

Notice of Change/Withdrawal

DEPARTMENT OF REVENUE

Division of Child Support Enforcement

RULE NOS.: RULE TITLES:

12E-1.030 Administrative Establishment of Child Support Obligations.

12E-1.036 Administrative Establishment of Paternity and Support Obligations.

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 43 No. 203, October 19, 2017 issue of the Florida Administrative Register.

The following changes are made in response to written comments received from the staff of the Joint Administrative Procedures Committee.

12E-1.030 - Administrative Establishment of Child Support Obligations.

(1) through (3) No change.

(4) Obtaining Cooperation from the Petitioner.

(a) If a case is eligible for establishment of an administrative support order the Department must obtain cooperation from the petitioner before serving notice on the respondent. To obtain cooperation, the Department mails the petitioner Form CS-ES96, Request for Information, incorporated herein by reference, effective 01/18 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-08623>); the Financial Affidavit Administrative Proceeding (CS-OA11); the Parent Information Form (CS-OA12); and the Title IV-D Standard Parenting Time Plan (CS-OA250), except as provided by paragraph (6)(a). Forms CS-OA11 and CS-OA12 are incorporated by reference in Rule 12E-1.036, F.A.C. Form CS-OA250 is available at www.floridarevenue.com/childsupport/parenting_time_plans. The petitioner has 20 days after the mailing date of the forms to complete and return them.

(b) through (c) No change.

(5) through (10) No change.

(11) Final Administrative Support Orders. The Department uses Form CS-OA40, Final Administrative Paternity and Support Order (incorporated by reference in Rule 12E-1.036, F.A.C.) to establish the support obligation. Section 409.2563(7)(e), F.S., sets the requirement for the Final Administrative Support Order and the minimum requirements for the content of the order. In addition to the Final Administrative Support Order, the Department enters an Income Deduction Order as part of the Final Administrative Support Order. The respondent is responsible for making the ordered payments to the State Disbursement Unit until the income deduction begins. Once rendered, a Final Administrative Support Order has the same force and effect as a court order and it remains in effect until the Department modifies it, or it is vacated as described in subsection (17), or it is superseded by a court order. If an administrative hearing is held, the administrative law judge shall issue an administrative support order, or a final order denying an administrative support order. If both parents agree to, sign, and return a parenting time plan to the Department before an administrative Final Order is entered, the parenting time plan will be incorporated into the Final Order. If a parenting time plan is not incorporated into the Final Order, the Department will provide each parent a blank Petition to Establish a Parenting Time Plan, except as provided by paragraph (6)(a). The Petition to Establish a Parenting Time Plan is available at www.floridarevenue.com/childsupport/parenting_time_plans.

(12) through (18) No further change.

Rulemaking Authority 61.13(1)(b)7., 61.14(1)(d), 409.2557(3)(p), 409.2563(7)(e), 409.2563(16), 409.25633(9), F.S. Law Implemented 409.2563, 409.25633, F.S. History – New 9/19/17, Amended_____.

12E-1.036 Administrative Establishment of Paternity and Support Obligations.

(1) through (5) No change.

(6) Title IV-D Standard Parenting Time Plan.

(a) The Department will provide a Title IV-D Standard Parenting Time Plan, form CS-OA250 (available online at www.floridarevenue.com/childsupport/parenting_time_plans), to each parent as required by section 409.25633, F.S., unless:

1. Florida is not the child's home state;
2. One or both parents do not reside in Florida;
3. Either parent has requested nondisclosure for fear of harm from the other parent;
4. The parent who owes support is incarcerated; or
5. The parent owed support is a caregiver.

(b) No change.

(7) through (14), No change.

(15) Final Order Establishing Paternity or Paternity and Child Support.

(a) No change.

(b) If a parenting time plan is not incorporated into the final order, forms CS-OP50, CS-OA40 and CS-OX40 include a blank Petition to Establish a Parenting Time Plan, except as provided by paragraph (6)(a). The Petition to Establish a Parenting Time Plan is available at www.floridarevenue.com/childsupport/parenting_time_plans.

(c) through (e), No change.

(16) through (21), No further change.

Rulemaking Authority 409.2557(3)(p), 409.256(17), 409.25633(9), FS. Law Implemented 409.256, 409.2563, 409.25633, FS. History—New 4-5-16, Amended_____.