

HOUSE No. 03001

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

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PETITION OF:

NAME:

DISTRICT/ADDRESS:

Paul McMurtry

11th Norfolk

Stephen Stat Smith

28th Middlesex

HOUSE No. 03001

By Mr. McMurtry of Dedham, a petition (accompanied by bill, House, No. 3001) of Smith and McMurtry relative to administrative hearings by the Department of Revenue for the prompt resolution of disputes concerning the enforcement of obligations Joint Committee on Revenue.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 2830 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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
2 Official Edition, is hereby amended by inserting after the words “administrative review” in line 9
3 the words:- “or administrative hearing as provided for in section 18.”

4 SECTION 2. Said chapter 119A is hereby further amended by inserting after section 17 the
5 following 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
8 obligations, collection and disbursement of child support. According to section 17, an obligor or

9 obligee may request such a hearing if he is aggrieved by an action of the department with regard
10 to child support matters. The right to an administrative review, as provided for in section 17,
11 shall be waived if the department conducts a hearing in accordance with the provisions of this
12 section. The department shall promulgate rules and regulations for conducting such hearing that
13 are not inconsistent with the procedures established in the section.

14 Any obligor or obligee, or the legal representative of such obligor or obligee, so aggrieved by an
15 action of the department in enforcing, collecting or disbursing child support shall have a right to
16 a hearing upon written notice to the department in the manner and form prescribed by the
17 department; provided, however, such written notice requesting the hearing is received by the
18 department within 120 days of the obligor's or obligee's discovery of the action of the
19 department. Such hearing shall be conducted by the commissioner of the department of revenue,
20 or his designee. The commissioner or his designee is hereby empowered to subpoena witnesses,
21 administer oaths, take testimony and secure the production of such books, papers, records and
22 documents as may be relevant to such hearings. The commissioner shall notify each obligor and
23 obligee of his or her right to such hearing.

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

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

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

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

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