

Chapter 2

CHILD SUPPORT AND PATERNITY ESTABLISHMENT

2-1. Child Support Orders in Dependency Court.

a. Section [39.521\(1\)\(e\)7](#), F.S., authorizes the dependency court to take up child support related issues during dependency proceedings.

b. Prior to the court ordering child support, the CWP and CLS determine whether paternity has ever been established for the child and whether an order for child support already exists.

c. In the following situations, CLS will not obtain an Order Establishing Duty to Support for a child in out-of-home care:

(1) Parent or child receives Supplemental Security Income (SSI) per s. [409.2561\(4\)](#), F.S.

(2) Child receives relative caregiver payment or temporary cash assistance (Title IV-A program). This is because funding for the relative caregiver benefits and temporary cash assistance is through the Title IV-A (TANF) program. Title IV-A has specific regulations on receipt of benefits and child support. Applicants for and recipients of temporary cash assistance and relative caregiver benefits must cooperate with the Child Support Program as a condition of eligibility unless it is determined that good cause for non-cooperation exists. (See CFOP 165-22, ACCESS Program Policy Manual, Chapter 1400, section [1420.1700](#).)

NOTE: Guidance will be forthcoming regarding child support for a child living with a non-relative and receiving the general revenue funded non-relative caregiver payment.

(3) Parent is incapacitated or disabled and financially unable to pay child support per s. [409.2561\(4\)](#), F.S.

(4) Termination of parental rights is final.

(5) An order for support already exists.

d. Preparation and Enforcement of Duty to Support Orders.

(1) When CLS prepares or reviews a proposed court order establishing a duty to support, CLS will ensure the name of the parent and the name of the minor child is included in the order. A separate order is required for each parent who will have a duty to support. Sample orders can be found in Attachments 1 and 2 of this chapter.

(2) CLS will ensure that the order establishing the duty to support requires the Clerk of Court to forward a copy of the order to DOR.

NOTE: During the shelter hearing, parents should be providing financial information to the CWP; the CWP enters this information in FSFN on the assets and employment page for use with TANF and Title IV-E eligibility.

(3) The order establishing the duty to support will include language for DOR to provide a copy of all support orders to DCF CLS.

2-2. Referrals for Child Support Services.

a. Title IV-E requires the Department to take steps to secure an assignment of support rights on behalf of a child receiving Title IV-E foster care maintenance payments. Florida law says that receipt of any payment of temporary cash assistance or Title IV-E for the benefit of a dependent child creates a child support obligation (s. [409.2561](#), F.S.).

b. Federal regulation affords the Department and the Child Support Program flexibility in determining which cases are appropriate for referral. To determine if a case is appropriate to refer to the Child Support Program, the CWP will evaluate each case on an individual basis, considering the best interests of the child and the circumstances of the family.

(1) An appropriate referral to the Child Support Program for child support services are cases in which a child is placed in licensed care. FSFN generates a referral for all children removed and placed in out-of-home care. See paragraph (3) below.

(2) A referral is not appropriate for a person (parent or child) (refer to paragraph 2-1c):

(a) Who receives Supplemental Security Income (SSI);

(b) Who receives temporary cash assistance (public assistance);

(c) Who is incapacitated and financially unable to pay child support;

(d) Who is placed in a relative or non-relative's home and is likely to receive relative or non-relative caregiver benefits;

(e) Who has had his or her parental rights terminated and the order is final; or,

(f) When the Department or CBC determines establishment or enforcement of the order is not in the child's best interest. Examples include: the child was conceived as a result of rape or incest; a no contact order exists; etc.

(3) The FSFN interface with the Child Support Automated Management System (CAMS) generates a child support referral when a child is removed from the custody of the parent(s) or guardian(s) and is placed in out-of-home care. Until programming of FSFN is modified to accommodate appropriate referrals (refer to paragraph 2-2b above), the following actions apply:

(a) Automated referrals will continue through the FSFN interface for children removed and placed in out-of-home care (licensed and unlicensed settings). See FSFN Topic Paper - http://fsfn.dcf.state.fl.us/SystemDocs/Topic_Papers/FSFN_CAMS%20Interface%20Topic%20Paper.pdf

(b) The Child Support Program will not initiate action on these referrals until the Department or CBC requests establishment of duty to support /enforcement of a support order. See paragraph 2-3a(1) below.

(c) CLS will ensure that the CWP is provided a copy of the order establishing a duty to support.

(d) The CWP will provide all support orders to the revenue maximization specialist.

(e) The CBC will establish procedures ensuring that the child welfare professional or revenue maximization specialist completes the Request to Enforce Support in Foster

Care Cases (CS-ES 108) form within 10 business days of receiving a copy of a support order. See paragraph 2-3a(1) below for details.

2-3. Enforcement of Support Orders. The Child Support Program is responsible for establishment or enforcement of support orders for children in licensed care upon request by the Department or CBC.

a. The policy and procedure for child support referrals under the temporary cash assistance program (Title IV-A) is applicable for a child placed with a relative who receives temporary cash assistance or relative caregiver benefits on the child's behalf. The reason for this is the child is not receiving Title IV-E foster care maintenance payments.

b. When requesting enforcement of an existing support order, the CWP or revenue maximization specialist completes a Request to Enforce Support in Foster Care Cases (CS-ES 108) form within 10 business days of receipt of the Order Establishing Duty to Support. The following information must be completed on the form:

(1) Child's name, date of birth, social security number, FSFN Person Identification Number (PIN) and FSFN Case Number.

(2) Name of the parent with a support obligation, date of birth, social security number, current or last known address, current employer, and FSFN PIN.

(3) Action requested: enforcement or change of payee and enforcement.

(4) Contact information for the Department or CBC staff managing the case.

c. When submitting the CS-ES 108 form, attach a copy of the support order and securely email the documents to CSE_DCF_Foster_Care@floridarevenue.com or mail to the following address:

Florida Department of Revenue
Child Support Program
Mail Stop 2-4440
5050 West Tennessee Street
Tallahassee, Florida 32399-0178

d. After the Child Support Program creates a child support case, the Child Support Automated Management System (CAMS) sends an acknowledgement through the FSFN/CAMS interface. (See FSFN topic paper titled FSFN/CAMS Interface.)

2-4. Changes in Child Welfare Case.

a. The CWP must notify the Child Support Program of a change in the ongoing services case within 10 business days of the change. Local protocol may be necessary to ensure the Child Support Program receives notice as required. FSFN sends nightly updates to CAMS in the following scenarios:

(1) When parental rights are terminated (TPR) for a child's parents;

(2) When a child's placement is discharged;

(3) When a child is merged; and,

(4) When a parent is merged.

b. Changes include:

- (1) Child or parent receives Supplemental Security Income (SSI);
- (2) Death of parent or child;
- (3) Child's placement changes to a relative, non-relative, or licensed home; or,
- (4) Changes in custody.

2-5. Reunification or Guardianship and Support. At any hearing to change a child's placement, reunify a child with a parent from whom the child was removed, or terminate protective supervision in a permanent guardianship, the CWP and CLS must ensure that the matter of support is addressed. If not addressed, the existing support order remains in effect causing the receipt of future support payments by an incorrect party.

2-6. Termination of Parental Rights and Support.

a. It is critical that child support matters are addressed no later than the hearing to terminate parental rights.

b. Existing support orders must be addressed with the court at the time of the hearing to terminate parental rights.

c. The order terminating the parent's rights should indicate that support ceases.

d. The interface between FSFN and CAMS will inform the Child Support Program when termination of parental rights occurs.

e. In situations where the termination of parental rights is appealed by a parent and the appeal is successful, CLS will request entry of a new order to reinstate the duty to support.

2-7. Paternity Establishment.

a. In out-of-home care cases, diligent efforts must be made to establish the child's paternity, if not already done, and to locate and involve the father in case planning activities. Establishment of paternity for a child may occur in one of several ways:

(1) The father is named on the child's birth certificate;

(2) The parent has voluntarily signed a sworn paternity acknowledgement (Department of Health form DH 511 or DH 432);

(3) The husband of the mother when married at the time of conception or birth is the legal father of the child;

(4) The parent swears under oath to being the parent of the child and the court adjudicates this individual as the parent; or,

(5) The court orders a DNA test for the father if he is contesting paternity, the results do not exclude him as the biological father, and the court after conducting a properly-noticed hearing enters an order establishing the man as the legal father.

b. Amending Birth Certificates for Children Born in Florida. The CWP must ensure that the children's birth records are updated timely.

(1) In any proceeding for affirmation of parental status or determination of paternity, adoption, or dissolution of adoption, s. [382.015](#), F.S., requires that the Clerk of Court forward to the Bureau of Vital Statistics (BVS) a certified copy of the court order, or a report of the proceedings together with sufficient information to identify the original birth certificate and to enable the preparation of a new birth certificate.

(a) The Department of Health's form DH 673 is the form upon which the information is sent to BVS to update the child's birth certificate.

(b) Currently, BVS charges a fee of \$20 to issue an amended birth certificate. BVS has agreed the Department and CBC agencies will not be charged the fee for issuance of an amended birth certificate whenever paternity is established for a Florida born child in out-of-home care.

(2) The Department and CBCs must seek an amended Florida Birth Certificate on at least the two following occasions:

(a) When paternity is established through a dependency action and the child's father is not listed on the child's birth certificate.

(b) As part of a termination of parental rights action when the court determines paternity for a person not listed on the child's birth certificate. (It may seem odd to amend a birth certificate only to turn around and terminate parental rights; however, the termination is a separate issue from establishing paternity.)

(3) CLS and the CBC must maintain a process that ensures the DH 673 is completed with documentation and forwarded to BVS within 30 days of the date paternity was established.

(4) The process for obtaining an amended birth certificate requires completion of sections A and B of form DH 673 form, Certified Statement of Final Judgment of Paternity (see a sample form in Attachment 3 to this chapter). When completing the DH 673, the letters "CW" must be written on the top right corner. BVS will not charge the \$20 fee when issuing an amended birth certificate for situations where the DH 673 has "CW" in the top right corner. The DH 673 form is available on the Department of Health's web site at

<http://www.floridahealth.gov/certificates/certificates/publications-page.html>

SAMPLE ORDER ESTABLISHING DUTY TO SUPPORT – FATHER

IN THE CIRCUIT COURT,
OF THE _____ JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA
JUVENILE DIVISION

CASE NO.:

IN THE INTEREST OF:

_____, _____ DOB: ____/____/____

minor child. _____/

ORDER ESTABLISHING DUTY TO SUPPORT

THIS CAUSE having come before the Court for review on this date, pursuant to sections 39.402(11) or 39.521(2)(s), Florida Statutes (2017), and the Court having subject matter jurisdiction over the proceedings and personal jurisdiction over the parties, having heard testimony and argument, being fully advised in the premises, and the Court having before it:

_____, Father of the minor child/children named below:

- «CHILD1», DOB: «DOB1»
- «CHILD2», DOB: «DOB2»
- «CHILD3», DOB: «DOB3»
- «CHILD4», DOB: «DOB4»
- «CHILD5», DOB: «DOB5»
- «CHILD6», DOB: «DOB6»
- «CHILD7», DOB: «DOB7»

IT IS ORDERED AND ADJUDGED AS FOLLOWS:

The above named person is the father of and owes a **duty of support** to the minor child/children named above either by:

- having been married to the mother at the time of conception or birth of the child/children;
 - being the reputed father and marrying the mother after the child/children was/were born;
 - having legally adopted the child/children;
 - having been established as the natural and legal father by court proceedings;
 - having acknowledged in writing, signed in the presence of a competent witness, that he is the father of the child/children and having filed such acknowledgement with the Office of Vital Statistics of the Department of Health and the mother was not married to another person at the time of the child/children's conception or birth;
- and/or
- having been named as the father on the birth certificate.

IT IS FURTHER ORDERED AND ADJUDGED that the father has the legal obligation to support the above named child/children based on the previous findings.

IT IS FURTHER ORDERED AND ADJUDGED that neither of the parents' parental rights has been terminated to date.

IT IS FURTHER ORDERED AND ADJUDGED that the Court shall reserve jurisdiction as to all Child Support issues before the Court at this time including, but not limited to child support, arrears, past public assistance, and retroactive child support and to enforce the executory provisions hereof and to enter such other and further orders affecting child support and enforcement thereof.

IT IS FURTHER ORDERED AND ADJUDGED that the **Father** and/or the child/children's custodian **SHALL** within thirty (30) days of entry of this order contact the Department of Revenue Child Support Enforcement, 1-800-622-5437, at [address] which will initiate a proceeding to establish and enforce child support in the child support enforcement section of the Family Division of the Circuit Court, pursuant to Florida Family Law Rule of Procedure 12.491.

IT IS FURTHER ORDERED that the father shall **provide any change in his name, address, employment or source of income received, to the Department of Revenue. Notice of the change to the Department of Revenue shall be in writing to: Department of Revenue Child Support Enforcement, [address] and the Clerk of the Circuit Court, within seven (7) days of the change, pursuant to Section 61.181, Florida Statutes (2017). Notice of the change to the Clerk of the Circuit Court shall be in writing to: Clerk of the Circuit Court, [address].**

IT IS FURTHER ORDERED that the Clerk of this Court shall make a certified copy of this order establishing paternity and a duty of support and forward a copy of said order to the Department of Revenue. Pursuant to section 39.202(2)(n) and section 39.0132(3), the Court deems the Department of Revenue to have a proper interest in the paternity, child support, and custody issues in this case.

IT IS FURTHER ORDERED that case management shall notify the Florida Department of Revenue within 10 business days upon any change in the custodial or permanency status of the minor child/children named herein. Notice to the Department of Revenue shall be sent to: Child Support Enforcement, [address].

IT IS FURTHER ORDERED that the Florida Department of Revenue Florida shall provide the Department of Children and Family Services with all support orders entered against the above-named parent at the following address: [CLS address].

DONE AND ORDERED in ___ County, Florida this _____ day of _____, 2017.

CIRCUIT JUDGE

Copies to (check all that apply):

- DCF/CLS:
- Child Protective Investigation:
- CBC/Case Management:
- Mother:
- Attorney for Mother:
- Father:
- Attorney for Father:
- Guardian ad Litem:
- Attorney for Guardian ad Litem:
- Attorney ad Litem:
- Legal Custodian:
- Child:
- Other:

SAMPLE ORDER ESTABLISHING DUTY TO SUPPORT – MOTHER

IN THE CIRCUIT COURT,
OF THE _____ JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA
JUVENILE DIVISION

CASE NO.:

IN THE INTEREST OF:

_____, _____ DOB: ____/____/____

minor child. _____/

ORDER ESTABLISHING DUTY TO SUPPORT

THIS CAUSE having come before the Court for review on this date, pursuant to sections 39.402(11) or 39.521(2)(s), Florida Statutes (2017), and the Court having subject matter jurisdiction over the proceedings and personal jurisdiction over the parties, having heard testimony and argument, being fully advised in the premises, and the Court having before it:

_____, Mother of the minor child/children named below:

- «CHILD1», DOB: «DOB1»
- «CHILD2», DOB: «DOB2»
- «CHILD3», DOB: «DOB3»
- «CHILD4», DOB: «DOB4»
- «CHILD5», DOB: «DOB5»
- «CHILD6», DOB: «DOB6»
- «CHILD7», DOB: «DOB7»

IT IS ORDERED AND ADJUDGED AS FOLLOWS:

By evidence of birth certificate or her admission in open court, the above named mother is the biological mother of the minor child/children named above and therefore owes a duty of support.

IT IS FURTHER ORDERED AND ADJUDGED that the mother has the legal obligation to support the above named child/children based on the previous findings.

IT IS FURTHER ORDERED AND ADJUDGED that neither of the parents' parental rights has been terminated to date.

IT IS FURTHER ORDERED AND ADJUDGED that the Court shall reserve jurisdiction as to all Child Support issues before the Court at this time including, but not limited to child support, arrears, past public assistance, and retroactive child support and to enforce the executory provisions hereof and to enter such other and further orders affecting child support and enforcement thereof.

IT IS FURTHER ORDERED AND ADJUDGED that the *mother* and/or the child/children's custodian **SHALL** within thirty (30) days of entry of this order contact the Department of Revenue Child Support Enforcement, 1-800-622-5437, at [address] which will initiate a proceeding to establish and

enforce child support in the child support enforcement section of the Family Division of the Circuit Court, pursuant to Florida Family Law Rule of Procedure 12.491.

IT IS FURTHER ORDERED that the *mother* shall **provide any change in her name, address, employment or source of income received, to the Department of Revenue. Notice of the change to the Department of Revenue shall be in writing to: Department of Revenue Child Support Enforcement, [address] and the Clerk of the Circuit Court, within seven (7) days of the change, pursuant to section 61.181, Florida Statutes (2017). Notice of the change to the Clerk of the Circuit Court shall be in writing to: Clerk of the Circuit Court, [address].**

IT IS FURTHER ORDERED that the Clerk of this Court shall make a certified copy of this order establishing paternity and a duty of support and forward a copy of said order to the Department of Revenue. Pursuant to section 39.202(2)(n) and section 39.0132(3), the Court deems the Department of Revenue to have a proper interest in the maternity, child support, and custody issues in this case.

IT IS FURTHER ORDERED that case management shall notify the Florida Department of Revenue within 10 business days upon any change in the custodial or permanency status of the minor child/children named herein. Notice to the Department of Revenue shall be sent to: Child Support Enforcement, [address].

IT IS FURTHER ORDERED that the Florida Department of Revenue Florida shall provide the Department of Children and Family Services with all support orders entered against the above-named parent at the following address: **[CLS address].**

DONE AND ORDERED in ____ County, Florida this _____ day of _____, 2017.

CIRCUIT JUDGE

Copies to (check all that apply):

- DCF/CLS:
- Child Protective Investigation:
- CBC/Case Management:
- Mother:
- Attorney for Mother:
- Father:
- Attorney for Father:
- Guardian ad Litem:
- Attorney for Guardian ad Litem:
- Attorney ad Litem:
- Legal Custodian:
- Child:
- Other:



Department of Health
Office of Vital Statistics

CW

Certified Statement of Final Judgment of Paternity

Paternity Establishment/Paternity Disestablishment

(Please refer to instructions on page 2)

Check appropriate action: Paternity Establishment [] Paternity Disestablishment []

Department of Revenue/Child Support Enforcement Action: Yes [] No []

A. INFORMATION FROM ORIGINAL BIRTH RECORD (Attach a Photocopy or Screen Print)

State of Birth: Birth Number (if known):

Full Name of Child: (First) (Middle) (Last) Sex:

Date of Birth: (Month, Day, Year) Place of Birth: (City) (County)

Name of Father: If no father's name on original, enter 'NO FATHER NAMED'

Maiden Name of Mother: (First) (Middle) (Last) Maiden

B. INFORMATION FOR NEW CERTIFICATE

NOTE: If child's name is to be changed as part of this paternity action, it MUST be included in the court order and entered below as shown in the court order. See additional information in Paragraph 2 on page 2.

Full Name of Child: (First) (Middle) (Last)

Full Name of Father: (First) (Middle) (Last)

Date of Birth of Father: (Month, Day, Year) Place of Birth of Father: (State)

Name and mailing address of custodial parent: (First) (Middle) (Last)

(Street or P. O. Box) (City) (State) (Zip Code)

Father's Social Security No.: Mother's Social Security No.:

Attorney's Name (if applicable) OR person completing form: Phone Number:

Address: (Street or P. O. Box) (City) (State) (Zip Code)

X (Signature of Attorney OR person completing form) (If Attorney - Provide Bar Number)

C. CERTIFICATE OF CLERK OF CIRCUIT COURT

On the day of, A.D. 20, the Circuit Court of

County, Judge presiding, ordered a Judgment of Paternity in the case of the child and parents described above.

Signed and Sealed by (Clerk of the Circuit Court) Court Docket No. Date:



**State of Florida
Department of Children and Families**

Rick Scott
Governor

Mike Carroll
Secretary

DATE: March 13, 2015

TO: Regional Managing Directors
Community-Based Care Chief Executive Officers
Children's Legal Services Managing Regional Directors

FROM: Traci Leavine, Director of Child Welfare Practice
Gralnne O'Sullivan, Director of Children's Legal Services *SZ for GO*

SUBJECT: Paternity Establishment and Requirements to Secure Amended Birth Certificates

PURPOSE: This memorandum has two purposes. The first is to provide information about paternity establishment for children in out-of-home care. The second is to inform about the agreement that the Department's Office of Child Welfare and Department of Revenue, Child Support Program has reached with the Department of Health, Office of Vital Statistics (OVS), where the Department and Community-Based Care agencies will not be charged the \$20 fee for issuance of an amended birth certificate whenever paternity is established for a Florida born child in out-of-home care.

BACKGROUND: In any proceeding for adoption, dissolution of adoption, affirmation of parental status or determination of paternity, statute (s. 382.015, F.S.) requires that the Clerk of Court forward to the Office of Vital Statistics (OVS) a certified copy of the court order, or a report of the proceedings together with sufficient information to identify the original birth certificate and to enable the preparation of a new birth certificate. The Department of Health's Form DH-673 is the form upon which the information is sent to OVS to update the child's birth certificate.

Florida has a vested interest in ensuring that children who are the subject of the adoption or determination of paternity have their Florida birth record information updated in accordance with Florida Statutes. The State is required to meet a Paternity Establishment Percentage of 90% each year to avoid the Department from being penalized through a reduction to its Temporary Assistance for Needy Families (TANF) block grant (see 45 Code of Federal Regulations section 305.40). The Paternity Establishment Percentage for Florida is determined by identifying the number of children for whom paternity has been established and recorded for Florida born children during the calendar year compared to the total number of children born in Florida out of wedlock during the previous calendar year.

The number of children for whom paternity is established or adoption is confirmed through dependency is significant enough to impact the State's Paternity Establishment Percentage. Therefore, we want to ensure the children's birth records are updated timely.

Currently, OVS charges a fee of \$20 to issue an amended birth certificate. This fee has been identified as a barrier to obtaining amended birth certificates for children in our care. The Department of Health, Office of Vital Statistics (OVS) has agreed the Department and

1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

Mission: Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency

Community-Based Care agencies will not be charged the \$20 fee for issuance of an amended birth certificate whenever paternity is established for a Florida born child in out-of-home care.

ACTION REQUIRED: The following action is required:

(1) The Department and CBCs must seek an amended Florida Birth Certificate on at least the two following occasions:

- a. In a dependency action when the court determines that someone is the child's father, but he is not yet listed on the child's birth certificate.
- b. As part of a termination of parental rights action when the court determines that some man who is not listed on the child's birth certificate is the father. (It may seem odd to amend a birth certificate only to turn around and terminate that man's rights, but the termination is a separate issue from whether he actually was the child's father.)

(2) Children's Legal Services (CLS) and the CBC lead agency must develop a process that ensures the DH-673 is completed with documentation and forwarded to OVS within 30 days of the date paternity was established. The local process must be developed and sent to the contract manager no later than March 30th.

(3) Lead agencies must inform case management of the waiver for the \$20 fee when seeking an amended birth certificate for a child in out-of-home care and on the process and established protocol for paternity establishment and obtaining an amended birth certificate.

The process for obtaining an amended birth certificate requires completion of sections A and B of Form DH-673 form, Certified Statement of Final Judgment of Paternity (copy attached). When completing the DH-673, the letters "**CW**" **must be written** on the top right corner. Refer to the attached sample. OVS will not charge the \$20 fee when issuing an amended birth certificate for situations where the DH-673 has "**CW**" in the top right corner. The DH-673 form is available on the Department of Health's web site at <http://www.floridahealth.gov/certificates/certificates/publications-page.html>

CONTACT INFORMATION: Please contact Deborah Schroth, Children's Legal Services at 850-524-5815 or email Deborah at deborah.schroth@myflfamilies.com or Sallie Bond, Office of Child Welfare at (850) 717-4657 or email sallie.bond@myflfamilies.com if you have questions on this matter.

Attachments

cc: Family and Community Services Administrators
Contract Managers
QA Managers