

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA**

ADMINISTRATIVE ORDER: M-2008-7-B

**AMENDED MARION COUNTY ADMINISTRATIVE ORDER REGARDING  
ESTABLISHMENT OF CHILD SUPPORT ORDERS IN DEPENDENCY ACTIONS and  
SUPERSEDING ADMINISTRATIVE ORDER M-2008-7**

**WHEREAS**, the Florida Supreme Court has set forth a goal of creating "a fully integrated, comprehensive approach to handling all cases involving children and families... while at the same time resolving family disputes in a fair, timely, efficient, and cost-effective manner" *In Re: Report of the Family Court Steering Committee*, 794 So. 2d 518 (Fla. 2001); and

**WHEREAS**, Family Law Division of the courts in and for the Fifth Judicial Circuit had previously adopted a procedure in Administrative Order A-2002-14-B for the establishment of an order for child support in an action filed pursuant to Chapter 39 of the Florida Statutes ("dependency action") which could be enforced or modified by an individual or the Department of Revenue, acting on behalf of an individual or agency, while protecting the confidentiality of the dependency proceeding; and

**WHEREAS**, the Florida Legislature has directed that the State's child support enforcement agency shall enforce child support orders entered under §39.521 in the same manner as child support orders under Chapter 61, Fla. Stats.; §39.521(1)(e)7, Fla. Stat., and

**WHEREAS** pursuant to §409.2577(1), Fla. Stat., the Department of Revenue is designated as the state agency responsible for the administration of the child support enforcement program; and

**WHEREAS**, the need has arisen for the adoption of an expedited procedure in Marion County for the transference of support issues to the Domestic Relations docket for enforcement and modification,

It is **THEREBY ORDERED AND ADJUDGED**:

- 1) The Domestic Relations Division of the Circuit Court of the Fifth Judicial Circuit in and for Marion County shall adopt an expedited procedure for the transference of child support issues from a dependency action to domestic relations case.
- 2) The Department of Children and Families ("DCF") shall determine whether an existing child support order has been entered as to any child involved in a dependency action. This determination shall be accomplished prior to the time of the arraignment or the disposition hearing.

Each petition for dependency shall include a notice to the parents that child support may be established pursuant to §39.402(11), Fla. Stat. and §39.521(1)(e), Fla. Stat.

3) If the Department of Children and Families ("DCF") determines that child support has not been established, it shall provide each parent with a financial affidavit in substantial compliance with Form 12.902(b) or Form 12.902(c), Family Law Financial Affidavit. To the extent possible in a dependency action filed pursuant to Chapter 39 of the Florida Statutes, counsel for the parents shall have their clients prepare or shall prepare on behalf of their clients, a financial affidavit in substantial compliance with Form 12.902(b) or Form 12.902(c), Family Law Financial Affidavit.

4) DCF shall utilize the information on the Financial Affidavits to calculate the guideline amount of child support in accordance with §61.30, Fla. Stat. and shall use a form in substantial compliance with Form 12.902(e), Child Support Guidelines worksheet. DCF shall submit the completed Child Support Guidelines Worksheet to the Judge or to the General Magistrate appointed pursuant to rule 8.257, Florida Rules of Juvenile Procedure, at the time of the case plan acceptance. If Financial Affidavits are unavailable, the Judge or General Magistrate may take testimony from the parties at any hearing and establish the amount of income on the record. A Child Support Guidelines may then be prepared in court or child support will be calculated by the Judge or General Magistrate.

5) Prior to or at the time of requesting the establishment of child support, DCF shall determine if a child support order exists regarding the children. If a party is currently ordered to pay child support for the child or children at issue, DCF shall advise the Judge or General Magistrate. The Judge or General Magistrate may modify, suspend, or terminate the existing or previous child support when entering a new order.

6) The Judge or General Magistrate may then establish child support in accordance with the Child Support Guidelines Worksheet and §61.30, Fla. Stat. The child support order shall be set forth in a separate document entitled Order Establishing Child Support or Report and Recommendation Establishing Child Support. ("Child Support Order") The Child Support Guidelines Worksheet shall be attached to the Order unless child support is determined based on testimony in open court. If the Child Support Order is modifying, suspending, or terminating an existing child support order, the new order shall preserve any existing arrearages or any public assistance debt due the state of Florida. A copy of the new Child Support Order shall be placed in the court file of any existing or previous support order.

7) Simultaneously with the entry of the Child Support Order, the Judge or General Magistrate may enter an order transferring the support issues to the Domestic Relations docket. Both the child support order and the order transferring support issues may be set forth in a single order in substantial compliance with the forms attached as Exhibit A. Copies of the Order Establishing Child Support and Transferring Support Issues to Domestic Relations Docket shall be provided to the parties; Department of Children and Families; and the Guardian Ad Litem Program.

8) The Clerk of Court shall make a certified copy of the Order Establishing Child Support and Transferring Support Issues to Domestic Relations Docket, create a separate file, and assign it a new domestic relations number. The Recipient or Payee shall be designated as the Petitioner and the Obligor or Payor shall be designated as the Respondent. All further matters regarding enforcement, modification, or the termination of child support shall be heard in the domestic relations case.

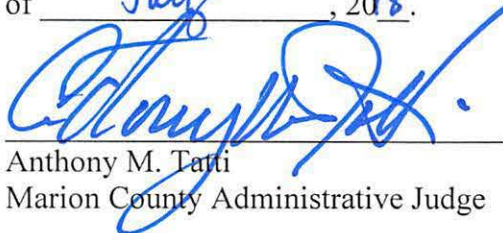
9) Pursuant to §39.202(2)(n), Fla. Stat, the Court deems the Department of Revenue to have a proper interest in the paternity and child support issues in the case. A copy of the Order Establishing Child Support and Transferring Support Issues to Domestic Relations Docket shall be provided to the Department of Revenue. The Department of Revenue may then proceed to enforce the Child Support Order without the necessity of obtaining separate initial service of process on the obligor. The Recipient/Payee may also individually initiate proceedings for enforcement. The Department of Revenue, the petitioner, or the respondent may file a supplemental petition for modification. Any action to modify the Child Support Order must be initiated through the filing of a supplemental petition for modification, and service of process must be obtained on the appropriate party.


10) The Florida Department of Children and Family Services shall immediately notify the Florida Department of Revenue, Child Support Enforcement Division, and the Clerk of Court upon any change in the custodial status of the minor child(ren) or if either of the parent's parental rights have terminated.

11) The force and effect of the child support order as filed in the new domestic relations case shall not be affected by the status of supervision or jurisdiction in the dependency case, or the state of the dependency case being "open" or "closed."

12) This Administrative Order modifies the procedure set forth in Administrative Order A-2002-14-B only as to Marion County.

**DONE AND ORDERED** in chambers at Ocala, Marion County, Florida, this 10 day of July, 2008.

  
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Anthony M. Tatti  
Marion County Administrative Judge

  
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Ann Melinda Craggs  
Fifth Circuit Family Law  
Administrative Judge