



Twelfth Judicial Circuit

TITLE IV-D

CHILD SUPPORT COURT



What is “Title IV-D”?

- Title IV-D is a section of **federal law** entitled, *“Grants to States for Aid and Services to Needy Families with Children and for Child-Welfare Services.”*
- Title IV-D is part of the **Social Security Act** and mandates, among other things, that every state have a system to collect and enforce child support. 42 USC §§ 651, et. seq.



What is Title IV-D Child Support Court?

- Title IV-D Child Support Court is a specialized court dealing only with child support matters involving the Florida **DEPARTMENT OF REVENUE**.
- In the Twelfth Judicial Circuit (Sarasota, Manatee and DeSoto Counties), Child Support Court is presided over by a **CHILD SUPPORT HEARING OFFICER**.
- A Child Support Hearing Officer is authorized by Florida Family Law Rule of Procedure 12.491 to conduct hearings for the purpose of taking evidence in order to make recommended rulings to the Circuit Judge on child support matters.
- The Circuit Judge then reviews the Hearing Officer's report and when it is signed by the judge, it becomes a **COURT ORDER**.

Some Questions & Answers about the Department of Revenue...



OF REVENUE
DEPARTMENT

What is the Department of Revenue and why are they involved in my case?

- The Department of Revenue (also known as “**DOR**”) is the state agency in Florida responsible for **collecting and enforcing child support**.
- DOR is involved in your case because you have either requested DOR’s services **OR** the parent with the child(ren) the majority of the time is the recipient of public assistance benefits like food stamps, Medicaid, or state cash assistance. In that case, DOR will get involved to have the other parent pay support.
- In **Sarasota** and **DeSoto** Counties, the **Office of the Attorney General** (or “**OAG**”) acts as legal counsel for DOR.
- In **Manatee** County, the **Clerk of Court** supplies the attorneys for DOR.

What child support services are performed by the Department of Revenue?

- Proving paternity



- Establishing child support and medical support



- Enforcing support orders



- Modification of support orders



How do I make contact with the Department of Revenue?

- **BY TELEPHONE:** (800) 622-KIDS (5437)



- **IN-PERSON:**

SARASOTA :100 Paramount Drive, Suite 100, Sarasota, FL 34232 (*West of I-75, off south side of Fruitville Road*)



MANATEE: 1115 Manatee Ave. W., Bradenton, FL 34205

DESOTO: 10 South DeSoto Ave., Suite D, Arcadia, FL 34266

- **ON THE INTERNET:**

<http://dor.myflorida.com/dor/childsupport/>



**The following are some
commonly asked questions about
*CHILD SUPPORT...***

How much child support will I have to pay?

- ❖ In setting child support, Florida judges and hearing officers are required to use **CHILD SUPPORT GUIDELINES** that are established by the legislature.
- ❖ The Guidelines are standard and the court has **limited discretion** to deviate from them.
- ❖ The Guidelines use a formula that involves the **income** of both parents; it also takes into account expenses such as **child care, health insurance**, as well as the number of **overnights** each parent has with the child(ren).
- ❖ You will be asked to testify ***under oath*** about this information during the court hearing.
- ❖ In most cases, the Hearing Officer will make a ruling on the amount of child support to be paid while the parties are present in court. In some cases, the Hearing Officer may need to conduct additional research and make a decision after the hearing is over.
- ❖ Parties will receive a copy of the final court order in the mail typically 7-10 days after the hearing.

How do I pay my child support?

❖ **BY INCOME/WAGE GARNISHMENT:** if you are employed and receive a paycheck, your child support will be deducted directly from your pay. Your court order may include an **Income Withholding Order** for this purpose.



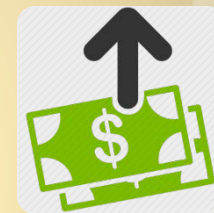
❖ **BY U.S. MAIL:** send a check or money order to the State Disbursement Unit (SDU), P.O. Box 8500, Tallahassee, FL 32314-8500



❖ **ONLINE:** at MyFloridaCounty.com or ExpertPay.com



❖ **MONEY TRANSFER SERVICE:** like AMSCOT or MONEYGRAM





Important points about paying child support...



- ❖ **ALL** child support payments in Title IV-D cases involving the Department of Revenue are made to a central depository: **the State Disbursement Unit**, also known as the “**SDU.**” Your **court order** will contain the address of the **SDU** along with instructions and your due dates for child support payments.
- ❖ Even if your employer does not deduct the entire amount of your child support, it is still **YOUR RESPONSIBILITY** to pay the full amount each month!
- ❖ Make sure you include **1)** your name, **2)** your court case number, and **3)** the county where the order was issued on **ALL** of your payments for accurate processing!
- ❖ Department of Revenue personnel can provide you with more detailed information about your payment options.

How do I find out how much child support has already been paid in my case?

- The **Clerk of Court** in the county where your case is located has a record of payments called a **FAMILY LAW CASE HISTORY**.
- The Hearing Officer will review your Case History payment record at each hearing and you will be given a copy of it in court.
- You may request a copy from the Clerk of Court **at any time** and check it against your cancelled checks or payment receipts. You are responsible for keeping accurate records. In the event of a dispute, it is your burden to prove the government accounting is incorrect.
- NOTE: Balance information you have received from **other** sources (i.e., Dept. of Revenue, State Disbursement Unit, other states) **may differ** from the Family Law Case History!!

*****The Clerk of Court's Family Law Case History is the OFFICIAL RECORD OF PAYMENTS AND BALANCES in your case!*****

What if I do not earn enough to pay my child support?

- ❖ Most standard Title IV-D (Dept. of Revenue) child support orders contain a “**Job Search Requirement**” which says that any time you cannot pay the **full** court-ordered amount of child support you must conduct a **good faith and diligent job search**. **NOTE!** *If you can pay some of your child support each month but not the full amount, you must continue to seek additional work and keep a job search log.*
- ❖ This means you must search for a **MINIMUM** of **30 jobs every 30 days** – **AND KEEP A RECORD OF IT**. Job searches can be done by phone, on the internet, by mail, or in-person.
- ❖ *****IMPORTANT!** Bring your job search logs to all court hearings. Failure to keep a **log** of your job searches could result in contempt of court!***
- ❖ **BLANK JOB SEARCH LOGS ARE AVAILABLE IN COURT OR ONLINE AT:** www.jud12.flcourts.org (go to the “Family Division” section, then to “IV-D Child Support Respondent's Information and Forms”)

What happens when a parent does not pay child support?

- All child support orders are enforceable by **civil contempt**. This means if the court finds there is an ability to pay and non-payment is willful, the court may order **sanctions**.
- Willful non-compliance with a support order can lead to **county jail**.
- Before that happens, the Hearing Officer may require the obligor to sell assets of value and pay the proceeds in a lump sum toward child support – this is called a **purge** payment.
- Also, a person ordered to pay support may be required to seek additional employment and turn in a monthly **job search log**. This shows the court the parent is making a good-faith effort to earn enough income to pay the child support.

If I do not have an attorney, how do I request relief in my child support case?

❖ A party who is *pro se* (not represented by an attorney) may request a hearing by filing a **motion or petition** AND a **FORM C** at the Clerk's Office in the county where your case is located.

❖ The **FORM C's** purpose is to alert the court that you have filed a motion/petition and you want a hearing. **If you do not file a Form C, the court will not know you are requesting a hearing!**

❖ Once the court receives your **Form C** and determines that the matter is ready, all the parties will receive a **NOTICE OF HEARING** with a court date and time.

IMPORTANT! It is required that you send a copy of anything you file to all of the other parties in your case, including the individual payor/payee and the Department of Revenue. Not doing so could delay your request.

If you want to *modify* your child support, there are additional requirements.
These are next...

How do I modify or change my child support?

A party who wants to modify child support that was set by court order or by a written agreement approved by the court **MUST**:

1. File a Supplemental Petition to Modify Child Support along with a current Financial Affidavit;
AND
2. Properly **serve** the other party with the petition and any attachments (See Florida Family Law Form 12.910(a));

Summons: Personal Service forms are available online at www.flcourts.gov (under "Education & Outreach" then "Self-Help") or at the Clerk's Office

THEN

3. File your **proof of service** with the Clerk of Court along with a FORM C.**



******Once you have served the other party and filed proof of service with the Clerk, you must file a FORM C to notify the court or else the court will not know that your petition is ready to be scheduled! (Form C's are available at the Clerk's Office.)******

Family Law Forms are available either:

ONLINE at:

★ www.jud12.flcourts.org

(under “Family Division” or “Pro Se Forms” section)

★ www.flcourts.gov

(under “Education & Outreach” then “Self-Help”)

OR

★ **At the Office of the Clerk of Circuit Court**



OR

SARASOTA SELF-HELP CENTER

- Located on the 1st floor of the Silvertooth Judicial Center, 2002 Ringling Blvd., Sarasota, FL 34237
- FREE TO THE PUBLIC
- Various services provided include assisting with identification and completion of legal forms and referrals to pro bono and other legal services in family law cases (excluding domestic violence cases).
- **Staff cannot provide legal advice**
- HOURS: Open Monday – Friday from 8:30 am to 4:00 pm (closed for lunch from noon to 1:00 pm)
- Walk-ins available or by appointment
- Contact information:
 - Phone: (941) 861-8191
 - Email: SarasotaSelfHelpCenter@jud12.flcourts.org



If you must appear for a child support hearing...



- ❖ **DRESS** appropriately (no tank tops, flip flops, or shorts).
- ❖ **ARRIVE** on time!
- ❖ **CONFIRM** your name with the court deputy when he or she checks to see which parties are in attendance.
- ❖ **WAIT** in the seated waiting area until your case is called.
- ❖ **TURN** cell phones OFF and **REMOVE** any gum/candy before entering the courtroom.
- ❖ **BRING** any evidence or documents you may need for your hearing into the courtroom with you.
- ❖ **NOTIFY** the court if you have a new mailing address.