

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

IN THE MATTER OF )  
 )  
 R. B. ) Case No. OAH-08-0620-CSS  
 ) CSSD Case No. 001094731

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**DECISION & ORDER**

**I. Introduction**

The custodian, V. S., appealed a Decision on Nondisclosure of Identifying Information issued by the Child Support Services Division (CSSD) on October 21, 2008. Administrative Law Judge Dale Whitney of the Office of Administrative Hearings heard the appeal on December 2, 2008. Ms. S. appeared by telephone. The obligor, R. B., did not appear. Andrew Rawls represented CSSD. The decision on nondisclosure should be affirmed.

**II. Facts**

CSSD based its decision not to disclose identifying information about Ms. S. on a temporary restraining order that prohibited contact between the parties due to domestic violence.<sup>1</sup> Ms. S.'s appeal suggests that she may have been unclear on the meaning of the decision and interpreted it as an effort on CSSD's part to locate Mr. B. The degree of confusion remaining at the end of the hearing, despite explanation of the case by the administrative law judge, indicates the possibility of vulnerabilities that are not otherwise documented in the record. Ms. S. confirmed the history of domestic violence.

**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. S.'s identifying information would put her or the children at unreasonable risk for their health, safety, or liberty. The record contains no explanation of the need for disclosure of information. The restraining orders in the record appear to be temporary orders and are quite old, dating B. to the mid 1980s. Nevertheless, it remains unclear whether all restraining orders have expired.

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<sup>1</sup> Exhibit 2.

It appears from the record that the child in this case has emancipated. The case is open only for collection of arrears. Under these circumstances, there is no apparent need for contact between the parents.

**IV. Conclusion**

When the child is emancipated and there is no demonstrated need for or right to contact information, any risk to health, safety or liberty is unreasonable. The existence of previous restraining orders and a history of domestic violence, though dated, indicate at least some degree of risk. CSSD's decision not to release identifying information was correct.

**V. Order**

IT IS HEREBY ORDERED that the Decision on Nondisclosure of Identifying Information issued by the Child Support Services Division on October 21, 2008, be AFFIRMED. DATED this 11th day of December, 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 31<sup>st</sup> day of December, 2008.

By: Signed  
Signature  
Dale Whitney  
Name  
Administrative Law Judge  
Title

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