

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

IN THE MATTER OF)	OAH No. 08-0543-CSS
C. M.)	CSSD No. 001141040
)	
_____)	

DECISION AND ORDER

I. Introduction

On November 17, 2008, a formal hearing was held to consider whether the identifying and contact information of L. M. (Custodian) should be released to C. M. (Obligor).¹ Mr. M. participated. Ms. M. also participated. Andrew Rawls, Child Support Services Specialist, represented the Child Support Service Division (Division). The hearing was audio-recorded. The record closed at the end of the hearing.

This case is Mr. M.'s appeal of the Division's decision not to disclose Ms. M.'s contact information to him. Having reviewed the record in this case and after due deliberation, I conclude that the Division correctly decided that it should not release Ms. M.'s contact information to Mr. M.

II. Facts

A. History

Mr. M. requested that the Division provide him with Ms. M.'s contact information. Ms. M. filed a timely objection to this request.² On July 28, 2008, the Division issued a Nondisclosure of Identifying Information Decision.³ The Division decided not to disclose Ms. M.'s contact information to Mr. M.⁴

Mr. M. requested a formal hearing.⁵ Ms. M. filed a letter prior to the hearing explaining that there had been instances of domestic violence when she was married to Mr. M., including an

¹ The hearing was held under Alaska Statute 25.27.275.

² Ex. 2.

³ Ex. 3.

⁴ Ex. 3.

incident in which he lifted her off her feet by her throat in front of their child. Ms. M. explained that Mr. M. had a history of substance abuse and that she was concerned about the people that Mr. M. associated with and could potentially expose their child to.⁶ The Division found and provided court records of cases in which Mr. M. was a party, including a criminal assault conviction and petition for a domestic violence restraining order filed against Mr. M.⁷

Mr. M. admitted at the hearing that he had been convicted of a misdemeanor assault against his current domestic partner. Mr. M. explained that he has been receiving treatment and has been sober for over two years. Mr. M. would like to have contact with their child. Mr. M. argued that he should be provided with Ms. M.'s contact information.⁸

B. Findings

Based on the evidence in the record, I conclude that it is more likely than not that the health and safety of Ms. M. and their child would be put unreasonably at risk by the Division's disclosure of Ms. M.'s contact information.⁹

III. Discussion

This case is an administrative appeal of the Division's determination that it should disclose Ms. M.'s address and phone number to Mr. M. This appeal does not involve Mr. M.'s child support obligation.

This is a nondisclosure case under a statute which authorizes the Division to order that a case party's contact information will not be disclosed if the "health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information."¹⁰

On the factual issue of unreasonable risk, Mr. M.'s assertions regarding his recent sobriety were less persuasive than the fact, documented by the court records, that Mr. M. has a history of domestic violence and substance abuse.

⁵ Ex. 3.

⁶ Recording of Hearing- Testimony of Ms. M.

⁷ Ex. 5.

⁸ Recording of Hearing Testimony of Mr. M.

⁹ Recording of Hearing and Ex. 5.

¹⁰ See Alaska Statute 25.27.275 & Alaska Regulation 15 AAC 125.860.

Mr. M. is to be congratulated for his recent success in dealing with his substance abuse and anger management problems, but for the time being, Ms. M. should remain in control of Mr. M.'s contacts with her and their child. Mr. M. provided Ms. M. with his mailing address at the hearing. Mr. M. can also send mail for Ms. M. and their child to his CSSD caseworker to be forwarded. It would create an unreasonable risk to require the Division to provide Ms. M.'s contact information at this time.

IV. Conclusion

The Division should not release Ms. M.'s contact information to Mr. M..

V. Child Support Order

1. The Division's Nondisclosure of Identifying Information Decision issued on July 28, 2008 is Affirmed.
2. The Division shall not release Ms. M.'s contact information to Mr. M..

DATED this 19th day of November, 2008.

By: Signed

Mark T. Handley
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.

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 Rule of Appellate Procedure 602(a)(2) within 30 days after the date of this decision.

DATED this 18th day of December, 2008.

By: Signed

Signature
Jerry Burnett

Name
Acting Deputy Commissioner
Title

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