

HOUSE No. 3001

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 adoption of the accompanying bill:

An Act relative to Department of Revenue hearings.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>1/21/2011</i>
<i>Stephen Stat Smith</i>	<i>28th Middlesex</i>	<i>2/4/2011</i>

HOUSE No. 3001

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

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

The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven
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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
5 the following new section:-

6 “Section 18. Upon the written request of the obligor or obligee, the department shall
7 conduct administrative hearings for the prompt resolution of disputes concerning the
8 enforcement of obligations, collection and disbursement of child support. According to section
9 17, an obligor or obligee may request such a hearing if he is aggrieved by an action of the

10 department with regard to child support matters. The right to an administrative review, as
11 provided for in section 17, shall be waived if the department conducts a hearing in accordance
12 with the provisions of this section. The department shall promulgate rules and regulations for
13 conducting such hearing that 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
15 aggrieved by an action of the department in enforcing, collecting or disbursing child support
16 shall have a right to a hearing upon written notice to the department in the manner and form
17 prescribed by the department; provided, however, such written notice requesting the hearing is
18 received by the department within 120 days of the obligor's or obligee's discovery of the action
19 of the department. Such hearing shall be conducted by the commissioner of the department of
20 revenue, or his designee. The commissioner or his designee is hereby empowered to subpoena
21 witnesses, administer oaths, take testimony and secure the production of such books, papers,
22 records and documents as may be relevant to such hearings. The commissioner shall notify each
23 obligor and 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
34 report shall include, but not be limited to, the following: the number of hearings requested; the
35 number of hearings held; the types of cases appearing before the commissioner or his designee at
36 each 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.