

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

IN THE MATTER OF:)
)
 D. M. M.)
)
) OAH No. 08-0631-CSS
) CSSD Case No. 001125451
 _____)

DECISION

I. Introduction

The Child Support Services Division (Division) granted a request for identifying information concerning J. W., the custodian in this case. Ms. W. objected to disclosure of the information and filed an appeal, which the Division referred to the Office of Administrative Hearings.

The administrative law judge conducted a telephonic hearing in the matter. Ms. W. participated. Mr. M., the obligor, did not provide a telephone number and did not participate. Andrew Rawls represented the division.

The division’s decision to release identifying information is reversed.

II. Facts

The request for disclosure in this case was filed by an attorney, seeking disclosure of the custodian’s location in order to serve legal documents on her. The request notes that the attorney intended to file a motion with the court for release of the same information. The telephone number provided by the attorney was no longer in service at the time of the telephonic hearing, and he did not participate.

At the hearing, the Division stated that it been ordered by the superior court to serve the legal documents on the custodian and that it had complied with that order. The Division noted that it had received an affidavit from Ms. W. verifying her allegations that Mr. M. had been mentally and emotionally abusive to her. The Division asked that its prior decision be reversed.

III. Discussion

15 AAC 125.860 provides that the division will grant a request for nondisclosure of identifying information “if the agency determines that the health, safety, or liberty of a

parent or child is put unreasonably at risk by disclosure of identifying information about the parent or child.”

In this case, the request for disclosure was filed by counsel for the obligor, and was specifically for the purpose of obtaining legal service. Because the superior court has issued an order for service, and the Division has complied with that order, administrative disclosure is neither necessary nor appropriate at this time. In light of the superior court order, the Division’s response, and the custodian’s allegations, under the circumstances of this case the risk of harm that would be created by the disclosure of identifying information is unreasonable.

IV. Conclusion

The division’s decision to provide identifying information should be and hereby is REVERSED.

DATED: January 27, 2009.

Signed

Andrew M. Hemenway
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 19th day of February, 2009.

By: Signed

Signature
Andrew M. Hemenway

Name
Administrative Law Judge

Title

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