

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

In the Matter of)	
)	
K T. O)	OAH No. 16-0495-CSS
<hr style="width:40%; margin-left:0"/>)	Agency No. 001100663

DECISION AND ORDER

I. Introduction

T M appeals a decision by the Child Support Services Division to release her address to K T. O. Because Mr. O's court record indicates that release of this information could unreasonably place Ms. M's safety at risk, the division's decision to release the information is reversed. Ms. M's address should not be released to Mr. O.

II. Facts

T M and K O have a son who recently turned 18.¹ Ms. M is the custodial parent. Mr. O is the obligor parent. Mr. O requested Ms. M's address from the division.² The division notified Ms. M of the request. The division did not receive a response from Ms. M.³ The division then issued a decision stating that it would release the information.⁴ Ms. M appealed, stating that Mr. O has a history of violence and that she did not want any information released to him.⁵

A telephonic hearing was held on June 1, 2016. Ms. M represented herself. Brandi Estes, Child Support Specialist, represented the division. Attorney K C represented Mr. O. Mr. O did not testify. The record closed on June 1, 2016.

III. Discussion

Ms. M objects to the release of her address to Mr. O because Mr. O has a history of violence.⁶ Ms. M testified that Mr. O had not acted violently towards her personally. However, she checked the Alaska court system's website and noted that there were "a few

¹ Division's Pre-Hearing Brief.
² Division Exhibit 1.
³ Division's Pre-Hearing Brief.
⁴ Division Exhibit 2. At the hearing, Ms. Estes explained that a copy of the actual decision was not available, however, the basis of the decision is recited in the computer screen print that is Exhibit 2.
⁵ Division Exhibit 3.
⁶ Exhibit 3.

violence issues on there," including domestic violence cases.⁷ Counsel for Mr. O confirmed that there were three cases in the court record involving requests for protective orders against Mr. O, involving three different women, including Mr. O's grandmother. Those cases were filed in 2002, 2004, and 2011.⁸ The division's representative reported that the division had also checked the court system's website, and did not see any indication that Ms. M had filed for a protective order against Mr. O.

The question here is not whether there has been violence between Ms. M and Mr. O in the past, as the division suggests.⁹ The question is whether release of the information would unreasonably put the health, safety, or liberty of Ms. M at risk.¹⁰ Here, three different women have sought protective orders against Mr. O in the years following the birth of Ms. M's and Mr. O's son. In addition, Ms. M's testimony that Mr. O's criminal record includes other instances of violence. These facts show that Mr. O may well pose a risk to Ms. M.

Mr. C argued that Mr. O has, in the five years since the most recent request for a protective order, addressed his issues with alcohol and post-traumatic stress disorder. Mr. C reports that Mr. O has gone through a program offered by the Veterans' Administration, and is seeking employment. However, Mr. C's statements about Mr. O's efforts to address these issues do not obviate the concern raised by his court record, particularly the three requests for restraining orders.

IV. Conclusion

Ms. M has shown by a preponderance of the evidence that release of her address to Mr. O would unreasonably put her safety at risk. Therefore, the division's decision to release the information was incorrect and should be reversed.

⁷ Testimony of M.

⁸ Testimony of C.

⁹ Division's Pre-Hearing Brief.

¹⁰ AS 25.27.275 provides: "Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the party or child or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this chapter. A person aggrieved by an order of nondisclosure issued under this section that is based on an ex parte finding is entitled on request to a formal hearing, within 30 days of when the order was issued, at which the person may contest the order."

V. Child Support Order

The division's decision of April 4, 2016, to release Ms. M's address is reversed. The division may not release Ms. M's address.

Dated: June 15, 2016.

Signed _____

Kathryn L. Kurtz
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.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with AS 25.27.210 within 30 days after the date of this decision.

DATED this 18th day of July, 2016.

By: *Signed* _____

Signature

Jerry Burnett

Name

Deputy Commissioner

Title

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