 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Family Support
	Chapter No./Name	9 – Child Support Enforcement (CSE)
	Part No./Name	K – Enforcement of Support
	Section No./Name	K-300 Administrative License Suspension
	Document No./Name	K-340 Administrative Hearing
	Effective Date	July 1, 2023

I. STATEMENT OF POLICY

[LA R.S. 9:315.42](#) states that the NCP has 20 days from receipt of the form [CSE 440](#) to request an administrative hearing if he/she objects to the suspension. No further action to suspend license(s) may be taken until the administrative hearing process *** has been **** complete or abandoned.

II. PROCEDURES

If a request for a hearing is not received timely (******* received by *** the** office within 20 days **from date of receipt of the notice ****), but is received prior to further actions being taken to suspend licenses, the analyst ***** * are to request the administrative hearing on behalf of the NCP despite the untimely request. ****


Administrative hearings relative to license suspension are conducted by the Division of Administrative Law (DAL).

Upon receipt of a written request for an administrative hearing, immediately fax form [CSE 444](#) Cover Letter to Administrative Law Judge, to (225) 219-9820 so DAL can schedule the hearing. All of the following documents must be faxed to DAL at: Division of Administrative Law, Attn: Administrative Hearings Clerk, no later than 15 days after receipt of the request for a hearing.

- form [CSE 444A](#) (Motion to Offer Evidence);
- a copy of form [CSE 440](#);
- original proof of service of Notice to the NCP;
- a copy of the objection filed by the NCP with the office date stamp in the upper right-hand section of the document;
- a record of child support payments (FISU);
- any other documents or facts pertinent to the case; and
- Form CSE 60 (Certificate of Admissibility) with a copy of the court order to pay support.

The CSE Manager shall also provide copies to the Attorney Supervisor responsible for DCFS legal issues in the region. The Attorney Supervisor responsible for the attorneys in that office will assign the case to an attorney to represent the Agency. If no attorney is located in the district office, copies of the above documents shall be given to the CSE Manager to contact the Bureau of General Counsel, Deputy General Counsel, for assignment of an attorney to represent the Agency.

DAL will schedule the hearing and provide notice to the District Office and to the NCP. Once DAL sets a date and the Administrative Law Judge is assigned to handle the hearing, the office will receive notice of the hearing by email. The hearing is conducted telephonically at the District Office unless other arrangements are made by the NCP. The notice will provide instructions for accessing the telephonic hearing. The attorney assigned to the case shall represent the Agency and present all relevant material. The analyst who handles the case must also be prepared to provide testimony

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concerning the arrears, if needed. The hearing for an NCP with multiple cases will be scheduled on the same date and time.

The law provides that the sole issue at the administrative hearing shall be whether the NCP is in compliance with an order of support.

After hearing from the parties who participate in the telephonic hearing, the Administrative Law Judge will * have a 30-day period to make a decision. If the Administrative Law Judge ** decides that the NCP is not in compliance, the Agency shall proceed with the license suspension. If the District Office is served with a notice and legal pleadings indicating the NCP has filed for a judicial review, send a copy of the notice or pleadings to the attorney assigned to represent DCFS in the matter for review and instructions concerning appropriate legal actions.

When a request is submitted to DAL for an administrative hearing, State Office should also be notified of this request. The following information is requested by State Office:

- CP Name;
- NCP Name;
- LASES case ID number; and
- Date of referral to DAL

Send the requested information by email to:


DCFS-SES-ProgramSupport@la.gov

The notice received in the District Office from DAL must be submitted to State Office DCFS-SES-ProgramSupport@la.gov advising of the disposition of the referral, e.g. hearing date, rule, dismissal and/or withdrawal of request for hearing by NCP.

K-341 INTERVIEWING THE NCP

Unless the NCP withdraws the request for a hearing and enters into a written agreement to pay current and past due support, the analyst shall schedule an appointment with the NCP within 10 days of receipt of the request for an administrative hearing to try to resolve the issue.

However, if the NCP wishes to withdraw his/her request for a hearing, the NCP must complete form [CSE 445](#), Withdrawal of Request for Administrative Hearing, and sign the form to this effect. Fax the form immediately to DAL, then mail the original. Upon receipt of the withdrawal form, DAL shall dismiss the hearing with prejudice. Appropriate action is then taken proceeding either with suspending licenses or having the NCP enter into a written agreement to make regular payments of current support and/ or adequate payment on arrears.

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III. FORMS AND INSTRUCTIONS

[CSE 440 Form / Instructions](#)

[CSE 444 Form / Instructions](#)

[CSE 445 Form / Instructions](#)

IV. REFERENCES

[LA R.S.9 315.42](#)