

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

In the Matter of	)	
	)	
K. C.	)	OAH No. 23-0489-CSS
_____	)	

DECISION AND ORDER UPON CONSENT OF THE PARTIES

On July 14, 2023, the Child Support Services Division (Division) issued a Modified Administrative Child and Medical Support Order increasing K. C.’s monthly support obligation for K., the child he shares with custodial parent L. Q. from \$277 per month to \$1,003 per month effective June 1, 2021. On August 3, 2023 Mr. C. appealed the decision, initially requesting a custody order. At the hearing, it was explained that custody decisions are outside the jurisdiction of this tribunal. He then raised the issue of financial hardship caused by the obligation as set.

A formal hearing was held on September 7, 2023, then reconvened on September 28. Both times Mr. C. and Ms. Q. participated and represented themselves. The Division was represented by Child Support Specialist Mark Phang.

Under Civil Rule 90.3(c)(1) a child support reduction – also called a 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 Mr. C. testified that he could not afford to pay the ordered support amount and both he and Ms. Q. submitted hearing expense worksheets detailing their household budget. After speaking privately off record, the parties returned with a mutually satisfactory child support agreement.

Mr. C. and Ms. Q. proposed that his child support obligation be set at \$450 per month, beginning June 1, 2023. Although not enforceable by the Division, they also agreed that going forward they would split any expenses related to K.’s extracurricular activities. The parties also represented that Mr. C. would have increased visitation with his daughter.²

After considering the testimony from the parties regarding their financial circumstances and their agreement regarding the custody of their daughter and expenses

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

² At the time of the hearing the parties contemplated that Mr. C. would have custody of K. Friday – Sunday. Again, this is not an enforceable custody order, but is mentioned as a factor in the consideration of a reduction of Mr. C.’s support obligation.

associated with her activities, the Division raised no objections to the resolution. Similarly, this administrative law judge has reviewed the agreement and the evidence presented at hearing 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. K. C. is liable for child support in the amount of \$450 per month for one child effective June 1, 2023 and ongoing.
2. All other terms of the Modified Administrative Child and Medical Support Order dated June 1, 2023 remain in full force and effect.

Dated: September 29, 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.]