

Tyndall AFB Preventive Law Program Series

Legal Assistance Series

CHILD SUPPORT IN FLORIDA

This handout contains basic information. If you have specific questions, come in to see a Judge Advocate for legal assistance.



OFFICE OF
THE STAFF JUDGE ADVOCATE 325 FW/JA
TYNDALL AFB, FL 32403

Child Support In Florida

Obtaining Child Support

If a married couple has a child and then subsequently divorces, the divorce proceedings will include orders for child custody and child support. However, unmarried parents may also incur support obligations.

The first step for an unmarried parent to obtain child support from the other biological parent of the child is to establish the paternity of the child. This may be done in one of two ways:

- Administratively. The birth parents sign an affidavit stating that the child is theirs. This can be done free of charge at the hospital when the child is born, or at a later time at the Department of children and families, Child Support Enforcement Office, or local public health unit. This affidavit should not be signed if the identity of the father is uncertain.
- Judicially. One birth parent may petition the court to establish paternity. The court may accept a stipulation from the noncustodial parent establishing paternity, or may hold a hearing to establish paternity. If the paternity of the child is disputed, the court may order genetic testing.

Florida uses administrative and court orders to obtain genetic testing when necessary. If ordered to undergo genetic testing, the noncustodial parent may either agree to paternity, or to undergo the genetic test. If the test excludes the alleged father, a case may not be filed against him for support. If it does not exclude him, the court may hold a hearing concerning whether he is the father and enter a final order of paternity if it finds him to in fact be the father.

In Florida, the test used paternity cases is usually the buccal swab, which involves obtaining genetic material by rubbing a cotton swap on the inside of the mouth. It does not involve having any blood drawn. Two labs provide testing services in Florida through a contract with the state: Orchid/GeneScreen and LabCorp of America Holdings. The cost of testing ranges from \$45 to \$51 per person. Testing costs are initially paid for by the Department of Revenue, but will be collected from the alleged father if he is in fact found to be the actual father of the child. These contract labs are responsible for genetic testing in military paternity cases as well as civilian cases. It usually takes 11 days to receive the results.

Once paternity is established, the noncustodial parent must be located. The Florida Department of Revenue is responsible for this. They search, and request, information from a variety of sources, including the military, in order to locate noncustodial parents.

Once parentage is established, and the noncustodial parent is located, the custodial parent may bring an action for child support. The Department of Revenue Child Support Enforcement

Program will also obtain court orders for child support and the provision of health insurance, if necessary.

Calculating Child Support

Florida statutes establish guidelines governing child support amounts. These guidelines take into account all income and earnings of both the custodial and noncustodial parents, as well as the health care needs of the child. The amount of support required from each parent is calculated using a worksheet. This worksheet is available on-line at:

www.state.fl.us/dor/childsupport/pdf/poz8.pdf

The child support guidelines may be deviated from only if the court makes a written finding that the guidelines would be inappropriate in a particular case.

Modifying Child Support

Either the custodial or noncustodial parent may request that a child support order be reviewed for possible upward or downward modification. An order can be modified if it was at least three years since the last modification, or if there has been a significant change in circumstances. To petition the court for modification when it has been less than three years since the previous modification, the difference between the current amount of support and the proposed amount must be at least \$50 or 15%, whichever is greater.

Enforcing Child Support

Florida will take steps to enforce payment of a child support order if payment is 30 or more days delinquent. Noncustodial parents who do not pay their court ordered child support may face:

- Suspension of Florida driver's license
- Suspension of hunting, fishing, or other state licenses, including professional licenses
- Interception of IRS tax refunds
- Interception of Florida lottery winnings
- Collection through income deduction (wage garnishment)
- Issuance of an arrest warrant
- Liens on real and personal property
- Bank account levies and garnishment
- Reporting the child support debt to credit bureaus, affecting the noncustodial parent's credit rating

Child support debts may be enforced across state lines; a federal law called the Uniform Interstate Family Support Act (UIFSA) ensures this. However, the other state's support enforcement office and court system may process the case within their time frames.

When the noncustodial parent lives in another country, child support orders are only enforceable if there is an international agreement or reciprocity between Florida and that country. There are several such agreements in place with various Canadian provinces and foreign nations. The current list of countries that have child support reciprocity agreements with Florida is available on-line at:

www.state.fl.us/dor/childsupport/international.html

For additional information, can access the Florida Department of Revenue's child support web site at: www.state.fl.us/dor/childsupport

Contact information:

Child Support Enforcement Customer Service Toll-free number
(800) 622-KIDS (5437)

Bay County Child Support Customer Service Office:
703-B W. 15th Street, Panama City, FL 32401