IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

N.L.N.,	)	
	)	
Appellant,	)	
	)	
v.	)	
	)	Case. No. 3AN-15-00000CI
STATE OF ALASKA, DEPARTMENT OF REVENUE, CHILD SUPPORT SERVICES DIVISION, and S.T.,	)	OAH No. 15-0373-CSS
	)	
Appellees.	)	
_____	)	

DECISION ON APPEAL

I. INTRODUCTION

N.L.N. had his paternity of a child established by the Child Support Services Division and was ordered to pay child support. The child was born seven years earlier to a woman who was married to another man. On appeal, N.L.N. challenges the validity of CSSD's definition of children born "out of wedlock."

For the reasons explained in this opinion, the court concludes the CSSD's regulation defining "out of wedlock" does not conflict with its authorizing statute. Therefore, the CSSD had authority to establish N.L.N.'s paternity and issue child support orders.

II. BACKGROUND

The facts of the case are not in dispute and are summarized here.

S.T. and C.C.T. were married from 2003 to 2007. Two children were born during the marriage; the first in 2005, and the second (B) in March 2007. In September 2007, S.T. and C.C.T. filed for dissolution of marriage. In their filings with the court, only the older child was listed for the purposes of *Child Custody Jurisdiction Information*. The parties decided to share joint legal and physical custody of the older child while C.C.T. would claim the older child for tax purposes. B was not mentioned in the divorce filings. The divorce decree was issued on February 19, 2008 with no mention of B

In September 2014, S.T. submitted an *Application for Child Support Services* to the CSSD requesting services to establish paternity and child support for her now seven year old child. She named N.L.N. as the parent she was seeking support from. S.T. also included a *Paternity Witness Statement* naming N.L.N. as the child's father. Her request stated that her ex-husband was listed as the father on the birth certificate but she believed he was not the father because there had been genetic testing, though she did not include any copies of the test results.

The CSSD served N.L.N. with an *Administrative Order for Genetic Testing* and *Administrative Orders to Provide Financial and Medical Insurance Information*. N.L.N. responded with a completed *Response to Paternity Action* requesting genetic testing. The results of the testing showed N.L.N. to be the biological father of the child. CSSD then issued an *Order Establishing Paternity* and served N.L.N. with an *Administrative Child Support and Medical Support Order*. N.L.N. asked for review because he argued the amount was incorrect. A subsequent hearing led to an increase in his monthly support obligation.

N.L.N. then filed an administrative appeal to the Department of Revenue, Office of Administrative Hearings. N.L.N. changed the focus of his appeal from the *amount* of child support to the *authority* of the CSSD to issue the orders. N.L.N. asserted that the CSSD lacked authority to issue paternity and child support orders in this case because the child was not born "out of wedlock" as the child had a father listed on his birth certificate who was married to the mother when the child was born. At one point during the hearing process, CSSD agreed with N.L.N. that the agency lacked authority to establish N.L.N.'s paternity and that the matter should be dismissed. The Administrative Law Judge indicated an order to that effect would follow; however, the judge then called for supplemental briefing on the issue.

The Administrative Law Judge thereafter issued a proposed order, which the Department of Revenue adopted, denying N.L.N.'s appeal. The decision found his challenge to paternity was untimely and that CSSD possessed the authority to establish N.L.N.'s paternity and child support obligations. This appeal followed.

III. STANDARD OF REVIEW

The court will apply the substitution of judgment standard when reviewing the validity of an administrative regulation when no agency expertise is involved in the interpretation.[1] The court reviews legal questions *de novo*, adopting the rule of law most persuasive in light of precedent, reason, and policy.[2] The court reviews whether the agency's interpretation is inconsistent with or contrary to the statute on which the

[1] *City of Valdez v. State*, 372 P.3d 240, 246 (Alaska 2016).
[2] *Id. (*internal citations omitted*).*

regulation is based.[3] An agency's interpretation is consistent with statute unless the statute's text and purpose prohibit such an interpretation.[4]

When determining the validity of a regulation, the court should presume the regulation is valid and place the burden of proving otherwise on the challenging party.[5] In doing so, the court considers whether the regulation is "consistent with and reasonably necessary to carry out the purpose of the enabling statute" and whether the regulation is reasonable and not arbitrary.[6] Further, the court will not "substitute our judgment for that of the agency with respect to the efficacy of a regulation nor review the "wisdom" of a particular regulation."[7]

IV. APPLICABLE STATUTES AND REGULATIONS

The relevant portions of the statutes and regulations are set out below (emphasis added):

Statutes

AS §25.27.020
Duties and responsibilities of the agency
(a) The agency shall
(1) seek enforcement of child support orders of the state in other jurisdictions and shall obtain, enforce, and administer the orders in this state;
(2) adopt regulations to carry out the purposes of this chapter and AS §25.25, including regulations that establish…
(C) procedures for establishing and disestablishing paternity under AS §25.27.165 and §25.27.166, including procedures for hearings …

[3] *Davis Wright Tremaine LLP v. State, Dep't of Admin.*, 324 P.3d 293 (Alaska 2014)(internal citations omitted).
[4] *Id.*
[5] *Valdez at 246.*
[6] *Id. (internal citations omitted); see also* AS 44.62.030, Consistency between regulation and statute ("If, by express or implied terms of a statute, a state agency has authority to adopt regulations to implement, make specific or otherwise carry out the provisions of the statute, a regulation adopted is not valid or effective unless consistent with the statute and reasonably necessary to carry out the purpose of the statute.").
[7] *Id.*

AS §25.27.040
Determination of Paternity
(a) The agency may appear on behalf of minor children or their mother or legal custodian or the state and initiate efforts to have the paternity of children born *out of wedlock* determined by the court…

AS §25.27.165
Determination of Paternity in an Administrative Proceeding.
(a) Upon application from a mother, custodian, putative father, or legal custodian of a child, or from a state, the agency may institute administrative proceedings to determine the paternity of a child born *out of wedlock*.

AS §25.27.166
Disestablishment of paternity
(a) The agency shall, by regulation, establish procedures and standards for the disestablishment of paternity of a child whose paternity was established in this state, other than by court order, if the paternity was not established by
(1) genetic test results that met the standard set out in AS §25.20.050(d) at the time the test was performed; or
(2) an acknowledgment of paternity under AS §25.20.050 or an admission of paternity under AS §25.27.165…

CSSD Regulations

15 AAC §125.216
Determination of Paternity in an Administrative Proceeding
(a) When presented with a written application for the determination of paternity of a minor child born *out of wedlock* under AS §25. 27.165 from a child's mother, custodian, putative father, legal custodian, or agency representative, or the representative of a child support enforcement agency of another state, the agency shall initiate an administrative proceeding to determine paternity under AS §25.27.165…

(j) In this section, a child is born *out of wedlock* if the mother of the child is not married to the child's biological father at conception, during the pregnancy, or at birth.

V. ISSUES ON APPEAL

A. Was N.L.N.'s appeal of the paternity order untimely?

As a preliminary matter, the court must address the timeliness of Mr. M's appeal of the paternity order. The decision of the Office of Administrative Hearings found N.L.N.'s appeal of paternity untimely because he did not challenge the *Order Requesting Genetic Testing* within 30 days.

N.L.N. argues that he did not waive his right to challenge CSSD's establishment of paternity for failure to timely request a hearing. The premise of the argument is that CSSD withheld material facts from N.L.N. when they ordered genetic testing, specifically, information that the husband was already listed as the legal father on B's birth certificate. This, N.L.N. argues, constitutes fraud on the part of CSSD and, but for the concealment of material information, N.L.N. would have requested a hearing to oppose the request for testing.

CSSD counters that it is unnecessary to review the timeliness of his paternity challenge because N.L.N. is challenging the authority of the CSSD to issue the paternity order. They argue that if CSSD is found to lack authority, then the orders demanding genetic testing and child support are void, and in the alternative, if CSSD does have authority, N.L.N. loses on the merits.

On this issue, the court agrees with CSSD. It will not consider whether N.L.N.'s appeal of the paternity issue is timely, nor consider N.L.N.'s argument of fraud on the part of CSSD.

B. Is the CSSD regulation defining "out of wedlock" valid?

On appeal, N.L.N. argues that CSSD exceeded its statutory authority in this case because B was not born "out of wedlock." N.L.N. asserts that both plain and historical meanings of "born in wedlock" include any situation where a woman is married. In other words, no matter who the mother was married to, that she was married at all means that B was a child born in wedlock. Therefore, according to N.L.N.'s logic, CSSD lacked the authority to request genetic testing and any results of the testing should be vacated.

In response, CSSD disagrees and asserts its authority defining "out of wedlock" as appropriate for its mission. CSSD cites to other jurisdictions and Uniform treatises that have applied this definition either through case law or legislative amendments.[8] CSSD claims that "out of wedlock" in the authorizing statute is ambiguous, and thus requires looking to the legislative purpose and intent of the statute. Doing so reveals the statute's purpose and intent are to expedite parents' financial support of their children by authorizing administrative determinations of paternity and promote voluntary acknowledgement of paternity.[9]

The issue presented here is, therefore, whether "out of wedlock" may be defined by CSSD to include children born to mothers who are not married to the biological father even if they are married to another man. Under Alaska statute, CSSD's authority to

[8] *See Appellee's Brief*, p.22 fns. 61-62. *See also* The Uniform Act on Paternity which is adopted in full by five states not including Alaska (KY, ME, MS, NH, RI) – it defines a child born out of wedlock to include "a child born to a married woman by a man other than her husband" Uniform Act on Paternity §1,9B U.L.A. 350 (1987).
[9] Ch. 57, SLA 1995 (legislative history of AS 25.27.165).

determine paternity and issue child support orders is limited to children born "out of wedlock."

Because the statute is ambiguous on whether "out of wedlock" may be defined as set forth in CSSD's regulation, the court considers the underlying statute's language and looks to the purpose of the legislation and the legislative history for indication of legislative intent.[10]

The plain language of the statute is inconclusive as to the specific definition of "out of wedlock." N.L.N. is correct that the historical meaning of the term indicated children born when the mother was not married. The phrase, however, is susceptible to two reasonable interpretations. CSSD's interpretation is not inconsistent or contrary to the traditional meaning. It does not negate the common meaning, but specifies another situation that would also be considered "out of wedlock,"i.e., when the mother is married when the child is born, but not to the child's father. The statute's text does not prohibit such a definition, and the purpose of the statute is not hindered.

Moreover, a review of case law shows the agency's definition is not unreasonable. For example, in *Rubright v. Arnold*, the Alaska Supreme Court did not conclusively decide which meaning was correct:[11]

> [Mr. Rubright] argues since [the child] was born to a married woman, he was not born "out of wedlock," and therefore could not be legitimated under [the statute]. This point may or may not be correct depending on the meaning of the term "out of wedlock" as it is used in the statute. If any child born to a married woman is not born "out of wedlock" regardless of the biological father, then [Mr. Rubright] is correct. If, on the other hand, a child whose mother is married to someone other than the biological father is "born out of wedlock" [he] may be incorrect.(fn3)

[10]*See Alyeska Pipline Serv. Co. v. DeShong*, 77 P.3d 1227, 1234 (Alaska 2003).
[11]*Rubright v. Arnold*, 973 P.2d 580 (Alaska 1999).

> fn.3: This is the sense in which we seem to have construed the term "out of wedlock" in *State v. A.H.*, 880 P.2d 1048 (1994). The Uniform Act on Paternity is in agreement: "A child born out of wedlock includes a child born to a married woman by a man other than her husband. Unif. Act on Paternity 1, 9B U.L.A. 350 (1987)."[12]

In the footnote quoted above, the Court was referring to *State Dep't of Revenue, Child Support Enfc't Div. v. A.H.*[13] The issue in that case was whether CSED was required to pay for paternity testing of a child who had a legally presumed father. The Court made it clear that "in Alaska there is a statutory presumption of the husband's paternity," but that the presumption can be rebutted by "clear and convincing evidence."[14] CSED argued that, given the presumption of the husband's paternity, the child was not "born out of wedlock."[15] The Court disagreed and held CSED was required to pay for the testing because paternity was contested.[16] The Court limited the holding to "contested paternity actions" but did recognize such actions involved both children born to unmarried women and those born to married women who have overcome the presumption of the husband's paternity by clear and convincing evidence.[17] The holding in *A.H.* does not, therefore, give a conclusive definition of "out of wedlock," but the Court did recognize the dual meanings implied by the phrase.

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[12] *Id.*
[13] *State, Dep't of Revenue, Child Support Enfc't Div. v. A.H.*, 880 P.2d 1048, 1050 (Alaska 1994).
[14] *Id.*
[15] *Id.*
[16] The husband (and presumed father) had signed an affidavit that the child was not his.
[17] *Id.* at 1050-51.

This court also believes that the legislative history of the statute is not dispositive on the definition of the phrase "out of wedlock," but it does clarify the legislative intent and purpose. Before 1996, CSSD (then CSED) did not have administrative authority to establish paternity. That authority was granted by the legislature under Senate Bill 116, effective January 1, 1996. The available legislative history includes a letter from the bill's sponsor, Governor Tony Knowles, and a letter and informational bulletin from the Department of Revenue.

The Governor's letter uses the phrase "out of wedlock" in the traditional sense, i.e, it distinguishes two scenarios of children; those born in wedlock to a mother and husband, and those born out of wedlock to an unmarried mother. The informational bulletin also uses the phrase in the same way.[18]

The Governor's letter states the purpose of the bill is to grant CSED administrative authority to determine paternity and allow for voluntary acknowledgment of paternity on birth certificates. The intent of the legislation is stated by Gov. Knowles:

> The bill also recognizes the growing use of administrative procedures in addition to or in place of judicial proceedings in the establishment of paternity and the establishment and enforcement of support orders. The changes proposed in the bill are intended to increase the efficiency of the child support enforcement process by allowing CSED and, in certain cases the parties themselves, to determine the paternity of children. [19]

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[18] Letter from Governor Tony Knowles to Senate President Drue Pearce (Mar. 6, 1995), S. Journal, 19th Legis., 1st Sess., at 519-21 (Alaska 1995); Letter from Bob Baratko, Legislative Liaison, Department of Revenue, to Sen. Lyda Green, Chair, Senate Health, Education, & Social Services Com. (Apr. 7, 1995), Alaska Legis. Comm. Files 1995-96, S. Health, Educ. & Soc. Servs., SB 115 bill file; "HB 244-SB 116," Alaska Legis. Comm. Files 1995-96, S. Health, Educ. & Soc. Servs., SB116 bill file.

[19] *Id. (letter from Gov. Knowles).*

The legislative history thus indicates that the legislature intended to expedite paternity proceedings by allowing CSSD to administratively handle paternity issues and allow voluntary acknowledgments of paternity. While the manner in which the phrase "out of wedlock" was used by the Governor, does not parallel CSSD's regulation, the purpose and intent of the legislation does supports CSSD's claim that its definition does not conflict with statute.

N.L.N. points to *Fox v. Hohenshelt*, a 1976 Oregon Supreme Court decision in which the court considered a very similar statutory and regulatory conflict of definitions and held the term out of wedlock "was intended to refer to a mother who was not married at the time the child was born."[20] N.L.N. does not provide a compelling reason for this court to apply the holding of the Oregon case in the current case. CSSD has pointed out that many more jurisdictions define "out of wedlock," either by statute or case law, as children born to parents not married to each other.[21] Statutory and regulatory enactments over the past 40 years have changed and expanded the common law definition of the phrase "out of wedlock" so that N.L.N.'s reliance on *Fox* is misplaced.

In sum, neither the plain language of the statute nor the legislative history support N.L.N.'s claim that CSSD exceeded its authority by defining "out of wedlock" to include children born to mothers not married to the biological fathers. Given the Alaska precedent, legislative intent, and statutory interpretation, it was not unreasonable for CSSD to define "out of wedlock" as it did. The definition does not conflict with its authorizing statute or with the precedent of judicial paternity proceedings in this state.

[20]*Fox v. Hohenshelt*, 549 P.2d 1117, 1118-19 (Oregon 1976).
[21]*See Appellee's brief, fns. 61-62.*

C. Does the definition conflict with other statutes?

On appeal, N.L.N. argues that CSSD's definition of "out of wedlock" conflicts with another Alaska statute, AS 18.15.160, Birth registration. This chapter outlines the requirements of the Bureau of Vital Statistics for filing birth certificates. N.L.N. argues that CSSD's definition is inconsistent with these requirements because it negates the presumption of a husband's paternity. CSSD counters essentially that the presumption of paternity reflected in the statute reveals nothing about the meaning of "out of wedlock."

AS 18.15.160 provides for naming the father on a birth certificate in several different situations. A husband is the presumed father of a child born to his wife while they are married. His name will be placed on the child's birth certificate unless there are specific requests not to do so.[22] If a mother, husband, and the man who is the father sign affidavits acknowledging the other man is the father, his name will be placed on the birth certificate.[23] For an unmarried woman, the father must sign an affidavit acknowledging paternity.[24]

The phrase "out of wedlock" is used several times in AS 18.15 but is never defined. N.L.N. is correct that the phrase is used in the context of its historical meaning. It does not follow, however, that CSSD's definition negates the enforcement of this statute as N.L.N. contends. The presumption of paternity of a husband still stands. Therefore, the court agrees with CSSD's argument that the presumption of paternity

[22] AS 18.50.160(d)-(f).
[23] *Id.*§§(d).
[24] *Id.*§§(e).

indicated by the birth registration statutes does not conflict with its definition of "out of wedlock." Furthermore, other jurisdictions have come to the same conclusion. For example, the Georgia Supreme Court explained the application of the phrase and the presumption of paternity as follows:

> In this regard several other courts have construed the phrase "born out of wedlock," as we have done, and have found the presumption of legitimacy raised for a child born "in wedlock" to still be applicable.[25]

This court agrees that CSSD's definition of out of wedlock does not negate the presumption of paternity and both statutes can be given full effect. The court also notes the same legislation that gave CSSD administrative authority in paternity actions also amended the birth registration statutes to allow voluntary acknowledgment of paternity. Both statutory schemes can accomplish their intent without conflicting with each other.

N.L.N. illustrates his argument of the conflict by claiming CSSD could "swoop in" to a family or marriage and disrupt an established parent relationship by replacing a father's name on a birth certificate. As far as the evidence on the record indicates, this has not occurred in the present case. Regardless, the court cannot and does not consider every possible scenario that may occur under a statutory or regulatory scheme. It is the court's role to determine the validity of a statute or regulation as codified. Therefore, the court finds the CSSD regulation reasonable and not arbitrary, and consistent with and reasonably necessary to carry out its mission.

[25] *Wilkins v. Georgia Dep't of Human Resources*, 337 S.E. 2d 20, 23 (Georgia 1985) (internal citations omitted).

D. Does the CSSD have to disestablish paternity before establishing paternity?

The second main issue on appeal is whether CSSD was required to disestablish C.C.T.'s paternity before establishing N.L.N.'s paternity**.**

N.L.N. argues that CSSD cannot administratively establish his paternity without first disestablishing the paternity of C.C.T., the named legal father on B's birth certificate. N.L.N. further claims that since C.C.T. was named on the birth certificate, he is the presumed legal father, and that the burden required to disestablish paternity is clear and convincing evidence. CSSD counters asserting that this issue has already been resolved by the Alaska Supreme Court, and that the agency is not required to disestablish paternity before imposing a duty on the biological father to pay support.

N.L.N. points to *State, Department of Revenue, Child Support Enforcement Division v. Wetherhelt* [26] to support his argument that CSSD must pursue a legally presumed father for child support. In *Wetherelt*, an ex-husband and presumed father sued CSED (now CSSD) for a refund of child support he paid for a child he later discovered was not his biological child. At that time, the CSED lacked authority to administratively disestablish paternity. The court held his duty to provide support did not terminate until "clear and convincing evidence" rebutted the presumption of his fatherhood.

N.L.N. uses *Wetherelt* to draw a parallel to his case that paternity must be disestablished before paternity can be established. However, the Alaska Supreme Court has allowed the simultaneous establishment/disestablishment of paternity. In fact, the

[26] *State, Dep't of Revenue, Child Support Enfc't Div. v. Wetherelt*, 931 P.2d 383 (Alaska 1997).

case of *Rubright v. Arnold*[27] has a nearly identical family dynamic as the present case, and it is instructive here.

In *Rubright*, a mother brought a paternity action against a putative father. The mother had been married to another man when the child was born and the husband's name was listed on the birth certificate. The putative father appealed the paternity determination because the child had a presumptive father. The Supreme Court affirmed his paternity:

> …he [the putative father] evidently means that in paternity suits with a presumptive father, the presumption must first be rebutted before discovery can take place requiring a blood test from the putative father. [The putative father] cites no precedent suggesting such mandatory bifurcation, and we see no reason for such a rule. **The putative father's blood test may be relevant not only to establishing the paternity of the putative father, but also to rebutting the presumption of paternity in the presumed father**.[28](emphasis added)

N.L.N. looks to the concurring opinion to support his argument that disestablishment must precede establishment. Two justices concurred in the holding, but not in the merits of the argument that allowed establishing paternity before disestablishing paternity of the presumed father.[29] However, the majority opinion still stands, and the Court continued to apply the holding in *Rubright* to paternity actions.

The case *State, Department of Revenue, CSED v. Kovac*[30] directly addresses the issue of disestablishment and establishment in a situation where a divorced couple had a

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[27]*Rubright v. Arnold*, 973 P.2d 580 (Alaska 1999).
[28]*Id.* at fn 1: "We note, however, that under the Uniform Parentage Act the presumption of paternity must first be rebutted before paternity by another man may be determined in the same action . Unif. Parentage Act 6(a)(2), 9B U.L.A. (1987). The uniform act has not been adopted in Alaska, and the bifurcation it mandates does not require that discovery be bifurcated." (emphasis added).
[29] *Id*. (Justice Bryner concurring).
[30] *State, Dep't of Revenue, Child Support Enfc't Div. v. Kovac,* 984 P.2d 1109 (Alaska 1999).

child who was not the husband's child. The biological father appealed a decision of CSED ordering him to pay support from the day of the child's birth, not the day the presumed father's paternity was disestablished.[31] The Court applied the holding of *Rubright* as follows:

> More recently, In *Rubright v. Arnold*, we affirmed an order establishing the paternity of a biological father, Rubright. The order held Rubright responsible for child support accruing from the day that his son, C.A., was born. C.A. was born while his mother was married to another man, Arnold, and C.A.'s birth certificate listed Arnold as the father. Accordingly, Arnold was presumed to be C.A's parent, and his legal paternity had never been disestablished. By recognizing Rubright's duty to pay support from the date of C.A.'s birth, **we effectively held that a presumptive father's paternity need not be disestablished before a newly established biological father's duty to pay support arises**.[32](emphasis added)

The Court then relied on *Kovac* in a following case, *State, Dept of Revenue, CSED v. Button.*[33] In this case, the CSED took the opposite position that it takes in our present case, and pursued a legal father named on the birth certificate though he was not the biological father. The Court rejected CSED's argument that:

> Here, CSED claims that it could not have sought reimbursement from the biological father until Button, the presumed father, disestablished his paternity. But we rejected an identical claim in *CSED v. Kovac*, **allowing biological fatherhood to be established independently of-and before-disestablishment of presumptive fatherhood.** A biological father's duty of support arises at the birth of his child and does not depend upon the lack of a legally presumed father.[34] (emphasis added)

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[31] The presumptive father was disestablished by a court's finding.
[32] *Kovac* at 1112.
[33] *State, Dep't of Revenue, Child Support Enfc't Div. v. Button*, 7 P.3d 74 (Alaska 2000). (internal citations omitted).
[34] *Id.* at 78-79*; see also Hubbard v. Hubbard*, 44 P.3d 153,156 (Alaska 2002) citing *Kovac:* "A biological father's duty of support arises at the birth of his child. The biological father's duty of support exists, moreover, even if another man's presumptive paternity has not yet been disestablished."

While *Button* was a judicial proceeding, not an administrative proceeding, the holding that biological fatherhood can be established before disestablishment of presumptive fatherhood supports CSSD's claim that it has not exceeded its authority in establishing N.L.N.'s fatherhood.

Therefore, in light of the precedent that allows concurrent establishment and disestablishment of paternity, CSSD was not required to disestablish before establishing paternity in this case.

E. Constitutional Claims

N.L.N. argues that CSSD has violated C.C.T.'s constitutional rights by determining paternity of B without notifying him of the proceedings. In the alternate, N.L.N. requests a *trial de novo* under Appellate Rule 609(b) that includes C.C.T.

N.L.N. cannot raise constitutional claims of a third party absent special circumstance, none of which apply.[35] As to a *trial de novo*, the evidence before this court was sufficient to address the issues of law presented.[36]

V. CONCLUSION

CSSD promulgated regulations to administratively determine paternity under the authority of Alaska Statute, including a regulation defining a child born "out of wedlock" as a child whose mother is not married to the child's biological father. The CSSD regulation is valid and in accordance with its authorizing statute and reasonable and

[35] *Keller v. French*, 205 P.3d 299, 304 n.24 (Alaska 2009); *Gilbert M. V. State*, 139 P.3d 581, 587 (Alaska 2006); *State ex rel Dept. of Transp. & Labor v. Enserch Alaska Constr., Inc.*, 787 P.2d 624, 630 n.9 (Alaska 1989).

[36] N.L.N. raises several other points on appeal that are not necessary to reaching a decision on the issues, including the best interests of the child, due process rights of other parties, notice to N.L.N. of the birth certificate, lack of notary on the mother's application and lack of copies of genetic tests (both of which are not required), and claims of estoppel and alienation by other parties.

necessary to carry out its mission. The *Administrative Order for Genetic Testing* issued by the CSSD to N.L.N. is therefore valid. The *Order Establishing Paternity* and the *Administrative Child Support and Medical Support Order* that followed are valid and enforceable.

Accordingly, the decision of the Alaska Office of Administrative Hearings is AFFIRMED. The request for a *trial de novo* is DENIED. All other issues advanced by N.L.N., including the constitutional claims of other parties, are not before the court.

IT IS SO ORDERED.

DATED at Anchorage, Alaska this 16 October 2017.

Signed
Dani Crosby
Superior Court Judge

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