

Rule 100.8. Absence of Party at Hearing

(a) Failure to be Present at Hearing. The expedited child support hearing may proceed in the absence of the responding party if service has been made and the petitioning party and/or his or her attorney is present. Based upon the testimony of the petitioning party and any other evidence that may have been presented, the administrative hearing officer shall recommend that the judge enter an appropriate order. If the petitioning party does not agree to the recommended order, the administrative hearing officer shall immediately schedule a judicial hearing, record the date, time and place of the hearing upon a notice and provide such notice to the petitioning party at the expedited hearing. Such notice shall be sent to the nonappearing party by regular mail. If the petitioning party agrees to and signs the order, a copy of the signed order and a notification of the right to object to the order shall be served upon the nonappearing party as directed in subsection (b) below. If the petitioning party is not present, either in person or through an attorney, the administrative hearing officer may continue the matter or may strike the matter with leave to reinstate. Notification of such action shall be served upon the petitioning party by regular mail.

(b) Service of Recommended Order and Notice. If service to commence the hearing before the administrative hearing officer was made by regular mail, the notice and recommended order shall be served in the same manner as summonses are served in other civil proceedings or by certified mail, return receipt requested, mailed to the nonappearing party's last known address. If service to commence the hearing was as provided in the Code of Civil Procedure, the notice and recommended order shall be served by regular mail to the nonappearing party's last known address.

(c) Objections. The nonappearing party may file with the judge a written objection to the entry of the recommended order within 14 days after the order was mailed. If no objection is filed within 14 days, the nonappearing party is deemed to have accepted the recommended order. The judge may then enter the order, refer the case back to the administrative hearing officer for further proceedings, or conduct a judicial hearing. If a timely objection is filed, the judge must hold a judicial hearing and shall enter an appropriate order.

Adopted April 1, 1992, effective immediately.