

GENERAL INFORMATION FOR CHILD SUPPORT HEARINGS

By the
Office of Child Support Hearings

2/10/2014

1

Welcome and thank you for visiting our website. The information in this part of the site is adapted from our General Information Classes. We hope it will be helpful and give you a better understanding of the administrative child support hearing process.

This presentation should provide you with **general information** to help you understand and prepare for your upcoming hearing, but it is not meant to provide you with *specific information* about every situation. Additional information about the administrative child support process may be found on other pages of this website.

The particular or special facts of each case may cause the outcome of a hearing to be different from what is presented here. You may have special facts or circumstances in your situation not covered here. You will have the opportunity to present your facts at the hearing.

If you have had a hearing and you are coming back for a further hearing or continuance, the information or instructions given by the hearings officer will better apply to you, so follow the instructions and orders given at your hearing.

HELPFUL WEBSITES

1. <http://www.hawaii.gov/ag/csea>
2. <http://www.hawaii.gov/ag/ocsh>
3. <http://www.courts.state.hi.us/>
 - (link) Family Courts, (link) Child Support
4. <http://www.vlsh.org/>
<http://www.legalaidhawaii.org/>
<http://www.hawaiilawyerreferral.com/>
<http://www.hawaiifamilylawsection.org/>



2/10/2014

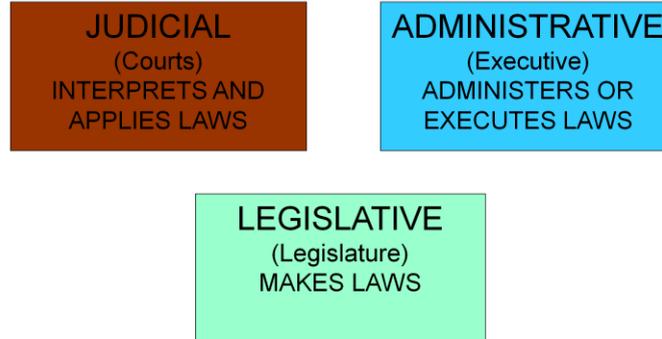
2

1-2. These are the websites for the CSEA and the OCSH.

3. This website contains the latest Child Support Guidelines Worksheet and instructions for how child support is calculated in Hawaii.

4. These websites can help you find a lawyer.

3 BRANCHES OF STATE GOVERNMENT



2/10/2014

3

There are three branches of State government. The administrative child support process falls within the administrative (or executive) branch of government under the Governor. The judicial branch of government includes the Family Courts of each island, where child support orders are usually issued with custody orders.

JUDICIAL / ADMINISTRATIVE

Family Courts

- Broad jurisdiction
- Divorce
- Paternity
- Custody
- Visitation
- Child support
- Protective orders
- Adoption
- More complex issues

CSEA / OCSH

- Child support
- Child support arrears/debt
- Medical insurance

No jurisdiction over

- Paternity
- Custody
- Visitation
- Protective orders



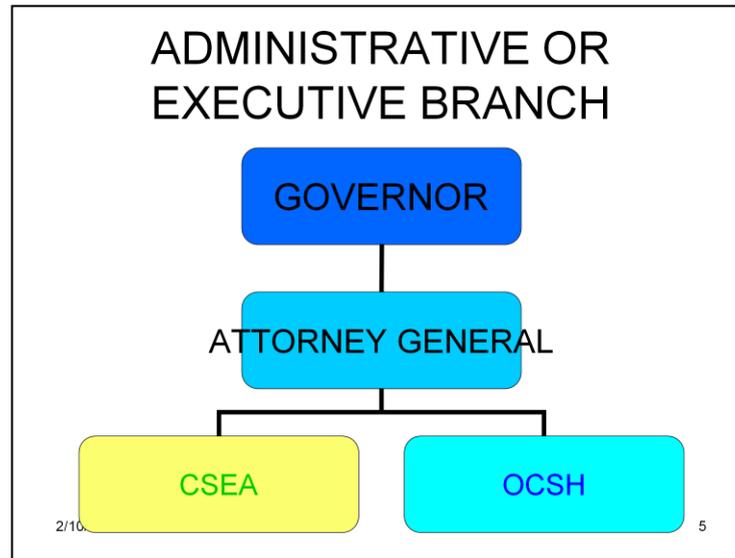
2/10/2014

4

There are two ways that hearings and orders for child support, past due child support, and children's medical insurance coverage occur. One is the JUDICIAL process, at the Hawaii Family Courts. Another is the ADMINISTRATIVE process, at the Child Support Enforcement Agency (CSEA) and Office of Child Support Hearings (OCSH).

There are many differences between the Judicial process and the Administrative process. The Family Court has broad jurisdiction or power to decide many different types of issues and complex cases. The Administrative process is meant to be faster and easier to use, especially if you do not have an attorney. Custody and visitation orders cannot be addressed in the administrative process, only in the Family Courts.

In the documents for the administrative process, the paying parent is called the "Responsible Parent" (RP), and the person with custody of the child or children is called the "Custodial Parent" (CP). This is done even if parents share physical custody of the child or children.



The Child Support Enforcement Agency (CSEA) and the Office of Child Support Hearings (OCSH) are divisions of the Department of the Attorney General within the administrative (or executive) branch of the Hawaii State government.

ADMINISTRATIVE PROCESS FOR CHILD SUPPORT

Child Support Enforcement Agency

- CSEA

Office of Child Support Hearings

- OCSH



2/10/2014

6

The CSEA and the OCSH are two separate divisions of the Department of the Attorney General and have most of the responsibility for the administrative child support process.

CSEA

Creating and Enforcing Child Support Orders

- Maintains accounting and records
- Bound by Federal rules and time lines
- Welfare, Quest, foster care

Child Support Collection and Payment Processing

- Receiving from employers
- Dividing payments between accounts
- Parents with more than one family



2/10/2014

7

The CSEA has over 100,000 cases. The administrative child support system was set up by State and Federal law (with rules procedures and deadlines for the agency to follow). This happened because the Federal government gives the States money to help children in the welfare (TANF), medical insurance (Med-Quest) and foster care programs. The Federal rules and time lines also apply to families where no public benefits are being paid.

Most child support is collected by a paying parent's employer through their paycheck and sent to CSEA. Federal rules require CSEA to send this money to the other parent within 48 hours of receiving it. The employer may send one check to cover many employees, and one parent may have more than one account, which makes the process challenging.

CSEA does not keep track of direct payments between parents as allowed by Family Court unless one of the parents later applies for CSEA enforcement services.

OCSH



- Hearings Officers are Administrative Judges
- To ensure Due Process of Law
- Conducts fair and impartial hearings
- Makes decisions and issues final orders
- Not involved in the case until after CSEA schedules the contested hearing.

2/10/2014

8

Hearings Officers are administrative judges and have the same authority as Family Court judges to decide to issues of child support, unpaid child support (arrears) and medical insurance coverage for children.

Hearings Officers do not collect information or prepare the proposed orders; this is done by CSEA. After the CSEA prepares a proposed administrative findings and order, the order is sent or served on the parents or child's caregiver, who may object and request a contested hearing. If a hearing is requested, or if CSEA wants a hearing, CSEA schedules the hearing with OSCH and a Hearings Officer is assigned to conduct the hearing. This separation of responsibility ensures that everyone gets "due process of law."

Hearings Officers have broad authority in conducting the hearings. The Hearings Officer will provide each party with the chance to give evidence and to question or challenge the evidence against them. After the hearing, the Hearings Officer reaches a decision based on the evidence and arguments presented and signs a final administrative findings and order. When the order is filed in court it has the same force and effect as an order signed by a Family Court Judge.

DUE PROCESS

Notice



A fair hearing



Appeal

2/10/2014

9

Everyone involved in the case (the parties) has/have the right to due process of law. Due process means reasonable notice of the time and place of the hearing and what issue is being addressed, the opportunity to take part in a fair and impartial hearing, and the right to have the final order reviewed on appeal.

A written notice of the hearing is mailed to each party at their last address on file with the CSEA. Earlier, CSEA had sent the parties a proposed order with the issues or topics for the hearing (such as establishment, modification or termination of child support, medical insurance coverage, or arrears (past due child support)).

Each party has the right to take part in the hearing and may offer evidence and argue their case. However, this opportunity is lost if a party had notice of the hearing and did not attend or ask to participate by telephone. If a party does not appear at the hearing, it will go ahead without them, and a final order may be issued that is different from the proposed order.

Any party may appeal the final order by filing a notice of appeal in the Family Court of the Circuit in which the order was filed (usually your own island, but not always) within thirty days of the date the final order was sent to the party.

HOW DOES A CASE GET STARTED?

APPLICATION FOR SERVICES

- Custodial or Responsible Parent (or Caretaker)
- or DHS
 - Welfare payments
 - Med-Quest
 - Foster care



2/10/2014

10

An administrative child support case starts when someone applies for services with the CSEA. This could be either parent, or another person who is caring for a child. If the child and custodial parent live in another State, they can apply for services through their home state's agency who will send the case to the Hawaii CSEA if the paying parent lives in Hawaii.

CSEA also may start a new case on behalf of the State Department of Human Services (DHS) when a child is receiving welfare payments (TANF) or Med Quest, or is in foster care. This is required by State and Federal law.

The proposed amount of child support is calculated using the Hawaii Child Support Guidelines, which is a formula based on available income information for each parent. All child support is based on the guidelines amount unless exceptional circumstances are found by the Hearings Officer. More information about the rules for applying the guidelines may be found on the Family Court web page (see slide 2 above).

Using the income information in its database, the CSEA will send or serve each party with a proposed administrative findings and order and a blank form to be used for requesting a contested hearing if a party disagrees with the proposed order.

PROPOSED ADMINISTRATIVE ORDER

- Created by the CSEA
Establishment (start) of child support
Modification (changes)
Termination (end)
Arrearages or Debt
(back support)
Medical insurance
- Doesn't say "proposed," but if not signed and filed, it's not binding



2/10/2014

11

The CSEA prepares a proposed administrative findings and order based on the information it receives from the parents or other sources. The document says "Administrative Findings and Order," but it is only a proposed order until it is approved and signed by a hearings officer or administrator and filed in court. Every party has the opportunity to object to the order and request a contested hearing.

The proposed administrative order may be to establish, modify (change) or terminate child support, or for the collection of past due child support (arrearages or arrears), debt to the State, or medical insurance coverage. The type of action being proposed in the order (the "issue") should be clear from the language of the order. The proposed order and other documents are prepared and served by CSEA, not the OSCH.

WHAT IF I DISAGREE WITH THE PROPOSED ORDER (PAO)?

- To challenge the PAO, you must request a hearing
 - There is a Request for Hearing form in the packet with the proposed order
 - Fill out the form and send it to CSEA
 - CSEA may request a hearing on its own
- When a hearing is requested, CSEA enters it into its computer, which schedules a hearing and notifies the parties and OCSH
- If no one requests a hearing, the proposed order will be signed and filed and become a binding Administrative Findings and Order
- Hearings are not cancelled unless everyone agrees.

2/10/2014

12

If you disagree with the proposed administrative order, you must request a hearing to make your objections and present your evidence. At the hearing, you will have the opportunity to present information about why you believe the proposed order is incorrect. There is a Request for Hearing form attached to the proposed order which must be sent to the CSEA (not OCSH).

Any party, including the CSEA, may request a hearing. Sometimes the CSEA will schedule a case for hearing even if neither parent requests a hearing.

If no one requests a hearing, the proposed administrative findings and order will likely be signed and filed in court, becoming an official and binding Order. A copy of the final order will be mailed to each party by CSEA.

If you change your mind after requesting a hearing, you can't cancel the hearing unless all parties agree to cancel and the Hearings Officer approves.

MORE THAN ONE PROPOSED ORDER?

- Sometimes the parties are served with more than one proposed administrative order.
- You must request a hearing for each proposed order with which you object.
- After the hearings are scheduled, you can request that the hearings be scheduled on the same day and time (consolidation).

2/10/2014

13

If you or the other parent applied to address more than one type of issue (such as modification and arrears), you may be served with more than one proposed order.

You **MUST** send a Request for Hearing form for each separate proposed order that you want to dispute. Do not assume that one request for hearing will cover all proposed orders and issues. All requests for hearing must be submitted to CSEA.

If you have more than one case scheduled for hearing, you may request to have the hearings held together on the same day (consolidated). This request must be mailed or faxed to OCSH after you receive the hearing notice with the dates and times of the hearings.



NOTICE OF HEARING



- The **CSEA** computer schedules and prints out a Notice of Hearing
- Mailed to parties by **OCSH**
- This is when **OCSH** becomes involved
- Sent by regular mail to last known address
- The hearing location is on the notice.

2/10/2014

14

When the CSEA receives a request for hearing, information is entered into its computer system, and a hearing is scheduled. A Notice of Hearing is printed and delivered to the OCSH to mail to the parties.

On Oahu, hearings are at the CSEA Oahu Branch, at the State Office Building (Kakuhihewa Building) in Kapolei. Parking is available in the public lot and you will need quarters for the parking meters. The address of the location of your hearing is on the hearing notice.

Hearing locations:

Oahu: 601 Kamokila Blvd., [Room 251](#), Kapolei

Hawaii: Waiakea Kai Shopping Plaza, 88 Kanoelehua Ave., Room 202, Hilo

Kauai: 4180 Rice Street, Suite 104, Lihue

Maui, Molokai, Lanai: 35 Lunalilo St., Suite 201, Wailuku, Maui

PRE-HEARING REQUESTS to OCSH

- Should be made as early as possible. 
- Are directed to the assigned Hearings Officer.
- If no response, assume request was denied.

Types of requests: To appear by phone, to reschedule, to consolidate, for subpoenas, interpreters, special accommodations, to cancel hearing (if everyone agrees).

Forms are at <http://hawaii.gov/ag/ocsh/main/forms/>

2/10/2014

15

All pre-hearing requests should be in writing and sent to the OCSH as soon as possible so that the Hearings Officer has time to respond. Requests can be faxed to 808-692-7114, or mailed to 601 Kamokila Boulevard, Room 436, Kapolei, HI 96707.

If you are unable to attend the hearing in person (because you live off the island, or a long distance from the place of the hearing, or for another reason), send or fax a written request to appear by telephone to the OCSH well in advance of the hearing, with the telephone number where you can be reached on the day and time of the hearing. Requests to participate in a hearing by telephone are usually granted.

Forms for pre-hearing requests are on the OCSH website. When the request is to continue (reschedule) the hearing, the other parent and CSEA will be contacted to see if they object. Be specific as to the reason why you want your hearing to be rescheduled and make your request well in advance of the hearing date. Do not assume when you make a request to reschedule that it will be granted. If you are not contacted by the hearings office, assume that the request was denied. Requests to consolidate (set two hearings on the same day) are almost always granted.

Letters to the hearings officer giving information or explaining your position about the facts of the case are usually treated as evidence and are sent or given to the other parties to the hearing.

YOU CAN BE REPRESENTED BY SOMEONE

- You may bring an attorney (you pay)
- A non-attorney person may speak for you
- You can always represent yourself
- Anyone else you bring will wait outside
- On appeal of final order to Family Court, can't have non-attorney representative



2/10/2014

16

The decision to be represented by an attorney is yours, and you are responsible for paying the attorney. You may also be represented by someone who is not an attorney, and you may represent yourself.

People who are not representing or speaking for you will generally be directed to wait outside the hearing room. Witnesses will wait outside until called to testify. The children involved are normally **not** allowed to participate and should **not** be brought to the hearing. (Other children should not be brought either, unless there is someone to stay with them in the waiting room).

The administrative child support hearing process allows non-attorney representatives, but the Family Courts do **not** allow non-attorney representatives. If you appeal the administrative decision to the Family Court, a non-attorney will **not** be allowed to represent you in Family Court. You can represent yourself or be represented by an attorney.

PRE-HEARING CONFERENCE

- On the day of your hearing
- Sign in and wait in the waiting room
- You'll be called into a hearings room
- Opportunity to share information informally with CSEA and the other parent
- Off the record (not recorded)
- To review documents and exhibits, ask questions, check calculations
- If agreement, then consent hearing, otherwise, a contested hearing is held.

2/10/2014

17

Usually a pre-hearing conference is conducted on the day of the hearing (but not always). A pre-hearing conference is a time to talk informally with the CSEA and other parent, and possibly agree about the issues instead of having a contested hearing. On the day of the hearing, come to hearing location, sign in, and wait to be called. A CSEA representative will call you into a hearings room and start the pre-hearing conference. This will be your chance to review documents, share information and ask questions.

If a lawful agreement is reached, the Hearings Officer will be called into the room and a short consent hearing will be held to put the agreement “on the record” (the hearing is digitally recorded). If no agreement is reached, the Hearings Officer will conduct a contested hearing.

Please be aware that hearings are usually scheduled every 30 minutes, so the time for your hearing and pre-hearing conference is limited. If an extended time is needed, the hearing may be rescheduled to another day and time.

CONTESTED HEARING

- An administrative contested case hearing
- Always on the record (digital recording)
- Every party, including CSEA, can present evidence to the Hearings Officer who makes the decision.
- The CSEA does not represent or speak for OCSH or either parent
- All parties take turns offering evidence (testimony and documents) and arguing (explaining) what you want
- If you don't appear, hearing still is held
- No child care is provided, don't bring children

2/10/2014

18

The contested hearing gives you the opportunity to present your testimony and documents to the hearings officer on the record (the hearing is recorded). You will also have the opportunity to question the other parties and witnesses about their testimony and documents.

At hearings on Oahu, the parties and their representatives, and the CSEA representative, will be in the hearings room with the Hearings Officer. On the neighbor islands, the hearings officer conducts the hearing by telephone from Oahu. The CSEA representative represents the CSEA, not the Hearings Officer or either of the parties. At the beginning of the hearing, the Hearings Officer will put everyone under oath (so they can testify) and explain the contested hearing procedure.

Each party takes turns presenting evidence (testimony and documents, if any) and explaining what they want. Usually the party who first requested action (such as modification of the child support) has the burden of proving the facts needed to get what they want.

The hearing is limited to the issues in the proposed order unless everyone agrees to discuss other matters. For example, if the proposed order is for back child support (arrears), and you also wanted a modification of the current child support, all parties would have to agree to add the modification.

The hearing can be held even though one or both parents do not attend the hearing, as long as they had proper notice. An

order may be entered after the hearing that is different from the proposed order originally sent to the parties.

DOCUMENTS

- Exhibits – copies will be given to everyone
- Redact (remove) your
 - Social Security numbers
 - Financial account numbers
 - Addresses
 - Phone numbers
- If possible, send three copies of your exhibits in advance to **CSEA**
 - APB Coordinator, Room 251, 601 Kamokila Blvd., Kapolei, Hawaii 96707



2/10/2014

19

A common way of introducing evidence is through exhibits. An exhibit is a document that a party wants to offer into the record so that the Hearings Officer may use the information to decide the case.

Documents submitted as exhibits should be authentic. They should be originals or true and correct copies of the originals. Everyone will be given a copy of the other parties' exhibits, so if you wish to remove your social security numbers, financial account numbers, addresses and telephone numbers, this should be done beforehand with a black marker or white-out tape or liquid.

Send three copies of your proposed exhibits to the CSEA, APB Coordinator, Room 251, 601 Kamokila Blvd., Kapolei, Hawai'i 96707, as early as possible before the hearing, especially if the other party does not live nearby. Three copies are needed so that everyone has a copy of everything presented.

SOME TYPICAL EXHIBITS

- Income information
 - Pay statements
 - W-2 forms
 - Tax documents
 - Unemployment insurance (UIB) statements
- Medical insurance premium costs
 - Cost of family and cost of single plans
- Verification of child care costs
 - To allow the custodial parent to work
 - Not paid by others or Child Care Connection



2/10/2014

20

Parties might bring different types of documents to offer as exhibits at the hearing. For example, information showing a person's gross monthly income is often obtained through documents such as pay statements, W-2 forms, tax returns, or unemployment insurance benefit statements.

Documents are usually needed to show the cost of medical insurance premiums to cover the subject children, over and above the cost of the parent's own coverage (usually the cost of the family plan minus the cost of a single plan), because this amount can be included in the child support guidelines calculation.

Receipts for the cost for child care to allow the custodial parent to work may be offered, because child care costs may be included in the child support guidelines calculation for the parent who pays the cost, above any reimbursement (such as Child Care Connection).

MORE TYPICAL EXHIBITS

- Proof of payment of child support
 - Cancelled checks
- Verification of continuing education
 - Documents from the school
 - Full-time is defined by the school
- Prior and current orders (CSEA)
 - Child support
 - Custody
 - Bring if recently in court



2/10/2014

21

Canceled checks and other proof of payment of child support may be submitted if an issue at the hearing is the amount of unpaid past child support (arrears).

If the issue is whether or not an adult child is a full-time student after turning 18, documents regarding high school or post-high school education may be provided. What makes a “full-time student” is defined by the institution, but is generally 12 credits (or more).

The current child support and custody orders are important in all hearings. The CSEA usually provides copies of the current order and older orders, but not always. Bring copies of your Family Court orders to the hearing, especially if you were in court recently.

ESTABLISHMENT

- Application by custodian or CSEA
- Father's name on birth certificate (VEP)
- Questionnaire sent to both parents for information
- Hawaii Child Support Guidelines are used.
- Service by certified mail or sheriff.

2/10/2014

22

A parent or other custodian who wants a child support order begins by applying at the CSEA (see “How does a case get started?” at slide 10 above.) If paternity was not established, the case will go to the judicial rather than administrative process. For children born since July 1, 1999, if a man's name is stated as “father” on the birth certificate, he is the legal father of the child.

Both parents will be sent a questionnaire asking for proof of income. CSEA also has access to the State Labor Department database where employers report income. If there is no income information, CSEA will make a child support guidelines worksheet based on “imputed” income, as if the parent was working full-time (40 hours weekly) at the Hawaii minimum wage of \$7.25 hourly (\$1257.00 monthly). This is based on the rule that every parent with a child to support is expected to be working full-time (there are exceptions to this rule). Parents can seek a different calculation from the proposed order guidelines worksheet by requesting a hearing and bringing their income information to the hearing.

A new case to establish child support might be delayed if CSEA has difficulty locating or serving a party or gathering information. Establishment of child support requires service of the proposed administrative findings and order by certified mail or in person.

MODIFICATION



- Effective the month after the parties were served with the PAO
- Within 3 years, need a substantial and material change in circumstances since the last order.
- Last order continues until changed by modification
- Income may be imputed or attributed to a parent, depending on why their monthly income has decreased
- The outcome could go up or down, not always what you expected, so there is some risk.

2/10/2014

23

Every child support order continues in effect until it is changed by another child support order. Modification within three years of the last order requires proof of a substantial and material change of circumstances. The party requesting the modification has the burden of proving this. Modification can begin the month after the parties were served with the proposed order.

Current income information for both parents is needed to calculate what the new child support should be. Income may be imputed to a parent who is unemployed or whose income has been decreased or reduced. If you requested modification expecting the support to go down, you probably won't be able to stop the proceeding if the new calculation shows the support will go up.

With modification, a new order will be filed in court and a new income withholding order will be served upon Responsible Parent's employer. The Responsible Parent is always required to pay the child support even if there is no income withholding.

TERMINATION

- What does the original order say about how long the support will continue?
- Most Hawaii orders provide that child support can continue after age 18 if the child is a full-time student, up to age 23
- Child support usually will be stopped if the child enters the armed services, dies, is adopted, marries, or is otherwise legally emancipated
- No termination while the child is still in high school, even if over 18, or if the child is not competent.

2/10/2014

24

The child support orders will state how long the child support will continue. Most Hawaii orders state that child support terminates at age 18 or when the child graduates from high school, and also provide that child support will continue up to age 23 if the child remains a full-time student at an accredited educational or vocational institution.

If the first child support order (establishment) was made in another State, the termination language might be different from Hawaii orders. The termination provision of an out-of-state order is normally final and can't be modified later by a Hawaii court or administrative order.

CSEA often starts a termination case when a child's 18th birthday is approaching, if no proof of continuing education (high school or college) has been submitted to the agency. The hearing can be cancelled if education is continuing and everyone is in agreement about this.

Child support might not terminate in the rare cases where a child is incapable of self-support as an adult. Questions about this would normally be addressed in Family Court, not the administrative process.

MEDICAL INSURANCE

- Medical, vision, dental
- Effect of Med-Quest
- Part of the child support guidelines
 - Cost of child(ren)'s insurance is a credit
 - Over and above single person coverage or for other family members
 - Must be paid by the parent (party)



2/10/2014

25

For purposes of calculating child support under the Hawaii child support guidelines, the term “medical insurance” may also include drug, dental and vision coverage for the children.

The Hawaii child support guidelines allows a credit for the cost of medical insurance coverage for the children paid by a parent over and above the cost for the parent. Usually this means comparing the cost of a family plan with the cost of a plan for a single person. Written proof or documentation is usually needed to get the credit.

When a child starts receiving Med-Quest insurance from the State of Hawaii in the household of one parent, the CSEA is required to start an administrative proceeding against the other parent, requesting an order that the other parent provide the medical insurance coverage. Sometimes the proposed order will include child support even though no parent requested it. The CSEA computer might start a medical insurance coverage case if it has no proof of coverage, for example if CSEA receives a Family Court order where there is no provision for the child’s medical insurance coverage.

ARREARAGES

1. A judgment for unpaid past child support (for a specified period)
2. Look at past child support orders
3. Records of payment
 - CSEA records
 - Cancelled checks
 - Pay statements
4. The monthly payment (liquidation amount) is usually negotiable



2/10/2014

26

If a Responsible Parent falls behind in the payment of child support, a delinquency accumulates in the account. Either parent can ask that a judgment be entered making the delinquency into a more formal, enforceable order. This is called applying for the establishment of arrearages or arrears.

At the pre-hearing conference, the CSEA usually provides accounting information from their computer, and copies of the past child support orders. If a parent disagrees with the CSEA records, they will need their own payment records to show why there is a difference in the amounts. These may include cancelled checks, bank statements, paychecks etc.

An order regarding arrearages normally includes the total amount owed and a monthly payment amount (liquidation).

CSEA also has an enforcement branch which uses different methods of collection provided by law to encourage parents to reduce their delinquent accounts. These collection tools include tax refund intercept, license suspension (including driver's and professional licenses), credit bureau reporting, suspension of passports, seizure of property, and even incarceration.

REVIEW: THE BIG PICTURE

1. Application for Services
2. Preliminary information gathering by CSEA
3. Proposed Administrative Findings and Order
4. Request for Hearing (if not, default order)
5. Notice of Hearing sent to parties
6. Pre-hearing requests to OCSH (phone, etc.)
7. Pre-hearing conference
8. Hearing with parties and Hearings Officer
9. Decision -- Administrative Findings and Order (AFO) is written, signed and filed in court.

2/10/2014

27

APPEAL



- To Family Court
- Based upon the record at the hearing and the evidence (documents and testimony)
- Burden is on the person appealing to show legal error and pay for a transcript of hearing
- Statements not “on the record” won’t be considered
- Does not include events after the hearing.

2/10/2014

28

After a contested hearing, any party may appeal the decision to the Family Court. This is done by filing a notice of appeal with the Family Court where the Administrative Findings and Order was filed. The notice of appeal must be filed within 30 days after the party is mailed the filed copy of the Administrative Findings and Order.

The appeal will be based upon the information received in the recorded part of the hearing (“the record”), including the evidence (documents and testimony) given during the contested hearing. Anything discussed during the pre-hearing conference, or which wasn’t recorded, is not a part of the formal record.

The party who wants the appeal (called the appellant) must pay for a written transcript of the recording, and has the burden to persuade the reviewing court that there was a legal error that would have changed the outcome.

The Family Court does not consider any new information that was not discussed on the record at the hearing, or events that happened after the hearing. If there has been a change of circumstances after the hearing, a party may apply to CSEA for a modification of child support instead of appealing the order.

Thank you!

This concludes the “general information for child support hearings” sideshow.

For additional information, please see the helpful website links on slide 2.

You always have the right to seek legal advice and/or to be represented by an attorney at your hearing.