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

IN THE MATTER OF:	)	
	)	
L. A. T.	)	OAH No. 08-0006-CSS
	)	CSSD No. 001148992

#### **DECISION AND ORDER**

## I. Introduction

This case concerns the obligation of L. A. T. for the support of C. T. M. (DOB 00/00/06).

## II. Facts

L. T. is the birth mother of C. T. M. Ms. T. was incarcerated and is scheduled for release in November, 2008.<sup>1</sup> Her daughter was taken into state custody in 2006. Ms. T.'s parental rights were terminated on November 20, 2007.

#### III. Discussion

On December 6, 2007, the Child Support Services Division issued an amended administrative support order. Ms. T. filed an appeal.<sup>2</sup>

The division filed a motion for summary adjudication. The administrative law judge conducted a hearing on the motion on January 28, 2008. Ms. T. participated and Andrew Rawls represented the division. The division has asked for entry of an order for arrears at the minimum amount for the period from August, 2006, through November, 2007.<sup>3</sup>

Ms. T.'s appeal form acknowledges her responsibility for a minimum payment during the period of state custody before her parental rights were terminated.<sup>4</sup> The division's request is consistent with Ms. T.'s acknowledgment and the record. By law, the minimum support order is \$50 per month, and Ms. T.'s obligation for arrears therefore cannot be reduced beyond that amount.

#### IV. Conclusion

Arrears should be set at the minimum amount for the period of state custody prior to the termination of Ms. T.'s parental rights, and the ongoing support order should be terminated effective November 20, 2007.

Exhibit 6.

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<sup>&</sup>lt;sup>3</sup> Post Hearing Brief.

#### CHILD SUPPORT ORDER

The Amended Administrative Child Support and Medical Support Order dated December 6, 2007, is **AMENDED** as follows; in all other respects, the order is AFFIRMED:

- 1. Ms. T. is not liable for ongoing support because her parental rights were terminated in November, 2007.
- 2. Ms. T.'s arrears are set at \$50 per month, for the period from August 2006, through November, 2007.

DATED: March 19. 2008 <u>Signed</u> Andrew M. Hemenway

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 and Alaska Rule of Appellate Procedure 602(a)(2) within 30 days after the date of this decision.

DATED this 7<sup>th</sup> day of April, 2008.

By: <u>Signed</u>

Signature

Andrew M. Hemenway

Name

Administrative Law Judge

Title

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

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Exhibit 6.