

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

In the Matter of:)	
)	
Q.L.)	OAH No. 19-0203-CSS
_____)	Agency No. 001228910

DECISION AND ORDER UPON CONSENT OF THE PARTIES

Q.L. appealed an administrative review hearing decision and Amended Administrative Child and Medical Support Order that the Child Support Services Division (CSSD) issued on February 7, 2019. The amended child support order established Q.L.'s ongoing obligation for his daughters, D.L. and E.L., at \$402 per month, effective March 1, 2019. It also set pre-order arrears of \$402 per month for January and February 2019 and \$220 per month for August 2018 through December 2018.¹

The telephonic hearing took place on March 27, 2019. Q.L. represented himself. Child Support Specialist Brandi Estes represented CSSD. The two girls were placed in state custody in August 2018, so that is the month Q.L.'s obligation to support them through CSSD begins. The children remained in the state's custody at the time of the hearing, but Q.L. expects the Office of Children's Services to place them in his physical custody any day.

Q.L. explained that he currently works an average of 25 hours per week as a cashier. At his \$11 hourly pay, he expects his 2019 wages to be \$14,300, rather than the \$17,160 CSSD determined in the amended child support order. He is looking for additional work and other sources of income, but his ability to work will be somewhat constrained once D.L. and E.L. are placed in his home. Q.L. requested a variance of the 2019 and ongoing support amount, explaining that his expenses have increased significantly as he prepares for the children's placement. He provided detailed information about his income and expenses, showing that he is living frugally and spending very carefully. Even so, his necessary living expenses exceed his income by approximately \$400 per month, without including any child support payments or other debt payments.

CSSD recalculated the 2019 obligation based on Q.L.'s actual work schedule and PFD income. It reported that his income would result in a support amount of \$349 per month for two children under the Civil Rule 90.3(i) third party custody formula. CSSD agreed that Q.L.'s

¹ Exhibit 4.

circumstances have changed since the administrative review hearing took place. It also agreed that his financial circumstances, including his need to financially provide for the girls upon their placement in his home, warrant a variance under Civil Rule 90.3(c).

Both parties agreed that a \$349 monthly amount exceeds Q.L.'s ability to pay. They determined that the 2019 and ongoing obligation should be adjusted to \$220 per month for two children. This amount will still be a challenge but should be manageable, particularly if Q.L. obtains some additional work. The parties also agreed the 2018 support amount, which was based on Q.L.'s actual income and allowable deductions, will remain \$220 per month as calculated under Civil Rule 90.3(i).

The parties' agreement is supported by the evidence, and the administrative law judge concurs it should be adopted.

THEREFORE, IT IS ORDERED:

- Q.L. is liable for child support of \$220 per month for D.L. and E.L., effective March 1, 2019 and ongoing;
- Q.L. is liable for pre-order arrears of \$220 per month for D.L. and E.L., effective August 1, 2018 through February 28, 2019;
- All other provisions of the Amended Administrative Child and Medical Support Order dated February 7, 2019 remain in full force and effect.

DATED: March 28, 2019.

By: *Signed* _____
Kathryn Swiderski
Administrative Law Judge

[This document has been modified to conform to the technical standards for publication. Names may have been changed to protect privacy.]