

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

|                  |   |                          |
|------------------|---|--------------------------|
| IN THE MATTER OF | ) |                          |
|                  | ) |                          |
| S. T.            | ) | Case No. OAH-07-0316-CSS |
| _____            | ) | CSSD Case No. 001047412  |

**ORDER GRANTING SUMMARY ADJUDICATION**

**I. Introduction**

The obligor, S. T., appeals an administrative Order Establishing Paternity issued by the Child Support Services Division (CSSD) on April 24, 2007. CSSD moved for summary adjudication. Administrative Law Judge Dale Whitney of the Office of Administrative Hearings heard the motion on June 28, 2007. Mr. T.'s attorney, Kirsten Swanson, appeared by telephone. The custodian, K. T. did not appear. David Peltier represented CSSD by telephone. The child is J. T. (DOB 00/00/94). The administrative law judge grants CSSD's motion and affirms the administrative order.

**II. Facts**

Mr. T. does not dispute that he is the biological father. He asserts that in 1995 a custody case was initiated in Anchorage, and that his parental rights and support obligation were both terminated. CSSD's research confirms that a custody case, 3AN 95-XXX-CI, was initiated in 1995. While Mr. T. was not granted custody or visitation or required to pay support at that time, it does not appear that his rights or obligations were terminated in that case. The case was eventually dismissed in 1999 by the court clerk for lack of prosecution.

At the hearing on the motion, Ms. Swanson stated that her research has confirmed CSSD's belief that Mr. T.'s parental rights and obligations were never actually terminated.

**III. Discussion**

Mr. T. has submitted a very thoughtful written description of the circumstances in this case. It is easy to understand his view of the situation, and it is unfortunate that, apparently, he was at one time led to believe that his parental rights and obligations had been terminated, when in fact they have not.

Because Mr. T.'s rights and obligations have not been terminated, CSSD's Order Establishing Paternity was correct and in compliance with the law. It does not appear that CSSD has yet established an amount of child support due. CSSD's calculation of support due should take into account Mr. T.'s current and prospective financial situation.

**IV. Conclusion**

CSSD's Motion for Summary Adjudication should be granted and the Order Establishing Paternity should be affirmed.

**V. Order**

IT IS HEREBY ORDERED that CSSD's Motion for Summary Adjudication be GRANTED;

IT IS FURTHER ORDERED that the Order Establishing Paternity issued by the Child Support Services Division on April 24, 2007 be AFFIRMED.

DATED this 2nd day of July, 2007.

By: Signed  
DALE WHITNEY  
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 within 30 days after the date of this decision.

DATED this 19<sup>th</sup> day of July, 2007.

By: Signed  
Terry L. Thurbon for  
Dale Whitney  
Administrative Law Judge

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