

1STATE OF FLORIDA  
DEPARTMENT OF REVENUE  
CHAPTER 12E-1, FLORIDA ADMINISTRATIVE CODE  
CHILD SUPPORT PROGRAM

AMENDING RULES 12E-1.012, 12E-1.023, 12E-1.027, 12E-1.028, 12E-1.029, 12E-1.030,  
12E-1.036, 12E-1.039, AND 12E-1.040  
CREATING RULES 12E-1.041 AND 12E-1.042

**12E-1.012 Consumer Reporting Agencies.**

(1) through (3) No change.

(4) Notice and Right to Hearing.

(a) Before releasing a report or providing information concerning an obligor under this section, the Department sends the obligor by regular mail to his or her last known address a Notice of Intent to Report to Consumer Reporting Agencies, Form CS-EF32, incorporated herein by reference, effective xx/xx 07/22, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx 14346>). The notice informs the obligor that:

1. through 6. No change.

(b) No change.

(5) through (6) No change.

*Rulemaking Authority 61.1354(5), 409.2557(3)(i) FS. Law Implemented 61.1354 FS. History—New 6-17-92, Amended 7-20-94, Formerly 10C-25.009, Amended 10-22-00, 10-30-06, 9-19-17, 11-12-20, 11-21-21, 6-9-22, 10-26-22,\_\_\_\_\_.*

**12E-1.023 Suspension of Driver License; Suspension of Motor Vehicle Registration.**

(1) through (3) No change.

(4) Notice to Obligor of Intent to Suspend Driver License; Notice to Suspend Motor Vehicle Registration.

(a) In accordance with Section 61.13016(1), F.S., the Department ~~sends~~ shall send to the obligor by regular mail a Notice of Intent to Suspend Driver License and Motor Vehicle Registration(s), Form CS-EF55, incorporated herein by reference, effective xx/xx 07/22, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx 14348>),<sup>5</sup> Notice ~~is~~ shall be mailed

to the obligor's address of record with the Department of Highway Safety and Motor Vehicles.

(b) through (c).

(5) through (8) No change.

*Rulemaking Authority 409.2557(3)(i) FS. Law Implemented 61.13016, 322.058 FS. History—New 7-20-94, Formerly 10C-25.020, Amended 3-6-02, 9-19-17, 3-25-20, 11-12-20, 11-21-21, 6-9-22,*

\_\_\_\_\_.

**12E-1.027 Written Agreements for Payment of Past-Due Support.**

(1) through (3) No change.

(4) Form and Completion of Written Agreements.

(a) The Department uses the Payment Agreement for Past-Due Support (CS-EF91) form to enter into a written agreement with an obligor. Form CS-EF91, ([http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx\\_44809](http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx_44809)), is incorporated herein by reference effective xx/xx 11/22.

(b) A written agreement becomes effective when completed and signed by both the Department and the obligor, or the obligor's representative. After execution of a written agreement, the Department provides the obligor, or the obligor's representative a copy of the agreement.

*Rulemaking Authority 409.2557(3)(f), 409.2564(13) FS. Law Implemented 409.2561(1), (2)(b), (3), 409.2564(4), 409.2598 FS. History—New 3-6-02, Amended 10-26-22,\_\_\_\_\_.*

**12E-1.028 Garnishment by Levy.**

(1) through (3) No change

(4) Notice to Freeze.

(a) After considering the factors and conditions in subsection (3), the Department sends a Notice to Freeze (CS-EF121) to the custodian of the obligor's personal property by certified mail, return receipt requested. The Notice to Freeze (CS-EF121) is incorporated herein by reference, effective 04/20, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-11824>). If the account is a Thrift Savings Plan, the Department sends the custodian a Thrift Savings Plan Income Withholding Order For State Agencies (TSP-CS-1) and Thrift Savings Plan Cover Sheet (CS-EF287). The Thrift Savings Plan Income Withholding Order For State Agencies (TSP-CS-1)

12/2022 06/2016 is incorporated herein by reference, effective xx/xx 04/20, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx 44837>). The Department will not initiate a levy action against an obligor's Thrift Savings Plan account or accounts unless the combined account balance is equal to or greater than \$1500.

(b) through (d) No change.

(5) through (14) No change.

*Rulemaking Authority 409.2557(3)(i), 409.25656(11) FS. Law Implemented 409.25656 FS. History—New 4-3-02, Amended 4-16-20, 11-12-20, 11-21-21, 6-9-22,\_\_\_\_\_.*

### **12E-1.029 Financial Institution Data Matches.**

(1) Procedures for Entering into Agreements With Financial Institutions.

(a) The Department ~~sends shall send~~ an Agreement for Financial Institution Data Matching (Form CS-EF134) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>) a Financial Institution Data Match Election Form (CS-EF133) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-11779>), incorporated herein by reference, effective xx/xx 03/20, for the operation of the data match system described in Section 409.25657(2), F.S., to each financial institution doing business in Florida meeting the definition of a financial institution in Section 409.25657(1)(a), F.S., ~~that and which~~ has not elected to participate in the Federal Office of Child Support Enforcement's national data match process specified in paragraph (c), ~~below~~.

(b) The financial institution's electronic files containing data match records must shall be prepared according to the specifications prescribed by the Federal Office of Child Support Enforcement's Multistate Financial Institution Data Match Specifications Handbook, Version 3.0, December 30, 2020 2.0, March 27, 2017, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx 44780>), incorporated herein by reference, effective xx/xx 03/20.

(c) No change.

(2) No change.

(3) Fees for Conducting Data Matches. If in a fully executed Agreement for Financial Institution Data Matching (CS-EF134) a financial institution elects to receive fees for its services, the Department will pay the applicable fees in the amounts specified, subject to the

~~terms and conditions as stated in the Agreement. Fees are authorized only for financial institutions doing business in Florida. The Department shall pay quarterly fees to financial institutions doing business in the state that submit an invoice to the Department for payment of the costs incurred for conducting the data match during a quarter, as follows:~~

~~(a) To financial institutions that sign and return the Financial Institution Data Match Election Form specified in paragraph (a) of subsection (1) of this rule to the Department:~~

~~1. Not more than \$250 per quarter if the financial institution performs the data match provided by Section 409.25657(2)(a), F.S.; or~~

~~2. Not more than \$50 per quarter if the financial institution selects the option provided by Section 409.25657(2)(b), F.S., to have the department match each individual who maintains an account at the financial institution.~~

~~(b) To financial institutions electing to participate in the Federal Office of Child Support Enforcement's national data match process specified in paragraph (c) of subsection (1) of this rule, not more than \$100 per quarter.~~

~~(c) The department shall not pay quarterly fees to financial institutions not doing business in this state.~~

*Rulemaking Authority 409.2557(3)(i), 409.25657(6) FS. Law Implemented 409.25657 FS. History—New 1-23-03, Amended 4-5-16, 3-25-20,\_\_\_\_\_.*

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

(1) through (13) No change.

(14) Modifying an Administrative Support Order.

(a) The Department ~~files~~ shall file a petition in circuit court for a superseding order when support for an additional child of the same parents needs to be established or a child needs to be removed from the order.

(b) A parent or caregiver may request orally or in writing that the Department review ~~modify~~ an administrative support order in accordance with Rule 12E-1.041 ~~by completing Form CS-PO200, Request for Support Order Review, hereby incorporated by reference, effective 11/20,~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-12345>).

(c) ~~Criteria for modification.~~ The Department shall begin a proceeding to modify an administrative support order if it has been three years or more since the last review under Section

~~409.2564(11), F.S., when guidelines calculations show an increase or decrease in the support amount of at least 10%, or a minimum of \$25.00 a month and there is a permanent, involuntary change in circumstances. If it has been less than three years since the order was modified or reviewed, the order is eligible for modification if guidelines calculations show an increase or decrease in the support amount of at least 15% or \$50.00 per month and there is a permanent, involuntary change in circumstances. The requesting party must provide documentation showing a permanent, involuntary change of circumstance, which may include:~~

- ~~1. A parent or child is permanently disabled,~~
- ~~2. A parent or child develops a medical condition resulting in a decrease in a parent's ability to pay support or increased need of the child for support,~~
- ~~3. The financial needs of the child have increased resulting in the need for additional support,~~
- ~~4. One of the parents receive Social Security Disability Income, or~~
- ~~5. Changes in either parent's income. If the income of the parent who owes support increases, the Department need not prove that the change in income was involuntary to order a prospective increase in the child support amount.~~

~~(c)(d) The Department notifies shall notify the parents or caregiver, as applicable, when it begins a proceeding to modify an administrative support order issued by the Department the support obligation of an Administrative Support Order.~~

1. The Department uses a Form CS-OA120R, Proposed Order to Modify Administrative Support Order (Form CS-OA120R), hereby incorporated by reference, effective xx/xx 11/20, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx 12346>), ~~to modify the support obligation amount~~ when a support order review indicates a modification is appropriate. If the party who does that did not request the review responds to the Department during the support order review, the Department sends the proposed order by regular mail to both parties at ~~to~~ their addresses of record. If the non-requesting party does not participate in the support order review, the Department attempts ~~shall attempt~~ to serve the proposed order on the non-requesting party by certified mail or personal service. If the party service is not served ~~accomplished~~ by certified mail or personal service, the Department sends ~~shall send~~ the non-requesting party the proposed order by regular mail to the non-requesting party's address of record. If the proposed order is not contested by either party within 30 days after ~~of~~ service by certified mail or personal service, or 35 days after the notice ~~Notice~~ is sent by regular mail, the Department prepares and renders a

~~Form CS-OA140R~~, Final Modified Administrative Support Order (Form CS-OA140R), hereby incorporated by reference, effective xx/xx 10/21, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx 13853>). Under Section 409.2563(13)(c), F.S., a party to an administrative proceeding has a continuing duty to provide the Department with a current mailing address after being served with an initial notice under paragraph (5)(b) of this rule, and the party is presumed to receive a subsequent notice, proposed order or other document mailed to the party's address of record including a proposed order to modify support.

2. The Proposed Order to Modify Administrative Support Order includes ~~shall include~~ the same notices as specified in subsection (8) of this rule.

3. No change.

(15) Termination of an Administrative Support Order or Support Obligation.

(a) The Department issues a Notice of Intent to Terminate Support, Determine Arrears and Establish Payment on Arrears (CS-OA160) when:

1. through 2. No change.

3. The child(ren) for whom support is ordered permanently resides with a person other than the parent to whom support is owed or the parent who is ordered to pay support and that person is unknown, not responsive to the Department, or does not want the Department's services.

3. through 5. Renumbered 4. through 6. No change.

(b) The Department sends the notice by regular mail to each parent or caregiver, as applicable, at the address of record with the Department in accordance with Section 409.2563(13)(c), F.S. Form CS-OA160, Notice of Intent to Terminate Support, Determine Arrears and Establish Payment on Arrears, is hereby incorporated by reference, effective xx/xx 11/22, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx 14810>).

(c) If a timely petition for an administrative hearing is filed with the Department in response to the notice, the Department refers the proceeding to the Division of Administrative Hearings in accordance with Section 409.2563(6), F.S. If the notice is not contested, the Department renders a Final Order Terminating Support, Determining Arrears and Establishing Payment on Arrears (CS-OA178). Form CS-OA178 is hereby incorporated by reference, effective xx/xx 11/22, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx 14811>).

(d) through (e) No change.

(f) A parent or caregiver may request the Department to terminate an administrative support order or support obligation. Requests must be made in writing and may be made using Request to Terminate Support (CS-OA179). Form CS-OA179 is hereby incorporated by reference, effective xx/xx 11/22, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx14812>).

The request must include the following information:

1. Name of the parent or caregiver making the request;
2. Name of the other parent;
3. Child support case number or depository number;
4. Name of the child(ren) named in the order;
5. Specific reasons for the request to terminate; and,
6. Documentation that supports the request to terminate, if any.

(g) The Department evaluates requests to terminate an administrative support order or support obligation and issues a Notice of Intent to Terminate Support, Determine Arrears and Establish Payment on Arrears (CS-OA160) if the request and supporting documentation meet the criteria in paragraph (a). If the request does not meet the criteria, the Department mails the parent or caregiver the Response to Request to Terminate Support (CS-OA180). Form CS-OA180 is hereby incorporated by reference, effective xx/xx 11/22, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx14813>).

(16) through (18) No 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) FS. Law Implemented 409.2563, 409.25633 FS. History—New 9-19-17, Amended 1-17-18, 9-17-18, 8-28-19, 11-12-20, 11-21-21, 10-26-22,\_\_\_\_\_.*

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

(1) through (4) No change.

(5) Obtaining Cooperation from the Mother or Caregiver.

(a) If a case is eligible for establishment of an administrative paternity order, the Department must obtain cooperation from the mother or caregiver before serving notice on the respondent. To obtain cooperation, the Department mails Form CS-OP05, Requirement to Provide Sample for Genetic Testing, hereby incorporated by reference, effective xx/xx 07/22, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx14352>), by regular mail to the

mother or caregiver. The CS-OP05 informs the mother or caregiver where and when to appear to provide a sample for genetic testing, and it also informs the mother or caregiver to bring the child(ren) named on the form to be tested.

(b) through (c) No change.

(6) No change.

(7) Notice of Proceeding to Establish Paternity and Order to Appear for Genetic Testing.

(a) Notice of Proceeding to Establish Paternity or Paternity and Administrative Support Requirements. The Department ~~will serve~~ serves the alleged father with Form CS-OP01, Notice of Administrative Proceeding to Establish Paternity, hereby incorporated by reference, effective 1/18, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-08994>), hereafter referred to as the Notice of Proceeding. The Department ~~will send~~ sends the alleged father Form CS-OP02, Order to Appear for Genetic Testing, incorporated by reference, effective ~~xx/xx~~ 01/22, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx 43857>), with the Notice of Proceeding and a copy of the Paternity Declaration, CS-PO34, or an affidavit that names the alleged father. The Notice of Proceeding will be served on the respondent by certified mail, restricted delivery, return receipt requested, or by any other means of service that meet the requirements for service of process in a civil action. Once served, the alleged father must notify the Department in writing of any change of address. If the alleged father does not update the Department, the Department will serve by regular mail any other document or resulting order to the address of record and the alleged father is deemed to have received them.

(b) No change.

(8) through (11) No change.

(12) Proposed Order of Paternity. The Proposed Order of Paternity (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx 42363>), CS-OP30, effective ~~xx/xx~~ 11/20, and incorporated by reference, is sent to the alleged father by regular mail to the address of record. The Proposed Order of Paternity informs him that the Department intends to issue a final order establishing him as the legal father of the child or children named in the Proposed Order of Paternity. The Proposed Order of Paternity informs the alleged father of his right to an informal review and to an administrative hearing. The time frames, forms, and procedures for the informal review and administrative hearing are the same as described in paragraph (14)(g)(f). A blank Title IV-D Standard Parenting Time Plan, CS-OA250, is included



with the Proposed Order of Paternity, form CS-OP30 except as provided by paragraph (6)(a).

The Department will:

(a) through (c) No change.

(13) Proceeding to establish an Administrative Paternity and Support Order.

(a) No change.

(b) Alleged Father's Rights; Proceeding in Circuit Court as an alternative to the

Administrative Process:

1. The alleged father may file a paternity action in circuit court and serve the Department with a copy of the petition. The alleged father must have the petition served on the Deputy Agency Clerk at the address specified in the notice within 20 days after the date the Notice of Proceeding to Establish Administrative Support Order was mailed. If the Department is served timely, it will end the administrative establishment process and proceed in circuit court. If the alleged father files a petition in circuit court, but does not serve the Department in the 20-day time frame, the Department will continue with the administrative establishment proceeding by either issuing a Proposed Administrative Paternity and Support Order (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx 42366>), CS-OA20, effective ~~xx/xx 11/20~~, and incorporated by reference, or referring the proceeding to the Division of Administrative Hearings without issuing a Proposed Administrative Paternity and Support Order if the Department determines that an evidentiary hearing is appropriate to determine the respondent's income. If the petition is served on the Department timely, the Department will mail the petitioning parent or caregiver the Dismissal of Administrative Proceeding ~~form~~, CS-OA88.

2. No change.

3. No change.

(14) Proposed Administrative Paternity and Support Order.

(a) Not sooner than 20 days after serving the Notice of Proceeding to Establish Administrative Support Order form, CS-OA01, under subsection (13), the Department will ~~shall~~ calculate the respondent's support obligation using the child support guidelines in Section 61.30, F.S. If the respondent does not provide financial information within the time required by Sections 409.2563(13)(a) and (b), F.S., the Department will ~~shall~~ impute income as provided Section 61.30(2)(b) or 409.2563(5), F.S., as applicable.

(b)(a) Calculation of the respondent's retroactive support obligation will ~~shall~~ be in accordance with Section 61.30(17), F.S. Retroactive support will ~~shall~~ be addressed in an initial determination of child support.

(c)(b) The Department will ~~shall~~ prepare a Proposed Administrative Paternity and Support Order (CS-OA20), which for purposes of the rule is entitled Proposed ~~Administrative Support Order~~ Order ~~order~~, that establishes the terms of the support obligation and includes, at a minimum, all elements contained in Section 409.2563(7)(e), F.S. The Department will ~~shall~~ mail the Proposed Order to the respondent by regular mail to the respondent's address of record. The Proposed Order will ~~shall~~ include a notice of rights that informs the respondent of the right to an informal discussion with the Department, the right to a formal administrative hearing, and the right to consent to the entry of an Administrative Paternity and Support Order. Copies of the child support guidelines worksheet prepared by the Department and the financial affidavit submitted by the other parent are mailed with the Proposed Order. The Department will ~~shall~~ provide a copy of the Proposed Order and its attachments to the petitioner at the petitioner's address of record.

(d)(e) The Department may proceed with the administrative establishment of paternity and support by either sending the alleged father a Proposed Administrative Paternity and Support Order, CS-OA20, or referring the proceeding to the Division of Administrative Hearings without issuing a Proposed Administrative Paternity and Support Order if the Department determines that an evidentiary hearing is appropriate to determine the respondent's income. The Department will calculate the respondent's support obligation using the child support guidelines in Section 61.30, F.S. If the respondent does not provide financial information within the time required by Sections 409.2563(13)(a) and (b), F.S., the Department will impute income as provided by Section 61.30(2)(b), F.S., or impute income at fulltime minimum wage as provided by Section 409.2563(5)(a), F.S. Calculation of the respondent's retroactive support obligation is in accordance with Section 61.30(17), F.S. Retroactive support is addressed in an initial determination of child support. The Department uses a Proposed Administrative Paternity and Support Order (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx 42367>), CS-OX20, effective xx/xx 11/20 ~~11/20~~, and incorporated by reference, when a proceeding involves more than one child and paternity has already been established for one or more of the children. The Proposed Administrative Paternity and Support Order may include terms for monetary support,

retroactive support, health insurance, and non-covered medical expenses as appropriate. The Proposed Administrative Paternity and Support Order tells the alleged father that the Department intends to issue an administrative order establishing paternity and a support obligation for the child or children listed in the Proposed Administrative Paternity and Support Order. When an agreed to and signed parenting time plan is provided by the parents, it is enclosed with Proposed Order. If a signed parenting time plan is not enclosed, the Department will provide a blank Title IV-D Standard Parenting Time Plan, CS-OA250, with form CS-OX20 except as provided by paragraph (6)(a).

(d) through (h) Renumbered (e) through (i) No change.

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

(a) The Department will render a Final Order of Paternity

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx 13860>), CS-OP50, effective xx/xx 10/21, or a Final Administrative Paternity and Support Order

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx 13861>), CS-OA40, effective xx/xx 10/21, both forms incorporated by reference, if the alleged father does not ask for a

hearing timely. The Department may use a Final Administrative Paternity and Support Order

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx 13862>), CS-OX40, effective xx/xx 10/21, and incorporated by reference, in cases where there is more than one child on the

order and paternity does not need to be established for all of the children. In addition to the Final

Administrative Paternity and Support Order, the Department enters an Income Deduction Order

as part of the Final Administrative Paternity and Support Order. The respondent is responsible

for making the ordered payments to the State Disbursement Unit until the income deduction begins.

(b) through (e) No change.

(16) through (21) No 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 9-19-17, 1-17-18, 9-17-18, 8-28-19, 11-12-20, 11-21-21, 6-9-22,\_\_\_\_\_.*

### **12E-1.039 Request for Services.**

(1) through (3) No change.

(4) Application.

(a) To apply for services, an individual who does not receive temporary cash assistance or food assistance must submit a signed and complete electronic or paper application. The Department will obtain information concerning parents and children including: name, address, date of birth, Social Security Number, employment, health insurance, military service, and other relevant information necessary to provide child support services.

1. No change.

2. A hardcopy application may be obtained by calling 1(850)488-KIDS (5437) or contacting a child support local office. Local child support office information is provided on the Department's website [www.floridarevenue.com](http://www.floridarevenue.com).

a. Upon request, the Department will provide an individual who requests services with Forms CS-ES51 and CS-ES50. Form CS-ES51, Application for Child Support Services, is hereby incorporated by reference effective xx/xx 12/21, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx 13865>). Form CS-ES50, Application Instructions, is hereby incorporated by reference effective 12/21, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-13864>). The applicant must complete and submit the CS-ES51 form provided.

b. When an applicant requests services for more than one child, the Department will provide the applicant a Child Information, Form CS-ES51ACI, for each additional child. Form CS-ES51ACI, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx 13866>), is incorporated herein by reference, effective xx/xx 12/21. The applicant must complete and submit the CS-ES51ACI form(s) provided.

c. When there is more than one alleged father, the Department will provide the applicant a separate Other Parent Information, Form CS-ES52, for each alleged father. Form CS-ES52, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-13867>), is incorporated herein by reference, effective 12/21. The applicant must complete and submit the CS-ES52 form(s) provided.

d. When the applicant is applying for services for more than one child with different fathers, the applicant will be required to submit a separate application for each child and father.

(5) through (6) No change.

*Rulemaking Authority 409.2557(3)(h), (i) FS. Law Implemented 409.2567 FS. History—New 9-*

19-17, Amended 8-28-19, 11-12-20, 11-21-21, 6-9-22, \_\_\_\_\_.

Substantial rewording of Rule 12E-1.040 follows. See Florida Administrative Code for present text.

**12E-1.040 Intergovernmental Forms.**

(1) Federally approved forms.

(a) As the state’s Title IV-D agency under Section 409.2557(1), F.S., the Department must use federally approved forms in intergovernmental cases involving child support programs in other states, foreign countries, and tribes, as required by 45 CFR 303.7(a)(4).

(b) The Department uses the General Testimony form (CS-IS21) to obtain a statement under penalty of perjury about the information and facts of the case from a person seeking to establish paternity, support, or paternity and support, or review or modification of a support order in an intergovernmental case. The Department requests information needed to prepare the General Testimony form from the petitioning parent. The Department provides the General Testimony form to the other government’s child support program. Form CS-IS21, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>), is hereby incorporated by reference, effective xx/xx.

(c) The Department uses the Declaration in Support of Establishing Parentage forms (CS-IS26 and CS-IS26a) to obtain a paternity affidavit from a person seeking establishment of paternity or paternity and support in an intergovernmental case. The Department provides Form CS-IS26 or CS-IS26a to the other government’s child support program. Form CS-IS26 is system-generated and populated with data previously obtained by the Department from the petitioning parent or governmental entity where the petitioning parent resides or applies for services. Form CS-IS26a is blank and includes Instructions for Completing the Declaration in Support of Establishing Parentage (Form CS-IS26i). Form CS-IS26, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>), is hereby incorporated by reference, effective xx/xx. Form CS-IS26a, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>), is hereby incorporated by reference, effective xx/xx. Form CS-IS26i, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>), is hereby incorporated by reference, effective xx/xx.

(2) Establishment of paternity and support or modification to add a child to a support order.

(a) The Department seeks information from the petitioning parent to complete Forms CS-IS21 and CS-IS26 when paternity or support is needed for a child when the alleged father does not reside in Florida.

(b) The Department uses the Information Needed to Establish a Support Order in Another State form (CS-IS72) to obtain information from the petitioning parent. Form CS-IS72, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>), is hereby incorporated by reference, effective xx/xx.

(c) When requesting establishment of paternity, the Department uses the Declaration in Support of Establishing Parentage form (CS-IS26a) to obtain information from the petitioning parent.

(d) Forms CS-IS72 and CS-IS26a are mailed to the petitioning parent for completion. The petitioning parent has 30 days after the date form CS-IS72 is mailed to complete and return it to the Department and, if requested by the Department, to complete and return Form CS-IS26a.

(e) If the petitioning parent does not timely return Form CS-IS72, or when requested Form CS-IS26a, the Department takes the following action:

1. If the petitioning parent receives cash assistance for the child and Form CS-IS26a is not requested, the Department prepares the General Testimony (CS-IS21) form, signs for the petitioning parent and requests services from the child support agency in a state with personal jurisdiction over the responding parent.

2. If the petitioning parent receives cash assistance for the child and Form CS-IS26a is requested or the petitioning parent does not receive cash assistance for the child, but receives Medicaid or food assistance, the Department reports noncooperation to the Department of Children and Families as required by Section 409.2572 F.S. In addition, the Department initiates case closure, unless there is a support order for another child on the case the Department is enforcing.

3. If the petitioning parent does not receive public assistance, the Department initiates case closure, unless there is a support order for another child on the case the Department is enforcing.

4. If a case is closed because the petitioning parent does not complete and return forms required under (2)(d), the Department will not re-open the case or provide services until the required forms are completed and returned to the Department.

(f) The Department prepares the General Testimony form (CS-IS21) using the information provided by the petitioning parent and mails it to them. When establishment or modification of a support order is requested, the Department includes Review and Sign Forms Needed to Obtain a Child Support Order (CS-IS73) with Form CS-IS21. If paternity is needed and Form CS-IS26a provided by the petitioning parent is incomplete, contains extraneous information or stray marks, the Department prepares Form CS-IS26 with the information provided by the petitioning parent and mails it to them. The petitioning parent has 30 days after the date Form CS-IS73 is mailed to review, correct, complete, sign and return the forms to the Department. Form CS-IS73, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>), is hereby incorporated by reference, effective xx/xx.

(g) If the petitioning parent does not sign and return the forms within 30 days after the date of mailing by the Department, the team member signs the forms and forwards them to the other government's child support program.

(3) Review of support order in accordance with Rule 12E-1.041, F.A.C.

(a) The Department uses the Information Needed for Support Order Review in Another State form (CS-IS75) to obtain information from the petitioning parent. Form CS-IS75, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>), is hereby incorporated by reference, effective xx/xx. The petitioning parent has 30 days after the date Form CS-IS75 is mailed to them to complete and return the form to the Department.

(b) If the petitioning parent does not timely return Form CS-IS75, the Department stops the review and notifies the petitioning parent by mailing them the Support Order Review Update form (CS-POBA) incorporated by reference in Rule 12E-1.041, F.A.C.

(c) When the petitioning parent does not receive public assistance, the Department prepares the General Testimony form (CS-IS21) using the information provided by the petitioning parent and mails it to them with the Review and Sign Forms Needed to Review a Child Support Order form (CS-IS74). The parent has 30 days after the date Form CS-IS74 is mailed to them to review, correct, complete, sign and return the General Testimony form (CS-IS21) to the Department. Form CS-IS74, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>), is hereby incorporated by reference, effective xx/xx.

(d) If the petitioning parent does not return a signed Form CS-IS21 within 30 days after the date the form is mailed to them, the Department may sign the form for the petitioning parent.

(e) The Department sends Form CS-IS21 to the child support agency in the state with continuing, exclusive jurisdiction, as determined under Section 88.2051 F.S., to conduct a review of the support order and to modify the order, if appropriate.

*Rulemaking Authority 409.2557 FS. Law Implemented 88.3111(2), 88.3071(1)(a), 409.2557, 409.2561 FS. History—New 9-19-17, Amended 6-9-22, 10-26-22,\_\_\_\_\_.*

**12E-1.041 Review for Modification of Support Order.**

(1) Initiating a review.

(a) The Department automatically initiates a monthly review of support orders to determine if modification is appropriate for cases in which the parent due support is receiving cash assistance from the Department of Children and Families, the support order has not been reviewed or modified for at least three years, and the Department has a mailing address for both parents, or caregiver, if applicable.

(b) A parent or caregiver may request the Department to review a support order to which they are a party by contacting the Department verbally or in writing. If the request is for one of the following reasons, the Department takes action to modify the support order, as appropriate, without conducting a review for modification:

1. A child of the parties has left or been added to the household of the parent due support.
2. There has been a change of custody of a child of the parties.
3. Extending support beyond the age of 18.

(c) The Department begins a review by mailing the applicable forms to both parents when the review is initiated under (1)(a) or to the parent who requests a review under (1)(b).

1. If the support order under review is an administrative support order issued by the Department, the forms consist of the Declaration of Change in Circumstances (CS-POBB), the Financial Affidavit (CS-OA11), and the Parent Information Form (CS-OA12). If the case is eligible for a parenting time plan under Rule 12E-1.030, the Title IV-D Standard Parenting Time Plan (CS-OA250) is included. Form CS-POBB, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>), is hereby incorporated by reference, effective xx/xx. Forms CS-OA11 and CS-OA12 are incorporated in Rule 12E-1.036, F.A.C.

2. If the support order under review is not an administrative support order issued by the



Department, the forms consist of the Declaration of Change in Circumstances (CS-POBB) and the Family Law Financial Affidavit (Short Form) (CS-PO31).

3. A caregiver is mailed Forms CS-POBB and CS-OA12 if the support order under review is an administrative support order issued by the Department and Form CS-POBB if the support order under review is not an administrative support order issued by the Department.

(d) When the review is initiated under (1)(a), the parents are requested to complete and return the forms within 20 days after the date that appears on Form CS-POBB. When the 20-day period expires, the Department proceeds with the review.

(e) When a review is initiated under (1)(b), the parent who requests the review must complete and return the forms within the time period specified in Form CS-POBB. If the forms are not completed and returned timely, the review is ended, and the requesting party is notified by the Support Order Review Update form (CS-POBA). Form CS-POBA, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>), is hereby incorporated by reference, effective xx/xx. If the requesting party returns the completed forms timely, the Department mails the applicable forms to the nonrequesting party for completion and return. If the forms mailed to the nonrequesting party are returned to the Department undelivered, the Department resends the forms to the party's current address, if known. If the party's current address is not known, the Department terminates the proceeding and notifies the requesting party by issuing Form CS-POBA that the review cannot be completed.

(f) The Department does not initiate or terminates a review when the parent who owes support is incarcerated. The Department notifies the parties that a review cannot be conducted by mailing the parties the Unable to Conduct Support Order Review Parent Who Owes Support in Jail form (CS-POBK). Form CS-POBK, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>), is hereby incorporated by reference, effective xx/xx.

(g) When the Department does not initiate or terminates a review and the parent who owes support is not incarcerated, the Department notifies the parties by issuing Form CS-POBA.

(2) Conducting the review.

(a) The requesting party must provide documentation showing a permanent, involuntary change of circumstance, which may include:

1. A change in either parent's income. If the income of the parent who is ordered to pay

support increases, the Department does not need to prove that the change is involuntary to proceed with support order modification.

2. A parent begins receiving Social Security Disability Income.

3. A parent or child becomes permanently disabled.

4. A change in a parent's or child's medical condition results in a reduced ability to pay support or an increased need for support.

5. An increased need for support.

(b) The Department uses the child support guidelines in Section 61.30, F.S., to calculate the amount of child support owed based on information provided by the parties and other relevant information obtained by the Department, such as state wage records obtained from the Department of Economic Opportunity and income information provided by a parent's employer or other payor of income.

(c) The Department begins a proceeding to modify a support order when:

1. It has been three years or more since the most recent support order review under Section 409.2564(11), F.S., or since the support order was entered or last modified; the child support amount calculated during the review varies from the child support amount in the support order by at least 10 percent or a minimum of \$25.00 per month; and there is a permanent, involuntary change in circumstances.

2. It has been less than three years since the order was entered, modified, or reviewed under Section 409.2564(11), F.S.; the child support amount calculated during the review varies from the child support amount in the support order by at least 15 percent or \$50.00 per month; and there is a permanent, involuntary change in circumstances.

(d) The Department notifies the parents of the results of a completed support order review.

1. When a support order review indicates an administrative support order should be modified, the Department proceeds in accordance with Rule 12E-1.030(14).

2. When a support order review indicates a judicial support order should be modified, the Department mails both parties the Results of Support Order Review form (CS-POBC). Form CS-POBC, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>), is hereby incorporated by reference, effective xx/xx.

3. When an administrative support order issued by the Department is reviewed and the review indicates there is not a substantial, permanent, or involuntary change in circumstances,

the Department concludes the review by mailing the parties Form CS-POBC. When a support order review indicates the Department is unable to proceed with support order modification for reasons other than those stated in Form CS-POBC, the Department concludes the review by mailing the parties the Results of Support Order Review form (CS-POBCa). Form CS-POBCa, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>), is hereby incorporated by reference, effective xx/xx.

(3) Notice of right to request support order review and modification.

(a) If the mailing address of both parties is known, the Department mails the parties a Your Right to a Support Order Review form (CS-POBJ) at least once every three years in accordance with Section 409.2546(11), F.S. Form CS-POBJ, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>), is hereby incorporated by reference, effective xx/xx.

(b) The Department mails both parties the Right to Support Order Review Due to Incarceration form (CS-POBI) within 15 days after receiving information that the parent who owes support is incarcerated and will be incarcerated for at least 180 days. Form CS-POBI, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>), is hereby incorporated by reference, effective xx/xx.

*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) FS. Law Implemented 409.2563, 409.25633 FS. History–New \_\_\_\_\_.*

**12E-1.042 Income Withholding.** In accordance with Section 61.1301(1)(a)1., F.S., the notice used by the Department to implement income deduction in Title IV-D cases is the Income Withholding for Support form (CS-EF05/06). Form CS-EF05/06, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>), is hereby incorporated by reference, effective xx/xx. The notice may be mailed to a payor of income or delivered electronically if the payor consents to electronic notification.

*Rulemaking Authority 409.2557(3), FS. Law Implemented 61.1301(1)(a)1. FS. History–New \_\_\_\_\_.*