

ADMINISTRATIVE ORDER
NO. 07-95-44-01

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND FOR
ORANGE AND OSCEOLA COUNTIES,
FLORIDA

**AMENDED ADMINISTRATIVE ORDER GOVERNING THE CHILD SUPPORT
HEARING OFFICERS' GENERAL POWERS AND DUTIES PURSUANT TO
FAMILY LAW RULE OF PROCEDURE 12.491**

WHEREAS, Family Law Rule of Procedure 12.491 applies to proceedings for the establishment, enforcement, or modification of child support, or the enforcement of any support order for the parent or other person entitled to receive child support in conjunction with an ongoing child support or child support arrearage order, when a party seeking support is receiving services pursuant to Title IV-D of the Social Security Act (42 U.S.C. §§ 651 et seq.) upon administrative order of the chief justice; and

WHEREAS, rule 12.491(e) addresses the general powers and duties of child support enforcement hearing officers and empowers the hearing officers to issue process, administer oaths, require the production of documents, and conduct hearings for the purpose of taking evidence; and

WHEREAS, rule 12.491(e) states that the hearing officers do not have the authority to hear contested paternity cases; and

WHEREAS, upon the receipt of a child support proceeding, the child support enforcement hearing officer shall:

- (1) assign a time and place for an appropriate hearing and give notice to each of the parties as may be required by law;
 - (2) take testimony and establish a record, which record may be by electronic means as provided by Florida Rule of Judicial Administration 2.535(h);
 - (3) accept voluntary acknowledgment of paternity and support liability and stipulated agreements setting the amount of support to be paid; and
 - (4) evaluate the evidence and promptly make a recommended order to the court.
- Such order shall set forth findings of fact; and

WHEREAS, rule 12.491(a) states that rule 12.491 shall become effective only when specifically invoked by administrative order of the chief justice for use in a particular county or circuit; and

WHEREAS, by Administrative Order dated February 27, 1998, the Supreme Court of Florida ordered that, pursuant to Family Law Rule of Procedure 12.491, hearing officers may be utilized in this Circuit to consider proceedings for the establishment, enforcement and modification of support in Title IV-D cases;

NOW, THEREFORE, I, Frederick J. Lauten, pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215 and pursuant to rule 12.491, order the following, **effective immediately**, to continue until further order and superseding any provisions in prior Administrative Order which may be inconsistent:

The provisions of Family Law Rule of Procedure 12.491 governing child support enforcement hearing officers shall be followed and enforced in both Orange and Osceola Counties in the Ninth Judicial Circuit.

For purposes of this Administrative Order, a case retains the character of a Title IV-D case only so long as no Termination of Child Support Services has been filed. Once the Department of Revenue has withdrawn from providing Title IV-D services **and** filed a Termination of Child Support Services, the case is no longer considered a Title IV-D case and shall not be heard before the support hearing officers.

Administrative Order 07-95-44 is vacated and set aside except to the extent that it has been incorporated and/or amended herein. Vacating an Administrative Order that vacates a prior Order does not revive the prior Order.

DONE AND ORDERED at Orlando, Florida, this 13th day of October, 2017.

_____/s/_____
Frederick J. Lauten
Chief Judge

Copies provided to:

Clerk of Courts, Orange County
Clerk of Courts, Osceola County
General E-Mail Distribution List
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