

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

Administrative Order: A-2002-14-C

**AMENDED ADMINISTRATIVE ORDER REGARDING ESTABLISHMENT OF CHILD  
SUPPORT ORDERS IN DEPENDENCY ACTIONS and  
SUPERSEDING ADMINISTRATIVE ORDER A-2002-14-B**

**WHEREAS**, the Florida Supreme Court has emphasized that the goal of a family court is to "establish a comprehensive approach coordinating all judicial efforts affecting the same family, regardless. . . of the manner in which dockets for different types of cases are structured and managed." *In Re: Report of the Family Court Steering Committee*, 794 So. 2d 518 (Fla. 2001); and

**WHEREAS**, the Florida Supreme Court has emphasized the need to coordinate different cases involving the same family so as to maximize judicial efforts, avoid inconsistent court orders, and avoid multiple court appearances by the parties on the same issues. *Id.*; and

**WHEREAS**, the Florida Legislature has set forth in §39.521(1)(e)7, *Fla. Stat.* (2018) that when a dependent "child is in an out-of-home placement, child support is to be paid by the parents, or the guardian of the child's estate if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child." In the alternative, the Florida Legislature has set forth in §39.402 (11), *Fla Stat.*, that if a child is placed in a shelter pursuant to a court order following a shelter hearing, "the court shall require in the shelter hearing order that the parents of the child, or guardian of the child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay, to the department or institution having custody of the child, fees as established by the department;" and

**WHEREAS**, the court in a dependency action is allowed to exercise jurisdiction over all child support matters, and is directed to adjudicate the financial obligation, including health insurance, of the child's parents or guardian, and is directed to enforce the financial obligation as provided in Chapter 61; §39.521(1)(e)7, *Fla. Stat.* The Florida Legislature has defined child support as "a court-ordered obligation, enforced under chapter 61 and ss. 409.2551-409.2597, for monetary support for the care, maintenance, training, and education of a child, §39.01(16), *Fla. Stat.*; and

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

**WHEREAS** pursuant to §409.2557(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**, as set forth in § 39.0132, *Fla. Stat.*, dependency actions filed pursuant to Chapter 39 of the Florida Statutes are deemed confidential and not open for inspection by the public.

It is **THEREFORE RESOLVED** that the Family Law Division of the courts in and for the Fifth Judicial Circuit shall adopt a procedure for the establishment of an order for child support in a dependency action which may 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. The procedure is adopted as follows:

1) The Department of Children and Families shall determine whether an existing child support order has been entered as to any child involved in a dependency action. This determination shall be done 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 in this action pursuant to §39.402(11), *Fla. Stat.* and §39.521(1)(e)7, *Fla. Stat.* A copy of a Financial Affidavit in substantial compliance with Form 12.902(b) or 12.902(c), Family Law Financial Affidavit, shall be included with the Shelter Petition or Dependency Petition.

2) If the Department of Children and Families 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.

3) The Department of Children and Families ("DCF") shall utilize the information on the Financial Affidavits to calculate the guideline amount of child support in accordance with §61.30, *Fla. Stat.* DCF 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 the General Magistrate, appointed pursuant to rule 12.490, Florida Family Law Rules of 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 Worksheet may then be prepared in court.

4) Prior to 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 the General Magistrate. If all parties are present, the Court or General Magistrate may modify, suspend, or terminate the existing or previous child support when entering a new order.

5) 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 Child Support Order, or Report of General Magistrate Establishing Child Support and Order. (Child Support Order") Copies of the forms approved for use in the Fifth Judicial Circuit are attached to this Order for reference. The Child Support Guidelines Worksheet shall be attached to the Order.

6) The original Child Support Order and Child Support Guidelines Worksheet shall be filed in the dependency case. Copies of the Child Support Order, with attached Child Support Guidelines Worksheet shall be provided to the parties; Department of Revenue/Child Support Enforcement; Department of Children and Families/Revenue Max Unit; Department of Children and Families; Guardian Ad Litem Program; and the Child Support Division of the Clerk's Office. If the

Child Support Order is modifying, suspending, superseding, 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 order shall be placed in the court file of existing or previous support order, and shall be filed in a confidential manner as required by §39.814, Fla. Stat.

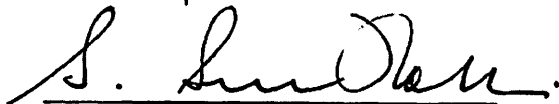
7) As the state agency responsible for the administration of the child support enforcement program, the Department of Revenue ("DOR") may become involved in the enforcement and/or modification of the Child Support Order. Such involvement may be due to the Custodial Party's receipt of public assistance or by the Custodial Party's request for services. The Department of Revenue will not be responsible for the enforcement of the Child Support Order unless requested by the Custodial Party or by another governmental agency.

8) DOR shall initiate an action to enforce or modify the Child Support Order by the filing of a Petition to Enforce Child Support Order. ("Petition") A copy of the Child Support Order shall be attached to the Petition. The Petition shall be filed with the Clerk of Courts in the same manner as a standard, original petition to establish support. Service of the Petition shall be in accordance with the Florida Family Law Rules of Procedure, Florida Rules of Civil Procedure, and Florida Statutes. Once filed and served, DOR may enforce or modify the Child Support Order in the same manner as any other child support order. However, nothing herein shall authorize the release of any confidential information by DCF, DOR, the Clerk of Court or any party without appropriate court order.

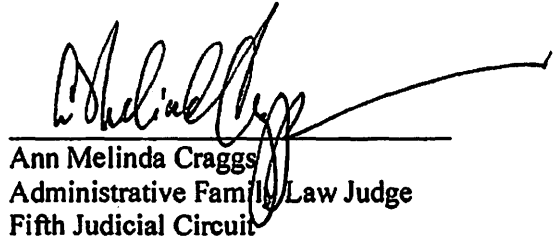
9) The Department of Children and Families shall instruct any recipient of child support on the process for enforcing child support orders. The Department of Revenue shall accept the attached orders as orders establishing child support and shall enforce them as required by Florida law.

10) The Department of Children and Families, and the Department of Revenue are encouraged to freely discuss any questions or problems which arise regarding the existence of a dependency action or a child support order.

**DONE AND ORDERED** in chambers at Ocala, Marion County, Florida, this 30 day of July, 2018.



S. Sue Robbins  
Chief Judge  
Fifth Judicial Circuit



Ann Melinda Craggs  
Administrative Family Law Judge  
Fifth Judicial Circuit

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,  
IN AND FOR COUNTY, FLORIDA**

IN THE INTEREST OF:

CASE NO.:  
Juvenile Division

minor child(ren)

\_\_\_\_\_ /

**ORDER ESTABLISHING CHILD SUPPORT**

**THIS CAUSE** came to be heard before the Court on \_\_\_ day of \_\_\_\_\_, 20\_\_ for establishment of child support.

Based on the evidence provided, it is hereby **ORDERED AND ADJUDGED**:

A. \_\_\_\_\_, the \_\_\_\_\_ of the above named child(ren) shall pay child support to \_\_\_\_\_, the \_\_\_\_\_ of the above named child(ren) in the amount of \$\_\_\_\_\_ per \_\_\_\_\_. The first payment shall commence on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ and shall continue thereafter until the child(ren)'s death, attainment of the child(ren)'s 18<sup>th</sup> birthday, valid marriage, lawful entry into the military service of the United States, or becoming self-supporting.

Notwithstanding, the support rights of the child and the obligation of the Payor to pay support for the child shall continue for said child if the child is dependent in fact, between the ages of eighteen (18) and nineteen (19), and still in high school, performing in good faith with a reasonable expectation of graduation before the age of nineteen (19).

If there is more than one minor child, pursuant to §§61.30(1)(a)1.b. and 1.c., child support shall be automatically terminated as set forth in the following schedule:

Please list children by initials from eldest to youngest		Insert in this column the day, month, and year the child support obligation terminates for each designated child (see instructions)		Insert in this column the amount of child support for all minor children remaining (including designated child).
Child 1 (Eldest)  Initials & year of birth:	<i>From the effective date of this Income Deduction Order until the following date:</i>		<i>child support for Child 1 and all other younger child(ren) should be paid in the following monthly amount:</i>	
Child 2  Initials & year of birth:	<i>After the date set forth in the row above until the following date:</i>		<i>child support for Child 2 and all other younger child(ren) should be paid in the following monthly amount:</i>	
Child 3  Initials & year of birth:	<i>After the date set forth in the row above until the following date:</i>		<i>child support for Child 3 and all other younger child(ren) should be paid in the following monthly amount:</i>	
Child 4  Initials & year of birth:	<i>After the date set forth in the row above until the following date:</i>		<i>child support for Child 4 and all other younger child(ren) should be paid in the following monthly amount:</i>	

Child 5 Initials & year of birth:	After the date set forth in the row above until the following date:		child support for Child 5 and all other younger child(ren) should be paid in the following monthly amount:	
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B. ☐ (If checked) The Payor is also responsible for retroactive child support in the amount of \_\_\_\_\_, calculated as follows: \_\_\_\_\_. In addition to the regular child support payment, the Payor shall pay \$\_\_\_\_\_ per, \_\_\_\_\_ commencing as stated above and continuing thereafter until the total retroactive support amount is paid in full.

C. Said payment shall be in the form of personal check, cashier's check, or money order made payable to the **State of Florida Disbursement Unit**, Post Office Box 8500, Tallahassee, FL 32314-8500. All payments must indicate the case number (including County Number), name of payor, name of recipient, and social security numbers together with the statutory clerk's service charge of 4% of the payment or \$5.25, whichever is less. No credit for payment will be given to the Payor for any payment not made payable to the State of Florida Disbursement Unit. Any payments made directly to the Recipient or the minor child(ren) will be considered a gift and not credited to this order.

D. The Payor's name, and address are: \_\_\_\_\_  
The Recipient's name and address are: \_\_\_\_\_  
The Payor's and Recipient's social security numbers are attached by separate writing. The parties are required to inform the Clerk of Court in writing within seven (7) days of any change of name or address.

E. An Income Deduction Order may be entered requiring the Payor's past, current, and future employers to deduct the child support payments from the Payor's earnings.

F. Payor shall be responsible for a portion of the health expenses incurred for the minor child(ren) and not covered by insurance in accordance with Payor's percentage share of the child support obligation. Further, Payor shall provide health insurance for the minor child(ren) when such insurance becomes available at a reasonable rate.

G. Pursuant to §443.051, Fla. Stat., and §462(e) of Title IV-D of the Social Security Act, the Department of Labor and Employment Security shall deduct and withhold from any unemployment compensation otherwise payable to the Payor, 40% of the Unemployment Compensation or the amount of child support imposed by this order, whichever is less.

H. Pursuant to §39.521(1)(e)(7), Fla. Stat., §39.402(11), Fla. Stat. jurisdiction is relinquished and transferred to the appropriate division of the Circuit Court in all matters relating to assistance obligation not addressed or disposed of by the Court in these proceedings. The Title IV-D Child Support Enforcement Program, § 409.2551- 409.25995, shall be entitled to petition the Circuit Court for enforcement of this Order, paternity, support, insurance or reimbursement of the past public assistance obligation in the aforementioned matters to the appropriate division of the Circuit Court.

**DONE AND ORDERED** in chambers, \_\_\_\_\_, \_\_\_\_\_ County, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Circuit Court Judge

#### **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by U.S. Mail, postage pre-paid, or in-hand delivery this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_ to:

☐ Obligor

☐ Obligee

☐ DOR      ☐ Guardian Ad Litem Program      ☐ DCF/Revenue Max Unit      ☐ Other:

BY: \_\_\_\_\_

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,  
IN AND FOR COUNTY, FLORIDA**

IN THE INTEREST OF:

CASE NO.:

minor child(ren)

\_\_\_\_\_/

**REPORT OF GENERAL MAGISTRATE  
ESTABLISHING CHILD SUPPORT and ORDER**

THIS CAUSE came to be heard before the Dependency General Magistrate for the Fifth Judicial Circuit on the \_\_, day of \_\_\_\_\_ 20\_\_ for establishment of child support. Based on the evidence provided, it is thereupon:

**RECOMMENDED TO THE COURT AS FOLLOWS:**

A. \_\_\_\_\_, the \_\_\_\_\_ of the above named child(ren) shall pay child support to \_\_\_\_\_, the \_\_\_\_\_ of the above named child(ren) in the amount of \$ \_\_\_\_\_ per \_\_\_\_\_. The first payment shall commence on the \_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_ and shall continue thereafter until the child(ren)'s death, attainment of the child(ren)'s 18<sup>th</sup> birthday, valid marriage, lawful entry into the military service of the United States, or becoming self-supporting.

Notwithstanding, the support rights of the child and the obligation of the Payor to pay support for the child shall continue for said child if the child is dependent in fact, between the ages of eighteen (18) and nineteen (19), and still in high school, performing in good faith with a reasonable expectation of graduation before the age of nineteen (19).

If there is more than one minor child, pursuant to §§61.30(1)(a)1.b. and 1.c., child support shall be automatically terminated as set forth in the following schedule:

(Intentionally left blank)



Please list children by initials from eldest to youngest		Insert in this column the day, month, and year the child support obligation terminates for each designated child (see instructions)		Insert in this column the amount of child support for all minor children remaining (including designated child).
<b>Child 1</b> (Eldest)  Initials & year of birth:	<i>From the effective date of this Income Deduction Order until the following date:</i>		<i>child support for Child 1 and all other younger child(ren) should be paid in the following monthly amount:</i>	
<b>Child 2</b>  Initials & year of birth:	<i>After the date set forth in the row above until the following date:</i>		<i>child support for Child 2 and all other younger child(ren) should be paid in the following monthly amount:</i>	
<b>Child 3</b>  Initials & year of birth:	<i>After the date set forth in the row above until the following date:</i>		<i>child support for Child 3 and all other younger child(ren) should be paid in the following monthly amount:</i>	
<b>Child 4</b>  Initials & year of birth:	<i>After the date set forth in the row above until the following date:</i>		<i>child support for Child 4 and all other younger child(ren) should be paid in the following monthly amount:</i>	

<b>Child 5</b> Initials & year of birth:	<i>After the date set          forth in the row          above until the          following date:</i>	<i>child support for Child 5 and          all other younger child(ren)          should be paid in the          following monthly amount:</i>
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B. ☐ (If checked) The Payor is also responsible for retroactive child support in the amount of \_\_\_\_\_, calculated as follows: \_\_\_\_\_. In addition to the regular child support payment, the Payor shall pay \$\_\_\_\_\_ per, \_\_\_\_\_ commencing as stated above and continuing thereafter until the total retroactive support amount is paid in full.

C. Said payment shall be in the form of personal check, cashier's check, or money order made payable to the **State of Florida Disbursement Unit**, Post Office Box 8500, Tallahassee, FL 32314-8500. All payments must indicate the case number (including County Number), name of payor, name of recipient, and social security numbers together with the statutory clerk's service charge of 4% of the payment or \$5.25, whichever is less. No credit for payment will be given to the Payor for any payment not made payable to the State of Florida Disbursement Unit. Any payments made directly to the Recipient or the minor child(ren) will be considered a gift and not credited to this order.

D. The Payor's name, and address are: \_\_\_\_\_

The Recipient's name and address are: \_\_\_\_\_

The Payor's and Recipient's social security numbers are attached by separate writing. The parties are required to inform the Clerk of Court in writing within seven (7) days of any change of name or address.

E. An Income Deduction Order may be entered requiring the Payor's past, current, and future employers to deduct the child support payments from the Payor's earnings.

F. Payor shall be responsible for a portion of the health expenses incurred for the minor child(ren) and not covered by insurance in accordance with Payor's percentage share of the child support obligation. Further, Payor shall provide health insurance for the minor child(ren) when such insurance becomes available at a reasonable rate.

G. Pursuant to §443.051, Fla. Stat., and §462(e) of Title IV-D of the Social Security Act, the Department of Labor and Employment Security shall deduct and withhold from any unemployment compensation otherwise payable to the Payor, 40% of the Unemployment Compensation or the amount of child support imposed by this order, whichever is less.

H. Pursuant to §39.521(l)(e)(7), Fla. Stat., §39.402(11), Fla. Stat. jurisdiction is relinquished and transferred to the appropriate division of the Circuit Court in all matters relating to assistance obligation not addressed or disposed of by the Court in these proceedings. The Title IV-D Child Support Enforcement Program, § 409.2551- 409.25995, shall be entitled to petition the Circuit Court for enforcement of this Order, paternity, support, insurance or reimbursement of the past public assistance obligation in the aforementioned matters to the appropriate division of the Circuit Court.

DONE this, \_\_\_\_\_, day of \_\_\_\_\_ in \_\_\_\_\_, \_\_\_\_\_  
Florida.

\_\_\_\_\_  
General Magistrate

#### ORDER ADOPTING REPORT OF GENERAL MAGISTRATE

**THIS CAUSE** came on to be heard upon the adoption of the above Report of General Magistrate Establishing Child Support, and this Court finding that no objections were filed as to the Report, it is thereupon:

**ORDERED AND ADJUDGED** that the foregoing Report of the General Magistrate is hereby approved and ratified in full.

DONE this, \_\_\_\_\_, day of \_\_\_\_\_ in \_\_\_\_\_, \_\_\_\_\_  
Florida.

\_\_\_\_\_  
Circuit Court Judge

#### CERTIFICATE OF SERVICE

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Report of General Magistrate and the Order Approving Report of General Magistrate in case number \_\_\_\_\_ has \_\_\_\_\_ been furnished by U.S. Mail, postage pre-paid, or in-hand delivery to:

[ ] Obligor

[ ] Obligee

☐ DCF ☐ Guardian Ad Litem Program ☐ DOR/Child Support Enforcement

☐ DCF/Revenue Max Unit

BY: \_\_\_\_\_

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WITNESS my hand as Clerk of Said Court and the Seal hereof, this \_\_\_\_\_, day of \_\_\_\_\_,  
20\_\_ as to the Report of the General Magistrate.

\_\_\_\_\_  
Clerk of the Circuit Court

BY: \_\_\_\_\_  
Deputy Clerk-----

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**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA**

**FLORIDA DEPARTMENT OF  
REVENUE ON BEHALF OF:**

**CASE NO.:**

Petitioner,

vs.

Respondent.

**PETITION TO ENFORCE CHILD SUPPORT ORDER**

The Florida Department of Revenue (DOR) on behalf of \_\_\_\_\_ Custodial Parent or Party, sues Respondent, \_\_\_\_\_, for enforcement of the Child Support Order and states:

A. This is an action to enforce an order establishing child support previously entered in case number \_\_\_\_\_. ("Child Support Order")

B. Pursuant to § 39.521(1)(e)7, Fla. Stat., the State of Florida's child support enforcement agency is authorized to enforce this child support order. As set forth in § 409.2557(1), Fla. Stat., the Department of Revenue is designated as the state agency responsible for the administration of the child support enforcement program.

C. A certified copy of the Child Support Order and any modification thereto is attached to this Petition and incorporated therein by reference.

D. One of the parties and/or the child(ren) currently reside in \_\_\_\_\_, County Florida.

E. The Defendant is a resident of \_\_\_\_\_ County, Florida, and is not a member of the Armed Forces of the United States of America or of its Allies.

**F.** The Custodial Party has the following child(ren), whose dates of birth and social security numbers(s) follow, in his/her care and actual custody:

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**G.** Defendant is the non-custodial parent of the child(ren) and has a legal duty to contribute to the child(ren)'s support as set forth in the attached Child Support Order.

**H.** The child(ren) need(s) health insurance and contribution by the Defendant to the cost of any non-insured health-related expenses incurred for the child(ren)'s benefit.

The undersigned attorney shall be attorney of record solely for the purposes of enforcement and modification of the Child Support Order.

**J.** DOR has incurred attorney's fees and costs in prosecuting this action and the Defendant has the ability to pay these fees and costs.

**K.** Complete financial disclosure, pursuant to the Florida Family Law Rules of Procedure 12.285, is unnecessary in this case.

**WHEREFORE**, the Plaintiffs, respectfully request this Court to order that:

1. The Child Support Order be recognized and enforced by this court.
2. Defendant shall pay:
  - a. Periodic child support, in the previously ordered amount, until each child is no longer dependent for child support purposes.
  - b. Additionally, a reasonable amount toward repayment of any previously accrued arrearages.
  - c. Reasonable attorney's fees, suit money, court costs, administrative costs and any other taxable costs attributable to this proceeding.
3. Defendant shall provide health insurance for the benefit of the child(ren) and shall contribute to all uninsured medical, hospital and dental costs incurred for the child(ren).

4. All payments shall be made payable to the State Disbursement Unit pursuant to § 61.1301(l)(b)(6), 61.1301(l)(d), and 61.182, Florida Statutes.
5. Payment should be made by immediate income deduction order, or, if Defendant receives Unemployment Compensation, payments shall be made as provided by statute.
6. Jurisdiction of this cause shall be retained for the purpose of entering such other and further orders as changing circumstances of the parties may injustice and equity require.
7. The court shall order such other and further relief as it deems appropriate.

\_\_\_\_\_, Esquire

\_\_\_\_\_  
Custodial Party

\_\_\_\_\_  
DOR Representative