

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

In the Matter of	)	
	)	
B. AND C. M.	)	
(minors)	)	OAH No. 21-2444-PFD
	)	
<u>2021 Permanent Fund Dividend</u>	)	

DECISION

I. Introduction

Competing applications were filed for the 2021 Permanent Fund Dividends (PFDs) for C. M. and B. M., two minors. The applications filed by L. X. were denied because the Permanent Fund Dividend Division determined that, in the case of each child, another application had priority. Following an unsuccessful informal appeal, Ms. X. requested a formal hearing. The hearing took place on January 13, 2022, with Ms. X. appearing by telephone and representing herself.

The Division's denial of Ms. X.'s applications is affirmed because in 2021 her applications do not have primacy.

II. Facts

L. X. is the biological mother of B. and C. M.. In 2021, at the time for filing PFD applications, B. and C. were in custody of the Department of Health and Social Services, Office of Children's Services.¹ The Department of Health and Social Services (DHSS) filed PFD applications for the children, as did both parents.² The PFD Division paid the DHSS application for each child and denied the parent applications.³ In general, unless there is a court order to the contrary, dividends paid to DHSS are held in trust until the minor reaches adulthood.

Beginning late in 2021, the children seem to be in custody of the father. L. X. is concerned that if dividends are paid to the father they might not be used for the children's benefit. She would like the dividends placed in a college savings account. In 2022, these are important concerns that should be raised with the state or tribal court having jurisdiction over the children. However, they are not relevant to the 2021 dividends, which were not paid to the father.

¹ See Ex. 7, 8.
² Ex. 1, pp. 3, 7.
³ *Id.*

III. Discussion

When DHSS has custody of children and there is no contrary court order, an application that it files for the children's PFD has priority over all other applications.⁴ The law requires the Department of Revenue to pay the dividend to the DHSS trust account.⁵

IV. Conclusion

B. and C. M.'s 2021 dividends have been properly paid to the Department of Health and Social Services. The decision of the Permanent Fund Dividend Division to deny the applications filed by L. X. on behalf of B. and C. M. is AFFIRMED.

DATED this 14th day of January, 2022.

By: SIGNED
Christopher Kennedy
Administrative Law Judge

⁴ 15 AAC 23.113, 15 AAC 23.223.

⁵ 15 AAC 23.223(g) and (i).

Adoption

This Order is issued under the authority of AS 43.05.010 and AS 44.17.010. The undersigned, on behalf of the Commissioner of Revenue and in accordance with AS 44.64.060, adopts this Decision and Order as the final administrative determination in this matter.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 11th day of February, 2022.

By: SIGNED

Signature

Christopher Kennedy

Name

Administrative Law Judge

Title

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