

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

In the Matter of	)	
	)	
D. M. K.	)	OAH No. 23-0574-CSS
_____	)	

DECISION AND ORDER UPON CONSENT OF THE PARTIES

On August 10, 2023 the Child Support Services Division (Division) issued a Modified Administrative Child Support Order increasing D. K.’s monthly support obligation for E., the child he shares with custodial parent D. L., from \$315 per month to \$931 effective July 1, 2023. On September 11, 2023, Mr. K. appealed the decision, asserting that the Division had calculated his income incorrectly. Later, he accepted the figures the Division relied upon, but represented that the obligation as set would cause financial hardship.

A formal hearing was held on September 27, 2023, then reconvened on October 10, 2023. Both times Mr. K. and Ms. L. 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 The parties both submitted into the record Hearing Expense worksheets detailing their respective monthly household budgets. Following the first hearing date they agreed to speak informally. When the hearing reconvened in October, they reached an agreement regarding Mr. K.’s arrears and his ongoing support obligation.

Both households have exceptionally tight financial budgets. After subtracting Mr. K.’s monthly expenses and obligation owing on another support order from his wages, he ends each month breaking even. Similarly, after paying her monthly bills, Ms. L. is left with a surplus of approximately \$30. Therefore, the parties agreed that while \$931 exceeds Mr. K.’s ability to pay, reducing his monthly obligation to \$600 would make support payments difficult, but not impossible, and the monies would significantly help cover E.’s basic needs. Although Mr. K. acknowledged that even with the support reduction he would

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

potentially be in a deficit at the end of each month, he committed to “doing what had to be done” to remain current with his support payments, including soliciting additional hours at work.

Regarding Mr. K.’s arrears, the parents testified that all back due support owed on this matter should be dismissed. However, it appears that once the agreed upon support amount of \$600 is applied, there will be no arrears balance, which at the time of the hearing was approximately \$1100.²

After considering the stressed financial circumstances of both households, the parties agreed that Mr. K.’s support obligation should be reduced to \$600 per month for one child based on a primary custody calculation beginning July 1, 2023. This reduction is appropriate, as Mr. K.’s financial situation represents the difficult circumstances for which a variance is appropriate. Additionally, pursuant to the mutually agreed upon request by both parties, any back child support - if there is a balance - is forgiven. 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.

THEREFORE, IT IS ORDERED:

1. D. K. is liable for child support in the amount of \$600 per month and ongoing for one child under a primary custody calculation beginning July 1, 2023.
2. Any arrearages in this matter are dismissed/zeroed out as agreed upon on the record by both parties.
3. All other terms of the Modified Administrative Child Support dated August 10, 2023 remain in full force and effect.

DATED: October 10, 2023.

By: Signed
Danika B. Swanson
Administrative Law Judge

² The Division voiced no objection to dismissal of Mr. K.’s arrearages, if any, as the custodial parent has never applied for state public assistance.

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