

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

In the Matter of	)	
	)	
K E. E	)	OAH No. 17-0815-CSS
_____	)	Agency No. 001137743

**DECISION AND ORDER**

**I. Introduction**

K E. E appeals a decision by the Child Support Services Division not to release contact information for Q D, the custodial parent of Mr. E’s son.

Because the disclosure of Ms. D’s contact information by the division could unreasonably place the health, safety, or liberty of a child at risk, the division's decision not to release the information is upheld.

**II. Facts**

On May 16, 2017, the division received a written request from Mr. E for Ms. D’s contact information.<sup>1</sup> The division notified Ms. D, but did not receive authorization to release the contact information.<sup>2</sup> The division decided not to release the information and notified both parents.<sup>3</sup> On July 25, 2017, Mr. E requested a formal hearing.

Mr. E is seeking the contact information for Ms. D because she has custody of his son L.<sup>4</sup> L is 15 years old.<sup>5</sup> Ms. D also has a daughter in her home.<sup>6</sup>

Mr. E is incarcerated, following a conviction for sexual abuse of a minor in the first degree. Mr. E argues that he is innocent. He testified that he recently had an evidentiary hearing in the matter. He believes that he will be released by this winter, and would like to communicate with his son and get to know him.<sup>7</sup> Currently, Mr. E is able to communicate indirectly with L by sending cards and gifts to Mr. E’s mother, who communicates regularly with Ms. D.<sup>8</sup>

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<sup>1</sup> Exhibit 1.  
<sup>2</sup> Statement of Sledgister; Division’s pre-hearing brief.  
<sup>3</sup> Exhibit 2.  
<sup>4</sup> Exhibit 3.  
<sup>5</sup> Testimony of D.  
<sup>6</sup> Testimony of D.  
<sup>7</sup> Testimony of K. E. *See* AS 11.41.434.  
<sup>8</sup> Testimony of U. E, D.

A telephonic hearing was held on August 23, 2017. Mr. E represented himself. Kimberly Sledgister, Child Support Specialist, represented the division. Mr. E's father testified for Mr. E. Mr. E also requested that his mother be called as a witness, but she did not answer the telephone when called during the hearing. The record closed on August 23, 2017.

### **III. Discussion**

This proceeding involves only the issue of whether Ms. D's contact information kept on file by the division should be released to Mr. E. The scope of the inquiry in nondisclosure cases is very narrow and is limited simply to a determination whether the division reasonably decided not to disclose the information. The person requesting the hearing, in this case Mr. E, has the burden of proving by a preponderance of the evidence that the division's decision not to disclose the contact information was incorrect.

Alaska Statute 25.27.275 authorizes the division to decide that a party's identifying information will not be disclosed to another party:

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.

In this case, the fact that Mr. E was convicted for sexual abuse of a minor in the first degree and has been incarcerated for several years is evidence that "the health, safety, or liberty of a party or child" would unreasonably be put at risk by disclosure of Ms. D's contact information to Mr. E.

Furthermore, at the hearing, Ms. D testified credibly that she did not want her contact information released because of the nature of Mr. E's crime and the fact that she has a daughter at home. Although L may reach adulthood and not be living with her any longer by the time Mr. E is released, Ms. D's concern that release of the information could put her daughter at risk is reasonable.

Therefore, the division's June 28, 2017 decision not to disclose Ms. D's contact information to Mr. E should be affirmed.

**IV. Conclusion**

The division's decision not to disclose Ms. D's contact information is affirmed.

**V. Child Support Order**

1. The division's Decision on Nondisclosure of Identifying Information, issued June 28, 2017, is affirmed.
2. The division may not release Ms. D's contact information to Mr. E.

Dated: August 25, 2017.

*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 11<sup>th</sup> day of September, 2017.

By: *Signed*  
 \_\_\_\_\_  
 Signature  
 Kathryn L. Kurtz  
 \_\_\_\_\_  
 Name  
 Administrative Law Judge  
 \_\_\_\_\_  
 Title

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