

STATE OF FLORIDA
DEPARTMENT OF REVENUE
CHAPTER 12E-1, FLORIDA ADMINISTRATIVE CODE
CHILD SUPPORT PROGRAM
AMENDING RULES 12E-1.008, 12E-1.023 AND 12E-1.036

**12E-1.008 Determination of Cooperation; Determination of Noncooperation;
Determination of Good Cause to Not Cooperate.**

(1) Definitions.

(a) Definitions. As used in this section:

1. “Applicant” or “recipient” means an individual who has applied for or receives public assistance.

2. “Cooperation” means an applicant or recipient taking the actions identified in Section 409.2572, F.S., as requested by the child support program, to assist in identifying and locating the parent who owes support; establishing paternity; establishing, modifying, and enforcing medical and financial support; and collecting support or other payments or property due from the parent who owes support.

3. “Department” means the Department of Revenue.

4. “Good cause to not cooperate” means a legally and factually sufficient reason to excuse the applicant or recipient from cooperation requirements as determined by the Department, after evaluating the applicant or recipient’s written good cause to not cooperate claim, and other evidence available to the Department, in accordance with subsection (5) of this rule.

5. “Public assistance” means temporary cash assistance; food assistance received on behalf of

a child under 18 years of age residing most of the time with only one parent or a nonparent caregiver; or money paid for foster care or Medicaid under Title IV-E and Title XIX of the Social Security Act, respectively.

~~(2) Cooperation Requirements for Applicants or Recipients of Public Assistance. As a condition of eligibility for public assistance, an applicant or recipient must cooperate in good faith with the child support program to help the Department identify and locate the alleged father or parent who owes support, establish paternity; establish, modify, and enforce medical and financial support; and collect support from the parent who owes support or the applicant must request to not cooperate.~~

~~(a) The requirement for an applicant or a recipient to cooperate with the child support program will be excused only when the Department has approved a request for good cause to not cooperate in accordance with subsection (5).~~

~~(b) An adult who applies for or receives Medicaid services for a child only is not required to cooperate.~~

~~(c) An applicant or recipient of Medicaid-only must cooperate in establishing, modifying and enforcing medical support if the applicant or recipient is receiving Medicaid. The requirement for an applicant or a recipient to cooperate with the child support program will be excused only when the Department has approved a request for good cause to not cooperate in accordance with subsection (5).~~

~~(a) Cooperation Requirement for Applicants for Public Assistance.~~

~~1. The requirement to cooperate for purpose of public assistance eligibility is satisfied if the applicant provides the Department, either directly or through the Department of Children and Families, the following information concerning the alleged father or parent who owes support of~~

~~each child for whom public assistance is sought:~~

- ~~a. First and last name;~~
- ~~b. Gender;~~
- ~~c. Race; and~~
- ~~d. Date of birth or social security number.~~

~~2. If the applicant does not cooperate as required by subparagraph 1., the applicant must be interviewed by the Department. At the interview, the applicant may cooperate by providing information concerning the alleged father or parent who owes support of each child. An applicant who does not have information about the location or identity of the alleged father or parent who owes support satisfies the requirement to cooperate.~~

~~3. An applicant is not eligible for public assistance when the applicant does not cooperate with the Department as provided by subparagraphs 1. and 2. The Department will notify the Department of Children and Families of the applicant's noncooperation as provided by subsection (6).~~

~~4. Once the applicant or recipient satisfies the requirement to cooperate for purposes of public assistance eligibility, the applicant or recipient must cooperate further with the Department as provided by subsection (2), paragraph (b) and Section 409.2572, F.S.~~

~~(b) Continuous Cooperation Requirement.~~

~~(d)1. A recipient of public assistance must ~~continue to~~ make a good faith effort to cooperate with the Department as provided by Section 409.2572, F.S., to assist the Department in its efforts to identify and locate the alleged father or parent who owes support to establish paternity; establish, modify, and enforce medical and financial support; and collect support from the parent who owes support.~~

2. The recipient must provide the following information regarding the alleged father or parent who owes support when requested by the Department, if known:

- a. Social Security Number;
- b. Race;
- c. Date of birth;
- d. Current or former employer;
- e. Place of birth;
- f. Current or former address and phone number;
- ~~g. Driver license number and state where issued;~~
- ~~h. Make, model, license number of vehicles owned, and state where the vehicle is or was registered;~~
- ~~i. Arrest and incarceration history; and~~
- j. Other information, based upon individual case circumstances, that may help the

Department determine the identity and location of the alleged father or parent who owes support.

3. A recipient who does not have information about the location or identity of the alleged father or parent who owes support satisfies the requirement to cooperate.

(3) Determination of Noncooperation. If a recipient of public assistance does not cooperate with the Department as provided by Section 409.2572, F.S., and subsection (2), the Department will mail the Notice of Noncooperation (Form CS-CF07), incorporated herein by reference, effective ~~xx/xx 11/21~~, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx 13848>) to the recipient at the last known address provided to the Department.

(a) The recipient may return the CS-CF07 or contact the Department within 10 business days after the date of mailing of the notice to make arrangements to cooperate, request good cause to

not cooperate, or request the Department to conduct an informal review as provided by subsection (4). At the time of the request for informal review the recipient may state if they want to be present during the review and if they want a representative present during the review.

(b) If the recipient does not take timely action as required by paragraph (3)(a), the Department will notify the Department of Children and Families of the recipient's noncooperation as provided by subsection (6).

(c) The Department does not report noncooperation to the Department of Children and Families if the recipient cooperates by the date specified in the CS-CF07 notice mailed to the recipient. The recipient is not reported as uncooperative unless the request to not cooperate is denied by the Department as provided by subsection (5), and the recipient continues to not cooperate. ~~Food assistance only recipients must make requests to not cooperate directly to the Department of Children and Families.~~

(4) Request for Informal Review.

(a) Reviews of pending determinations of noncooperation requested pursuant to subsection (3), paragraph (b), must be completed within 20 business days after receipt of a completed request for review. The Department will contact the recipient with an explanation of the additional information required if an incomplete request is provided to the Department. The Department will make arrangements for the parent to comply with the requested action if the parent indicates their intent is to cooperate in their request for a review. The Department will determine the recipient is noncooperative and notify the Department of Children and Families if the parent indicates their intent is to not cooperate in their request for a review. The Department will take the following actions when a completed request for review is received by the Department.

1. Schedule a date to conduct the review if the recipient has requested to be present for the review and send a notice to the recipient to appear in a local child support office before the date specified in the notice, which must be at least 10 days after the date the notice is mailed. If the recipient chooses to have a representative present at the review, the recipient is responsible for making those arrangements.

2. Conduct the review. Reviews consist of an examination of the Department's case record, interview with Department staff and an evaluation of the recipient's statements. The Department provides the results of the review to the parent on the Notice of Decision on Noncooperation (CS-CF38), incorporated herein by reference, effective 09/18, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-09857>).

(5) Good Cause Request to not Cooperate in Public Assistance Cases. The Department is authorized in accordance with 42 U.S.C. 654(29), and Section 409.2572(4), F.S., to determine a recipient's request to not cooperate in public assistance cases, ~~except when the recipient is receiving only food assistance. Food assistance only recipients must make requests to not cooperate directly to the Department of Children and Families.~~ An approved request excuses the recipient from the requirement to cooperate with the Department ~~on the specific case against a specific alleged father or parent who owes support for which the request to not cooperate is approved.~~

(a) When an applicant or recipient ~~states he or she~~ does not want to cooperate because doing so ~~may will~~ endanger the recipient or child(ren), the recipient must complete, sign and return the Request to Not Cooperate (CS-CF08) form, incorporated herein by reference, effective xx/xx 11/20, ([http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx 12330](http://www.flrules.org/Gateway/reference.asp?No=Ref-<u>xxxxx</u> 12330)) ~~with supporting documents~~ within 30 ~~20~~ days after the date of the Request to Not Cooperate. ~~If the recipient does~~

~~provide documentation timely or the documentation is not sufficient to support the claim that cooperation may endanger the recipient or child, the Department denies the request to not cooperate and proceeds with establishing paternity or support order, or paternity and support.~~

(b) Requests for good cause to not cooperate are approved or denied based upon the information provided by the recipient. The Department will suspend action on child support case activities from the time a request to not cooperate is received until a final determination is made. The Department sends a Notice of Decision Request to Not Cooperate (CS-CF11), incorporated herein by reference, effective xx/xx, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>) to notify the recipient of its decision.

~~(c)~~(b) A written request for good cause to not cooperate is approved when the recipient provides information that:

1. There is a reasonable likelihood that the recipient or child may be physically or emotionally harmed if cooperation is required;
2. The child was born as a result of rape or incest;
3. Legal proceedings for the adoption of the child are pending in court; or
4. The parent or caregiver is being assisted by a public or licensed private social services agency to determine whether to place the child for adoption.

~~(e) Requests for good cause are approved or denied based upon the information provided by the recipient. The Department will suspend child support case activities from the time a request to not cooperate is received until a final determination is made.~~

~~1. A request is approved when documentation is submitted to substantiate the circumstances establishing good cause.~~

(d)2. A written request for good cause to not cooperate is denied when the recipient does not

provide a written statement or documentation in support of the claim ~~no documentation is provided or documentation does not substantiate the circumstances establishing good cause.~~

~~(d) The Department sends the Notice of Decision on Request to Not Cooperate (CS-CF11), incorporated herein by reference, effective 09/18, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-09858>) to notify the recipient of the decision.~~

(e) A recipient whose request for good cause to not cooperate is denied pursuant to paragraph ~~(e), subparagraph 2.,~~ must cooperate with the Department as provided by Section 409.2572, F.S. and subsection (2). If the recipient does not cooperate, the Department proceeds as provided ~~begins the process of determining noncooperation as stated in subsection (3)(2).~~

(6) Notification to the Department of Children and Families.

(a) In accordance with Section 409.2572(3), F.S., the Department is responsible for determining and reporting to the Department of Children and Families, noncooperation by applicants and recipients of public assistance.

(b) The Department will notify the Department of Children and Families when the applicant or recipient cooperates with the Department in accordance with Section 409.2572, F.S., or when the Department determines that an applicant or recipient has not cooperated, or when the Department determines the recipient is not required to cooperate.

(c) The Department will notify the Department of Children and Families and the applicant or recipient within two business days after the Department's determination that:

1. The applicant or recipient is cooperating in good faith; or
2. Cooperation by the applicant or recipient is not needed or required to take the next appropriate case action.

Rulemaking Authority 409.2557(3)(h) FS. Law Implemented 409.2572 FS. History—New 4-1-86, Amended 4-6-88, 7-20-94, Formerly 10C-25.006, Amended 3-6-02, 9-17-18, 11-12-20, 11-21-21,

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>). ~~The~~ Notice ~~is~~ shall be mailed to the obligor's address of record with the Department of Highway Safety and Motor Vehicles.

(b) through (c) No change.

(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-1.036 Administrative Establishment of Paternity and Support Obligations.

(1) through (2) No change.

(3) Case Selection Criteria.

(a) ~~Except as provided in paragraph (3)(b), as allowed by Section 409.256(2)(a), F.S.,~~ authorizes the Department ~~is authorized~~ to start an administrative proceeding to establish paternity or paternity and support when if: the statutory criteria ~~in the statute~~ are met.

(b) No Change.

(4) Statement of ~~Mother~~ Naming an Alleged Father or Fathers. For cases meeting the criteria in subsection (3), the Department requires ~~the mother~~ a statement naming to name an alleged father or fathers.

(a) The Department uses Form CS-PO34, Paternity Declaration (incorporated by reference in Rule 12E-1.039, F.A.C.), completed and signed by the mother to record the name of the alleged father or fathers.

(b) The Department uses Form CS-PO102, Paternity Statement by Non-Parent, (incorporated by reference in Rule 12E-1.039, F.A.C.), completed and signed by the non-parent caregiver.

(c) The Department uses Form CS-PO103, Paternity Statement by Alleged Father (incorporated by reference in Rule 12E-1.039, F.A.C.), completed and signed by the alleged father, who may or may not be the caregiver of the child.

(5) through (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 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 the alleged father Form CS-OP02, Order to Appear for Genetic Testing, incorporated by reference, effective 01/22,

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-13857>), with the Notice of Proceeding and a copy of the Paternity Declaration, CS-PO34, CS-PO102, 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 (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,_____.