

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

In the Matter of	)	
	)	
D. R.	)	OAH No. 23-0215-CSS
_____	)	

DECISION AND ORDER UPON CONSENT OF THE PARTIES

On March 4, 2023, the Child Support Services Division (Division) issued a Modified Administrative Child Support Order increasing D. R.’s monthly support obligation for N., the child he shares with custodial parent N. N., from \$258 per month to \$923 per month effective February 1, 2023. On March 21, 2023, Mr. R. appealed the decision, asserting that the obligation as set would cause financial hardship. He solicited a variance.

A formal hearing was held on April 13, then reconvened on April 19, 2023. Both times Mr. R. and Ms. N. participated and represented themselves. The Division was represented by Child Support Specialist Mark Phang.

Under Civil Rule 90.3(c)(1) a child support variance may be granted for good cause if unusual circumstances exist, and there is clear and convincing evidence that enforcing the order would result in manifest injustice.¹ During the hearing, Mr. R. testified that he could not afford to pay the ordered support amount without creating substantial hardship on his household, which includes a five-year-old son with special needs. He and Ms. N. submitted expense worksheets detailing their household compositions and respective budgets. This allowed for a balancing of their financial situations and an evaluation of the resources available for the support of N.

After considering the financial circumstances of both households, the parties agreed that the ordered support amount exceeds Mr. R.’s ability to pay. Mr. R., Ms. N. and the Division concurred that his support obligation should be reduced to \$600 per month for one child. Mr. R.’s situation represents the difficult circumstances for which a variance is appropriate. The administrative law judge has reviewed the parties’ settlement and concurs that the child support obligation is correctly calculated under Civil Rule 90.3,

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with a variance applied under Civil Rule 90.3(c)(1). The parties’ settlement is adopted.

¹ 15 AAC 125.075(a)(2); Civil Rule 90.3, Commentary VI.B.

THEREFORE, IT IS ORDERED:

1. D. R. is liable for child support in the amount of \$600 per month for one child effective February 1, 2023, and ongoing.
2. All other terms of the Modified Administrative Child Support Order dated March 4, 2023, remain in full force and effect.

Dated: April 19, 2023

Signed

Danika B. Swanson
Administrative Law Judge

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