

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

IN THE MATTER OF )  
 )  
 S. M. ) Case No. OAH-08-0223-CSS  
 ) CSSD Case No. 001114540

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**DECISION & ORDER**

**I. Introduction**

The custodian, G. H., appeals a Decision on Nondisclosure of Identifying Information issued by the Child Support Services Division (CSSD) on April 2, 2008. Administrative Law Judge Dale Whitney of the Office of Administrative Hearings heard the appeal on May 28, 2008. Ms. H. appeared by telephone, as did the obligor, S. M. David Peltier represented CSSD.

CSSD should not disclose identifying information.

**II. Facts**

The parties were never married. They were in a relationship in Washington State in the mid-1980s, starting when Ms. H. was fifteen and Mr. M. was twenty. They have not had any contact since about 1991, and Mr. M. has had no contact with the children since then, although he testified that he has tried to get in touch with Ms. H. over the years so that he could contact the children. Their two children are now eighteen and twenty years old.

Ms. H. submitted a letter in which she wrote that “my children and I left an abusive living situation which was very painful and scary. Not only for me - I could not have my children growing up in an violent home. Mr. S. has also been arrested for battery against myself that I am aware of. I am unaware of any charges of abuse against children....”

At the hearing, Ms. H. testified that Mr. M. assaulted her about when the oldest child was two, around 1990, and that he was convicted and went to jail for that. Mr. M. did not dispute the fact, but testified that it was actually in 1987 “when I hit her.” Ms. H. testified that Mr. M. attempted to take the children from her at one time and she feared for the children’s safety; Mr. M. disputed this allegation, stating that he only wanted to hold his child. Ms. H. testified that Mr. M. had been manipulative and would hurt himself when she attempted to leave him, and that she would stay out of guilt. Mr. M. testified that he actually left Ms. H.

**III. Discussion**

This case is governed by AS 25.27.275, which states that

Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying

information, or if an existing order so provides, a tribunal shall order that the address of the party or child or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this chapter.

The issue is whether disclosing Ms. H.'s identifying information would put her or the children at unreasonable risk for their health, safety, or liberty.

A great deal of time has passed since the incidents that took place when the parties were together. Ms. H. is no longer a vulnerable teenager. The children, who are now older than Ms. H. was when they were born, are no longer children, but grown adults. The risk of any of them suffering any harm from Mr. M. is greatly reduced.

In deciding whether whatever risk Mr. M. may still pose is unreasonable, the risk must be weighed against Mr. M.'s interest in having contact with his children. This is where the case presents an unusual element. The children in this case are no longer children; they are grown adults. Having no need to, CSSD generally does not maintain information about the whereabouts of grown children who were, in the past, beneficiaries of a child support obligation. Mr. M. might have a right to know Ms. H.'s whereabouts if she still had custody of Mr. M.'s minor children, but with the children being grown, Mr. M. has not demonstrated any remaining right or interest in contacting Ms. H. or knowing her whereabouts.

It is almost certain that Ms. H. knows where the children are now and how to contact them. It is possible one or both of them could still be living with her. But while CSSD can release information it has about Ms. H., it cannot force Ms. H. to Mr. M. where the children have moved to upon reaching maturity. Therefore, even if CSSD releases Ms. H.'s contact information, it remains a purely voluntary matter on Ms. H.'s part as to whether she chooses to disclose the whereabouts of the children to Mr. M.

Under these circumstances, almost any risk at all is unreasonable. There are no minor children in this case, and CSSD has no identifying information regarding the adult children. Mr. M. has provided his address and Ms. H. can now contact him if she chooses to. Considering the violent past of the parties, and the fact that releasing Ms. H.'s identifying information will do nothing to help Mr. M. contact his children, CSSD should not disclose Ms. H.'s identifying information.

#### **IV. Conclusion**

Under these circumstances, almost any risk at all is unreasonable. There are no minor children in this case, and CSSD has no identifying information regarding the adult children.

Considering the violent past of the parties, CSSD should not disclose Ms. H.'s identifying information.

**V. Order**

IT IS HEREBY ORDERED that the Decision on Nondisclosure of Identifying Information issued by the Child Support Services Division on April 2, 2008, be REVERSED, and that no identifying information be disclosed in this case.

DATED this 3<sup>rd</sup> day of June, 2008.

By: Signed  
DALE WHITNEY  
Administrative Law Judge

**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.

Under AS 25.27.062 and AS 25.27.250, the obligor's income and property are subject to withholding. Without further notices, a withholding order may be served on any person, political subdivision, department of the State, or other entity.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with AS 25.27.210 and Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 26<sup>th</sup> day of June, 2008.

By: Signed  
Signature  
Dale Whitney  
Name  
Administrative Law Judge  
Title

[This document has been modified to conform to technical standards for publication.]