

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0222-03
Bill No.: Truly Agreed To and Finally Passed SCS for SB 69
Subject: Administrative Law; Social Services Department; Family Law; Children and Minors; Courts
Type: Original
Date: May 28, 2013

Bill Summary: This proposal modifies provisions relating to administrative child support orders.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on FTE	0	0	0

- Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).
- Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Courts Administrator** and the **Administrative Hearing Commission** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Department of Social Services (DSS)** state this bill allows an administrative hearing officer to correct an administrative decision or order that contains clerical mistakes arising from oversight or omission at any time prior to the court's review of the administrative decision. The change may be initiated by the hearing officer. In addition, any party to the action can file a written motion with the hearing officer requesting the change. A copy of the written motion must be made available to all parties. Any objection or response to the written motion must be made in writing and filed with the hearing officer within fifteen days from the mailing date of the motion.

Similarly, any administrative decision or order or proposed administrative modification of a judicial order containing errors may be corrected prior to being filed with the court by an administrative hearing officer upon his or her initiative or by written motion filed by the Family Support Division (FSD) or any party to the action. The motion must be filed within 60 days of the administrative decision or order or proposed decision and order and must be mailed to all parties. Any objection or response to the written motion must be filed with the hearing officer within 15 days from the mailing date of the motion. No decision, order, or proposed administrative modification of a judicial order may be corrected after 90 days from the mailing of the decision or during the court's review of the administrative decision, order, or proposed order, except in response to an express order from the reviewing court.

An administrative decision or order may be vacated by an administrative hearing officer upon his or her initiative or by written motion filed by the division or any party to the action if the administrative hearing officer determines that the decision or order was issued without subject matter jurisdiction, without personal jurisdiction, or without affording the parties due process. The motion must be mailed to all parties. Any objection or response to the written motion must be made in writing and filed with the hearing officer within 15 days from the mailing date of the motion.

The changes proposed in this bill will allow DSS to administratively address incorrect and invalid administrative hearing decisions, orders, and proposed orders to better serve the parties to an FSD child support case. However, FSD does not anticipate this bill having a significant fiscal impact to the FSD's child support program.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

The proposed legislation appears to have no fiscal impact.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Social Services
Office of the State Courts Administrator
Administrative Hearing Commission



Ross Strope
Acting Director

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