

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

IN THE MATTER OF:)

S. L. L.)

OAH No. 11-0141-CSS

CSSD No. 001173183

DECISION AND ORDER

I. Introduction

Ms. L. appealed a decision denying her request that identifying information not be released. Child Support Services Division (CSSD) sought summary adjudication asking that its decision be upheld. A hearing was set for May 3, 2011. Notice of that hearing was mailed to Ms. L. by certified mail on April 15, 2011. An additional order concerning that hearing was mailed to Ms. L. on April 22, 2011. The Notice of Hearing was delivered on April 16, 2011.¹ Ms. L. did not appear at that hearing. She was called at the telephone number for her in the OAH file, but that phone number was no longer in service. Ms. L. has not filed any pleading or other document to show reasonable cause for her failure to appear.²

II. Facts

Ms. L. provided a Paternity Information Locate Sheet to CSSD.³ In it, she identified A. S. as the putative father of her daughter. She also asked that information not be released to S. M., her daughter's grandmother.⁴ The nondisclosure request was denied on March 11, 2011.⁵ Ms. L. filed an appeal.⁶

III. Discussion

CSSD has filed a motion for summary adjudication on the issue of whether a nondisclosure order should be issued. Summary adjudication is proper where there is no genuine

¹ Attachment A.

² 15 AAC 05.030(j).

³ Exhibit 1.

⁴ Exhibit 1, page 4.

⁵ Exhibit 2.

⁶ Exhibit 3. Her appeal states that the child's father should pay support. CSSD has not yet issued or declined to issue a support order. The question of whether Mr. S. should pay child support is not ripe for consideration.

dispute between the parties as to any material fact.⁷ In this case, the only material fact is that Ms. M. is the child's grandmother. Ms. L. asserted this in her Request for Nondisclosure.⁸ CSSD does not dispute that information.

A parent has the right to request that identifying information not be disclosed to the child's other parent "based on evidence of domestic violence."⁹ If a request for nondisclosure is granted, CSSD may issue an order that "identifying information about the parent or child not be disclosed to any other person . . ."¹⁰ There is no allegation of domestic violence at this time.¹¹ Accordingly, there is no basis for entering an order of nondisclosure.

It is worth noting, however, that Ms. M. is not a party to this matter. Child Support hearings, and related pleadings, are considered confidential.¹² Unless Ms. M. becomes a party for some reason, she would not be entitled to receive any information about this matter.

The person appealing a decision by CSSD has the burden of demonstrating that the decision is incorrect.¹³ Ms. L. has not met her burden of showing that she is entitled to an order of nondisclosure. Accordingly, Ms. L.'s appeal is denied.

IV. Conclusion

Ms. L. is not entitled to an order of nondisclosure at this time. CSSD's motion for summary adjudication is GRANTED. This order does not prevent Ms. L. from requesting nondisclosure in the future if appropriate. It also does not preclude her from challenging CSSD's decision concerning Mr. S.'s obligation for child support once that decision is issued.

DATED this 17th day of May, 2011.

By: Signed
Jeffrey A. Friedman
Administrative Law Judge

⁷ 2 AAC 64.250(a).
⁸ Exhibit 1, page 4.
⁹ 15 AAC 125.860(b).
¹⁰ 15 AAC 125.860(c).
¹¹ Exhibit 1, page 4.
¹² AS 40.25.100.
¹³ 15 AAC 05.030(h).

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

DATED this 6th day of June, 2011.

By: Signed
Signature
Jeffrey A. Friedman
Name
Administrative Law Judge
Title

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