

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

IN THE MATTER OF: )

E Q )

OAH No. 13-1488-CSS

CSSD No. 001164542

**DECISION AND ORDER UPON CONSENT OF THE PARTIES**

The obligor, E Q, appealed the modification order that the Child Support Services Division (CSSD) issued in her case on October 8, 2013, which increased her ongoing child support from \$333 per month to \$491 based on imputed income, and added a third child B to the existing order for her children O and T. Ms. Q's children are in state custody. The hearing was held on November 12, 2013. Ms. Q appeared by telephone. Russell L. Crisp, CSSD Child Support Specialist, represented CSSD.

The parties settled the appeal during the hearing. CSSD and Ms. Q agreed that her ongoing modified child support should be set at \$50 per month for three children. Ms. Q explained that she also has a fourth child in state custody. CSSD will look into adding this child to the order. The parties agreed that Ms. Q's arrears for B should be set consistent with her new ongoing child support amount. At the hearing it appeared from CSSD's Summary of Monthly Support Obligation at Exhibit 4, page 5 that that would be an additional \$90 per month for the third child for the months of June through August of 2013, but a careful review of CSSD's calculation at exhibit 4, page 7 shows that this monthly amount was calculated from the imputed income using the difference between the two and three child monthly support payments. Taking this approach using the \$50 actual income based minimum order would result in \$0 monthly addition on arrears for the third child.

Ms. Q's child support was set at \$333 in 2009. Ms. Q's has not had a job since 2012. From 2010 through 2012 she earned less than \$2,000 per year. Ms. Q lives in No Name, Alaska and does not own a vehicle. Ms. Q and her boyfriend receive Food Stamps. Ms. Q is enrolled to start an in-patient substance-abuse recovery program later this month through the Alaska Native Health Service. Ms. Q hopes that her children will be placed back in her household after she successfully completes this program.

The minimum monthly child support amount allowed under Alaska Civil Rule 90.3(c)(3) is \$50 per month. Ms. Q 2013 and ongoing child support obligation should be set at the

minimum of \$50 per month because her lack of income.<sup>1</sup> Ms. Q's ongoing child support may be modified based on her current income, because this result is more than a 15% change from that monthly amount.<sup>2</sup>

CSSD and Ms. Q agreed to this correction and the administrative law judge concurs. The parties' settlement should be adopted. The petition for modification was issued on August 19, 2013. The modification should be effective September 1, 2013.<sup>3</sup>

### **Conclusion**

Ms. Q's ongoing child support should be modified. Modified ongoing child support should be set at \$50 per month for three children, effective September 1, 2013, based on Ms. Q's projected income. The child support amounts in this order were calculated using the primary custody formula in Civil Rule 90.3(a).

### **Child Support Order**

The Division's Modified Administrative Child Support and Medical Support Order issued on October, 2013 is adjusted as follows, as other provisions remain in effect.

1. Ms. Q's child B, who was born on July 19, 2010, is added to Ms. Q's child support order.
2. Ms. Q owes \$0 in additional child support arrears for her child B.
3. Ms. Q's modified ongoing child support obligation for B, O and T is set at \$50 per month, effective September 1, 2013.

DATED this 14<sup>th</sup> day of November 2013.

By: Signed  
Mark T. Handley  
Administrative Law Judge

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

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<sup>1</sup> Alaska Civil Rule 90.3(c)(3).

<sup>2</sup> Alaska Civil Rule 90.3, Commentary X.

<sup>3</sup> Alaska Regulation 15 AAC 125.321(d).