
POLICY TRANSMITTAL NO. 07-32	DATE: JUNE 22, 2007
LEGAL DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF LEGISLATIVE RELATIONS AND POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:2-28, Table of Contents; 2-28-1 through 2-28-2; 2-28-4.2 through 2-28-4.3; 2-28-4.4; 2-28-16.1 through 2-28-16.2; 2-28-17.2; 2-28-19 through 2-28-20; 2-28-24 through 2-28-26; 2-28-29 through 2-28-31; and 2-28-33.

EXPLANATION: **Policy revisions were approved by the Commission and the Governor as required by the Administrative Procedures Act.**

OAC 340:2-28-1 is revised to clarify the Office of Administrative Hearings: Child Support (OAH) jurisdiction for administrative hearings relating to child support.

OAC 340:2-28-2 is revised to add "electronic filing" to the list of definitions.

OAC 340:2-28-4.2 is revised to add that administrative case proceedings cannot commence until an administrative case is opened through the Oklahoma Department of Human Services (OKDHS) Child Support Enforcement Division (CSED).

OAC 340:2-28-4.3 is revised to add the imaging of paper documents that have been manually filed into the electronic court file as an additional function of the clerk of OAH.

OAC 340:2-28-4.4 is a new rule specifying that OAH court clerks treat documents that have been filed through the OAH electronic medium the same as paper documents and affix an electronic file-stamp on the electronically filed document.

OAC 340:2-28-16.1 is revised to specify that CSED district child support offices docket their hearings through the OAH docketing system and clarify when notices and continuances must be docketed.

OAC 340:2-28-16.2 is revised to include the electronic filing and delivery of orders to parties is an acceptable form of filing and delivery of orders.

OAC 340:2-28-17.2 is revised to add that: (1) electronic signatures or electronic notary stamps are acceptable on pleading and motion documents; (2) electronic submissions are digitally maintained by OAH according to the State Records Retention Act; (3) forms, filing, and service documents may be electronically submitted; (4) motions may be provided on an electronic document; (5) the preferred method of filing documents, including motions, is through an electronic means approved by OAH; and (6) certain types of confidential information may be redacted.

OAC 340:2-28-19 is revised to add that certain types of confidential information may be redacted.

OAC 340:2-28-20 is revised to add that an entry of appearance may be filed through an electronic means approved by OAH.

OAC 340:2-24 is revised to add electronically submitted documents to items that constitute the exclusive record for decision by the administrative law judge.

OAC 340:2-28-25 is revised to add that parties must file a designation of record with OAH describing which documents in the OAH administrative file are to be sent to the appellate court in the event of an appeal.

OAC 340:2-28-26 is revised to clarify the numbering of OAH cases and the procedure for child support district offices to follow when transferring child support cases.

OAC 340:2-28-29 is revised to add that motions for dismissals or partial dismissals may be filed through an electronic means approved by OAH.

OAC 340:2-28-30 is revised to add that a motion for continuance may be electronically submitted.

OAC 340:2-28-31 is revised to add that objections to jurisdiction, service, or venue may be filed through an electronic means approved by OAH.

OAC 340:2-28-33 is revised to clarify the conditions when a default judgment may be entered.

Original signed on 6-6-07

Charles Waters, General Counsel
Legal Division

Sharon Neuwald, Coordinator
Office of Legislative Relations and Policy

WF # 07-02 (NAP)

INSTRUCTIONS FOR FILING MANUAL MATERIAL

OAC is the acronym for Oklahoma Administrative Code. If OAC appears before a number on an Appendix or before a Section in text, it means the Appendix or text contains rules or administrative law. Lengthy internal policies and procedures have the same Chapter number as the OAC Chapter to which they pertain following an "OKDHS" number, such as personnel policy at OKDHS:2-1 and personnel rules at OAC 340:2-1. The "340" is the Title number that designates OKDHS as the rulemaking agency; the "2" specifies the Chapter number; and the "1" specifies the Subchapter number.

The chronological order for filing manual material is: (1) OAC 340 by designated Chapter and Subchapter number; (2) if applicable, OKDHS numbered text for the designated Chapter and Subchapter; and (3) all OAC Appendices with the designated Chapter number. For example, the order for filing personnel policy is OAC 340:2-1, OKDHS:2-1, and OAC 340:2 Appendices behind all Chapter 2 manual material. Any questions or assistance with filing manual material will be addressed by contacting Policy Management Unit staff at 405-521-4326.

REMOVE

340:2-28, Table of Contents

340:2-28-1

340:2-28-2

340:2-28-4.2

340:2-28-4.3

340:2-28-16.1

340:2-28-16.2

340:2-28-17.2

340:2-28-19

340:2-28-20

340:2-28-24

340:2-28-25

340:2-28-26

340:2-28-29

INSERT

340:2-28, Table of Contents, pages 1-2,
revised 7-1-07

340:2-28-1, 1 page only, revised 7-1-07

340:2-28-2, pages 1-2, revised 7-1-07

340:2-28-4.2, 1 page only, revised 7-1-07

340:2-28-4.3, 1 page only, revised 7-1-07

340:2-28-4.4, 1 page only, issued 7-1-07

340:2-28-16.1, 1 page only, revised 7-1-07

340:2-28-16.2, 1 page only, revised 7-1-07

340:2-28-17.2, pages 1-6, revised 7-1-07

340:2-28-19, pages 1-2, revised 7-1-07

340:2-28-20, 1 page only, revised 7-1-07

340:2-28-24, 1 page only, revised 7-1-07

340:2-28-25, 1 page only, revised 7-1-07

340:2-28-26, 1 page only, revised 7-1-07

340:2-28-29, 1 page only, revised 7-1-07

REMOVE

340:2-28-30

340:2-28-31

340:2-28-33

INSERT

340:2-28-30, 1 page only, revised 7-1-07

340:2-28-31, 1 page only, revised 7-1-07

340:2-28-33, 1 page only, revised 7-1-07

SUBCHAPTER 28. OFFICE OF ADMINISTRATIVE HEARINGS: CHILD SUPPORT

Section

340:2-28-1.	Purpose
340:2-28-2.	Definitions
340:2-28-3.	Scope of rules
340:2-28-4.	Office of Administrative Hearings: Child Support
340:2-28-4.1.	Districts
340:2-28-4.2.	Terms and location of Office of Administrative Hearings: Child Support
340:2-28-4.3.	Clerk of Office of Administrative Hearings :Child Support
<u>340:2-28-4.4.</u>	<u>Electronic filing</u>
340:2-28-5.	Seal [REVOKED]
340:2-28-6.	Public records [REVOKED]
340:2-28-7.	The Administrative Law Judge (ALJ) [REVOKED]
340:2-28-8.	Qualifications of administrative law judge
340:2-28-9.	Power of the administrative law judge
340:2-28-10.	Empowered duties of the Administrative Law Judge [REVOKED]
340:2-28-11.	Disqualification of an administrative law judge
340:2-28-12.	Judges' conferences
340:2-28-13.	Districts [AMENDED AND RENUMBERED TO 340:2-28-4.1]
340:2-28-14.	Terms and location of Court [AMENDED AND RENUMBERED TO 340:2-28-4.2]
340:2-28-15.	Clerk of Office of Administrative Hearings [AMENDED AND RENUMBERED TO 340:2-28-4.3]
340:2-28-16.	Rights of parties [REVOKED]
340:2-28-16.1.	Docketing cases
340:2-28-16.2.	Service of orders
340:2-28-17.	Local Child Support Office [REVOKED]
340:2-28-17.1.	Hearing room
340:2-28-17.2.	Pleadings and motion practice
340:2-28-18.	Discovery
340:2-28-19.	Evidentiary purpose
340:2-28-20.	Entry of appearance
340:2-28-21.	Exclusion from hearing for misconduct
340:2-28-22.	Professional conduct and dress requirements
340:2-28-23.	Official transcript
340:2-28-24.	Record for decision
340:2-28-25.	Record for appeal
340:2-28-26.	Case numbering
340:2-28-27.	Pleadings [AMENDED AND RENUMBERED TO 340:2-28-17.2]

- 340:2-28-28. Forms **[REVOKED]**
- 340:2-28-29. Dismissals
- 340:2-28-30. Continuances
- 340:2-28-31. Objections to service and venue
- 340:2-28-32. Prehearing conference **[REVOKED]**
- 340:2-28-33. Default judgement
- 340:2-28-34. Matters taken under advisement
- 340:2-28-35. Uniformity of rulings **[REVOKED]**
- 340:2-28-36. Determining the amount of payments **[REVOKED]**
- 340:2-28-37. Fraud **[REVOKED]**
- 340:2-28-38. Notice of support debt **[REVOKED]**
- 340:2-28-39. Notice of delinquency **[REVOKED]**
- 340:2-28-40. Notice of Job Finding and Training Programs **[REVOKED]**
- 340:2-28-41. Voluntary acknowledge of debt **[REVOKED]**
- 340:2-28-42. Visitation **[REVOKED]**
- 340:2-28-43. Modification **[REVOKED]**
- 340:2-28-44. Hearings **[REVOKED]**
- 340:2-28-45. Notice of the hearing **[REVOKED]**
- 340:2-28-46. Issues **[REVOKED]**
- 340:2-28-47. Administrative orders **[REVOKED]**
- 340:2-28-48. Temporary orders
- 340:2-28-49. District Court **[REVOKED]**
- 340:2-28-50. Effect of administrative order
- 340:2-28-51. Child support guidelines **[REVOKED]**
- 340:2-28-52. Income assignment **[REVOKED]**
- 340:2-28-53. Modification **[REVOKED]**
- 340:2-28-54. Reconsideration, re-examination, rehearing or vacation of a judgement or final order **[REVOKED]**
- 340:2-28-55. Appeal from administrative order
- 340:2-28-56. Appeal from an order for income assignment **[REVOKED]**

340:2-28-1. Purpose

The purpose of this Subchapter is to provide rules for all administrative hearings of child support and other matters under the jurisdiction of the Office of Administrative Hearings: Child Support, as defined in this Subchapter. This Subchapter complies with Section 237 of Title 56 of the Oklahoma Statutes to administer the Oklahoma Department of Human Services statewide plan for child support enforcement under Title IV, Part D, of the Social Security Act, Sections 651 through 669B, of Title 42 of the United States Code, Chapter III of Title 45 of the Code of Federal Regulations, Sections 237 through 240.23 of Title 56 of the Oklahoma Statutes, applicable provisions of Titles 10, 43, and 68 of the Oklahoma Statutes, and all other relevant state and federal laws. Nothing in this Subchapter shall be construed to limit the rights of persons who are not represented by counsel to submit pleadings on their own behalf.

340:2-28-2. Definitions

The following words and terms, when used in this Subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

"ALJ" means an administrative law judge in the Office of Administrative Hearings: Child Support.

"Authorized representative" means a person designated under law to act for another person or an entity, such as a guardian of a child or an executor of an estate.

"Child Support Enforcement Division" or **"CSED"** means the Child Support Enforcement Division of the Oklahoma Department of Human Services (OKDHS). District offices of CSED may be administered by OKDHS or through contract or cooperative agreements with district attorneys, Community Action Program (CAP) agencies, Native American tribal organizations, and others. As used in this Subchapter, CSED includes all of these district offices and their employees and agents.

"Custodian" means the person who has primary physical custody of the child(ren).

"Electronic filing" means the submission of documents to the Office of Administrative Hearings: Child Support through an electronic medium rather than the use of a paper document. The electronic medium must be a secured system that leaves a computer trail so that the document may be traced to the signator and/or person filing the document.

"In camera" means before the ALJ without spectators.

"In forma pauperis affidavit" means a sworn declaration or statement of facts made by an indigent person seeking waiver of transcription costs and fees.

"IV-D" means Title IV, Part D, of the Social Security Act generally relating to child support. Title IV appears in the United States Code as Sections 601 through 687, Subchapter IV, Chapter 7, Title 42.

"IV-D case" means a child support case receiving IV-D services.

"Natural person" means a human being as opposed to an entity created by law.

"Noncustodial parent" means a parent who does not have primary physical custody of the child(ren).

"OAH" means the Office of Administrative Hearings: Child Support within the Legal Division of OKDHS. [56 O.S. § 237.7]

"Obligor" means the person who is required to make payments under an order for support. [12 O.S. § 1170 and 56 O.S. § 237.7]

"Payor" *means any person or entity paying monies, income, or earnings to an obligor. In the case of a self-employed person, the "payor" and "obligor" may be the same person.* [12 O.S. § 1170 and 56 O.S. § 237.7]

"Pleading" means a formal document that contains statements or allegations that constitute a cause of action or defense.

"Pro se" means without a lawyer.

"Writ of mandamus" means a written order issued by a court to compel a lower court or government officer to perform mandatory or ministerial duties correctly.

340:2-28-4.2. Terms and location of Office of Administrative Hearings: Child Support

(a) The Office of Administrative Hearings: Child Support (OAH), is in session at the district child support offices on days docketed for administrative hearings at the offices. Pleadings, other documents, and orders may be filed with, or presented to, the administrative law judge (ALJ) at the district child support office on administrative hearing docket days. On days when OAH is not in session at the district child support office, pleadings, other documents, and orders must be filed at OAH located in the Sequoyah Building in Oklahoma City, Oklahoma. The mailing address is P.O. Box 53025, Oklahoma City, OK 73105 and the finding address is 2400 N. Lincoln Blvd., Oklahoma City, OK.

(b) Proceedings cannot be commenced unless and until an administrative case is opened through the Oklahoma Department of Human Services Child Support Enforcement Division.

(c) All proceedings are commenced by filing pleadings at OAH. The OAH file is maintained at OAH located in the Sequoyah Building unless otherwise designated by the chief ALJ of OAH.

(d) All pleadings filed and exhibits introduced are kept in OAH unless otherwise directed by an ALJ, and are not removed except upon order of an ALJ. In that event, a receipt specifying the record or document removed must be submitted to OAH by the party obtaining the record or document. The receipt must be legible and state the date and the name, business address, and telephone number of the person removing the document. Any party who obtains an order for the removal of a transcript made by the official court reporter or as directed by the ALJ or makes a copy in the OAH office may be required to pay the copying costs according to OAC 340:2-21-16.

340:2-28-4.3. Clerk of Office of Administrative Hearings: Child Support

The clerk of the Office of Administrative Hearings: Child Support (OAH), is designated and fully empowered to perform the functions of:

- (1) maintaining the records of OAH;
- (2) docketing all hearing dates from pleadings, orders, continuances, or prior docket sheets;
- (3) preparing the dockets for hearing, and imaging into the electronic court file paper documents that have been manually filed;
- (4) electronically file-stamping documents that have been electronically filed and approving docketed hearing dates;
- (5) certifying the official transcripts;
- (6) transmitting the record to the district court;
- (7) designating a court reporter for preparation of a hearing transcript; and
- (8) performing any functions delegated by the chief administrative law judge for the implementation of rules in this Subchapter and the administration of OAH.

340:2-28-4.4. Electronic filing

Court clerks of the Office of Administrative Hearings: Child Support (OAH) treat documents filed through the OAH approved electronic medium as if the documents had been filed as paper documents and affix an electronic file-stamp date on the electronically filed document.

340:2-28-16.1. Docketing cases

District child support offices docket their hearing notices and continuances through an approved Office of Administrative Hearings: Child Support (OAH) docketing system available to child support enforcement. Hearing notices and continuances must be docketed a minimum of 14 days prior to the docket date. Cases not approved for the docket may be heard at the discretion of the assigned administrative law judge.

340:2-28-16.2. Service of orders

(a) Orders prepared by the administrative law judge (ALJ) must be mailed or hand-delivered to the parties within three business days by the ALJ, unless the ALJ directs the mailing or delivering of an order by one party upon another. Copies of all orders must be mailed or hand-delivered to opposing parties by the preparer within three business days from the filing of the order.

(b) Providing copies of the filed order through an electronic means available to parties is an acceptable form of delivery. Electronic delivery of orders must be accomplished within three days of filing the order.

340:2-28-17.2. Pleadings and motion practice**(a) Signatures on documents.**

(1) **Signing of pleadings.** Every pleading and motion filed with the Office of Administrative Hearings: Child Support (OAH) must be signed by an attorney of record, whose Oklahoma Bar Association (OBA) identification number must be stated, or, if the party is not represented by an attorney, must be signed by the party. Each pleading and motion must include the address of the signer and telephone number, if any. Except as provided by rule or statute, pleadings need not be supported by affidavit. A pleading is any document that contains statements or allegations that constitute a cause of action or defense. ■ 1

(2) **Signing of other documents.** Other documents such as legally mandated administrative notices issued by the Child Support Enforcement Division (CSED) to notify obligors of proposed enforcement actions to be taken by CSED do not require an attorney's signature. ■ 2

(3) **Electronic signatures.** Secured electronic mediums approved by OAH that attach an electronic signature or notary stamp are acceptable to meet the signature requirements.

(b) Practice.**(1) Form, filing, and service.**

(A) The original and copies of all pleadings in proceedings and matters presented to an administrative law judge (ALJ) must be filed with OAH. All paper produced originals are retained by OAH. Electronic submissions are digitally maintained by OAH pursuant to state record requirements. All paper or electronically submitted pleadings must be filed prior to any administrative proceedings being docketed.

(B) Pleadings and motions filed in OAH must be typewritten or legibly hand-written on white paper, size 8 ½ by 11 inches. Both paper and electronically submitted pleadings and motions must have the proper style of the case indicating the parties' names, OAH number, and IV-D case number, or family group number (FGN).

(i) If filed by an attorney, the name, OBA number, address, and telephone number must be shown on the last page of the instrument.

- (ii) If filed by a party not represented by a lawyer, that party must sign his or her name and type or legibly print his or her name, mailing address, zip code, and telephone number on the last page of the instrument filed.
- (iii) A notice of paternity and support obligations must be titled In the Interest of the Children of _____ and _____, and must list the names of both the mother and the father or alleged father. The party filing the proceeding is the petitioner. The names of the obligor and the custodians must be listed under the case numbers.
- (iv) A notice of a support debt to establish current support and support owed for past months in accordance with the child support guidelines must be titled In the Interest of the Children of _____ and _____, and must list the names of both the mother and the father. The party filing the proceeding is the petitioner. The names of the obligor and the custodians must be listed under the case numbers.
- (C) All documents in a proceeding, whether produced on paper or electronically submitted, must be served as required by rule or statute. Proof of service must be filed with OAH for each service made and must establish on its face that regulatory and statutory requirements for service are satisfied.
- (D) Parties or attorneys filing motions or pleadings, produced on paper or electronically submitted, after the filing of the notice initiating the action must file the original with OAH or submit it electronically and deliver or mail a paper or electronic copy to the opposing party or counsel of record. A certificate of mailing or service must be filed with OAH.
- (E) Upon failure to comply with the requirements in this Section, the ALJ may, among other sanctions, continue the cause of action until satisfactory compliance or deny the requested relief.
- (F) Requests that do not comply with the requirements of (A) through (E) of this paragraph are considered only at the discretion of the ALJ.
- (G) Documents submitted through a secured electronic means approved by OAH will meet the requirement of original documents as set forth in this Section.

(2) Motions.

- (A) An original motion, produced on paper or in an electronic document submitted through a secured electronic means approved by OAH, must be filed

with OAH with copies, on paper or electronically, served upon opposing parties. Motions must be in writing, stating the legal basis for the motion, relief requested, and whether the opposing party objects, if known.

(i) The name, OBA identification number, address, and phone number of the attorney must be shown on the last page of the instrument.

(ii) If a person filing the pleading is not represented by a lawyer, that party must sign his or her name and type or legibly print his or her name, address, business and home telephone numbers and zip code.

(B) The ALJ determines whether oral argument is necessary on a motion and if so, provides pro se parties and all attorneys of record with notice of the specific hearing date, time, and place.

(C) Briefs or responses that do not comply with this paragraph are considered only at the discretion of the ALJ.

(D) This paragraph does not prohibit oral motions. The preferred method of filing documents, including motions, is through an electronic means approved by OAH.

(3) **Briefs.** Briefs and responses must comply with applicable statutes and deadlines.

(A) Reply and response briefs must be delivered to the ALJ at least three working days prior to any hearing. Each brief must be clearly styled to show:

(i) whether it is in support of a motion, in opposition of a motion, or a reply brief;

(ii) the particular application or proceeding to which it relates; and

(iii) the party or parties on whose behalf it is presented.

(B) Briefs, if required, must not exceed 20 pages in length without prior permission of the ALJ.

(C) Reply briefs must be limited to five pages in length.

(D) No further briefs may be filed without permission of the ALJ.

(E) Briefs and responses that do not comply with this paragraph are considered

only at the discretion of the ALJ.

(4) **Extensions of time.** Except at the discretion of the ALJ, all requests for extensions of time must contain:

(A) the original due date for the response;

(B) the amount of additional time requested;

(C) the reason for the request;

(D) the current status of the case, including the next hearing date, if a hearing has been scheduled; and

(E) a statement that the opposing party or the opposing party's counsel has been contacted regarding the extension and either consents or objects to the extension; or in the alternative, a statement that good faith effort was made to comply but the opposing party or the opposing party's counsel was unavailable.

(5) **Discovery not to be filed.** Depositions, interrogatories, requests for admissions, requests for production of documents, and responses must not be filed with OAH unless the discovery document accompanies the administrative notice, or is an attachment to a motion or response to a motion, or is ordered by the ALJ. A motion to compel discovery or discovery motion for protective order must include either a verbatim recitation or a copy of the interrogatory, question, request, answer, response, or objection which is the subject of the motion.

(A) Any discovery that contains confidential information, such as bank account numbers, routing numbers, or Social Security numbers, may be redacted by the party submitting the documents. If the numbers are relevant to the case, redacting all numbers except the last four digits is acceptable.

(B) It is the responsibility of the party submitting the documents to redact any sensitive material.

(C) The originals with the redacted information intact may be required for viewing by the ALJ assigned to the case.

(6) **Disputed discovery motions.** No hearing on a discovery dispute may be set unless the moving party or counsel advises the ALJ in the motion that the party or counsel has conferred, in good faith about the dispute, with the opposing party or opposing party's counsel, but has been unable to resolve the dispute.

(7) **Withdrawal of counsel.** When submitting an application or motion to withdraw and a proposed order allowing withdrawal, counsel must comply with the requirements in this paragraph.

(A) Every application to withdraw as counsel must contain:

(i) a statement of grounds for withdrawal;

(ii) the current status of the case, including the next hearing date, if a hearing has been scheduled;

(iii) whether new or substitute counsel has been obtained by the client and entered an appearance; and

(iv) a certificate of mailing to the party or custodian showing the last known mailing address and to all other attorneys of record in the case.

(B) No application to withdraw may be considered unless it is submitted to the ALJ at least ten days prior to the date on which a hearing is scheduled.

(C) Every proposed order allowing withdrawal must contain a statement of the case's current status, including the next hearing date, if a hearing has been scheduled, and a certificate of mailing to the party or custodian, showing the last known mailing address, and to all other parties.

INSTRUCTIONS TO STAFF 340:2-28-17.2

1. Notices that state a cause of action, such as one in which the putative father or noncustodial parent (NCP) is required to take responsive action, require an attorney's signature. These notices include:

(1) notice of support debt; [56 O.S. § 238.1]

(2) notice of paternity and support obligations; [56 O.S. § 238.6B]

(3) notice of support obligations; [56 O.S. § 238.6B] and

(4) motion to modify or review. [43 O.S. § 118.1]

2. The Child Support Enforcement Division (CSED) is required under state law to issue notifications to NCPs of proposed actions to be taken by CSED to enforce child support orders. Statutorily mandated administrative notices

issued by CSED to inform NCPs of proposed CSED enforcement actions that do not require a CSED attorney's signature include:

- (1) annual notice; [56 O.S. § 237A]**
- (2) notice of income assignment; [12 O.S. § 1171.3 and 56 O.S. § 240.2]**
- (3) financial institution data match levy; [56 O.S. § 240.22G and 56 O.S. § 240.23]**
- (4) notice of intent to revoke or suspend license; [56 O.S. § 240.15] and**
- (5) notice of enforcement. [56 O.S. § 240.2]**

340:2-28-19. Evidentiary purpose

The hearing is directed to receiving factual evidence related to issues in the proceeding.

(1) **Argument.** Argument is not presented in evidence, but in statements, memoranda, or briefs, as determined by the administrative law judge (ALJ). Brief opening statements of the party's position and what the party intends to prove may be made at the hearing.

(2) **Testimony.** Testimony is given orally, under oath or affirmation, by witnesses at the hearing. Witnesses must be available for cross-examination by all parties at the hearing. The ALJ may conduct hearings telephonically or by other electronic means when requiring a party or witness to physically attend would create a hardship.

(3) **Stipulation and exhibits.** Two or more parties may agree to stipulations of fact. Stipulations of fact or exhibits proposed by any party must be exchanged at the prehearing conference or otherwise prior to the hearing if the ALJ so requires. The ALJ may substitute copies for original documents. Unless otherwise ordered, all exhibits to be introduced into evidence or presented at the hearing must be marked in numerical order for identification and shown to opposing parties prior to the prehearing conference or, where a conference is not held, prior to the hearing on the matter.

(4) **Confidential information.** Confidential information, such as bank account numbers, routing numbers or Social Security numbers, may be redacted by the party submitting the documents. If the numbers are relevant to the case, redacting all numbers except the last four digits is acceptable.

(A) It is the responsibility of the party submitting the documents to redact any sensitive material.

(B) The originals with the redacted information intact may be required for viewing by the ALJ assigned to the case.

(5) **Rules of evidence; exceptions.** Technical rules of evidence do not apply to the hearing. Rules and principles designed to ensure production of the most credible evidence available and to subject testimony to test by cross-examination are applied by the ALJ where reasonably necessary. A witness may be cross-examined on any matter material to the proceeding without regard to the scope of direct examination of the witness. The ALJ may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record are

open to examination by the parties. Opportunity is given to refute facts and arguments presented on either side of the issues.

(6) **Evidence of payments.** A report of payments made by the obligor or payor with a certification of authenticity executed by the Oklahoma Department of Human Services or a district court clerk is admissible in evidence as self authenticated.

(7) **Judicial notice.** The ALJ may take judicial notice at any stage of the proceeding of the common law, constitutions, and public statutes in force in every state, territory, and jurisdiction of the United States, including tribal courts and the Court of Indian Offenses, and of adjudicative facts whenever:

(A) the adjudicative fact is generally known within the territorial jurisdiction of the administrative court;

(B) the adjudicative fact is capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned; or

(C) a party requests the taking of judicial notice and supplies the ALJ with the necessary information.

340:2-28-20. Entry of appearance

(a) All attorneys must execute an entry of appearance by filing, either on paper or through a secured electronic means approved by the Office of Administrative Hearings: Child Support (OAH), a:

(1) formal entry of appearance with the OAH; or

(2) signed pleading or motion with OAH that contains the attorney's name, Oklahoma Bar Association number, address, and telephone number.

(b) Every attorney of record must continue representation in the matter until final disposition by the administrative law judge (ALJ), unless permitted by the ALJ to withdraw for good cause shown. However, attorneys representing the Child Support Enforcement Division (CSED) who enter appearances on behalf of the State of Oklahoma may be replaced as attorneys of record by other attorneys representing the CSED without permission of the ALJ.

340:2-28-24. Record for decision

(a) The audio or video tape, transcript of testimony, exhibits, all papers, including electronically submitted documents, and requests filed in the proceedings, except for correspondence, including rulings and any recommended or initial decision, constitutes the exclusive record for decision by the administrative law judge (ALJ).

(b) Audio or video tapes of the hearings are the property of the Office of Administrative Hearings: Child Support (OAH), and are not available for copying, review, or transcription except as described in OAC 340:2-28-23, which pertains to official transcripts.

(c) OAH manages and disposes of case records according to the Oklahoma Statutes.

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INSTRUCTIONS TO STAFF 340:2-28-24

1. See OKDHS:2-21-50 through 2-21-66 for regulations describing Oklahoma Department of Human Services (OKDHS) records management and records disposition schedules. See also OKDHS Records Management Handbook.

340:2-28-25. Record for appeal

The certified transcript, exhibits, briefs, memorandum of law, and any written orders constitute the record for appeal to the district court. Parties must file a designation of record with the Office of Administrative Hearings: Child Support indicating which documents in the administrative record are to be sent to the appellate court.

340:2-28-26. Case numbering

(a) Every case to be heard or otherwise addressed by an administrative law judge (ALJ) with the Office of Administrative Hearings: Child Support (OAH), must be assigned an OAH case number prior to the case being placed on the docket. OAH numbers are generally assigned within one business day after the request is submitted to OAH by the district child support office. The case is assigned a number starting with the year the case is opened with OAH, and a chronological number of the case for that year within OAH.

(1) The office sending the case is responsible for transfers from one child support office to another by filing a Notice of Transfer or a Motion and Order for Transfer signed by an ALJ with OAH. The transfer must indicate both the office transferring the case and the office receiving the case by office name rather than county designation.

(2) Notices, motions, and orders referred to in this Section may be submitted by paper, or electronically through a secured electronic system approved by OAH.

(b) Documents are not accepted for filing by OAH unless the OAH number is clearly written on the document and the case number corresponds to the named parties assigned to that case according to OAH records.

340:2-28-29. Dismissals

All motions for dismissals or partial dismissals must be filed, either on paper or through electronic means approved by the Office of Administrative Hearings: Child Support (OAH) with OAH. The administrative law judge (ALJ) determines whether a dismissal is granted according to relevant statutory and common law.

340:2-28-30. Continuances

(a) A party seeking a continuance must request a continuance from the assigned administrative law judge (ALJ). Whether the motion is filed on paper or submitted electronically, the motion must include the reason for the continuance and be made ten days prior to the scheduled hearing date. A motion for continuance filed within ten days prior to the scheduled hearing date or orally requested at the hearing may be approved at the discretion of the assigned ALJ.

(b) A party does not have the authority to continue a matter set on a regularly or specially scheduled docket of an ALJ. Parties may agree to continue a docketed matter with the approval of the assigned ALJ. Without an agreement, the motion is heard by the assigned ALJ.

(c) When an assigned ALJ is unavailable for a docket, another ALJ may be assigned or may direct that the unresolved matters be continued without a hearing.

(d) After one continuance has been granted for each party, further motions for continuances are heard by an ALJ assigned to the case and are not granted, except for good cause.

(e) All orders for continuance must set forth the basis for the continuance.

340:2-28-31. Objections to service and venue

Objections to jurisdiction over a person, the issuance of service of notice, or the venue of the action are waived if a party submits to a scheduled hearing or pretrial conference without written objection. The objection may be filed either on paper or through electronic means approved by the Office of Administrative Hearings: Child Support.

340:2-28-33. Default judgment

(a) A default judgment or administrative order may be entered if:

(1) after statutory requirements for service have been met, a party fails to:

(A) appear for a set hearing date;

(B) file a responsive pleading; or

(C) request a hearing within the statutory time allotted;

(2) having requested a hearing, the obligor fails to make an appearance at the hearing; or

(3) otherwise provided by statute. ■ 1

(b) Under the circumstances described in this Section, notice of taking default is not required.

INSTRUCTIONS TO STAFF 340:2-28-33**1. Default judgment.**

(1) For example, a default judgment may be entered when the noncustodial parent (NCP) fails to appear for genetic testing under an order entered by the Director of the Oklahoma Department of Human Services under Section 240.23 of Title 56 of the Oklahoma Statutes.

(2) A default paternity order is not entered when the:

(A) NCP has entered a general appearance in the action by submitting to genetic testing; and

(B) custodian or mother fails to submit herself or her child for genetic testing after being ordered to appear.