

ADMINISTRATIVE ORDER
NO. 07-95-44

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

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

WHEREAS, Rule 12.491 of the Family Law Rules of Procedure was promulgated by the Florida Supreme Court on November 22, 1995, In Re: Family Law Rules of Procedure, No. 84,337 to become effective January 1, 1996 and applies to proceedings for the establishment, enforcement, or modification of child support wherein the party seeking support is receiving services pursuant to Title IV-D of the Social Security Act (42 U.S.C. Sections 651 et seq.) and to non-Title IV-D proceedings 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 2.070(d);
- (3) determine voluntary acknowledgment of paternity and support liability and accept 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;

NOW, THEREFORE, I, Belvin Perry, Jr., pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida, under Rule 2.050, Florida Rules of Judicial Administration and pursuant to Rule 12.491(a) do hereby order that:

The provisions of Rule 12.491, Family Law Rules of Procedure governing child support enforcement hearing officers shall be followed and enforced in both Orange and Osceola Counties in the Ninth Judicial Circuit nunc pro tunc to January 1, 1996.

DONE AND ORDERED in Chambers at Orlando, Orange County, Florida, this 4th day of March, 1996. NUNC PRO TUNC to January 1, 1996.