

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

IN THE MATTER OF	)	
Q C	)	OAH No. 12-1026-CSS
_____	)	CSSD No. 001182457

**DECISION AND ORDER**

**I. Introduction**

This case is B M’s appeal of an administrative order establishing Q C’s child support obligation for their child, U. The Child Support Services Division (Division) issued this order. Ms. M’s appeal was referred to the Office of Administrative Hearings and assigned to Administrative Law Judge Mark T. Handley.

On January 14, 2012 and February 6, 2012, a hearing was held to consider Ms. M’s appeal. Mr. C participated on both dates. Ms. M, the custodial parent, missed the first hearing date due to a medical appointment. Ms. M participated when the hearing was rescheduled at her request. The Division was represented by Erinn Brian, Child Support Services Specialist. The hearing was audio-recorded. The record closed at the end of the February 6, 2012 hearing.

Ms. M asked that Mr. C not have to pay child support. The Division’s order is upheld. This is a public assistance case. Ms. M cannot withdraw from the Division’s services while U is receiving public assistance.

**II. Facts**

In October of 2011, Ms. M started to receive public assistance for U.<sup>1</sup> Paternity is not in dispute. Paternity was established after genetic testing.<sup>2</sup>

The Division issued an Administrative Child and Medical Support Order on July 12, 2012.<sup>3</sup> The Division issued an Amended Administrative Child and Medical Support Order on December 3, 2012.<sup>4</sup> In this order, the Division set Mr. C’s monthly ongoing child support obligation for U at \$159. The Division’s order also established arrears beginning in October 2011.<sup>5</sup>

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<sup>1</sup> Exhibit 1.  
<sup>2</sup> Recording of Hearing & Exhibit 3.  
<sup>3</sup> Exhibit 2.  
<sup>4</sup> Exhibit 4.  
<sup>5</sup> Exhibit 4.

Ms. M requested a formal hearing.<sup>6</sup>

### **III. Discussion**

At the hearing, Mr. C explained that he did not have a problem with the Amended Administrative Child and Medical Support Order. Ms. M asked that Mr. C not have to pay child support.<sup>7</sup> Ms. M and Mr. C's questions about the child support order were addressed at the hearing.

The Division is required to establish a child support obligation beginning the month public assistance was first issued requested for the child. The Division's order is upheld. This is a public assistance case. Ms. M cannot withdraw from the Division's services while U is receiving public assistance. The Division is required to establish a child support obligation beginning the first month that public assistance is provided for the child.<sup>8</sup>

### **IV. Conclusion**

I conclude that the Division correctly established a child support obligation in this case. The child support amount in the Division's order was calculated using the primary custody formula in Civil Rule 90.3(a).

### **IV. Child Support Order**

The Division's Amended Administrative Child and Medical Support Order issued on December 3, 2012 is affirmed.

DATED this 11th day of February, 2013.

By: Signed  
Mark T. Handley  
Administrative Law Judge

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<sup>6</sup> Exhibit 5.

<sup>7</sup> Recording of Hearing.

<sup>8</sup> Alaska Statute 25.27.120 & Alaska Regulation 15 AAC 125. 105(a)(1).

**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 5<sup>th</sup> day of March, 2013.

By: Signed  
Signature  
Mark T. Handley  
Name  
Administrative Law Judge  
Title

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