

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

IN THE MATTER OF:)

T Z)

OAH No. 12-0179-CSS

CSSD No. 001168632

DECISION AND ORDER

I. Introduction

This matter involves an appeal by the custodian, V T, of a Decision on Nondisclosure of Identifying Information that the Child Support Services Division (CSSD) issued in Mr. Z's child support case on June 27, 2012.

The formal hearing was held on July 26, 2012. Mr. Z was called at the telephone number he provided to CSSD, and when no one answered a voice mail message was left for Mr. Z. Ms. T participated by telephone. Erinn Brian, Child Support Specialist, represented CSSD. The hearing was recorded.

CSSD's June 27, 2012, Decision on Nondisclosure of Identifying Information is affirmed. Ms. T's contact information may be released to Mr. Z.

II. Facts

On June 19, 2012, Ms. T requested her contact information not be disclosed to Mr. Z.¹ On June 27, 2012, CSSD issued a Decision on Nondisclosure of Identifying Information that allowed disclosure of Ms. T's contact information.² She appealed on June 29, 2012.³

Ms. T testified that Mr. Z referred to their child as a dog. She explained that she is not afraid of him, but that she does not want him to have contact with their child.

III. Discussion

This matter does not involve Mr. Z's child support obligation. Rather, the issue here is whether CSSD correctly decided to disclose Ms. T's contact information to him.

Alaska Statute (AS) 25.27.275 authorizes CSSD to decide on an *ex parte* basis that a case party's identifying information will not be disclosed to another case party. The applicable statute governing this action states as follows in its entirety:

¹ Exh. 1.
² Exh. 2.
³ Exh. 3.

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.^[4]

The scope of the inquiry in nondisclosure cases is very narrow and is limited simply to a determination whether the disclosure of Ms. T's identifying information would constitute an unreasonable risk to the health, safety, or liberty of a party or child. The person requesting the hearing, in this case, Ms. T, has the burden of proving by a preponderance of the evidence that CSSD's decision to disclose the contact information was incorrect.⁵ She does this by either identifying evidence already in the record or by adding evidence to the record that supports her claim.

At the formal hearing, Ms. T acknowledged that she did not feel threatened by Mr. Z. Rather, she was upset with him for how he referred to their child. The statute governing nondisclosure is not a path to custody, nor is it intended to bypass formal custody proceedings. Rather, it is a limited factual proceeding aimed at determining whether the health, safety, or liberty of a child or party would be unreasonably put at risk. While Ms. T is understandably upset, she has not established that it is more likely than not that disclosure of her contact information would create an unreasonable risk to the health, safety, or liberty of herself or the child.

CSSD's decision allowing disclosure of Ms. T's contact information should be affirmed. This is based on the totality of the evidence presented; in particular, Ms. T's acknowledgement that she is not afraid or intimidated by Mr. Z.

IV. Conclusion

Ms. T did not prove by a preponderance of the evidence that CSSD's Decision on Nondisclosure of Identifying Information was incorrect in allowing her contact information to be released to Mr. Z. CSSD's decision allowing disclosure should be affirmed.

⁴ AS 25.27.275.

⁵ 15 AAC 05.030(h).

THEREFORE IT IS ORDERED:

- CSSD's Decision on Nondisclosure of Identifying Information dated June 27, 2012 is AFFIRMED;
- Ms. T's contact information may be released to Mr. Z.

DATED this 27th day of July, 2012.

By: Signed
Rebecca L. Pauli
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 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 13th day of August, 2012.

By: Signed
Signature
Kay L. Howard
Name
Administrative Law Judge
Title

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