

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

IN THE MATTER OF )  
 )  
S. M. ) Case No. OAH-09-0024-CSS  
 ) CSSD Case No. 001153589

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**DECISION & ORDER**

**I. Introduction**

The custodian, B. T., appeals a Decision on Nondisclosure of Identifying Information issued by the Child Support Services Division (CSSD) on December 8, 2008. A hearing was held on February 2, 2009. Both Ms. T. and the obligor, S. M., appeared by telephone. Andrew Rawls represented CSSD by telephone. The child is G. B. (DOB 00/00/2003).

CSSD's decision to disclose identifying information is affirmed.

**II. Facts**

In the letter supporting her appeal, Ms. T. described the history of the parties and the child. She asserts in part that "it has been 5 years and S. has not one time tried to come and see G. I tried several times to get him to but he never did." At the hearing, Ms. T. again stated that she "tried to give him a chance to have contact with us, and he chose not to. I mean I tried for at least a year and he chose not to."

Ms. T. testified that she did not believe it would be dangerous for Mr. M. to have her address, and that to her knowledge Mr. M. has never been violent. Ms. T. explained that her concern is that Mr. M. has become a stranger to her over the last five years, and she has no way to know what his intentions might now be.

Mr. M. testified that wanted to contact Ms. T. by telephone or email "so we can kind of get an idea of each of us, and what plans, or just whatever." Mr. M. stated that he is in Alaska and Ms. T. is in another state, so he felt that telephone communication was best at this point. On cross examination, Mr. M. testified that he has never been arrested or charged for a violent act, and that he has never been the subject of a restraining order.

**III. Discussion**

Although CSSD will generally release information about the whereabouts of children to either parent in the absence of a court order, Alaska Statute 25.27.275 provides:

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. A person aggrieved by an order of nondisclosure issued under this section that is based on an ex parte finding is entitled on request to a formal hearing, within 30 days of when the order was issued, at which the person may contest the order.

Ms. T. has expressed concerns about reestablishment of contact with Mr. M. after a long period of no contact, and the effect it may have on G. In the event the parents are unable to agree on how to proceed, it may be necessary to turn to the courts for a custody or visitation plan to protect the best interests of the child. However, there is no evidence suggesting that Mr. M. constitutes a threat to the health, safety or liberty of Ms. T., G., or anybody else. Ms. T. admitted that she tried to arrange contact at one point, but was unsuccessful. Nothing has occurred since that time, other than a prolonged period of absence, to suggest that Mr. M. has come to represent a threat to anyone's safety or liberty.

#### **IV. Conclusion**

There is no evidence to show that disclosure of Ms. T.'s identifying information to Mr. M. would constitute a risk to the health, safety, or liberty of a party or child. CSSD's decision should be affirmed.

#### **V. Order**

IT IS HEREBY ORDERED that the Decision on Nondisclosure of Identifying Information issued by the Child Support Services Division on December 8, 2008, be AFFIRMED. Identifying information shall be disclosed.

DATED this 4th day of February, 2009.

By: \_\_\_\_\_  
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 23<sup>rd</sup> day of February, 2009.

By: Signed  
Signature  
Dale Whitney  
Name  
Administrative Law Judge  
Title

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