START\_STATUTE25-517.  License suspension; notice; administrative review or hearing

A.  The department or its agent shall notify an obligor who is at least six months in arrears in making child support payments, periodic payments on a support arrearage or periodic payments pursuant to a court order of support that the obligor may be referred to court for a hearing to suspend or deny the obligor's driver license or recreational license. The department or its agent shall notify the obligor by first class mail at the obligor's current address or, after a reasonable attempt to ascertain the obligor's location, at the obligor's last known address. The notice shall state the following:

1.  The obligor has failed to pay child support, continues to do so and is at least six months in arrears in making child support payments.

2.  The obligor may request in writing an administrative review conducted pursuant to section 25‑522 to contest the matter within fifteen days from the date of mailing of the notice.

3.  If the obligor requests an administrative review, the department or its agent shall stay the action to refer the obligor to court for the suspension or denial of the obligor's recreational or driver license.

4.  If the obligor fails to respond to the notice, the department or its agent shall refer the obligor to court for license suspension or denial pursuant to section 25‑518.

5.  The address and telephone number of the department.

6.  The obligor may request a copy of the child support order.

B.  The obligor has the burden of showing that the failure to make support payments was not wilful.

C.  If an obligor requests an administrative review pursuant to this section, the issues at the review are limited to whether the obligor is required to pay child support and has wilfully failed to pay. The department or its agent shall not refer the obligor to court unless the department or its agent determines that the obligor is at least six months in arrears and has wilfully failed to pay. The department or its agent shall make this decision in writing and shall provide a copy to the obligor.

D.  If the department or its agent determines that the obligor is at least six months in arrears and has wilfully failed to pay, the department shall refer the obligor to court for license suspension pursuant to section 25‑518.

E.  Notwithstanding the requirements of this section, if an obligor is at least six months in arrears in making child support payments, periodic payments on a support arrearage or periodic payments pursuant to a court order of support, the title IV‑D agency or its agent may issue a notice to the obligor that the obligor's professional or occupational license may be suspended. The title IV‑D agency or its agent shall notify the obligor by first class mail at the obligor's current address, or after a reasonable attempt to ascertain the obligor's location, at the obligor's last known address. The notice shall state that the obligor has failed to pay child support, continues to do so and is at least six months in arrears in making child support payments. The notice shall also state that within fifteen days after the notice is mailed the obligor may make a written request for an administrative review pursuant to section 25‑522 to contest the matter.

F.  If the obligor does not respond to the notice prescribed in subsection E of this section, the title IV‑D agency or its agent shall issue an administrative order of noncompliance to the board or agency to order the suspension of the obligor's professional or occupational license. If the obligor requests an administrative review, the title IV‑D agency or its agent shall stay further action until a determination has been made at the administrative review.  The issues at the review are limited to whether the obligor is required to pay child support and has wilfully failed to pay.  The department or its agent shall make this decision in writing and shall provide a copy to the obligor.  If the obligor disagrees with the final determination, the obligor has a right to a hearing before the suspension of the obligor's professional or occupational license. The title IV‑D agency or its agent must receive a request for a hearing on the determination of noncompliance within fourteen days after the date of the determination.

G.  The title IV‑D agency or its agent shall notify the office of administrative hearings of a request for a hearing pursuant to subsection F of this section within five business days after receipt of the request.  The office of administrative hearings shall hold a hearing pursuant to title 41, chapter 6, article 10. The obligor has the burden of showing that the failure to make support payments was not wilful. The issues at the hearing are limited to whether the obligor is required to pay child support and has wilfully failed to pay.  If the administrative law judge upholds the department's determination, the title IV‑D agency or its agent shall issue an administrative order of noncompliance to the board or agency ordering it to suspend the obligor's professional or occupational license. END\_STATUTE