

SCS SB 69 -- ADMINISTRATIVE CHILD SUPPORT ORDERS

SPONSOR: Keaveny (Cox)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Judiciary by a vote of 12 to 0.

This substitute authorizes an administrative hearing officer from the Department of Social Services to set aside or correct administrative child support decisions or orders and proposed administrative modifications of a judicial order. The authority to set aside or correct decisions, orders, or modifications must be done after written notice to all parties and the opportunity for them to respond. Any objection or response to the motion must be made in writing and filed with the hearing officer within 15 days from the filing of the motion to correct or set aside. The substitute specifies the conditions and time frame under which the corrections can be made.

The substitute specifies that no order, decision, or modification based on errors arising from mistake, surprise, fraud, misrepresentation, excusable neglect, or inadvertence may be corrected prior to being filed with the court provided the written motion is mailed to all parties and filed within 60 days of the administrative decision, order, or proposed decision and order. Any objection or response to the motion must be filed within 15 days from the mailing of the motion. No decision, order, or proposed modification of a judicial order may be vacated after 90 days from the mailing of the administrative decision, order, or proposed modification of a judicial order.

In a case of lack of jurisdiction, the hearing officer may, after notice to the parties, on his or her own initiative or upon the motion of any party or the Family Support Division within the department vacate the administrative order or proposed administrative modification of a judicial order if it is found that the order, decision, or modification was without subject matter jurisdiction or personal jurisdiction or without affording the parties due process and the order, decision, or modification had not been filed with the court.

The substitute specifies that no decision, order, or proposed administrative modification of a judicial order may be vacated during the court's review of the applicable administrative decision, order, or proposed order as authorized under Sections 536.100 to 536.140, RSMo, except in response to an express order from the reviewing court.

PROPONENTS: Supporters say that the bill allows an administrative hearing officer to correct his or her own clerical or technical mistakes without having to go to court for the court's approval.

Testifying for the bill were Senator Keaveny; and Paula Hernandez Johnson, Missouri Child Support Enforcement.

OPPONENTS: There was no opposition voiced to the committee.