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

IN THE MATTER OF:	)	
E L. T	)	OAH No. 13-1857-CSS
	)	CSSD No. 001178234
	)	

DECISION AND ORDER UPON CONSENT OF THE PARTIES

The obligor, E L. T, appealed the modification order that the Child Support Services Division (CSSD) issued in his case on November 20, 2013, which kept his ongoing child support from $1605 per month and simply approved a visitation credit. The children covered by this order are B and D. The hearing was held on January 14, 2014. Mr. T appeared by telephone. The custodial parent, N A. L, also participated. Russell L. Crisp, CSSD Child Support Specialist, represented CSSD.

The parties settled the appeal during the hearing. Mr. T's child support was set at $1605 in 2012. Mr. T's ongoing child support may be modified based on his current income, because the result is more than a 15% change from that monthly amount and because custody is changing from primary to shared custody.

Prior to the hearing CSSD recalculated the modified child support amount for Mr. T at $1,102 per month based on Mr. T's 2013 income. At the hearing, the parents explained that they plan to start sharing custody in February with both children living with the parents on alternating weeks.

Ms. L and the children will be moving to No Name at the end of January 2014, which is where Mr. T lives. Ms. L will be starting a new full-time job that pays $16 per hour. Mr. T is working for a moving company full-time year-round. His job pays $21 per hour, which means he will make less than he did in 2013 when he also had a seasonal job that paid more for part of the year.

Ms. L and Mr. T agreed set Mr. T's modified child support for the months of November and December at $1,102 per month based on CSSD's calculation for Mr. T's 2013 income. The modification is effective November 1, 2013 because the Notice of Petition for Modification was served on the parents in October of 2013.[1]

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[1]   Alaska Regulation 15 AAC 125.321(d).

Ms. L and Mr. T agreed that Mr. T's modified child support for the month of January 2014 should be set at $816 based on CSSD's latest primary custody calculation using Mr. T's estimated 2014 income. The primary custody calculation for this month is used because shared custody will not start until February.

Ms. L and Mr. T agreed set Mr. T's modified ongoing child support beginning in February of 2014 should be set at $135.33 per month in accordance with the Division's 50/50 shared custody calculation using the parents' estimated annual incomes starting that month. The parents agreed not to include deductions for day care expenses in these calculations. At this time, their plan is to have each parent pay for day care for the children for the weeks when the children are living with that parent.

CSSD agreed with these monthly child support amounts for the modified order. The administrative law judge concurs of parties' settlement should be adopted.

Conclusion

Mr. T's ongoing child support should be modified based on CSSD's latest primary and shared custody calculations for the relevant periods. The parties have agreed to this adjustment to CSSD's order. The child support amounts in this adjusted order were calculated using the primary custody formula in Civil Rule 90.3(a) and the shared custody formula in Civil Rule 90.3(b).

Child Support Order

The Division's Modified Administrative Child Support and Medical Support Order issued on November 20, 2013 is adjusted as follows, all other provisions remain in effect.

1. Mr. T's modified ongoing child support for the two children, B and D, is set at $1,102 per month, effective November 1, 2013; $816 per month, effective January 1, 2014; and $135.33 per month, effective February 1, 2014.

2. The Division will give the parties the appropriate debit or credit for their out-of-pocket expenses for providing health insurance coverage for the children.

DATED this 15th day of January 2014.

By: *Signed*
Mark T. Handley
Administrative Law Judge

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