

**IN THE FIRST JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA**

ADMINISTRATIVE ORDER NO. 2006-36

(Vacates AO 1991-10, in its entirety, AO 1993-42 in its entirety, AO 1996-20 in its entirety, AO 1996-21 in its entirety, and AO 2001-73 in its entirety)

IN RE: *Child Support Enforcement Hearing Officers*

WHEREAS the United States Congress enacted P.L. 93-647 in 1975 to establish Title IV-D (“IV-D”) of the Social Security Act (42 U.S.C. § 651, et. seq.), thereby creating the Child Support Enforcement Program; and

WHEREAS certain laws of Florida establish obligations for timely child support enforcement (§ 409.2551, et. seq., *Florida Statutes*); and

WHEREAS Rule 12.491, *Florida Family Law Rules of Procedure*, provides for the appointment of child support enforcement hearing officers, and further provides for certain child support enforcement procedures; and

WHEREAS the Chief Justice of the Supreme Court of Florida entered an administrative order on March 21, 1991 authorizing the child support enforcement hearing officer procedures for both IV-D and non-IV-D proceedings in the First Judicial Circuit; and

WHEREAS the interests of the public, the litigants, and the judiciary require a flexible and speedy system for resolution of proceedings involving establishment,

modification, and enforcement of child support, spousal support, maintenance, and arrearages; it is therefore

ORDERED:

1. Child Support Enforcement Hearing Officers (“hearing officers”) shall serve under the direction of the Chief Judge. All cases filed or pending in Escambia County, Okaloosa County, Santa Rosa County, and Walton County which are certified by the Department of Revenue to be cases in which Title IV-D of the Social Security Act (42 U.S.C. § 651, et. seq.) and *The Florida Child Support Enforcement Act* (§ 409.2551, et. seq., *Florida Statutes*) apply, including so-called public-assistance, non-assistance and URESA cases, shall be referred by the respective clerks of court to the hearing officer for establishment, enforcement, or modification of support.

2. Cases referred to the hearing officer shall be scheduled for hearing in an expeditious manner consistent with due process requirements and the discovery needs of the parties.

3. All preliminary motions shall be heard by the hearing officer, who shall rule thereon. Any party or his or her counsel who objects to the ruling of the hearing officer shall file a notice of objection with the circuit judge to whom the case is assigned within ten (10) days of such ruling by the hearing officer, if such ruling is in writing, or within ten (10) days of entry of the recommended order by the circuit judge.

4. All evidentiary and other objections made by a party or a party’s counsel at a

hearing conducted by the hearing officer shall be considered by the hearing officer, who shall rule thereon, subject to exception by a party or his or her counsel noted in the record at the time of the ruling, which exception shall be considered by the circuit judge only upon the filing of a motion to vacate the recommended order.

5. The clerks of the court shall issue process and subpoenas at the request of the parties or at the direction of the hearing officer.

6. The attorney for the Department of Revenue, or counsel for an opposing party, or an opposing party shall schedule cases for hearing after consultation with the hearing officer, and shall give notice thereof to all parties as required by law.

7. All testimony at hearings conducted by the hearing officer shall be recorded by electronic means, which recordings shall be maintained by Court Administration or its agents or employees, or, in the case of Okaloosa County and Walton County, recordings may be maintained in the court file which is maintained in the possession of the Clerks of the Court. Transcription of such proceedings shall be at the expense of the party requesting, except that transcription of such proceedings requested by the hearing officer or the circuit judge shall be at the expense of Court Administration, First Judicial Circuit.

8. Any party to a hearing before the hearing officer may have the proceeding reported by a court reporter, but it shall be the responsibility of such party to arrange for the attendance of the court reporter at the hearing. The party retaining the court reporter shall be responsible for payment to said court reporter.

9. The hearing officer shall be empowered to issue process, administer oaths, require the production of documents, and conduct hearings for the purpose of taking evidence. The hearing officer shall take testimony and establish a record in all proceedings before the hearing officer, and shall accept voluntary acknowledgments of paternity and support liability and stipulated agreements setting the amount of support to be paid. Additionally, the hearing officer shall evaluate the evidence and promptly make a recommended order. Such order shall include findings of fact to the circuit court for the establishment, enforcement, or modification of a support obligation.

10. The hearing officer shall promptly submit a recommended order to the circuit judge to whom the case is assigned, along with any exceptions to rulings made by the hearing officer on evidentiary matters.

11. Upon receipt of a recommended order, the assigned circuit judge shall review the recommended order and any exceptions to rulings on evidentiary matters. The circuit judge shall enter the order unless good cause appears to amend the order or further proceedings appear to be necessary. The circuit judge may conduct such further proceedings or may direct the hearing officer to do so.

12. Upon entry of the order by the circuit judge, the clerk of the court shall provide conformed copies of the order to the parties or their counsel.

13. Within ten (10) days of entry of the order by the circuit judge, any party affected by the order may move to vacate the order. Any party may file a cross-motion to

vacate within five (5) days of service of a motion to vacate, provided, however, that the filing of a cross-motion to vacate shall not delay the hearing on the motion to vacate unless good cause is shown. A motion to vacate the order shall be heard by the circuit judge within ten (10) days after the movant applies for a hearing on the motion.

14. Any party affected by the order may move to modify the order at any time.

15. If the hearing officer has a conflict of interest in a case, unless the parties after disclosure of the conflict of interest waive their right to recusal of the hearing officer, or if such other ground for recusal of the hearing officer exists, the hearing officer shall recuse himself/herself from the case and refer the matter to the circuit judge to whom it is assigned for further proceedings.

16. Any procedural issue arising from the operation of the child support hearing officer system not covered by this Administrative Order, and the *Florida Family Law Rules of Procedure* or the *Florida Rules of Civil Procedure* shall be determined by the assigned circuit judge.

17. The application of the mandatory automatic disclosure requirements of Rule 12.285, *Florida Family Law Rules of Procedure* would significantly and negatively affect the ability of the State of Florida to deliver legal services in cases within the scope of Title IV-D and the Florida Child Support Enforcement Act, including so-called public assistance, non-assistance and URESA cases. *Florida Family Law Rules of Procedure* Rule 12.285 permits the Court to modify the mandatory automatic disclosure requirements, provides that parties may object to the automatic disclosure requirements and, the rule permits the parties themselves to modify

those requirements. Therefore, cases within the scope of Title IV-D and the Florida Child Support Enforcement Act shall not be subjected to sanctions for the parties' failure to comply with the automatic disclosure requirements of Rule 12.295, except that all parties shall submit financial affidavits as required by the Rule. This order shall have no effect on the parties' ability or obligations to initiate or respond to discovery as provided in the rules.

18. The hearing officer shall make copies of this Administrative Order available to all parties and counsel for parties appearing before him or her.

19. This Administrative Order ratifies the previous written and oral appointments by the Chief Judge of the First Judicial Circuit's hearing officers, as follows: Eric Eggen, Esquire, John Allbritton, Esquire, and Nicholas Petersen, Esquire.

20. Any subsequent appointments by the Chief Judge of the First Judicial Circuit of persons to the position of Child Support Enforcement Hearing Officer may be made by written documents, memoranda, or administrative order.

DONE AND ORDERED at Pensacola, Escambia County, Florida this 7th day of September, 2006.



KIM A. SKIEVASKI
CHIEF JUDGE

Copies furnished to:

All Judges, First Judicial Circuit
All Magistrates, First Judicial Circuit
Wayne Peacock, Trial Courts Administrator
Robin Wright, Senior Deputy Courts Administrator

Eric Eggen, Esquire, CSEHO
John Allbritton, Esquire, CSEHO
Nick Petersen, Esquire, CSEHO
Brenda Sansom, Court Reporting Manager
Ernie L. Magaha, Clerk of Court, Escambia County
Don Howard, Clerk of Court, Okaloosa County
Martha Ingle, Clerk of Court, Walton County
Mary Johnson, Clerk of Court, Santa Rosa County
EscaRosa Bar Association, for publication
Okaloosa/Walton Bar Association, for publication/distribution
Department of Revenue, c/o Walter A. Steigleman, Jr., Esquire