

GENERAL INFORMATION FOR HAWAII ADMINISTRATIVE CHILD SUPPORT HEARINGS

by the

Office of Child Support Hearings

2/27/2019

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We hope this information will be helpful and give you a better understanding of the Hawaii administrative child support hearing process.

This presentation is meant to provide hearing participants (parties) with *general information* to help them understand and prepare for a hearing. It is not meant to provide *specific information* about every child support situation, case, or hearing. The particular circumstances or special facts of a case may cause the outcome of a hearing to be different from what is presented here. Parties will have the opportunity to present their case to an administrative Hearings Officer at a hearing.

If a party has had a hearing and is coming back for a continued hearing, the information, instructions, or orders given by the Hearings Officer will apply better to them, and the participant should follow them.

OCSH CONTACT INFORMATION

(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: 7:30 a.m. – 4:30 p.m.

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Hearings are coordinated through the Office of Child Support Hearings (OCSH).

Information about OCSH is found on the top of the Notice of Hearing form sent to the parties.

OCSH public hours are from 7:30 a.m. – 4:30 p.m.

Even when OCSH is closed, parties can still call OCSH and leave voice mail messages or fax in documents.

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)

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The laws and rules that govern the administrative child support hearing process are available on the internet, so parties can read them and print them out if they want to.

HELPFUL WEBSITES

1. OSCH: www.hawaii.gov/ag/ocsh
2. CSEA: www.hawaii.gov/ag/csea
3. COURT: www.courts.state.hi.us
4. LEGAL HELP:
 - www.vlsh.org
 - www.legalaidhawaii.org/
 - www.hawaiilawyerreferral.com/
 - www.hawaiifamilylawsection.org/

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1. Website for the Office of Child Support Hearings (OCSH)
2. Website for the Child Support Enforcement Agency (CSEA)
3. Website to the Courts, which have links to the Family Court and the Child Support Guidelines Worksheet
4. Websites for legal help or lawyers

3 BRANCHES OF STATE GOVERNMENT

LEGISLATIVE
(Legislature)
MAKES LAWS

EXECUTIVE
(Administrative)
EXECUTES and
ADMINISTERS LAWS

JUDICIAL
(Courts)
INTERPRETS AND
APPLIES LAWS

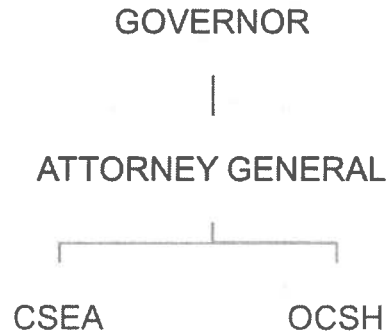
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There are three equal branches of State government:

- 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

EXECUTIVE BRANCH (ADMINISTRATIVE)



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The Office of Child Support Hearings (OCSH) and the Child Support Enforcement Agency (CSEA) are in the Executive (administrative) branch of government. They are both divisions of the Department of the Attorney General, State of Hawaii.

JUDICIAL PROCESS v. ADMINISTRATIVE PROCESS

JUDICIAL = Family Courts

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

ADMINISTRATIVE =

CSEA and OCSH

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

No jurisdiction over

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

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The issues of child support, past due child support, and children's medical insurance coverage may be addressed either through the Judicial Process and Family Court, or through the Administrative Process with CSEA and OCSH. There are important differences between these processes, like the Hawaii Family Courts have broad power to decide many different types of issues, complex cases, and may take longer, and the administrative process only handles a limited number of issues because it is meant to be faster and easier to use.

In the documents for the administrative process, CSEA calls the person paying child support the "Responsible Parent" (RP), and the person who receives the child support is 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. RP and CP are only labels or titles that CSEA uses internally based on who is paying the child support and who is receiving it, and do not grant a person any custody rights.

CSEA

Creates and enforces child support orders

- Federal Programs: TANF, Foster Care, MedQuest
- 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

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CSEA has over _____ (100,000) 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 obtain a child support order or enforce an existing child support order. Initially CSEA was only involved in cases where children participated in federally funded programs (TANF, Foster Care, MedQuest), but this was later expanded to include and assist all children.

CSEA will try to collect child support from an order for income withholding through a parties' paycheck or benefit check. The support is then sent to CSEA, who will send it to the other party within 48 hours. This process can be challenging because an employer may send one check to cover many employees, or a party may have more than one case or account with CSEA.

OCSH

- OCSH becomes involved in a case after a CSEA schedules a hearing
- Hearings Officers are attorneys
- Hearings Officers have the same power and authority as Family Court Judges in a limited number of issues
- They ensure parties receive Due Process
- They conduct fair and impartial hearings
- They make decisions and issues final orders

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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 will make a decision and issue a final order. CSEA will then file the order at Family Court, and will send a copy of the filed order to the parties. The filed order will have the same force and effect as an order signed by a Family Court Judge.

DUE PROCESS

Is a person's right to:

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

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In the administrative child support process, parties have the right to due process of law. This means that they receive reasonable notice of the time and place of the hearing, 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.

INITIATING AN ACTION WITH CSEA

WHO CAN APPLY FOR SERVICES:

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

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An administrative child support case starts when someone applies for services with CSEA, which includes 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. That agency will send the case to the Hawaii CSEA if the RP lives here.

CSEA must start a case on behalf of the State Department of Human Services (DHS) when a child receives welfare cash payments (TANF), health insurance coverage (MedQuest), or is in foster care, as this is required by State and Federal law.

APPLICATION FOR SERVICES

- 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 on information it has
- CSEA serves a proposed order on the parties

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After CSEA receives an application or request for services, it will send the parties a questionnaire asking for information. A case may be delayed if CSEA has difficulty gathering information from the parties.

CSEA then prepares and serves the proposed order on the parties. CSEA must serve the proposed order by certified mail or personal service if child support is being established. CSEA may serve the proposed order by regular mail once child support has been established and it is going to be modified or terminated. A case may be delayed if CSEA is unable to serve the parties with the proposed order.

If a party objects to the proposed order, they can request a hearing by completing and sending in the attached hearing request form. When CSEA receives the hearing request, it schedules a hearing and a Hearings Officer from OCSH is assigned to conduct the hearing. This separation of responsibility ensures that parties get due process.

If paternity of the child was not established, CSEA will initiate a paternity case and then proceed through the judicial process. If paternity was established, then the case will proceed through the administrative process.

PROPOSED 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)
 - Debt (back support owed to the State)
 - Medical insurance coverage
- It doesn't say "proposed," but if it's not signed and filed at court, it is not final

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The proposed Administrative Order is based on information CSEA receives from the parties or other sources. The document is titled "Administrative Findings and Order," but it is only a proposed order until it is signed by a hearings officer or the CSEA administrator and filed in Family Court.

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 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 monthly child care or medical insurance premiums. The child support amount calculated in the guidelines must be ordered by the Hearings Officer unless exceptional circumstances are found. More information about the Hawaii child support guidelines may be found on the Family Court web page.

OBJECTING TO A PROPOSED ORDER

- To object to or challenge a proposed order, a hearing must be requested
 - There is a Request for Hearing form included 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 final and binding order

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CSEA serves a proposed administrative order on the parties, and if a party objects to it or wants to challenge it, they must sign and return the request for hearing form to CSEA. Any party, including the CSEA, may request a hearing. When CSEA receives the request for hearing, it schedules a hearing and a Hearings Officer from OCSH is assigned to conduct the hearing. OCSH then sends a written notice of the hearing to each party by regular mail.

If no one requests a hearing, the proposed order will signed by the CSEA Administrator and filed in court, becoming a final binding order. CSEA will send a copy of the final order to each party.

MULTIPLE PROPOSED ORDERS

- Sometimes parties are served at the same time with more than one proposed administrative order or notice of an action
- A party must request a hearing for each proposed order or action they object to
- After the hearings are scheduled, a party may request that the hearings be scheduled on the same day (consolidated)

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Sometimes CSEA processes multiple cases at the same time, so a party may be served with more than one proposed order or notice of an action in a case.

A party must send CSEA a request for hearing form for each order or action they dispute. Parties should not assume that one request for hearing form will cover all proposed orders, actions, and issues.

If a party has multiple hearings scheduled on different days, they may request to have the hearings be held together on the same day (consolidated). A party may send or fax in a request to consolidate hearings only after they receive all notices of the hearings. It is up to the Hearings Officer to determine whether the hearing will be scheduled on the same day.

NOTICE OF THE HEARING

- CSEA schedules a hearing and prints out a Notice of Hearing form (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 are in the NOH
- Parties should read the entire NOH, because it contains important information - OCSH contact information, information about the hearing process, and instructions for pre-hearing requests

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HEARING LOCATIONS

1. Oahu:
 - 601 Kamokila Blvd., Room 251, Kapolei
2. Hawaii:
 - 88 Kanoelehua Ave., Room 202, Hilo
3. Kauai:
 - 4370 Kukui Grove Street, Suite 204
4. Maui, Molokai, Lanai:
 - 35 Lunalilo St., Suite 201, Wailuku, Maui

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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 parties will need to pay for it through a machine in the lobby of the building. Parking on the street may also be available at no cost.

PRE-HEARING REQUESTS

- Types of pre-hearing requests:
 - To appear by phone
 - To reschedule a hearing
 - To consolidate 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 there is no response, then assume the request was denied
- Forms are at: <http://hawaii.gov/ag/ocsh/main/forms/>

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All pre-hearing requests should be in writing and sent to 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 some 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 a party is unable to attend the hearing in person, they may request to appear by phone or have someone else represent them. If a party has more than one hearing on different days or times, they may request to consolidate the hearings (set two hearings on the same day).

Parties must be specific about why they are making a request, and should not assume that it will be granted. If a party is not contacted by the hearings office, assume 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

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Parties may come in person to a hearing, ask to participate by telephone conference call, or send someone to represent them. If a party decides to be represented by an attorney, they must chose and pay for the attorney themselves. The CSEA staff represents CSEA, not the parties.

People who come with a party but are not representing them will have to wait outside the hearing room, and witnesses must wait outside until they are called to testify. The children should not be brought to the hearing unless there is someone to stay with them and watch them in the waiting room.

The administrative child support hearing process allows non-attorney representatives. The Family Court does not allow non-attorney representatives.

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

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On the day of the hearing, parties should come to hearing location early, sign in, and wait to be called. A CSEA representative will call the parties and take them to the Hearings Room, and many times a pre-hearing conference is conducted to talk informally with the parties and possibly agree about some or all of the issues. This is a chance for the parties to present documents, review other documents presented, share information, ask questions, and check calculations.

Sometimes though, a pre-hearing conference is not conducted because of the special circumstances of a case, and a Hearings Officer may begin to conduct a hearing as soon as the parties enter the hearings room.

If an agreement is reached in the pre-hearing conference, 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 a 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 the parties
- All parties can:
 - Present evidence - testimony and documents
 - Argue/explain what they want or don't want
 - Ask questions
- Limited to issues in the proposed order
- If a party does not appear, a hearing is still conducted

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At a hearing, the parties have the opportunity to present testimony, witnesses, and documents to the Hearings Officer, and question what the other parties present.

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, their representatives, and the CSEA representative will be in the hearings room with the Hearings Officer. When hearings are conducted on the neighbor islands, the Hearings Officer conducts the hearing by telephone conference call from Oahu.

The hearing can be held even though one or both parents do not attend or participate in it, 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.

EXHIBITS

- Documents should be authentic and original
- Copies of documents will be given to everyone
- Redact (remove) personal/identifying information:
 - Social Security numbers
 - Bank 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

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If a party wants to present a document at a hearing, the document should be authentic and original whenever possible, or clear readable copies if necessary. 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.

Everyone will be given a copy of the other parties' documents, so parties should remove/redact their social security numbers, bank account numbers, addresses, and telephone numbers from the documents. This should be done before the hearing with a black marker or white-out tape or liquid.

Parties should send copies of their proposed documents/exhibits 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 and verified
 - Cost of a single and family plans
 - Can include medical, dental, vision, and drug plans
- Child care expenses
 - Out of pocket and verified
 - To allow the custodial parent to work

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Parties should bring documents to the hearing they feel will be relevant, helpful, or supportive. The most common documents are court orders, income information, out of pocket medical insurance premiums, and out of pocket child care expenses.

Documents regarding a parties' monthly gross income are usually paystubs/statements, benefit statements, 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 a plan costs for the party 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. This may include before and after school care, interim care, vacation care, or summer care. 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
 - Copies of pay or benefit statements/paystubs
 - Bank statements
- Verification of continuing education of a child
 - Documents from the school
 - Full-time enrollment is defined by the school/institution

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

If the issue is whether or not an adult child is a full-time student after turning 18 or graduating high school, documents regarding high school or post-high school education should 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 at all hearings, and CSEA may provide copies of them if they have them. Sometimes CSEA does not have copies of all orders, so the parties should bring copies of all orders to the hearing especially if the parties were in court recently.

CHILD SUPPORT MODIFICATION

- Last child support order continues until changed by another order
- If an order is less than 3 years old, the party requesting modification must show substantial and material change in circumstances that warrant modification
- The outcome of the calculation may be opposite of what a party wants, 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

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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 or what they want to happen. Despite this, the hearing can still be conducted and the case can still proceed.

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

GUIDELINES CALCULATION

- The Hawaii child support guidelines is used
- Guidelines are used statewide in both the administrative and judicial processes
- Gross monthly income of the parties is used
- Gross monthly income may be imputed or attributed, depending on reason income has changed or the party is unemployed

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The gross monthly income of both parties is used to calculate child support, which can be provided by the parties through their paystubs/pay statements. CSEA may also have access to the parties' income information through the State Department of Labor's database, but this is not always available. If there is no income information for the parties, CSEA may calculate child support based on imputed or attributed income to the parties. This is based on the law which states that every parent should be working full time, at their full income capacity unless there is an exception. Parties should come to the hearing so they can tell the Hearings Officer why they believe they have an exception.

TERMINATION OF CHILD SUPPORT

- Original order contains the duration/length of support
- Most Hawaii orders say that child support continues to age 18, and up to 23 if the child is a full-time student
- Child support may not stop if the child is still in high school after they are over 18
- Child support may not stop if the child is incompetent or dependent

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The duration or length 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, but 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 another State, the duration of the child support may be different than what is usually ordered in Hawaii. The out of state order is the controlling order and Hawaii will try to enforce the order as it was originally 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 child support. If CSEA receives information about the child later, it may start child support again.

Child support may not terminate in some cases where a child is not capable of supporting themselves as an adult. This issue should be addressed in Family Court.

HEALTH INSURANCE COVERAGE

- Can include medical, dental, vision, and drug coverage for the children
- Effect of MedQuest
- 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, verified and not subsidized

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Health or medical insurance coverage for a child can include out of pocket expenses for medical, dental, vision, and drug insurance monthly premiums. The child support guidelines worksheet allows the party who pays these out of pocket expenses to get a credit for the cost. 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 in amounts and get the credit.

CSEA will initiate a case for medical insurance coverage:

- When a child starts receiving medical insurance from the State of Hawaii (MedQuest) in the household of one party
- When CSEA does not have proof of medical insurance coverage for a child
- When CSEA receives an order from Family Court which does not address 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 ongoing child support

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If a Responsible Parent falls behind in paying court ordered child support, a delinquency accumulates which is called arrears. Either party may request an action and order for arrears, which includes the total amount owed, the time period it covered, and a monthly payment amount (liquidation) to pay it off.

CSEA also has an enforcement branch which uses different legal methods of collecting arrears. These include intercepting state and federal tax refunds, license suspension (including driver's and professional licenses), credit bureau reporting, suspension of passports, seizure of property, and even incarceration. CSEA may initiate several of these actions simultaneously if various arrears thresholds are met.

REVIEW: THE BIG PICTURE

- Someone makes an application for services
- CSEA gathers preliminary information
- CSEA drafts a proposed order
- CSEA serves the proposed order or notice of action
- 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

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APPEAL

- Party files an appeal when they disagree with the final order
- Must file in the Family Court where the order was filed
- Within 30 days after they 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

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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 party who wants the appeal (called the appellant) must pay for a written transcript of the recording, and has the burden to persuade the Family Court that the Hearings Officer committed a legal error.

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 was not recorded, is not a part of the formal record. The Family Court will not consider any statements not recorded, documents submitted after the hearing, events that happened after the hearing, new issues, or issues not raised in the hearing.

If there has been a change of circumstances after the hearing, a party may submit an application for services to CSEA or file a motion in Family Court instead of filing an appeal.