



Mr. W's daughter lives in the home of her maternal grandparents, Ms. W's mother and father.

### **III. Discussion**

Mr. W did not dispute the amount of income attributed to him, or the amount of the support obligation based on that income. His argument on appeal is that he should not be required to pay child support to Ms. W, because she is not supporting their daughter. Rather, he argues, her parents are the ones who are providing support for T. He contends that any money that the Child Support Services Division collects from him should be paid to T's grandparents rather than to Ms. W.

This case was initiated by the State of Alaska because Ms. W in her capacity as the custodian of T received public assistance benefits under AS 44.27 on T's behalf.<sup>5</sup> In such a case, the Division was required by law to establish a child support obligation for Mr. W.<sup>6</sup> By issuing a support order on behalf of Ms. W as the custodian, the Division "establishe[d] a relationship by which [Ms. W] is the administrator for the purposes of administering support on behalf of [T]." <sup>7</sup> As the administrator of her daughter's support, Ms. W has legal control over the manner in which the child support payments paid to her are distributed.

Mr. W testified that Ms. W does not live with her parents and T. Ms. W, however, testified that she lives in her parents' home with T. It is not necessary to determine where Ms. W is living, however, because regardless of whether she is in the home or not, Mr. W remains liable for child support and the Division is obliged to disburse his support payments to Ms. W.<sup>8</sup> Absent a change in his status as the non-custodial parent, or a request from the grandparents for assistance from the Division in obtain support, the Division has no legal basis to suspend the existing order or to establish a new order naming the grandparents as the payees.

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<sup>5</sup> See Pre-Hearing Brief.

<sup>6</sup> See AS 25.27.120(a); 15 AAC 125.105(a)(1).

<sup>7</sup> AS 25.27.060(a).

<sup>8</sup> AS 25.27.020(a)(6).

**IV. Conclusion**

Mr. W has not contested the amount of the support order, and he has not shown that the Division must distribute funds collected under the support order to Ms. W's parents. The Division's order dated January 27, 2011 is therefore **AFFIRMED**.

DATED: September 19, 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 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 11<sup>th</sup> day of October, 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.]