

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

IN THE MATTER OF:)

T S. C)

OAH No. 12-0148-CSS

CSSD No. 001180131

DECISION AND ORDER

I. Introduction and Background

The obligor, T C, disputes an Amended Administrative Child Support and Medical Support Order that the Child Support Services Division (“CSSD”) issued in his case on May 1, 2012. This order establishes, effective June 1, 2012, that Mr. C’s monthly child support obligation for two children is to be \$365 per month, and arrears in the amount of \$1,165 owing from November 1, 2011 through May 31, 2012.

A hearing was held June 25, 2012. Mr. C and the custodian of record, S M, participated by telephone. Child Support Specialist Andrew Rawls appeared in person on behalf of CSSD. The obligee children are K and B, ages 8 and 6 respectively.

At the hearing, Mr. C narrowed the issue on appeal to whether he should receive a credit for child support paid in excess of the monthly child support obligation in September and October 2011. The answer is he may not because those payments preceded CSSD’s involvement. Accordingly, the May 1, 2012 Amended Administrative Child Support and Medical Support Order should be affirmed.

II. Facts

Ms. M applied for child support services on November 9, 2011. CSSD mailed a notice and finding of financial responsibility in the form of an Administrative Order on November 18, 2011.¹ CSSD issued an Administrative Child Support and Medical Support Order on February 16, 2012 setting child support in the amount of \$349 per month for two children effective April 1, 2012 with arrears of \$53 from November 2011 through March 2012.

¹ Exh. 2.

At Mr. C's request, CSSD conducted an administrative review, and as a result issued an Amended Administrative Child Support and Medical Support Order setting child support in the amount of \$365 per month for two children effective June 1, 2012, and arrears totaling \$1,165 from November 1, 2011 through May 31, 2012.²

Mr. C appealed, listing five appeal points.³ At hearing he stated his intent to only proceed on one issue and abandon the remaining four issues on appeal. The issue pursued was that the Amended Administrative Child Support and Medical Support Order did not correctly reflect his payment history. Mr. C explained that in September and October 2011 he paid support in excess of that ordered by CSSD and believes CSSD should provide him with a credit for any overpayment. This is his sole issue on appeal.

CSSD argues that its jurisdiction commenced November 2011 and it has no ability to credit payments prior to its involvement.

III. Discussion

By regulation, CSSD's jurisdiction to set arrears starts with the issuance of a notice and finding of financial responsibility.⁴ Also by regulation, if services are requested by the custodial parent, arrears accrue from the first month the custodial parent applied for services.⁵ Ms. M applied for services November 9, 2011, and it is from the first of that month that arrears will be calculated. Because the months challenged fall outside of the date CSSD's jurisdiction commenced, it has no jurisdiction over those payments.

IV. Conclusion

CSSD's Amended Administrative Child Support and Medical Support Order issued May 1, 2012 setting support using a primary custody calculation under Civil Rule 90.3 should be affirmed.

V. Child Support Order

1. Mr. C is liable for child support for two children in the amount of \$365 per month effective June 1, 2012 and arrears in the amount of \$1,165 from November 1, 2011 to May 31, 2012.

² Exh. 6.

³ Exh. 8.

⁴ 15 AAC 125.105(a). The Notice and Finding of Financial Responsibility is found at Exhibit 2.

⁵ 15 AAC 125.105(a)(2),

4. All other provisions of the May 1, 2012 Amended Administrative Child Support and Medical Support Order remain in effect.

DATED this 25th day of June, 2012.

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 13th day of July, 2012.

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

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