

Your Child Support Hearing

***How To Prepare &
Present Your Case***

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Para obtener este folleto en español, llame a la Oficina de Audiencias Administrativas inmediatamente.

(503) 947-1515
877-560-7788

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Protected Information

If you believe that the health, safety, or liberty of you or your child would unreasonably be put at risk by disclosure of the following information, you may ask that such information be protected. The protected information is:

- your residence, mailing, or contact address;
- your social security number;
- your driver's license number;
- your employer's name, address, and telephone number.

In order to receive this protection, you may either contact the Division of Child Support or ask for such protection at the time the Administrative Law Judge contacts you for the hearing.

- You must provide an address of record which will be released to the other party;
- During this legal action, all legal documents will be mailed to you at this address of record;
- Your claim of risk is effective only during this legal action, but you can make a new claim of risk at the time of any future legal action.



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What Is A Hearing

A hearing is a fact-finding process. Usually the purpose of the hearing is to determine how much child support should be paid, or is owed. In a hearing, the people involved—usually the obligor, the party who is being asked to pay support, the obligee, the party who receives child support, any adult child, and sometimes the Division of Child Support (DCS) or other child support agency—give information about the case. Most of the information is given by testimony. All testimony is taken under oath. The information is given to the Administrative Law Judge (ALJ). The ALJ is an employee of the Office of Administrative Hearings (OAH). The law requires that OAH conduct hearings for DCS. This provides you with an unbiased person who is not a party to the proceeding to conduct the hearing. The ALJ's job is to make sure that all parties get a fair hearing, determine the facts of the case and to make a decision. The hearing is the parties' chance to tell their sides of the case.

What Is A Telephone Hearing?

With few exceptions, child support hearings are held by telephone. By calling a special telephone number and entering an access code, the parties participate in a conference call that allows all participants to hear everything that is said by the ALJ and the other parties. Occasionally, the hearing will be started by the ALJ calling all parties. Your notice of hearing explains the procedure for your hearing.

At the start of the hearing, be sure and tell the ALJ if you have witnesses. Witnesses do not need to be at the same location as the party for whom they are testifying. They can be called at the numbers most convenient for them. They will generally not be called at the beginning of the hearing, but at the time that the ALJ is ready to take their testimony. At that time, the ALJ will call them at the number you provide and add them to the conference

call. After they have testified, they will be asked to hang up.

If you do not have a telephone and cannot use a public phone or a friend's phone, contact DCS at (503) 373-7300 or 1-800-850-0228, the County District Attorney (DA), or the OAH for assistance.

IMPORTANT: You use a cordless or cell phone at your own risk. The ALJ will not unduly delay the hearing if your phone is not working.

WHAT HAPPENS AT A HEARING?

The ALJ starts the hearing by explaining what will happen during the hearing and answering your questions. The ALJ will then swear in the first witness and will ask questions. Then, other interested parties may ask questions of the witness. The process continues until all witnesses have given their statements, and all parties have had a second opportunity to provide information. Usually, in these hearings no witnesses other than the obligor and the obligee are necessary.

You will be given a chance to offer written evidence, such as tax returns, pay stubs and canceled checks. Each party is expected to have his or her evidence and witnesses available at the time of the hearing.

IMPORTANT: Written evidence for hearing must be submitted prior to the hearing. If you have documents or any written evidence that you would like the ALJ to consider in deciding your case, you must supply copies of them to the ALJ and to all other parties to the case sufficiently in advance of the hearing to allow time for copies to reach the other parties. Other parties may include: the Division of Child Support or the District Attorney; the other parent or caretaker; the child support agency of another

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state; an adult child or children. You can find their “address of record” on the Notice of Hearing issued by the OAH, or on the DCS Record or DA Record supplied with the hearings packet you received. The copies must be sent to all parties at their indicated address of record, even if you know of another address for them. When you send copies to the ALJ and the other parties, please indicate that you have done so in your written documents.

What Evidence Is Needed For The Hearing?

In a case involving establishing or modifying a child support obligation, you should be prepared to discuss your past and current earnings, household expenses, other household income, your other dependents and the expenses related to the child (or children) for whom support is being sought. The support obligation will be set based upon these factors. If there are any unusual factors relating to your circumstances which you believe might affect the decision, you must be prepared to share that information at the hearing. You should have specific information about health insurance costs, with a breakdown of the cost for each dependent. Most employers have documents which set out these costs.

In a case related to enforcement or registration of an existing child support order, you should have payment records, or copies of any court orders or satisfactions filed. If you are seeking credit for times when the child was not with the obligee, you must present specific information about the dates and the whereabouts of the child during those periods. Written evidence, such as school records, could be helpful.

The ALJ will not independently seek out information that is not made available during the hearing. The ALJ will make a decision based on the testimony and documents put into evidence.

IMPORTANT: This hearing is not about legal custody of children, visitation problems, or the distribution of joint property. The amount of visitation might be relevant as it relates to what the appropriate support amount should be. It is not appropriate during the hearing to raise issues related to the quality of parenting.

How Will I Know When My Hearing Is Scheduled?

At least ten days before the hearing, a “Notice of Hearing” will be mailed to you. The notice will state the date and time of the hearing, which will be held by telephone. The notice will also tell you what issues will be considered at the hearing.

What If I Have Special Needs?

If you have special needs due to hearing or other impairment, let the OAH know immediately so that reasonable accommodations can be made for you.

How Do I Get Witnesses Or A Subpoena?

Generally, witnesses in addition to the parties are not needed for child support hearings, but there are some cases in which a witness can provide useful information. Before you ask witnesses to appear at hearing, be sure that the testimony is necessary. Unless you can show that a witness has information important for your case, the ALJ will probably not take the testimony.

If you need a witness to help explain your case, such as an accountant or a child care provider, contact him or her as soon as possible and determine if he or she will be available at the time set for your hearing. In rare cases, a witness you believe is important for

your case might be unwilling to testify at your hearing. If you have an attorney, your attorney can issue a subpoena and have it served. If you do not have an attorney, you may, contact the OAH, explain why the testimony of the witness is necessary, and ask for a subpoena. A subpoena orders a person to appear at the hearing. In child support hearings, the subpoena orders the witness to be available to give testimony by telephone at the time of hearing. If a subpoena is issued you must have it served.

Do I Need Other Evidence?

When a child support case is initiated by DCS, a DA, or an agency with similar responsibilities for support cases in another state, the parties are generally asked to provide written documentation concerning income, expenses, and personal circumstances that are relevant to a support order. When a hearing is requested, DCS or the DA mails copies of those documents to the parties along with any other relevant information obtained by DCS or the DA. If you did not submit all of the requested information or if you have additional documentation, such as earnings records, proof of insurance or insurance costs, child care expense records, invoices for uninsured medical expenses, etc., submit that information to the ALJ and all other parties immediately.

When the issue concerns arrears or the payment of past support, submit copies of canceled checks or other proofs of payment prior to hearing. If you need records that are important to your case, but to which you have been denied access, you may ask the OAH for a Discovery Request. You will need to prove a need for the Discovery Request by showing that you are seeking relevant information. If the Discovery Request is issued, it will be sent to you to serve.

IMPORTANT: Written evidence for hearing must be submitted prior to hearing. If you have documents or any written evidence that you would like the ALJ to consider in deciding your case, you must supply copies of them to the ALJ and to all other parties to the case sufficiently in advance of the hearing to allow time for copies to reach the other parties. Other parties may include: the Division of Child Support or the District Attorney; the other parent or caretaker; the child support agency of another state; an adult child or children. You can find their “address of record” on the Notice of Hearing issued by the Office of Administrative Hearings, or on the DCS Record or DA Record supplied with the hearings packet you received. The copies must be sent to all parties at their indicated address of record, even if you know of another address for them. When you send copies to the ALJ and the other parties, please indicate that you have done so in your written documents.

Do I Need An Interpreter?

Hearings are conducted in English. If your knowledge of English is limited, or if you are reading this for a person whose knowledge of English is limited, or if you are hearing or speech impaired, contact the OAH immediately. We will arrange to have an interpreter available for the hearing. There is no charge to you for this service.

Do I Need An Attorney?

Parties usually participate in child support hearings without the assistance of an attorney. However, you may be represented at the hearing by an attorney who is licensed to practice in Oregon. You will be responsible for paying your own legal fees.

If you are going to hire an attorney, do so right away. Your attorney will need time to prepare your case. If you hire an attorney, inform the OAH immediately so that we can advise your attorney of the date and time of the hearing.

If during the hearing you determine that you need an attorney, you may ask the ALJ for time to get one. The ALJ will decide whether to allow or deny your request.

What If I Don't Participate In The Hearing?

If you asked for a hearing, but don't participate in the hearing, your request for a hearing will be dismissed. This means that the amount of child support and any arrears requested by DCS, or the DA's office, may go into effect.

If you did not ask for the hearing, but you are one of the persons listed on the notice of hearing, you should participate in the hearing in order to present evidence for the ALJ to consider. If you don't participate in the hearing, the ALJ will have to rely on information provided by DCS, a DA's office or the party who requested a hearing.

What If I Change My Mind About Wanting A Hearing?

If you asked for a hearing, then decide you don't want it, you can withdraw your request for hearing. This means that the amount of support and any arrears requested by DCS or a DA's office may go into effect. It also means that the obligated parent may be required to provide health insurance. If you decide to withdraw your request, please telephone the OAH ((503) 947-1515) as soon as possible to receive instructions.

How Will I Receive An Order?

In most cases, an order will be mailed to you within three weeks. This order will list the facts of the case as determined by the ALJ and the legal basis for the order, including support worksheets when required.

What If I Disagree With The Child Support Order?

If you disagree with the ALJ's order, you have the right to appeal. You can appeal the order by filing a petition for review in Oregon Circuit Court in the county in which the ALJ's order has been docketed. A petition for review must be filed in the court within 60 days after the docket date. You may wish to contact the court, or consult with an attorney, to obtain additional information.

Hearing Tips

Before the hearing, list the points you want to address at the hearing. Use that list to prepare your case, and use it at the hearing to make sure you address all relevant points you want to make.

Take notes at the hearing. You can use these notes when it is your turn to ask questions.

Written evidence for your hearing must be submitted prior to the hearing. If you have documents or any written evidence that you would like the ALJ to consider in deciding your case, you must supply copies of them to the ALJ and to all other parties to the case sufficiently in advance of the hearing to allow time for copies to reach the other parties. Other parties may include: the Division of Child Support or the District attorney; the other parent or caretaker; the child support agency of another state; an adult child or children. You can find their "address of record" on the Notice of Hearing issued by the OAH, or on the DCS Record or DA Record supplied with

the hearings packet you received. The copies must be sent to all parties at their indicated address of record, even if you know of another address for them. When you send copies to the ALJ and the other parties, please indicate that you have done so in your written documents.

If you want an attorney, hire one immediately. The attorney must be licensed in the State of Oregon.

- 1** Testify only when it is your turn. Do not interrupt. You will be given an opportunity to speak and ask questions.
- 2** Testify to what you know. Don't guess. If you don't know the answer to a question, say you don't know.
- 3** Don't repeat what has already been said.
- 4** Make your questions short and to the point. Ask only one question at a time. Do not argue with the answers, but make notes so you can respond when you next testify.
- 5** Make sure your evidence is necessary to your case.
- 6** Don't argue or get angry during the hearing. You will do a much better job of presenting your case if you stay calm.

Where Can I Call If I Have Questions

Division of Child Support (DCS)

- If you have questions about the support request or collection issues, read the material you received earlier from the agency (DCS or DA) that issued the request or call them at the numbers provided in that material.
- Phone (503) 373-7300;
1-800-850-0228

Office of Administrative Hearings (OAH)

- If you have questions about the hearing procedure
- Phone (503) 947-1515;
877-560-7788
- Fax (503) 947-1921
- TDD* 711

**Telecommunications device for the hearing impaired.*

?A Quien Llamo Si Tengo Preguntas?

División para la manutención de menores. Si tiene preguntas sobre el pedido de manutención o sobre asuntos de cobro, lea los papeles que recibió antes de la agencia (SED o DA) que emitió el pedido o llámelos a los números indicados en esos papeles. Si tiene alguna pregunta sobre el procedimiento de la audiencia, llame a la Oficina de Audiencias Administrativas del Departamento de Empleo.

- Teléfono (503) 373-7300
1-800-850-0228

Oficina de Audiencias Administrativas

- Si usted tiene preguntas acerca del procedimiento de la audiencia
- Teléfono (503) 947-1515
877-560-7788
- Fax (503) 947-1921
- TDD* 711

**Dispositivo de telecomunicaciones para los con el sonido dañado*

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