

Title 9. Family Law

Chapter I. Office of Child Support Enforcement, Department of Finance and Administration

Subchapter A. Generally

Part 9. Office of Child Support Enforcement Policy Manual — Administrative Hearings

Subpart 1. Generally

9 CAR § 9-101. Overview.

(a)(1) The purpose of an Office of Child Support Enforcement administrative hearing is to provide an opportunity for the review of an administrative action before that action is taken which a party believes will be adverse to their interest.

(2) For the purpose of an administrative hearing, a party is:

- (A) An account holder;
- (B) A custodial party; or
- (C) A noncustodial parent.

(b)(1) Administrative hearings are conducted by attorneys within or assigned by the General Counsel section.

(2) Administrative hearings are not available to hear:

- (A) Objections to federal or state laws or regulations; or
- (B) Dispute the amount of child support arrears as calculated by the office caseworker.

(3) Additionally, complaints regarding visitation, paternity determinations, wage withholding, or the amount of court-ordered child support can only be reviewed by the court.

(4) If the basis for the hearing request involves any of the following issues that can be resolved by an agency decision, a hearing may be held:

- (A) Federal administrative and tax offset;
- (B) State tax offset;

(C) Liens against accounts in financial institutions or insurance settlements, (Child Support Lien Network (CSLN) and Financial Institution Data Match (FIDM));

(D) Suspension of:

(i) Driver's license;

(ii) Permanent license plates; or

(iii) Recreational or certain professional licenses;

(E) Custodial party or noncustodial parent noncooperation; or

(F) Release of address information.

Authority. Arkansas Code §§ 9-14-206, 9-14-239.

9 CAR § 9-102. Initiating an administrative hearing.

(a) Written request.

(1)(A) A party, or their attorney, may request an administrative hearing by submitting a written request to the office specified on the notice of the intended administrative action.

(B) That request must be received within the timeframe specified on the notice.

(C) As a convenience, an Administrative Hearing Request form is available in all local Office of Child Support Enforcement offices and on the office website at <https://www.dfa.arkansas.gov/child-support>.

(2) The request for an administrative hearing must contain information sufficient to determine the following:

(A) A statement of the specific action for which a hearing is requested;

(B) The reason the party believes the action should not occur; and

(C) The relief or other action the requesting party is seeking.

(b) Timeframes in which to request an administrative hearing. The party against whom the proposed action is to be taken must submit a written request for an

administrative hearing to the local child support office within the following timeframes from the mailing date of the notice of intent/pre-offset notice:

- (1) Federal tax offset – thirty (30) days from the date of the notice;
- (2) State tax offset – thirty (30) days from the date of the notice;
- (3) Financial Institution Data Match (FIDM) – ten (10) days from the date of the notice;
- (4) Insurance settlements or accounts (CSLN) – fifteen (15) days from the date of the notice;
- (5) Suspension of driver’s license, permanent license plates, recreational, or professional licenses – thirty (30) days from the date of the notice;
- (6) Custodial or noncustodial party noncooperation – thirty (30) days from the date of the notice; and
- (7) Release of address information – twenty (20) days from the date of the notice.

Authority. Arkansas Code §§ 9-14-206, 9-14-239.

9 CAR § 9-103. Scheduling hearings.

(a)(1) The hearing officer will schedule the hearing to afford the parties, and their attorneys, if any, notice of the date, place, and time of the hearing.

(2) The hearing may be rescheduled at the discretion of the hearing officer or at the request of any party upon a showing of good cause.

(3) The hearing scheduling notice shall recite that the obligor’s failure to appear for the scheduled hearing will be considered a waiver of the administrative hearing process.

(b) The hearing officer will mail the party a notice:

- (1) Setting the time, location, and date of the hearing; and
- (2) Advising that he or she has fifteen (15) days from the date of the notice to inform the hearing officer of the identity of any Office of Child Support Enforcement employees they may wish to question during the administrative hearing.

Authority. Arkansas Code § 9-14-206.

9 CAR § 9-104. Interpreters.

(a) If a foreign language interpreter or an interpreter for the hearing impaired is required by the party requesting the hearing, the party shall advise the General Counsel section, in writing, no later than ten (10) days prior to the scheduled hearing.

(b) A qualified interpreter will be secured for the hearing by the General Counsel section.

Authority. Arkansas Code § 9-14-206.

9 CAR § 9-105. Witnesses.

(a)(1) The party and/or his or her representative will be notified by the General Counsel section that fifteen (15) days are allowed from the date of the notice to review the hearing file at the office indicated in the notice.

(2) The notice will also advise the party and/or their representative that they may identify Office of Child Support Enforcement employees who they wish to question during the administrative hearing.

(b)(1) The initiating office should submit the names of any witnesses the office wishes to testify regarding the adverse action taken to the General Counsel section at the time the hearing file is submitted.

(2) Office employees are required to testify in the administrative hearings upon notification by the hearing officer.

(3) The initiating office representative will be notified by the hearing officer of any witnesses the party has requested and will have five (5) days from receipt of this notice to identify rebuttal witnesses.

Authority. Arkansas Code § 9-14-206.

9 CAR § 9-106. Place of hearings.

(a) The hearing will normally be held at the Office of Child Support Enforcement Central Office, Little Rock, Arkansas.

(b) At the request of a party, and/or at the discretion of the hearing officer, the hearing may be held at an office field office or by telephone conference call.

Authority. Arkansas Code § 9-14-206.

9 CAR § 9-107. Abandoning the administrative hearing request.

If the requesting party fails to appear for the hearing and has not received the consent of the hearing officer to a postponement, the administrative appeal will be considered abandoned.

Authority. Arkansas Code § 9-14-206.

9 CAR § 9-108. Initiating office.

(a) The initiating office will provide pertinent information relating to the issues of the case and be prepared to question any witnesses who are presented as well as the party requesting the hearing.

(b) In hearing requests relating to state or federal tax offset, the local office must attempt to contact the requesting party to attempt to resolve the complaint prior to the hearing.

Authority. Arkansas Code § 9-14-206.

9 CAR § 9-109. Conduct of hearing.

(a) The hearing will be conducted by a hearing officer who is an attorney assigned by the General Counsel section.

(b) No person who participated in the decision that is being appealed may serve as the hearing officer.

(c) The administrative hearing will be electronically recorded by the hearing officer or his or her designee.

(d) The party who requested the administrative hearing may have a designated representative present at the hearing.

Authority. Arkansas Code § 9-14-206.

9 CAR § 9-110. Hearing decision.

(a) Final order.

(1) The hearing officer will prepare and sign a final order based on:

- (A) Testimony of the parties;
- (B) Documents presented; and
- (C) Statements of party representatives.

(2) A copy of the final order will be mailed to the party appealing the adverse action with proof of delivery, i.e.:

- (A) Certified or registered mail;
- (B) Restricted delivery; or
- (C) Return receipt requested.

(3) A copy will also be provided to the representative of the initiating office.

(b) Judicial appeals to the circuit court.

(1) If a party wishes to appeal the final order, he or she has thirty (30) calendar days after receipt of the final order to file an appeal with the appropriate circuit court for a judicial review.

(2) In noncooperation cases, any appeal may be made to the appropriate state agency.

Authority. Arkansas Code § 9-14-206.

9 CAR § 9-111. Intergovernmental cases involving federal tax offset.

(a) If an administrative hearing is requested in an intergovernmental case, the hearing may be conducted by the state that issued the child support order at the request of the noncustodial parent.

(b) When an administrative review is conducted by the issuing state, the decision made by that state is binding.

Authority. Arkansas Code § 9-14-206.