

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

IN THE MATTER OF:)

E L. E)

OAH No. 12-0288-CSS

CSSD No. 001139739

DECISION AND ORDER

I. Introduction

The obligor, E L. E, appealed a Decision on Nondisclosure of Identifying Information that the Child Support Services Division (CSSD) issued in his child support case on July 10, 2012. The formal hearing was held on September 6, 2012. Mr. E did not participate.¹ The custodial parent, L M. T, appeared by telephone. Erinn Brian, Child Support Specialist, represented CSSD. The hearing was recorded.

Based on the record and after careful consideration, CSSD's July 10, 2012 Decision on Nondisclosure of Identifying Information is affirmed. Mr. E's contact information may be released to Ms. T.

II. Facts

On May 4, 2012, Ms. T requested Mr. E's contact information.² CSSD informed Mr. E of the custodian's request and solicited his input, but he did not respond.³ On July 10, 2012, CSSD issued a Decision on Nondisclosure of Identifying Information that allowed disclosure of Mr. E's contact information.⁴ He appealed on August 10, 2012, stating only that he does not want the custodian to have his contact information.⁵

III. Discussion

This matter does not involve Mr. E's child support obligation. Rather, the issue here is whether CSSD correctly decided to disclose his contact information to the custodian of record, L M. T.

¹ Mr. E has an out-of-state address, so attempts were made to contact him by telephone to participate in the hearing. He did not answer the call prior to the hearing, so a voicemail message was left for him to call the Office of Administrative Hearings (OAH). As of this date, Mr. E has not contacted the OAH.

² CSSD's Pre-Hearing Brief at pg. 1.

³ Exh. 1.

⁴ Exh. 2.

⁵ Exh. 3.

Alaska Statute (AS) 25.27.275 authorizes CSSD to decide whether a case party's identifying information should be disclosed to another case party. The applicable statute governing this action states as follows in its entirety:

Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the party or child or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this chapter. A person aggrieved by an order of nondisclosure issued under this section that is based on an ex parte finding is entitled on request to a formal hearing, within 30 days of when the order was issued, at which the person may contest the order.^[6]

This proceeding involves only the issue whether Mr. E's contact information kept on file by CSSD may be released. The scope of the inquiry in nondisclosure cases is very narrow and is limited simply to a determination whether CSSD reasonably decided to disclose or not disclose the information. The person requesting the hearing, in this case, Mr. E, has the burden of proving by a preponderance of the evidence that CSSD's decision to disclose the contact information was incorrect.⁷

At the formal hearing, Ms. T stated that her purpose in requesting Mr. E's contact information was to initiate a conversation with him about their child's legal status. She said she does not want any money from him, but since Mr. E has not had any contact with the child since his birth in 2005, she would like Mr. E to sign over his parental rights. When questioned about her intentions, Ms. T stated she does not have any plans to have someone else adopt their child.

CSSD's decision allowing disclosure of Mr. E's contact information should be affirmed. Ms. T's reason for requesting his contact information is credible, as was her testimony at the hearing. There is no evidence in the file or presented at the hearing that indicates there is any history of violence or severe conflict between these parties. Thus, there is no evidence upon which to make a finding that the "health, safety, or liberty of a party or child would be unreasonably put at risk" by the disclosure of Mr. E's contact information. Based on the record in this appeal, CSSD's decision to release the information to Ms. T was correct and should be affirmed.

⁶ AS 25.27.275.

⁷ 15 AAC 05.030(h).

IV. Conclusion

Mr. E did not prove by a preponderance of the evidence that CSSD’s Decision on Nondisclosure of Identifying Information was incorrect in allowing his contact information to be released to Ms. T. CSSD’s decision allowing disclosure should be affirmed.

THEREFORE IT IS ORDERED:

- CSSD’s Decision on Nondisclosure of Identifying Information, dated July 10, 2012, is **AFFIRMED**;
- Mr. E’s contact information may be released to Ms. T.

DATED this 24th day of October, 2012.

Signed

 Kay L. Howard
 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 14th day of November, 2012.

By: Signed

 Signature
Kay L. Howard

 Name
Administrative Law Judge

 Title

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