

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

In the Matter of)

E. H.)

) OAH No. 23-0406-CSS
)

DECISION AND ORDER UPON CONSENT OF THE PARTIES

On June 5, 2023, the Child Support Services Division (Division) issued a Modified Administrative Child Support Order increasing E. H.'s monthly support obligation for N. K., the child he shares with custodial parent T. (K.) N., from \$234 per month to \$909 per month effective May 1, 2023. On June 23, 2023, Mr. H. appealed the decision, asserting that the obligation as set would cause him financial hardship. He solicited a variance.

A formal hearing was held on July 18, then reconvened on August 17, 2023. Both times Mr. H. and Ms. N. participated and represented themselves. The Division was represented by Child Support Specialist Shawn Pattison.

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. H. testified that paying the ordered support amount would cause him substantial financial hardship and compromise his ability to cover his living expenses and support his additional two children. He and Ms. L. both testified in detail about 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.

While both households have tight financial budgets, the parties agreed that the ordered support amount exceeds Mr. H.'s ability to pay. Mr. H., Ms. N. and the Division concurred that his support obligation should be reduced to \$500 per month for one child. Mr. H.'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, 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.

1. E. H. is liable for child support in the amount of \$500 per month for one child effective May 1, 2023, and ongoing based on a primary custody calculation.
2. All other terms of the Modified Administrative Child Support Order dated June 5, 2023, remain in full force and effect.

Dated: August 17, 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.]