

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

In the Matter of	)	
	)	
M. T.	)	OAH No. 23-0624-CSS
_____	)	

DECISION AND ORDER UPON CONSENT OF THE PARTIES

On September 19, 2023, the Child Support Services Division (Division) issued a Modified Administrative Child Support Order increasing M. T.'s monthly support obligation for N., the child he shares with custodial parent K. S., from \$245 per month to \$313 effective September 1, 2023. On October 2, 2023, Mr. T. appealed the decision, asserting the obligation as set would cause financial hardship.

A formal hearing was held over a series of dates in October, November, and December. Mr. T. and Ms. T. 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 He is currently a stay-at-home father to five children, and his partner is financially supporting the family. However, he indicated that this is a temporary situation, as he intends to return to working outside the home once his immunocompromised toddlers can be placed in day care. In the interim, Mr. T. testified that he could afford a child support payment of \$215.

Both parties filed Hearing Expense worksheets to be reviewed on the record at the final hearing. However, Ms. T. indicated that she wanted to forgo this discussion, as she was amenable to the reduction in Mr. T.'s support obligation from \$313 to \$215. She mentioned that his support obligation will likely be revisited again soon, as Mr. T. recently filed a request for a custody hearing in Superior Court.

The parties' Hearing Expense worksheets were reviewed by the undersigned and their arguments in favor of resolving this matter with a consent agreement considered. The child support obligation is found to be 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)(G); Civil Rule 90.3, Commentary VI.B.

THEREFORE, IT IS ORDERED:

1. M. T. is liable for child support in the amount of \$215 per month and ongoing for one child under a primary custody calculation beginning September 1, 2023.
2. All other terms of the Modified Administrative Child Support Order dated September 19, 2023, remain in full force and effect.

DATED: December 20, 2023

By: 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.]