

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Paul McMurtry

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to Department of Revenue hearings.

PETITION OF:

NAME:

Paul McMurtry

DISTRICT/ADDRESS:

11th Norfolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO DEPARTMENT OF REVENUE HEARINGS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 17 of chapter 119A of the General Laws, as appearing in the 2002 Official
2 Edition, is hereby amended by inserting after the words "administrative review" in line 9 the words:- "or
3 administrative hearing as provided for in section 18."

4 SECTION 2. Said chapter 119A is hereby further amended by inserting after section 17 the following
5 new section:-

6 "Section 18. Upon the written request of the obligor or obligee, the department shall conduct
7 administrative hearings for the prompt resolution of disputes concerning the enforcement of obligations,
8 collection and disbursement of child support. According to section 17, an obligor or obligee may request
9 such a hearing if he is aggrieved by an action of the department with regard to child support matters. The
10 right to an administrative review, as provided for in section 17, shall be waived if the department
11 conducts a hearing in accordance with the provisions of this section. The department shall promulgate
12 rules and regulations for conducting such hearing that are not inconsistent with the procedures established
13 in the section.

14 Any obligor or obligee, or the legal representative of such obligor or obligee, so aggrieved by an action of
15 the department in enforcing, collecting or disbursing child support shall have a right to a hearing upon
16 written notice to the department in the manner and form prescribed by the department; provided,
17 however, such written notice requesting the hearing is received by the department within 120 days of the
18 obligor's or obligee's discovery of the action of the department. Such hearing shall be conducted by the
19 commissioner of the department of revenue, or his designee. The commissioner or his designee is hereby

20 empowered to subpoena witnesses, administer oaths, take testimony and secure the production of such
21 books, papers, records and documents as may be relevant to such hearings. The commissioner shall
22 notify each obligor and obligee of his or her right to such hearing.

23 A hearing held pursuant to this section shall be held at a location convenient to the person requesting the
24 hearing and shall be conducted as an adjudicatory proceeding under chapter thirty-A, except that any
25 appeal from the decisions made at the hearing shall be to a court in the same manner as a provided for in
26 section 17 for appealing decisions made at an administrative review.

27 Reasonable notice must be given to all parties involved in the administrative hearing so to provide
28 adequate time to prepare to offer evidence or testimony at the hearing.

29 The commissioner, or his designee, shall have the power to grant relief and shall issue his decision within
30 ninety days after the date of the filing of the request for a hearing by the obligor or obligee, or their legal
31 representative. The decision shall be binding on the department.

32 The department shall file an annual report with the joint committee on the judiciary. Said report shall
33 include, but not be limited to, the following: the number of hearings requested; the number of hearings
34 held; the types of cases appearing before the commissioner or his designee at each hearing; a summary of
35 the resolution of disputes and decisions rendered as a result of the hearing; recommendations by the
36 commissioner in order to improve the hearing process.

37 SECTION 3. This act shall take effect upon its passage.