

GENERAL INFORMATION FOR ADMINISTRATIVE CHILD SUPPORT HEARINGS

By the
Office of Child Support Hearings

3/3/2015

1

Welcome and thank you for visiting our website. The information in this slide show is presented at our General Information Class. We hope it will be helpful to you, and give you a better understanding of the administrative child support hearing process.

This presentation is meant to provide you with *general information* to help you understand and prepare for your administrative child support hearing. It is not meant to provide you with *specific information* about every situation.

The particular or special facts of a case may cause the outcome of a hearing to be different from what is presented here. You will have the opportunity to present your special facts or circumstances at your 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 apply better to you, so follow the instructions and orders given at your hearing.

OCSH CONTACT INFO

(Found on the top of the Notice of Hearing form)

Office of Child Support Hearings
Department of the Attorney General
State of Hawaii
601 Kamokila Blvd., Suite 436
Kapolei, HI 96707
Phone: (808) 692-7110
Fax: (808) 692-7114

Hours: 7:45 a.m. – 4:30 p.m.

3/3/2015

2

The contact information for the Office of Child Support Hearings (OCSH) is found on the top of the Notice of Hearing form.

OCSH public hours are from 7:45 a.m. – 4:30 p.m. Voice mail messages and faxes are also accepted after hours.

LAWS & RULES

LAWS (STATUTES):

- Chapter 91, Hawaii Revised Statutes (Public Proceedings)
- Chapter 576E, Hawaii Revised Statutes (Administrative Process for Child Support)

RULES:

- Title 5, Chapter 34, Hawaii Administrative Rules (Practice and Procedure for Administrative Process)

3/3/2015

3

These are the laws and rules the govern the administrative child support hearing process. They are available on the internet, and you can read and print them out if you want to.

HELPFUL WEBSITES

1. <http://ag.hawaii.gov/ocsh/>
2. <http://ag.hawaii.gov/csea/>
3. http://www.courts.state.hi.us/self-help/courts/forms/oahu/child_support.html
4. <http://www.vlsh.org/>
<http://www.legalaidhawaii.org/>
<http://www.hawaiilawyerreferral.com/>
<http://www.hawaiifamilylawsection.org/>

3/3/2015

4

1. Website for OCSH
2. Website for CSEA
3. Website to the Courts, which have links to the Family Court and the Child Support Guidelines Worksheet and instructions
4. Websites to help you find a lawyer

3 BRANCHES OF STATE GOVERNMENT

LEGISLATIVE

(Legislature)
MAKES LAWS

EXECUTIVE

(Administrative)
EXECUTES and
ADMINISTERS LAWS

JUDICIAL

(Courts)
INTERPRETS AND
APPLIES LAWS

3/3/2015

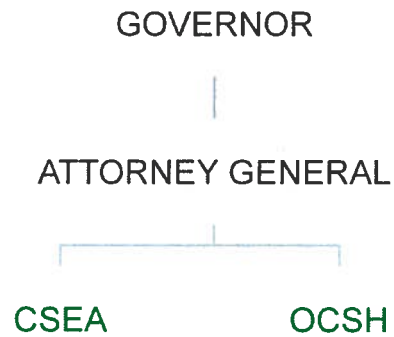
5

There are three equal branches of State government:

- the Legislative branch includes the Legislature and makes law
- the Executive branch includes the governor, state departments, and agencies and executes the law
- the Judicial branch includes the courts and interprets law

The administrative child support process is in the Executive (administrative) branch of government. The judicial process is in the judicial (courts) branch of government.

EXECUTIVE BRANCH (ADMINISTRATIVE)



3/3/2015

6

The Child Support Enforcement Agency (CSEA) and the Office of Child Support Hearings (OCSH) are separate divisions of the Department of the Attorney General, which is in the executive (administrative) branch of the Hawaii State government under the governor.

JUDICIAL v. ADMINISTRATIVE PROCESS

Family Courts

- Child support
- Child support arrears/debt
- Medical insurance
- Custody
- Visitation
- Divorce
- Paternity
- Protective orders
- Adoption

CSEA / OCSH

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

No jurisdiction over

- Custody
- Visitation
- Divorce
- Paternity
- Protective orders
- Adoption

3/3/2015

7

There are two ways that hearings and orders for child support, past due child support, and children's medical insurance coverage happen. One is through the JUDICIAL process and the Hawaii Family Courts. The other is through the ADMINISTRATIVE process and 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 Courts have broad jurisdiction or power to decide many different types of issues and complex cases. The Administrative process only addresses a limited number of issues because it is meant to be faster and easier to use.

In the documents for the administrative process, the paying parent is called the "Responsible Parent" (RP), and the person who has custody of the children is called the "Custodial Parent" (CP). This is done even if parents share physical custody of the children, or the CP is a caretaker of the child and not a parent.

CSEA

Creates and enforces child support orders

- Federal Programs: TANF, Quest, foster care
- Non Federal Programs: Anyone else
- Bound by Federal rules and time lines

Collects and processes payments

- Maintains accounting and records
- Receives payments
- Divides payments between accounts
- Divides payments between families

3/3/2015

8

CSEA has over 70,000 cases. It was created under Title IV of the Federal Social Security Act, and was set up by State and Federal law with specific rules, procedures, and deadlines to follow. The purpose of CSEA is to take legal or administrative action to get support for children by obtaining a child support order or enforcing an existing child support order. This was initially done only in cases where children were in federal programs and received welfare cash assistance (TANF), medical insurance coverage (Quest), or foster care. This was later expanded to also assist children who were not in a federal program.

Most child support is collected through income withholding from a Responsible Parent's paycheck, which is then sent to CSEA. Federal rules require CSEA to give this money to the Custodial Parent within 48 hours of receiving it. This process can be challenging because an employer may send one check to cover many employees, or a Responsible Parent may have more than one case or account.

OCSH

- OCSH becomes involved in a case after CSEA schedules a hearing
- Hearings Officers are Administrative Law Judges
- They ensure Due Process of Law
- They conduct fair and impartial hearings
- They make decisions and issues final orders

3/3/2015

9

CSEA collects information and prepares a proposed administrative order, then serves it on the child's parents or caregiver. If someone objects to it, they may request a hearing. When a hearing is requested, CSEA schedules one with OCSH and a Hearings Officer is assigned to conduct the hearing. This separation of responsibility ensures that everyone gets "due process of law."

Hearings Officers are administrative law judges and have the same authority as family court judges to decide issues of child support, unpaid court ordered child support (arrears), state debt, and medical insurance coverage for children. Spousal support arrears may also be addressed on a limited basis.

Hearings Officers have broad authority when conducting hearings. Each party will have the opportunity to present evidence and to question or challenge evidence presented against them. After the hearing, the Hearings Officer makes a decision and signs a final order which has the same force and effect as an order signed by a family court judge. CSEA then files the order at court and sends copies to the parties.

DUE PROCESS

Is a person's right to:

- Notice of a hearing
- A fair and impartial hearing
- Appeal

3/3/2015

10

In the administrative child support process, parties have the right to due process of law. This means that they get reasonable notice of the time and place of the hearing and what issues will be discussed, the opportunity to participate in a fair and impartial hearing, and the right to have the final order reviewed on appeal.

CSEA serves a proposed administrative order on the parties, which includes what issues will be discussed at the hearing. If someone objects the proposed order and requests a hearing, a hearing is scheduled and a written notice of the hearing is mailed to each party.

The parties will have the opportunity to participate in the hearing and may offer evidence and argue their case. Parties may come in person, ask to participate by telephone conference call, or send a representative. If a party does not appear at the hearing, the hearing will proceed without them, and a final order may be issued that is different from the proposed order.

If a party wants to appeal an order, they must file a notice of appeal in the family court where the order was filed. This must be done within thirty days after the order was sent to them by CSEA, and will not stop the order from being enforced.

INITIATING AN ACTION

APPLICATION FOR SERVICES

- Responsible Parent, Custodial Parent, or Caretaker of a child
- or DHS if there are
 - AFDC/TANF payments
 - Quest
 - Foster care

3/3/2015

11

An administrative child support case starts when someone applies for services with CSEA. This could be the Responsible Parent, Custodial Parent, or caretaker of the child. If the Custodial Parent lives in another state with the child, they can apply for services through their state's agency, who will send the case to the Hawaii CSEA if the paying parent lives here. 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 Quest, or is in foster care. This is required by State and Federal law.

CSEA PROCESS

- CSEA sends a questionnaire to the parties for information
- CSEA calculates the child support guidelines based on information it has
- CSEA calculates arrears or debt based in information it has
- CSEA serves a proposed order on the parties

3/3/2015

12

A Responsible or Custodial Parent, or caretaker of a child may initiate an action for child support by applying to CSEA. CSEA will send the parties a questionnaire asking for information, and a case may be delayed if CSEA has difficulty gathering information. Establishment of child support requires service of the proposed administrative findings and order by certified mail or personal service.

Modification of child support requires service by regular mail only.

If paternity of the child was not established, CSEA will initiate a case and then proceed through the judicial rather than administrative process. If paternity was been established, then the case will proceed through the administrative process. If a child was born on or after July 1, 1999, and there is a man's name on the father's line of the child's birth certificate, paternity was established and he is the legal father of the child.

PROPOSED ADMINISTRATIVE ORDER

- Created and served on the parties by CSEA
- Issues:
 - Establishment (start) of child support
 - Modification (change) of child support
 - Termination (stop) child support
 - Arrearages (unpaid court ordered child support owed to CP)
 - Debt (back support owed to the State)
 - Medical insurance coverage
- It doesn't say "proposed," but if it's not signed and filed a court, it's not binding

3/3/2015

13

After CSEA receives an application for services, it serves a proposed 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 signed by a hearings officer or administrator and filed in court. If a party objects to the order, they can sign and return the request for hearing form attached to the proposed order.

The proposed administrative order may include the issues of establishing (starting), modify (changing), or terminating (stopping) child support. It may also include the issues of collection of past due court ordered child support (arrears), back child support owing to the State (debt), or medical insurance coverage for children. The proposed order and other documents are prepared and served by CSEA, not the OCSH.

If child support is an issue, the order will include a proposed amount of child support which is calculated using the current version of the Hawaii Child Support Guidelines. This is a formula based on gross incomes of the parties, and may include the out of pocket amount paid by a party for child care or medical insurance premiums. Child support must be ordered pursuant to the guidelines unless exceptional circumstances are found by the Hearings Officer. The current guidelines may be found on the Family Court web page.

OBJECTING TO A PROPOSED ORDER

- To challenge a proposed order, a hearing must be requested
 - There is a Request for Hearing form with the proposed order
 - Fill it out and send it to CSEA
 - CSEA may request a hearing on its own
- If a hearing is requested, CSEA will schedule a hearing. OCSH will send hearing notices to the parties
- If no hearing is requested, the proposed order will be signed as a final order by the CSEA Administrator. CSEA will file it at court and then it becomes a binding order

3/3/2015

14

If you disagree with the proposed administrative order, you must request a hearing. At the hearing, you will have the opportunity to present information about why you disagree with the proposed order or believe it is not correct. 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. If no one requests a hearing, the proposed order will be signed by the CSEA Administrator and filed in court, becoming an official and binding order. CSEA will send a copy of the final order to each party.

If you change your mind after requesting a hearing, you may not be able to cancel the hearing unless all parties agree, and the Hearings Officer approves.

MULTIPLE PROPOSED ORDERS

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

3/3/2015

15

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 in a case.

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

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

- CSEA schedules a hearing and prints out a Notice of Hearing (NOH)
- OCSH mails the NOH to the parties
- NOHs are sent by regular mail to the last known address of the parties on file with CSEA
- The hearing location and time is on the notice
- Parties should read the entire NOH, because it contains OCSH contact information, information about the hearing process, and instructions for pre-hearing requests

3/3/2015

16

When the CSEA receives a request for hearing, the information is entered into its computer system and a hearing is scheduled. CSEA prints a notice of hearing form and gives it to OCSH, who sends it to the parties.

On Oahu, hearings are conducted at the CSEA Oahu Branch located in the State Office Building in Kapolei. Parking is available in the public lot and you will need to pay for it through a machine in the lobby of the building. The address of the location of your hearing is on the hearing notice.

Hearing locations:

Oahu:	601 Kamokila Blvd., Room 251 , Kapolei
Hawaii:	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

- Types of requests:
 - To appear by phone
 - To reschedule a hearing
 - To consolidate separate hearings
 - For subpoenas, interpreters, special accommodations
 - To cancel hearing
- Requests should be made as early as possible
- Requests are given to the assigned Hearings Officer
- If no response then assume request was denied
- Forms are at: <http://ag.hawaii.gov/ocsh/forms/>

3/3/2015

17

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 or delivered to 601 Kamokila Boulevard, Room 436, Kapolei, HI 96707. 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. If you are unable to attend the hearing in person, you may request to appear by phone. If you have more than one hearing on different days or times, you may request to consolidate the hearings (set two hearings on the same day).

Be specific about why you are making the request, but do not assume that it will be granted. If you are not contacted by the hearings office, assume that the request was denied.

REPRESENTATION AT THE HEARING

- Parties can represent themselves
- Parties may have an attorney represent them (they must chose and pay for the attorney themselves)
- Parties may have a non-attorney represent them
- Anyone else must will wait outside

3/3/2015

18

You may represent yourself at the hearing, or chose someone else to represent you. If you decide to be represented by an attorney, you must chose and pay for the attorney yourself. The CSEA representative represents CSEA, not the parties.

People who are not representing you will generally have 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

- Parties sign in at CSEA and wait in the waiting room
- Parties are called into a hearings room by a CSEA representative
- The CSEA representative usually conducts an informal pre-hearing conference, where parties have a chance to:
 - Share information
 - Present documents
 - Review everyone else's documents
 - Ask questions
 - Update and check calculations
- If the parties can come to an agreement, then a consent order can be entered by the HO
- If the parties can not come to an agreement, a contested hearing is conducted by the HO

3/3/2015

19

Usually a pre-hearing conference is conducted on the day of the hearing. A pre-hearing conference is a time to talk informally with the CSEA representative 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 early, 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 present documents, review everyone else's documents, share information, ask questions, check calculations.

If an agreement is reached, the Hearings Officer will be called into the hearing room and a short consent hearing will be conducted. If no agreement is reached, the Hearings Officer will conduct a contested hearing.

Hearings are usually scheduled every 30 minutes, so the time for your hearing and pre-hearing conference is limited. If more time is needed, the hearing may be continued to another day and time.

CONTESTED HEARING

- Hearings are recorded (digital recording)
- Parties are placed under oath
- CSEA does not represent or speak for OCSH or other parties
- All parties can:
 - Present evidence - testimony and documents
 - Argue/explain what they want
- Limited to issues in the proposed order
- If a party does not appear, a hearing is still conducted
- No child care is provided, so do not bring children

3/3/2015

20

A contested hearing gives parties the opportunity to present testimony and documents to the hearings officer. Parties will also have the opportunity to question the other parties and witnesses about their testimony and documents. Each party takes turns presenting evidence and explaining what they want.

Usually the issues that are discussed at the hearing are limited to the issues in the proposed order.

When hearings are conducted 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 hearing can be held even though one or both parents do not attend the hearing, as long as they had proper notice of it. An order may be entered after the hearing that is different from the proposed order originally sent to the parties.

DOCUMENTS

- Documents may become exhibits
- Copies will be given to everyone
- Redact (remove) personal information:
 - Social Security numbers
 - Financial account numbers
 - Addresses
 - Phone numbers
- If possible, send copies of documents to the other party, OCSH, and CSEA (APB Coordinator at 601 Kamokila Blvd., Room 251, Kapolei, Hawaii 96707) before the hearing

3/3/2015

21

A common way of introducing evidence is through documents. A document may be labeled as an exhibit for the party that presents it, and then be used by the Hearings Officer 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 please remove your social security numbers, financial account numbers, addresses and telephone numbers before the hearing. Bring the originals to the hearing in case the correctness of the copies is challenged.

Copies of your proposed exhibits should be sent as early as possible before the hearing to:

- the other party
- OCSH
- CSEA (APB Coordinator, Room 251, 601 Kamokila Blvd., Kapolei, Hawai'i 96707)

COMMON EXHIBITS

- Income information
 - Pay/income statements/paystubs
 - W-2 forms
 - Tax returns with schedules and attachments
 - Unemployment insurance (UIB) statements
 - Temporary disability insurance (TDI) statements
 - Workers' compensation (WC) statements
- Medical insurance premium costs
 - Out of pocket, unreimbursed costs
 - Cost of a single and family plans
 - Can include medical, dental, vision, and drug plans
- Child care expenses
 - Out of pocket, unreimbursed expenses
 - To allow the custodial parent to work

3/3/2015

22

Parties may bring different types of documents to offer as exhibits at the hearing. The most common are court orders, income information, out of pocket medical insurance premiums, out of pocket child care expenses.

Documents regarding a parties' monthly gross income are usually pay statements/paystubs, W-2 forms, or tax documents.

Documents regarding a parties' out of pocket medical insurance premiums for the children, should include information showing how much the parties' self plan costs, and how much more it costs to cover the children. Only the difference is allowed on the child support guidelines. Reimbursed or subsidized costs are not included on the guidelines.

Documents regarding child care expenses should show how much a party pays out of pocket for child care during the time that they work. Reimbursed or subsidized expenses are not included on the guidelines.

OTHER COMMON EXHIBITS

- Prior and current orders
 - Child support
 - Custody and visitation
 - Bring if recently in court
- Proof of child support payments made
 - CSEA records
 - Cancelled checks
 - Copies of money orders, cashier's checks
 - Pay statements/paystubs
 - Bank statements
- Verification of continuing education of a child
 - Documents from the school
 - Full-time enrollment is defined by the school/institution

3/3/2015

23

If the amount of past child support (arrears) is an issue at the hearing, documents about proof of payments may include canceled checks, or copies of money orders or cashier's checks.

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 school/institution, but is generally 12 or more credits a semester.

Current child support and custody orders are important in all hearings. CSEA may provide copies of orders if they have them, but many times the parties have not given CSEA copies of all court orders. So bring copies of all court orders to the hearing, especially if you were in court recently.

CHILD SUPPORT MODIFICATION

- If an order less than 3 years old, the party requesting modification must show substantial and material change in circumstances, that warrant modification
- All terms of the last order continue until changed by another order
- Child support guidelines calculation is used
- Gross monthly income of the parties is used
- Gross monthly income may be imputed or attributed, depending on reason income has changed or the circumstances of the party
- The outcome could be opposite of what you want, so there is some risk
- Modification begins the month after the parties were served with the proposed order, not from the date of the request for modification like in the Family Court

3/3/2015

24

If a party requests modification, and the last order is less than three years old, they have the burden of proving there have been substantial and material change of circumstances which warrant a modification. Modification begins the month after the parties were served with the proposed order. This is different from the judicial process, where modification can begin the month the request was made.

Income information for both parties is needed to calculate child support. This information can be provided by the parties through their paystubs/pay statements. CSEA has access to information from the State Department of Labor through its database, which may contain information from the parties' employers about their income. If there is no income information, child support may be based on imputed or attributed income. A full time, minimum wage job calculates to \$1,343 monthly (40 x \$7.75 hourly). Most parents should be working full time, at their full income capacity. If the parties object to the child support in the proposed order, they should request a hearing and provide current income information.

Every child support order continues until it is changed by another child support order. Parties should be aware that the outcome of a modification hearing may be the opposite of their initial request. Even if this happens, the case may still proceed.

TERMINATION OF CHILD SUPPORT

- Look at what the original order says about how long the support will continue
- Most Hawaii orders provide that child support continues to age 18, and up to 23 if the child is a full-time student
- Child support will not stop if the child is still in high school (even if over 18)
- Child support may not stop if the child is incompetent or dependent
- Child support can be stopped if the child enters the armed services, dies, is adopted, marries, or is otherwise legally emancipated

3/3/2015

25

The duration of child support is usually stated in the order with the amount and the start date. Most Hawaii orders state that child support terminates at age 18 or when the child graduates from high school, and can continue up to age 23 if the child remains a full-time student at an accredited educational or vocational institution.

If child support was established in order in another State, the termination language might be different from the termination language normally used in a Hawaii order. The termination provision in the order from another state usually may not be modified later in Hawaii, and Hawaii will try to enforce the order as it is written.

Before a child turns 18, CSEA will request proof that the child is still in high school or is continuing their education after high school. If CSEA does not receive a response, it may administratively stop enforcing child support. If CSEA receives information later, it may start enforcing child support again from that time.

Child support might not terminate in the rare cases where a child is not capable of supporting themselves as an adult.

HEALTH INSURANCE COVERAGE

- Can include medical, dental, vision, and drug coverage for the children
- Effect of Quest
- Costs can be included in the child support guidelines
 - Cost of child(ren)'s insurance
 - Over cost of covering a single person or other family members
 - Must be paid by the party out of pocket and not subsidized

3/3/2015

26

Health insurance coverage for a child can include out of pocket expenses for medical, dental, vision, and drug insurance. The child support guidelines worksheet allows the party who pays these out of pocket expenses to get a credit for them. This is the cost to cover the child over the cost for of a single plan for the parent. Usually this means comparing the cost of a family plan with the cost of a plan for a single person. Documentation of both is needed to calculate the difference and get the credit.

When a child starts receiving medical insurance from the State of Hawaii (Quest) in the household of one parent, CSEA is required to initiate a case against the other parent to request that they provide the medical insurance coverage. Sometimes the proposed order will also include child support even though no party requested it.

CSEA may also initiate a case for medical insurance coverage if it has no proof of coverage, to make sure the child is covered. This happens when CSEA receives an order from Family Court and it does not include a provision for the child's medical insurance coverage.

CHILD SUPPORT ARREARS

- Unpaid court ordered child support
- Based on child support orders
- Records of payment
 - CSEA records
 - Cancelled checks
 - Copies of money orders, cashier's checks
 - Pay statements/paystubs
 - Bank statements
- Total amount owed, time period covered, payment amount, start date
- The monthly payment is in addition to child support, and is usually negotiable

3/3/2015

27

If a Responsible Parent falls behind in paying court ordered child support, a delinquency accumulates which is called arrears. Either parent can ask that an order be issued making the delinquency more formal and enforceable. An arrears order usually includes the total amount owed and a monthly payment amount (liquidation).

At the pre-hearing conference, the CSEA will usually provide the parties with a summary of what is owed. If a parent disagrees with the CSEA records, they will need their own documents to show why there is a difference in the amounts. These may include cancelled checks, copies of money orders or cashier's checks, pay statement/paystubs, bank statements, etc.

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 methods include state 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

- Someone makes an application for services
- CSEA gathers preliminary information
- CSEA (not OCSH) prepares and serves the proposed order
- A Party requests a hearing
- OCSH sends Notice of Hearing
- Parties make pre-hearing requests to OCSH
- CSEA conducts pre-hearing conference
- HO conducts a hearing
- HO makes a decision, and enters a final order
- CSEA files order at court and sends copy to parties
- Parties can appeal to Family Court

APPEAL



- Appeal in the Family Court where the order was filed
- Within 30 days after parties receive the order
- Person appealing has to pay for a transcript of hearing and show legal error
- Decision on appeal is based on the transcript and documents from the administrative hearing
- Appeals do not include statements that were not recorded, documents submitted after the hearing is over, events occurring after the hearing, issues not raised at the hearing

3/3/2015

29

After a contested hearing, a party may appeal the final order to the Family Court where the order was filed. This is initiated by filing a notice of appeal with the Family Court within 30 days after the service of the order on the party by CSEA.

The appeal will be based on the record of the contested proceeding, which includes what is said at the hearing on the recording (transcript), and from the documents in the hearing file (correspondence, exhibits, etc.). 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 statements not recorded, documents submitted after the hearing is adjourned, events that happened after the hearing, or issues not raised in the hearing. This is why it is important to participate fully in the hearing by stating what you want and bringing supporting documents. If there has been a change of circumstances after the hearing, a party may apply to CSEA for modification. An appeal must be based upon information and arguments presented at the hearing, not events which occurred after the hearing.

THANK YOU!

This concludes the sideshow.

For additional information, please see the websites listed on page/ slide 2.