

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

IN THE MATTER OF:)
)
K L. G) OAH No. 14-1067-CSS
) CSSD No. 001174552
_____)

DECISION AND ORDER

I. Introduction

This is obligor K L. G's appeal of a Modified Administrative Child Support and Medical Support Order issued by the Child Support Services Division (CSSD) on May 28, 2014. That order modified Mr. G's monthly support obligation for one child from \$241 to \$949 effective May 1, 2014. The custodian of record is B L. E. The obligee child is J, age 3.

A formal hearing was held on July 28, 2014. Mr. G and Ms. E did not participate. Attempts to contact them at the time of the hearing were unsuccessful.¹ The hearing proceeded in their absence and the record closed ten days later, on August 7, 2014.²

The obligee child in this matter was adopted effective February 24, 2014, so monthly support is no longer owed as of that date. However, Mr. G is responsible for any arrears that may have accrued prior to February 24, 2014.

II. Facts

CSSD issued the original Administrative Child Support and Medical Support Order on December 29, 2011 setting ongoing support in the amount of \$241 effective January 1, 2012.³ This order identified total arrears owing in the amount of \$1,654 for the period from December 2010 through December 2011.⁴

Mr. G requested modification of the December 2011 order and CSSD issued a Notice of Petition for Modification of Administrative Support Order on April 25, 2014.⁵ On May 28,

¹ Mr. G and Ms. E were called at the time of the hearing. Ms. E's telephone was no longer in working service. A message was left for Mr. G, but he has not returned the call.

² As required by regulation, the record remained open for 10 days to provide Mr. G with an opportunity to show reasonable cause for his failure to participate. 15 AAC 05.030(j).

³ Exhibit 1.

⁴ *Id.*

⁵ Exhibit 7.

2014, CSSD issued a Modified Administrative Child Support and Medical Support Order increasing Mr. G's monthly obligation for J to \$949 per month effective May 1, 2014.⁶

On June 6, 2014, Mr. G appealed CSSD's May 2014 order. Mr. G explained that J had been adopted, so he no longer had an obligation for ongoing support.⁷

On July 2, 2014, the Office of Administrative Hearings (OAH) sent a notice of the date and time for the hearing by certified mail to each party's last-known address. The "green card" addressed to Mr. G was signed for and returned to OAH. The certified letter addressed to Ms. E was returned unclaimed. The mail sent first class postage paid and addressed to Ms. E was not returned. The parties to a child support case must keep CSSD notified of their current address information.⁸

Since Mr. G's notice was sent to his last-known address, and he has had an ongoing case with CSSD, the administrative law judge entered a finding of fact that the obligor had notice of the hearing. As a result, service on him was found to be effective and the hearing was conducted without his participation.

On July 30, 2014, CSSD submitted its statement informing the Office of Administrative Hearings that the adoption was effective February 24, 2014, and that CSSD had adjusted Mr. G's arrears accordingly.

III. Discussion

Once a child has been adopted, the biological parent has no legal obligation to provide ongoing support because the relationship of parent and child is terminated by the adoption.⁹ Therefore, effective February 24, 2014, Mr. G owed no duty of ongoing support to J. While the adoption terminated ongoing support, arrears owing as of the date of the adoption remain owing. The arrears accrued as a result of child support owed to J, but not yet paid.

⁶ Exhibit 9.

⁷ Exhibit 10.

⁸ 15 AAC 05.010. The regulation states:

A current mailing address must be provided to the department with the request for appeal, and any change in mailing address after the request for appeal is filed must be reported to the department immediately. If the department mails a document by registered or certified mail, service is effective if the mailing is addressed to the latest address provided to the department.

⁹ AS 25.27.130(d).

IV. Conclusion and Order

- The effective date of J’s adoption is February 24, 2014 and Mr. G has no legal duty to provide support after that date.
- CSSD’s May 28, 2014 Modified Administrative Child Support and Medical Support Order is vacated.
- Arrears should be adjusted accordingly.

DATED this 25th day of August, 2014.

By: Signed
Rebecca L. Pauli
Administrative Law Judge

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 12th day of September, 2014.

By: Signed
Signature
Rebecca L. Pauli
Name
Administrative Law Judge
Title

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