the result of a UIFSA petition.<sup>4</sup>

Mr. T requested that the Division provide him with Ms. M's contact information.<sup>5</sup> On May 4, 2011, the Division issued a Nondisclosure of Identifying Information Decision.<sup>6</sup> Mr. T

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<sup>1</sup> Mr. T did not appear or provide a phone number to participate in the hearing by teleconference as instructed by the notice sent to him by certified mail. More than 30 minutes after the hearing, Mr. T contacted the Office of Administrative and asserted that he had called and left a message providing his phone number the previous Friday. There was no record of this call.

<sup>2</sup> Ms. M did not appear or provide a phone number to participate in the hearing by teleconference as instructed by the notice sent to her by certified mail.

<sup>3</sup> Exhibit 1.

<sup>4</sup> Recording of Hearing.

<sup>5</sup> Exhibit 2.

<sup>6</sup> Exhibit 3.

requested a formal hearing.<sup>7</sup> In his request for a formal hearing, Mr. T indicates that he wants Ms. M to be ordered to allow Mr. T and his family contact with the children.<sup>8</sup>

Prior to the hearing, the Division filed a motion for summary adjudication arguing that no hearing was necessary because there were no material facts at issue and the Division was entitled to have the Nondisclosure of Identifying Information Decision upheld as a matter of law. Neither Mr. T nor Ms. M responded to the Division's motion, and neither participated in the hearing.

### **III. Discussion**

In order to show that he should have a hearing, Mr. T has to show that there are factual matters in dispute regarding the Division's decision not to disclose Ms. M's contact information.<sup>9</sup>

Neither the Division nor the Administrative Law Judge have jurisdiction over the issue raised by Mr. T. Only a court can order Ms. M to allow Mr. T contact with the children. This case is an administrative appeal of the Division's determination that it should not disclose Ms. M's address and phone number to Mr. T. This appeal does not directly involve Mr. T's child support obligation, visitation or custody.

This is a nondisclosure case under a statute which authorizes the Division to order that a case party's contact information will not be disclosed if the "health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information."<sup>10</sup> A court has already made a finding that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of Ms. M's identifying information.<sup>11</sup> A court has also already ordered that Ms. M's identifying information shall not be disclosed.<sup>12</sup> That finding and order are enforceable in Alaska under UIFSA and are entitled to full faith and credit in Alaska under Article IV, Section 1 of the United States Constitution.<sup>13</sup>

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<sup>7</sup> Exhibit 4.

<sup>8</sup> Exhibit 4.

<sup>9</sup> *French v. Jadon, Inc.*, 911 P.2d 20, 23 (Alaska 1996).

<sup>10</sup> See Alaska Statute 25.27.275 & Alaska Regulation 15 AAC 125.860.

<sup>11</sup> Exhibit 1.

<sup>12</sup> Exhibit 1.

<sup>13</sup> See Alaska Statute 25.25.312. Under UIFSA, as enacted by Alaska, the Division is required to issue a nondisclosure order if such an order has been issued by the initiating state.

**IV. Conclusion**

I conclude that the Division correctly denied Mr. T’s request not to disclose Ms. M’s address and phone number to Mr. T.

**V. Child Support Order**

The Division’s Motion for Summary Adjudication is GRANTED. The Division’s Nondisclosure of Identifying Information Decision issued on May 4, 2011, is affirmed. The Division will not disclose Ms. M’s contact information to Mr. T.

DATED this 7th day of June, 2011.

By: Signed  
Mark T. Handley  
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 27<sup>th</sup> day of June, 2011

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

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