

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

IN THE MATTER OF: )  
 )  
 L D. X ) OAH No. 13-0949-CSS  
 ) CSSD No. 001167766  
\_\_\_\_\_ )

**CORRECTED DECISION AND ORDER**

**I. Introduction**

The obligor, L D. X, appealed the Administrative Child Support and Medical Support Order that the Child Support Services Division issued in his case on June 19, 2013, which set his ongoing child support for his child E at \$50 per month. Because Mr. X is incarcerated, the \$50 per month order is appropriate under Civil Rule 90.3, and the Division’s order is affirmed.

**II. Facts**

E X lives with his mother, K J. E X receives public assistance.<sup>1</sup> The Division issued an Administrative Order Establishing Paternity on July 3, 2013, which established that Mr. X is the father of E.<sup>2</sup> It sent an Administrative Child Support and Medical Support Order on June 19, 2013, setting Mr. X’s ongoing child support for E at \$50 per month.<sup>3</sup> Mr. X is incarcerated and his release date is unknown.<sup>4</sup> The Division received Mr. X’s notice of appeal on July 3, 2013. A telephonic hearing was held on July 25, 2013. Mr. X and the custodial parent, K J, both participated. Erinn Brian, CSSD Child Support Specialist, represented the Division. Although the appeal was on the form for appealing the paternity order, Mr. X agreed at the hearing that he is E’s father.<sup>5</sup>

**III. Discussion**

At the hearing, Mr. X argued that he should not have to pay child support because (a) when he was not in jail, he was voluntarily giving money for E’s support; and (b) he did not like to pay money that went to pay the government back instead of actually being spent on E. He offered that he might be willing to pay the child support as ordered if he could receive visits from E or at least pictures of E.

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<sup>1</sup> Division Exhibit 1 at 12.  
<sup>2</sup> Division Pre-Hearing Brief  
<sup>3</sup> Division Exhibit 1.  
<sup>4</sup> X testimony.  
<sup>5</sup> *Id.*

Under the law, a noncustodian parent must pay at least \$50.00 per month, even if the parent is incarcerated and has little or no income.<sup>6</sup> The law also requires that an obligor is liable for public assistance paid to support the obligor's child.<sup>7</sup> Only a court could address Mr. X's demand for visitation or pictures, because neither the Division nor this office have authority over domestic relations matters.<sup>8</sup> Thus, Mr. X's arguments could only be addressed by the legislature or a court. Because the law requires that Mr. X pay \$50.00 per month for E's support, the Division's order is affirmed.

#### **IV Conclusion**

Under the law, Mr. X's ongoing child support obligation for E is \$50.00 per month. The child support amounts in this order were calculated using the minimum child support formula in Civil Rule 90.3(c).

#### **Child Support Order**

The Division's Modified Administrative Child Support and Medical Support Order issued on June 19, 2013, is affirmed.

Dated: August 20, 2013

*Signed*

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Stephen C. (Neil) Slotnick  
Administrative Law Judge

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<sup>6</sup> Civil Rule 90.3(c)(3).

<sup>7</sup> AS 25.27.120.

<sup>8</sup> *See, e.g.* Title 25 of the Alaska Statutes.

## Adoption

This Order is issued under the authority of AS 43.05.010 and AS 44.17.010. On behalf of the Commissioner of Revenue and in accordance with AS 44.64.060, I adopt 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 20<sup>th</sup> day of August, 2013.

By: Signed  
Signature  
Stephen C. Slotnick  
Name  
Administrative Law Judge  
Title

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