

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

IN THE MATTER OF:)

O J. D)

OAH No. 13-1736-CSS)

CSSD No. 001162917)

DECISION AND ORDER UPON CONSENT OF THE PARTIES

The obligor, O J. D, appealed the modification order that the Child Support Services Division (CSSD) issued in his case on June 27, 2013, which increased his ongoing child support from \$264 per month to \$436 based on imputed income, and added his child F to the existing order for his child N. K A. H is the custodial parent. The hearing was held on December 19, 2013. Mr. D appeared by telephone. Ms. H participated in the hearing. Andrew Rawls, CSSD Child Support Specialist, represented CSSD.

The parties settled the appeal during the hearing. CSSD, Ms. H and Mr. D agreed that Mr. D's ongoing modified child support should be set at \$50 per month for two children.

The parties also agreed that any additional arrears Mr. D owes for F before the effective date of the modification should remain set at \$76 per month, which is consistent with adding the correct percentage to his existing child support amount. At the hearing it appeared from CSSD's Summary of Monthly Support Obligation at Exhibit 6, page 8, and the records from the State of Washington at Exhibit 3, page 16 that this would be an additional \$76 per month for the second child for the months of March through May of 2013.

Given that Ms. H asked to withdraw from the Division's collection services at the hearing, and explained that the family was intact until Mr. D was incarcerated in November of 2013, the effective date of the modification is moved forward to November 1, 2013, and set at the minimum of \$50 per month based on Mr. D's incarceration. The parents plan to be re-united when Mr. D is released from treatment in July of 2014.

The minimum monthly child support amount allowed under Alaska Civil Rule 90.3(c)(3) is \$50 per month. Ms. D 2013 and ongoing child support obligation should be set at the minimum of \$50 per month because his lack of income.¹ CSSD and the parents agreed to this correction and the administrative law judge concurs. The parties' settlement should be adopted.

¹ Alaska Civil Rule 90.3(c)(3).

Conclusion

Mr. D's ongoing child support should be modified. Modified ongoing child support should be set at \$50 per month for two children, effective November 1, 2013, based on Mr. D's incarceration. 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 November 26, 2013, is adjusted as follows, as other provisions remain in effect.

1. Mr. D's child F, who was born on September 4, 2011, is added to Mr. D's child support order.
2. Mr. D still owes \$76 in additional child support arrears for his child F for the months that she received public assistance prior to November 2013.
3. Ms. D's modified ongoing child support obligation for F and N is set at \$50 per month, effective November 1, 2013.

DATED this 23rd day of December 2013.

By: Signed
Mark T. Handley
Administrative Law Judge

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