

SCS SB 69 -- ADMINISTRATIVE CHILD SUPPORT ORDERS

This bill authorizes an administrative hearing officer from the Department of Social Services to correct any administrative child support decision or order, except a proposed administrative modification of a judicial order, containing clerical mistakes arising from oversight or omission at any time upon his or her own initiative or written motion filed by the division or any party to the action if the written notice is mailed to all parties. Any objection or response to the motion must be made in writing and filed with the hearing officer within 15 days from the mailing date of the motion. A proposed administrative modification of a judicial order may be corrected by an agency administrative hearing officer prior to the filing of the proposed modification with the court that entered the underlying judicial order or upon the express order of the court that entered the underlying order. A correction cannot be made during the court's review of the administrative decision, order, or proposed order except in response to an express order from the reviewing court.

The bill specifies that an order, decision, or modification containing errors arising from mistake, surprise, fraud, misrepresentation, excusable neglect, or inadvertence may be corrected prior to being filed with the court if 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. Any decision, order, or proposed modification of a judicial order cannot be corrected after 90 days from the mailing of the administrative decision, order, or proposed modification of a judicial order, except in response to an express order from the reviewing court.

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 an administrative decision or order or proposed administrative modification of a judicial order if it is found that the order or decision was issued without subject matter jurisdiction, without personal jurisdiction, or without affording the parties due process and the order, decision, or modification has not been filed with the court. Any objection or response to the motion must be filed with the hearing officer within 15 days from the mailing date of the motion. A decision, order, or proposed administrative modification of a judicial order cannot 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.