

IN THE SUPREME COURT OF FLORIDA

**IN RE: AMENDMENTS TO THE
FLORIDA FAMILY LAW RULES
OF PROCEDURE**

CASE NO:

**FAST-TRACK REPORT TO IMPLEMENT
CHAPTER 2008-61, LAWS OF FLORIDA**

Robyn L. Vines, Chair, Family Law Rules Committee, and John F. Harkness, Jr., Executive Director, The Florida Bar, file this fast-track report under *Fla. R. Jud. Admin.* 2.140(f) and as requested by Chief Justice Lewis in his letter of November 5, 2007. (*See* Appendix A.) The proposed amendments have been reviewed by the Executive Committee of The Florida Bar Board of Governors and approved by a vote of 8-0. The voting record of the Committee on each proposal is shown below. Because these are fast-track amendments, they have not been published in *The Florida Bar News* or posted on the Bar’s website. The rule amendments are attached in both full-page (*see* Appendix B) and two-column (*see* Appendix C) formats. The form amendments are attached in the full-page format (*see* Appendix B).

Chapter 2008-61, Laws of Florida, amended various sections of Chapter 61, Florida Statutes, and related statutes. In general, the legislation removed the concepts of “custody,” “primary residential parent” and “secondary residential parent,” and “visitation” from the statutes. In their place, the statutes now require that the court approve or create a “parenting plan,” which delineates how the parents will share the responsibilities of childrearing and decision-making and sets forth a time-sharing schedule. *See, generally*, §§ 61.046 and 61.13, Fla. Stat., as amended by §§ 2, 8, Ch. 2008-61, Laws of Fla. (*See* Appendix D.) Various rules and forms have been

amended to incorporate these changes. The legislation becomes effective October 1, 2008.

The specific proposals are as follows:

Rule 12.010, Scope, Purpose, and Title. A reference to “custodial care of or access to [children]” has been removed from a list of items within the scope of the rules in subdivision (a). In conformance with sections 61.046(13) and 61.13(2)(a), Florida Statutes, as amended by sections 2 and 8 of Chapter 2008-61, Laws of Florida (*see* Appendix D), “an action involving a parenting plan for a minor child” has been inserted. The Committee vote on this amendment was 28-0-0.

Rule 12.200, Case Management and Pretrial Conferences. Subdivision (a)(1)(M) has been amended to add “parenting plan recommendation, social investigation and study” to the list of referrals that the court may make at a case management conference. This conforms to sections 61.046(13)–(14) and 61.20, Florida Statutes, as amended by sections 2 and 14, Chapter 2008-61, Laws of Florida. (*See* Appendix D.) The Committee vote on this amendment was 24-0-0.

Rule 12.210, Parties. This rule has been amended to remove a reference to “child custody proceeding” and replace it with “action involving a parenting plan for a minor child or children.” The change conforms the rule to section 61.13(2)(a), Florida Statutes, as amended by section 8, Chapter 2008-61, Laws of Florida. (*See* Appendix D.) The Committee vote on this amendment was 24-0-0.

Rule 12.363, Evaluation of Minor Child. The terms “visitation” and “residential placement” have been deleted from subdivision (a)(1) and “a parenting plan for [a] minor [child]” has been added. *See* §§ 61.13(2), Fla.

Stat., as amended by § 8, Ch. 2008-61, Laws of Fla. (*See* Appendix D.) The Committee vote on this amendment was 24-0-0.

Rule 12.491, Child Support Enforcement. Subdivision (b)(2) of this rule has been amended to remove “custodial” before the word “parent” and to add “or other person entitled to receive child support.” This conforms the rule to section 61.13(1)(a), Florida Statutes, as amended by section 8, Chapter 2008-61, Laws of Florida. (*See* Appendix D.)

A correction to a citation to the Florida Rules of Judicial Administration has also been made in subdivision (e)(2). *See In re: Amendments to the Florida Rules of Judicial Administration — Reorganization of the Rules*, 939 So. 2d 966 (Fla. 2006). This correction is also included in the Family Law Rules Committee’s three-year cycle report now pending with the Court. *See In re: Amendments to the Florida Family Law Rules of Procedure*, Case number 08-92.

The Committee vote on this amendment was 23-1-0.

Rule 12.610, Injunctions for Domestic, Repeat, Dating, and Sexual Violence. Subdivision (c)(1)(C)(iii) has been amended to remove reference to custody and substitute reference to the petitioner’s “time-sharing” with the minor child or children. Subdivision (c)(1)(C)(iv) has been amended to remove the word “visitation” and substitute respondent’s “time-sharing with the minor child or children.” Both amendments conform to sections 741.30(3)(b) and (6)(a), Florida Statutes, as amended by section 35, Chapter 2008-61, Laws of Florida. (*See* Appendix D.)

Grammatical corrections have been made in subdivisions (b)(2)(B) (adding a comma after “sexual violence”) and (c)(3)(B)(i) (adding the word “the” before “hearing” in the second sentence).

A correction to a citation to the Florida Rules of Judicial Administration has also been made in subdivision (b)(4)(B). *See In re: Amendments to the Florida Rules of Judicial Administration — Reorganization of the Rules*, 939 So. 2d 966 (Fla. 2006). This correction is also included in the Family Law Rules Committee’s three-year cycle package now pending with the Court. *See In re: Amendments to the Florida Family Law Rules of Procedure*, Case number 08-92.

The Committee vote on this rule was 20-4-0.

Rule 12.650, Override of Family Violence Indicator. References to “custodial parent” and “residential parent” have been removed from the definition of authorized person in subdivision (b)(1) and “or other person obligated to pay child support” and “or other person entitled to receive child support” have been added. The phrase “or order establishing a parenting plan” has also been added. In subdivision (b)(2), “orders establishing parenting plans” has been added to the list of orders that may be enforced or established. These amendments conform to section 61.13(1)–(2), Florida Statutes, as amended by section 8, Chapter 2008-61, Laws of Florida. (*See Appendix D.*) A Committee Note has also been added explaining that because “custody” and “visitation” are still used in 42 U.S.C. § 653, on which this rule is based, these words were not removed from the remainder of the rule.

A style correction has been made in subdivision (b) (adding a section symbol) and a cross-reference to the Rules of Judicial Administration has been corrected in subdivision (h)(2). *See In re: Amendments to the Florida Rules of Judicial Administration — Reorganization of the Rules*, 939 So. 2d 966 (Fla. 2006). These corrections are also included in the Family Law Rules Committee’s three-year cycle package now pending with the Court.

See In re: Amendments to the Florida Family Law Rules of Procedure, Case number 08-92.

The Committee vote on this rule was 24-0-0.

Form 12.900(b), Notice of Limited Appearance. “Custody” and “shared parenting time” have been deleted from the list of issues on which an attorney may make a limited appearance and “establishing a parenting plan” has been added. This conforms to section 61.13(2), Florida Statutes, as amended by section 8, Chapter 2008-61, Laws of Florida. (*See Appendix D.*) The Committee vote on this form was 28-0-0.

Form 12.900(c), Consent to Limited Appearance by Attorney. “Custody and shared parenting time” have been deleted from the list of issues to which a party may consent to limited representation and “establishing a parenting plan” has been added. This conforms to section 61.13(2), Florida Statutes, as amended by section 8, Chapter 2008-61, Laws of Florida. The Committee vote on this form was 20-0-0.

Form 12.902(e), Child Support Guidelines Worksheet. Paragraph five of the instructions has been amended to correct a cross reference to the Petitioner’s Request for Confidential Filing of Address form. This form was renumbered in *Amendments to Florida Supreme Court Approved Family Law Forms — Sexual Violence Forms*, 871 So. 2d 113, n. 3 (Fla. 2004).

In the Child Support Guidelines Chart in the instructions to the form, the heading for the first column has been changed to delete “Available” and substitute “Net” in describing income. This conforms to section 61.30(6), Florida Statutes, as amended by section 16, Chapter 2008-61, Laws of Florida. (*See Appendix D.*)

A correction has been made in item 1. of the guidelines worksheet. West’s *Florida Rules of Court — State* (2008) reads “Florida Family Law

Rules of Procedure Form 12.902(b) or ©.” It should read “12.902(b) or (c).” *See Amendments to the Florida Family Law Rules of Procedure*, 833 So. 2d 682 (Fla. 2002).

The header above item 10. of the guidelines worksheet has been amended to change “shared parenting” to “time-sharing,” “the noncustodial” to “each” parent, and “visitation” to “time-sharing.” This conforms to section 61.30(11)(b), Florida Statutes, as amended by section 16, Chapter 2008-61, Laws of Florida. (*See Appendix D.*)

As has been the practice with other recent form amendments, the symbols in the form and instructions have been deleted.

The Committee vote on this form was 21-3-0.

Form 12.930(b), Standard Family Law Interrogatories for Original or Enforcement Proceedings. Item 6.d. of the interrogatories has been amended to delete a sentence regarding custody and residential responsibility and add a sentence requesting information about a proposed time-sharing schedule or parenting plan. A new item 6.e. has been added regarding limits on time-sharing or requests for sole or ultimate parental responsibility. These changes conform to section 61.13(2), Florida Statutes, as amended by section 8, Chapter 2008-61, Laws of Florida. (*See Appendix D.*) The committee vote on this form was 15-9-0. Some members voting against the form expressed concern that requiring parties to produce a parenting plan at an early stage of the litigation might cause the parties to harden their positions and be less amenable to mediation or a negotiated settlement.

Form 12.903(c), Standard Family Law Interrogatories for Modification Proceedings. Item 6.c. of the interrogatories has been amended to remove a reference to “primary residency” and change

“parenting schedule” to “parenting plan.” Item 6.d. has been amended to delete “primary residence” and change “parenting schedule” to “parenting plan.” The last sentence of item 6.d. has also been changed to add “shared or sole parental responsibility.” These amendments conform to section 61.13(2), Florida Statutes, as amended by section 8, Chapter 2008-61, Laws of Florida.

The Committee brings to the Court’s attention that an amendment to item 4.d. of this form is currently pending with the Court. *See In re: Amendments to the Florida Family Law Rules of Procedure*, Case number 08-92.

In West’s *Florida Rules of Court — Florida* (2008), there are two extra blank lines above the signature line for the notary public or deputy clerk. These lines have been deleted. *See Amendments to the Florida Family Law Rules of Procedure*, 853 So. 2d 303 (Fla. 2003).

As has been the practice with other recent form amendments, the symbols in the form and instructions have been deleted.

The Committee vote on this form was 18-5-0.

The Committee respectfully asks the Court to amend the Florida Family Law Rules of Procedure as outlined in this report.

Respectfully submitted _____.

ROBYN L. VINES

Chair

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APPENDIX A



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November 5, 2007

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Rules Committee Chairs
November 5, 2007
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Re: Rule Amendments in Response to New Legislation

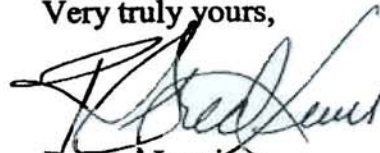
Dear Rules Committee Chairs:

In assisting the Court in exercising its constitutional responsibilities to adopt rules of procedure, the various Florida Bar rules committees are often called upon to consider whether rule amendments are necessary as a result of statutory changes. The purpose of this letter is to clarify how the Court would like your committees to operate when such changes occur.

First, the committee should make an independent determination as to whether a procedural rule change is needed in response to the new legislation. If the committee determines a rule change is necessary, the committee's proposal to the Court should not merely restate the legislation in the form of a rule. Rather, the committee should consider whether the rule should include any terms of the statute or whether the rule should be a pure procedural rule developed by the committee to implement the substantive provisions of the statute. If the committee believes the legislation contains procedures that are within the Court's purview, the committee should consider the appropriateness of the procedures and not feel constrained to automatically propose rule amendments that mirror the procedures suggested by the Legislature.

The Court thanks your committees for your continued assistance in responding to new legislation with well developed rules of procedure. If you have any questions, please do not hesitate to contact me.

Very truly yours,



R. Fred Lewis

RFL/dm/mb

cc: Mr. John F. Harkness, Jr., Executive Director, The Florida Bar
Mr. Thomas D. Hall, Clerk of Court
Ms. Laura Rush, General Counsel
Ms. Deborah J. Meyer, Director of Central Staff
Bar Staff Liaisons to Rules Committees

APPENDIX B

RULE 12.010. SCOPE, PURPOSE, AND TITLE

(a) Scope.

(1) These rules apply to all actions concerning family matters, including actions concerning domestic, repeat, dating, and sexual violence, except as otherwise provided by the Florida Rules of Juvenile Procedure or the Florida Probate Rules. “Family matters,” “family law matters,” or “family law cases” as used within these rules include, but are not limited to, matters arising from dissolution of marriage, annulment, support unconnected with dissolution of marriage, paternity, child support, ~~eustodial care of or access to~~ an action involving a parenting plan for a minor child or children (except as otherwise provided by the Florida Rules of Juvenile Procedure), adoption, proceedings for emancipation of a minor, declaratory judgment actions related to premarital, marital, or post-marital agreements (except as otherwise provided, when applicable, by the Florida Probate Rules), injunctions for domestic, repeat, dating, and sexual violence, and all proceedings for modification, enforcement, and civil contempt of these actions.

(2) The form, content, procedure, and time for pleading in all special statutory proceedings shall be as prescribed by the statutes governing the proceeding unless these rules or the Florida Rules of Civil Procedure, where applicable, specifically provide to the contrary. All actions governed by these rules shall also be governed by the Florida Evidence Code, which shall govern in cases where a conflict with these rules may occur.

(b) Purpose.

(1) These rules shall be construed to secure the just, speedy, and inexpensive determination of the procedures covered by them and shall be construed to secure simplicity in procedure and fairness in administration.

(2) Nothing shall prohibit any intake personnel in family law divisions from assisting in the preparation of papers or forms to be filed in any action under these rules.

(c) Title. These rules shall be known as the Florida Family Law Rules of Procedure and abbreviated as Fla. Fam. L. R. P.

RULE 12.200. CASE MANAGEMENT AND PRETRIAL CONFERENCES

(a) Case Management Conference.

(1) Family Law Proceedings, Generally. A case management conference may be ordered by the court at any time on the court's initiative. A party may request a case management conference 30 days after service of a petition or complaint. At such a conference the court may:

(A) schedule or reschedule the service of motions, pleadings, and other papers;

(B) set or reset the time of trials, subject to rule 12.440;

(C) coordinate the progress of the action if complex litigation factors are present;

(D) limit, schedule, order, or expedite discovery;

(E) schedule disclosure of expert witnesses and the discovery of facts known and opinions held by such experts;

(F) schedule or hear motions related to admission or exclusion of evidence;

(G) pursue the possibilities of settlement;

(H) require filing of preliminary stipulations if issues can be narrowed;

(I) refer issues to a magistrate for findings of fact, if consent is obtained as provided in rules 12.490 and 12.492 and if no significant history of domestic, repeat, dating, or sexual violence that would compromise the process is involved in the case;

(J) refer the parties to mediation if no significant history of domestic, repeat, dating, or sexual violence that would

compromise the mediation process is involved in the case and consider allocation of expenses related to the referral; or refer the parties to counseling if no significant history of domestic, repeat, dating, or sexual violence that would compromise the process is involved in the case and consider allocation of expenses related to the referral;

(K) coordinate voluntary binding arbitration consistent with Florida law if no significant history of domestic, repeat, dating, or sexual violence that would compromise the process is involved in the case;

(L) appoint court experts and allocate the expenses for the appointments;

(M) refer the cause for a parenting plan recommendation, social investigation and study, home study, or psychological evaluation and allocate the initial expense for that study;

(N) appoint an attorney or guardian ad litem for a minor child or children if required and allocate the expense of the appointment; and

(O) schedule other conferences or determine other matters that may aid in the disposition of the action.

(2) Adoption Proceedings. A case management conference shall be ordered by the court within 60 days of the filing of a petition when

(A) there is a request for a waiver of consent to a termination of parental rights of any person required to consent by section 63.062, Florida Statutes;

(B) notice of the hearing on the petition to terminate parental rights pending adoption is not being afforded a person whose consent is required but who has not consented;

(C) there is an objection to venue, which was made after the waiver of venue was signed;

(D) an intermediary, attorney, or agency is seeking fees, costs, or other expenses in excess of those provided under section 63.097 or 63.212(5), Florida Statutes;

(E) an affidavit of diligent search and inquiry is filed in lieu of personal service under section 63.088(4), Florida Statutes; or

(F) the court is otherwise aware that any person having standing objects to the termination of parental rights pending adoption.

(b) Pretrial Conference. After the action is at issue the court itself may or shall on the timely motion of any party require the parties to appear for a conference to consider and determine:

- (1) proposed stipulations and the simplification of the issues;
- (2) the necessity or desirability of amendments to the pleadings;
- (3) the possibility of obtaining admissions of fact and of documents that will avoid unnecessary proof;
- (4) the limitation of the number of expert witnesses; and
- (5) any matters permitted under subdivision (a) of this rule.

(c) Notice. Reasonable notice shall be given for a case management conference, and 20 days' notice shall be given for a pretrial conference. On failure of a party to attend a conference, the court may dismiss the action, strike the pleadings, limit proof or witnesses, or take any other appropriate action. Any documents that the court requires for any conference shall be specified in the order. Orders setting pretrial conferences shall be uniform throughout the territorial jurisdiction of the court.

(d) Case Management and Pretrial Order. The court shall make an order reciting the action taken at a conference and any stipulations made. The order shall control the subsequent course of the action unless modified to prevent injustice.

Commentary

1995 Adoption. This rule addresses issues raised by decisions such as *Dralus v. Dralus*, 627 So. 2d 505 (Fla. 2d DCA 1993); *Wrona v. Wrona*, 592 So. 2d 694 (Fla. 2d DCA 1991); and *Katz v. Katz*, 505 So. 2d 25 (Fla. 4th DCA 1987), regarding the cost of marital litigation. This rule provides an orderly method for the just, speedy, and inexpensive determination of issues and promotes amicable resolution of disputes.

This rule replaces and substantially expands Florida Rule of Civil Procedure 1.200 as it pertained to family law matters. Under this rule, a court may convene a case management conference at any time and a party may request a case management conference 30 days after service of a petition or complaint. The court may consider the following additional items at the conference: motions related to admission or exclusion of evidence, referral of issues to a master if consent is obtained pursuant to the rules, referral of the parties to mediation, referral of the parties to counseling, coordination of voluntary binding arbitration, appointment of court experts, referral of the cause for a home study psychological evaluation, and appointment of an attorney or guardian ad litem for a minor child.

Committee Note

1997 Amendment. In *In re Adoption of Baby E.A.W.*, 658 So. 2d 961 (Fla. 1995), and other cases involving protracted adoption litigation, it becomes clear that the earlier the issue of notice is decided by the court, the earlier the balance of the issues can be litigated. Because both parents' constitutional standing and guarantees of due process require notice and an opportunity to be heard, this rule amendment will help solve the problems of adoption litigation lasting until a child's third, fourth, or even fifth birthday. Furthermore, this rule will encourage both parents to be more candid with intermediaries and attorneys involved in the adoption process.

In *E.A.W.*, 658 So. 2d at 979, Justice Kogan, concurring in part and dissenting in part, stated: "I personally urge the Family Law Rules Committee . . . to study possible methods of expediting review of disputes between biological and adoptive parents." This rule expedites resolution of preliminary matters concerning due process in difficult adoption disputes. This rule also mandates early consideration of the child's rights to due process at early stages of adoption litigation.

Noncompliance with subdivision (a)(2) of this rule shall not invalidate an otherwise valid adoption.

RULE 12.210. PARTIES

Parties to an action filed under the Florida Family Law Rules of Procedure shall be governed by Florida Rule of Civil Procedure 1.210, except that rule 1.210 shall not be read to require that a child is an indispensable party for a dissolution of marriage or ~~child-custody proceeding~~action involving a parenting plan for a minor child or children.

RULE 12.363. EVALUATION OF MINOR CHILD

(a) Appointment of Mental Health Professional or Other Expert.

(1) When the issue of ~~visitation~~, parental responsibility, or ~~residential placement of a~~ parenting plan for a minor child is in controversy, the court, on motion of any party or the court's own motion, may appoint a licensed mental health professional or other expert for an examination, evaluation, testing, or interview of any minor child or to conduct a social or home study investigation. The parties may agree on the particular expert to be appointed, subject to approval by the court. If the parties have agreed, they shall submit an order including the name, address, telephone number, area of expertise, and professional qualifications of the expert. If the parties have agreed on the need for an expert and cannot agree on the selection, the court shall appoint an expert.

(2) After the examination, evaluation, or investigation, any party may file a motion for an additional expert examination, evaluation, interview, testing, or investigation by a licensed mental health professional or other expert. The court upon hearing may permit the additional examination, evaluation, testing, or interview based on good cause shown that further examinations, testing, interviews, or evaluations would be in the best interests of the minor child.

(3) Any order entered under this rule shall specify the issues to be addressed by the expert.

(4) Any order entered under this rule may require that all interviews of the child be recorded and the tapes be maintained as part of the expert's file.

(5) The order appointing the expert shall include an initial allocation of responsibility for payment.

(6) A copy of the order of appointment shall be provided immediately to the expert by the court unless otherwise directed by the court. The order shall direct the parties to contact the expert or investigator appointed by the court to establish an appointment schedule to facilitate timely completion of the evaluation.

(b) Providing of Reports.

(1) Unless otherwise ordered, the expert shall prepare and provide a written report to the attorney for each party or the party, if unrepresented, and the guardian ad litem, if appointed, a reasonable time before any evidentiary hearing on the matter at issue. The expert also shall send written notice to the court that the report has been completed and that a copy of the written report has been provided to the attorney for each party or the party, if unrepresented, and the guardian ad litem, if appointed. In any event, the written report shall be prepared and provided no later than 30 days before trial or 75 days from the order of appointment, unless the time is extended by order of the court.

(2) On motion of any party, the court may order the expert to produce the expert's complete file to another qualified licensed mental health professional, at the initial cost of the requesting party, for review by such qualified licensed mental health expert, who may testify.

(c) Testimony of Other Professionals. Any other expert who has treated, tested, interviewed, examined, or evaluated a child may testify only if the court determines that good cause exists to permit the testimony. The fact that no notice of such treatment, testing, interview, examination, or evaluation of a child was given to both parents shall be considered by the court as a basis for preventing such testimony.

(d) Communications with Court by Expert. No expert may communicate with the court without prior notice to the parties and their attorneys, who shall be afforded the opportunity to be present and heard during any such communication between the expert and the court. A request for communication with the court may be informally conveyed by letter or telephone. Further communication with the court, which may be conducted informally, shall be done only with notice to the parties.

(e) Use of Evidence. An expert appointed by the court shall be subject to the same examination as a privately retained expert and the court shall not entertain any presumption in favor of the appointed expert's findings. Any finding or report by an expert appointed by the court may be entered into evidence on the court's own motion or the motion of any party in a manner consistent with the rules of evidence, subject to cross-

examination by the parties. The report shall not be considered by the court before it is properly admitted into evidence.

Committee Note

1997 Adoption. This rule should be interpreted to discourage subjecting children to multiple interviews, testing, and evaluations, without good cause shown. The court should consider the best interests of the child in permitting evaluations, testing, or interviews of the child. The parties should cooperate in choosing a mental health professional or individual to perform this function to lessen the need for multiple evaluations.

This rule is not intended to prevent additional mental health professionals who have not treated, interviewed, or evaluated the child from testifying concerning review of the data produced pursuant to this rule.

This rule is not intended to prevent a mental health professional who has engaged in long-term treatment of the child from testifying about the minor child.

RULE 12.491. CHILD SUPPORT ENFORCEMENT

(a) Limited Application. This rule shall be effective only when specifically invoked by administrative order of the chief justice for use in a particular county or circuit.

(b) Scope. This rule shall apply to proceedings for

- (1) the establishment, enforcement, or modification of child support, or
- (2) the enforcement of any support order for the ~~custodial~~ parent or other person entitled to receive child support in conjunction with an ongoing child support or child support arrearage order,

when a party seeking support is receiving services pursuant to Title IV-D of the Social Security Act (42 U.S.C. §§ 651 et seq.) and to non-Title IV-D proceedings upon administrative order of the chief justice.

(c) Support Enforcement Hearing Officers. The chief judge of each judicial circuit shall appoint such number of support enforcement hearing officers for the circuit or any county within the circuit as are necessary to expeditiously perform the duties prescribed by this rule. A hearing officer shall be a member of The Florida Bar unless waived by the chief justice and shall serve at the pleasure of the chief judge and a majority of the circuit judges in the circuit.

(d) Referral. Upon the filing of a cause of action or other proceeding for the establishment, enforcement, or modification of support to which this rule applies, the court or clerk of the circuit court shall refer such proceedings to a support enforcement hearing officer, pursuant to procedures to be established by administrative order of the chief judge.

(e) General Powers and Duties. The support enforcement hearing officer shall be empowered to issue process, administer oaths, require the production of documents, and conduct hearings for the purpose of taking evidence. A support enforcement hearing officer does not have the authority to hear contested paternity cases. Upon the receipt of a support proceeding, the support enforcement hearing officer shall:

(1) assign a time and place for an appropriate hearing and give notice to each of the parties as may be required by law;

(2) take testimony and establish a record, which record may be by electronic means as provided by Florida Rule of Judicial Administration ~~2.070~~2.535(g)(3);

(3) accept voluntary acknowledgment of paternity and support liability and stipulated agreements setting the amount of support to be paid; and

(4) evaluate the evidence and promptly make a recommended order to the court. Such order shall set forth findings of fact.

(f) Entry of Order and Relief from Order. Upon receipt of a recommended order, the court shall review the recommended order and shall enter an order promptly unless good cause appears to amend the order, conduct further proceedings, or refer the matter back to the hearing officer to conduct further proceedings. Any party affected by the order may move to vacate the order by filing a motion to vacate within 10 days from the date of entry. Any party may file a cross-motion to vacate within 5 days of service of a motion to vacate, provided, however, that the filing of a cross-motion to vacate shall not delay the hearing on the motion to vacate unless good cause is shown. A motion to vacate the order shall be heard within 10 days after the movant applies for hearing on the motion.

(g) Modification of Order. Any party affected by the order may move to modify the order at any time.

(h) Record. For the purpose of hearing on a motion to vacate, a record, substantially in conformity with this rule, shall be provided to the court by the party seeking review.

(1) The record shall consist of the court file, including the transcript of the proceedings before the hearing officer, if filed, and all depositions and evidence presented to the hearing officer.

(2) The transcript of all relevant proceedings shall be delivered to the judge and provided to opposing counsel not less than 48 hours before the hearing on the motion to vacate. If less than a full transcript

of the proceedings taken before the hearing officer is ordered prepared by the moving party, that party shall promptly file a notice setting forth the portions of the transcript that have been ordered. The responding party shall be permitted to designate any additional portions of the transcript necessary to the adjudication of the issues raised in the motion to vacate or cross-motion to vacate.

(3) The cost of the original and all copies of the transcript of the proceedings shall be borne initially by the party seeking review, subject to appropriate assessment of suit monies. Should any portion of the transcript be required as a result of a designation filed by the responding party, the party making the designation shall bear the initial cost of the additional transcript.

Commentary

1995 Adoption. Previously, this rule was contained in Florida Rule of Civil Procedure 1.491. The new rule is substantially the same as previous rule 1.491, with the following additions.

It is intended that any administrative order issued by the chief justice of the Florida Supreme Court under rule 1.491(a) shall remain in full force and effect as though such order was rendered under this rule until changed by order of that same court.

Subdivision (e) now makes clear that contested paternity cases are *not* to be heard by support enforcement hearing officers.

Subdivision (h) has been added to provide requirements for a record.

The following notes and commentary have been carried forward from rule 1.491.

1988 Adoption. Title: The terminology “hearing officer” is used rather than “master” to avoid confusion or conflict with rule 1.490.

Subdivision (a): The rule is intended as a fall back mechanism to be used by the chief justice as the need may arise.

Subdivision (b): The expedited process provisions of the applicable federal regulations apply only to matters which fall within the purview of Title IV-D. The committee recognizes, however, that the use of hearing officers could provide a useful case flow management tool in non-Title IV-D support proceedings.

It is contemplated that a circuit could make application to the chief justice for expansion of the scope of the rule upon a showing of necessity and good cause. It is the position of the representative of the Family Law Section of The Florida Bar that reference of non-Title IV-D proceedings should require the consent of the parties as is required by rule 1.490(c).

Subdivision (c): It is the position of the committee that hearing officers should be members of the Bar in that jurisdictional and other legal issues are likely to arise in proceedings of this nature. The waiver provision is directed to small counties in which it may be difficult or impossible to find a lawyer willing to serve and to such other special circumstances as may be determined by the chief justice.

Subdivision (d): This paragraph recognizes that the mechanics of reference and operation of a program are best determined at the local level.

Subdivision (e): This paragraph is intended to empower the hearing officer to fully carry out his or her responsibilities without becoming overly complicated. The authority to enter defaults which is referred to in the federal regulations is omitted, the committee feeling that the subject matter is fully and adequately covered by rule 1.500.

The authority to accept voluntary acknowledgments of paternity is included at the request of the Department of Health and Rehabilitative Services. Findings of fact are included in the recommended order to provide the judge to whom the order is referred basic information relating to the subject matter.

Subdivision (f): Expedited process is intended to eliminate or minimize delays which are perceived to exist in the normal processing of cases. This paragraph is intended to require the prompt entry of an order and to guarantee due process to the obligee.

General Note: This proposed rule, in substantially the same form, was circulated to each of the chief judges for comment. Five responses were received. Two responding endorsed the procedure, and 3 responding felt that any rule of this kind would be inappropriate. The committee did not address the question of funding, which included not only salaries of hearing officers and support personnel, but also capital outlay for furniture, fixtures, equipment and space, and normal operating costs. The committee recognizes that the operational costs of such programs may be substantial and recommends that this matter be addressed by an appropriate body.

Committee Note

1998 Amendment. This rule shall not apply to proceedings to establish or modify alimony.

RULE 12.610. INJUNCTIONS FOR DOMESTIC, REPEAT, DATING, AND SEXUAL VIOLENCE

(a) Application. This rule shall apply only to temporary and permanent injunctions for protection against domestic violence and temporary and permanent injunctions for protection against repeat violence, dating violence, or sexual violence. All other injunctive relief sought in cases to which the Family Law Rules apply shall be governed by Florida Rule of Civil Procedure 1.610.

(b) Petitions.

(1) Requirements for Use.

(A) Domestic Violence. Any person may file a petition for an injunction for protection against domestic violence as provided by law.

(B) Repeat Violence. Any person may file a petition for an injunction for protection against repeat violence as provided by law.

(C) Dating Violence. Any person may file a petition for an injunction for protection against dating violence as provided by law.

(D) Sexual Violence. Any person may file a petition for an injunction for protection against sexual violence as provided by law.

(2) Service of Petitions.

(A) Domestic Violence. Personal service by a law enforcement agency is required. The clerk of the court shall furnish a copy of the petition for an injunction for protection against domestic violence, financial affidavit (if support is sought), Uniform Child Custody Jurisdiction and Enforcement Act affidavit (if custody is sought), temporary injunction (if one has been entered), and notice of hearing to the appropriate sheriff or law enforcement agency of the county where the respondent resides or can be found for expeditious service of process.

(B) Repeat Violence, Dating Violence, and Sexual Violence. Personal service by a law enforcement agency is required. The

clerk of the court shall furnish a copy of the petition for an injunction for protection against repeat violence, dating violence, or sexual violence, temporary injunction (if one has been entered), and notice of hearing to the appropriate sheriff or law enforcement agency of the county where the respondent resides or can be found for expeditious service of process.

(C) Additional Documents. Service of pleadings in cases of domestic, repeat, dating, or sexual violence other than petitions, supplemental petitions, and orders granting injunctions shall be governed by rule 12.080, except that service of a motion to modify or vacate an injunction should be by notice that is reasonably calculated to apprise the nonmoving party of the pendency of the proceedings.

(3) Consideration by Court. Upon the filing of a petition, the court shall set a hearing to be held at the earliest possible time. A denial of a petition for an ex parte injunction shall be by written order noting the legal grounds for denial. When the only ground for denial is no appearance of an immediate and present danger of domestic, repeat, dating, or sexual violence, the court shall set a full hearing on the petition for injunction with notice at the earliest possible time. Nothing herein affects a petitioner's right to promptly amend any petition, or otherwise be heard in person on any petition consistent with these rules.

(4) Forms.

(A) Provision of Forms. The clerk of the court or family or domestic/repeat/dating/sexual violence intake personnel shall provide simplified forms, including instructions for completion, for any person whose circumstances meet the requirements of this rule and shall assist the petitioner in obtaining an injunction for protection against domestic, repeat, dating, or sexual violence as provided by law.

(B) Confidential Filing of Address. A petitioner's address may be furnished to the court in a confidential filing separate from a petition or other form if, for safety reasons, a petitioner believes that the address should be concealed. The ultimate determination of a need for confidentiality must be made by the court as provided in Florida Rule of Judicial Administration ~~2.051~~2.420.

(c) Orders of Injunction.

(1) Consideration by Court.

(A) Temporary Injunction. For the injunction for protection to be issued ex parte, it must appear to the court that an immediate and present danger of domestic, repeat, dating, or sexual violence exists. In an ex parte hearing for the purpose of obtaining an ex parte temporary injunction, the court may limit the evidence to the verified pleadings or affidavits for a determination of whether there is an imminent danger that the petitioner will become a victim of domestic, repeat, dating, or sexual violence. If the respondent appears at the hearing or has received reasonable notice of the hearing, the court may hold a hearing on the petition. If a verified petition and affidavit are amended, the court shall consider the amendments as if originally filed.

(B) Final Judgment of Injunction for Protection Against Repeat, Dating, or Sexual Violence. A hearing shall be conducted.

(C) Final Judgment of Injunction for Protection Against Domestic Violence. The court shall conduct a hearing and make a finding of whether domestic violence occurred or whether imminent danger of domestic violence exists. If the court determines that an injunction will be issued, the court shall also rule on the following:

(i) whether the respondent may have any contact with the petitioner, and if so, under what conditions;

(ii) exclusive use of the parties' shared residence;

(iii) petitioner's temporary custody of time-sharing with the minor child or children;

(iv) whether respondent will have temporary visitation time-sharing with the minor child or children will occur and whether it will be supervised;

(v) whether temporary child support will be ordered;

(vi) whether temporary spousal support will be ordered; and

(vii) such other relief as the court deems necessary for the protection of the petitioner.

The court, with the consent of the parties, may refer the parties to mediation by a certified family mediator to attempt to resolve the details as to the above rulings. This mediation shall be the only alternative dispute resolution process offered by the court. Any agreement reached by the parties through mediation shall be reviewed by the court and, if approved, incorporated into the final judgment. If no agreement is reached the matters referred shall be returned to the court for appropriate rulings. Regardless of whether all issues are resolved in mediation, an injunction for protection against domestic violence shall be entered or extended the same day as the hearing on the petition commences.

(2) Issuing of Injunction.

(A) Standardized Forms. The temporary and permanent injunction forms approved by the Florida Supreme Court for domestic, repeat, dating, and sexual violence injunctions shall be the forms used in the issuance of injunctions under chapters 741 and 784, Florida Statutes. Additional standard provisions, not inconsistent with the standardized portions of those forms, may be added to the special provisions section of the temporary and permanent injunction forms, or at the end of each section to which they apply, on the written approval of the chief judge of the circuit, and upon final review and written approval by the chief justice. Copies of such additional standard provisions, once approved by the chief justice, shall be sent to the chair of the Family Law Rules Committee of The Florida Bar, the chair of the Steering Committee on Families and Children in the Court, and the chair of The Governor's Task Force on Domestic and Sexual Violence.

(B) Bond. No bond shall be required by the court for the entry of an injunction for protection against domestic, repeat, dating, or sexual violence. The clerk of the court shall provide the parties with sufficient certified copies of the order of injunction for service.

(3) Service of Injunctions.

(A) Temporary Injunction. A temporary injunction for protection against domestic, repeat, dating, or sexual violence must be personally served. When the respondent has been served previously with the temporary injunction and has failed to appear at the initial hearing on the temporary injunction, any subsequent pleadings seeking an extension of time may be served on the respondent by the clerk of the court by certified mail in lieu of personal service by a law enforcement officer. If the temporary injunction was issued after a hearing because the respondent was present at the hearing or had reasonable notice of the hearing, the injunction may be served in the manner provided for a permanent injunction.

(B) Permanent Injunction.

(i) Party Present at Hearing. The parties may acknowledge receipt of the permanent injunction for protection against domestic, repeat, dating, or sexual violence in writing on the face of the original order. If a party is present at the hearing and that party fails or refuses to acknowledge the receipt of a certified copy of the injunction, the clerk shall cause the order to be served by mailing certified copies of the injunction to the parties who were present at the hearing at the last known address of each party. Service by mail is complete upon mailing. When an order is served pursuant to this subdivision, the clerk shall prepare a written certification to be placed in the court file specifying the time, date, and method of service and within 24 hours shall forward a copy of the injunction and the clerk's affidavit of service to the sheriff with jurisdiction over the residence of the petitioner. This procedure applies to service of orders to modify or vacate injunctions for protection against domestic, repeat, dating, or sexual violence.

(ii) Party not Present at Hearing. Within 24 hours after the court issues, continues, modifies, or vacates an injunction for protection against domestic, repeat, dating, or sexual violence, the clerk shall forward a copy of the injunction to the sheriff with jurisdiction over the residence of the petitioner for service.

(4) Duration.

(A) Temporary Injunction. Any temporary injunction shall be effective for a fixed period not to exceed 15 days. A full hearing shall be set for a date no later than the date when the temporary injunction

ceases to be effective. The court may grant a continuance of the temporary injunction and of the full hearing for good cause shown by any party, or upon its own motion for good cause, including failure to obtain service.

(B) Permanent Injunction. Any relief granted by an injunction for protection against domestic, repeat, dating, or sexual violence shall be granted for a fixed period or until further order of court. Such relief may be granted in addition to other civil and criminal remedies. Upon petition of the victim, the court may extend the injunction for successive periods or until further order of court. Broad discretion resides with the court to grant an extension after considering the circumstances. No specific allegations are required.

(5) Enforcement. The court may enforce violations of an injunction for protection against domestic, repeat, dating, or sexual violence in civil contempt proceedings, which are governed by rule 12.570, or in criminal contempt proceedings, which are governed by Florida Rule of Criminal Procedure 3.840, or, if the violation meets the statutory criteria, it may be prosecuted as a crime under Florida Statutes.

(6) Motion to Modify or Vacate Injunction. The petitioner or respondent may move the court to modify or vacate an injunction at any time. Service of a motion to modify or vacate injunctions shall be governed by subdivision (b)(2) of this rule. However, for service of a motion to modify to be sufficient if a party is not represented by an attorney, service must be in accord with rule 12.070, or in the alternative, there must be filed in the record proof of receipt of this motion by the nonmoving party personally.

(7) Forms. The clerk of the court or family or domestic/repeat/dating/sexual violence intake personnel shall provide simplified forms including instructions for completion, for the persons whose circumstances meet the requirements of this rule and shall assist in the preparation of the affidavit in support of the violation of an order of injunction for protection against domestic, repeat, dating, or sexual violence.

Commentary

2003 Amendment. This rule was amended to emphasize the importance of judicial involvement in resolving injunction for protection against domestic violence cases and to establish protections if mediation is

used. In performing case management, court staff may interview the parties separately to identify and clarify their positions. Court staff may present this information to the court along with a proposed order for the court's consideration in the hearing required by subdivision (b). The first sentence of (c)(1)(C) contemplates that an injunction will not be entered unless there is a finding that domestic violence occurred or that there is imminent danger of domestic violence. Subdivision (c)(1)(C) also enumerates certain rulings that a judge must make after deciding to issue an injunction and before referring parties to mediation. This is intended to ensure that issues involving safety are decided by the judge and not left to the parties to resolve. The list is not meant to be exhaustive, as indicated by subdivision (c)(1)(C)(vii), which provides for "other relief," such as retrieval of personal property and referrals to batterers' intervention programs. The prohibition against use of any "alternative dispute resolution" other than mediation is intended to preclude any court-based process that encourages or facilitates, through mediation or negotiation, agreement as to one or more issues, but does not preclude the parties through their attorneys from presenting agreements to the court. All agreements must be consistent with this rule regarding findings. Prior to ordering the parties to mediate, the court should consider risk factors in the case and the suitability of the case for mediation. The court should not refer the case to mediation if there has been a high degree of past violence, a potential for future lethality exists, or there are other factors which would compromise the mediation process.

1995 Adoption. A cause of action for an injunction for protection against domestic violence and repeat violence has been created by section 741.30, Florida Statutes (Supp.1994) (modified by chapter 95-195, Laws of Florida), and section 784.046, Florida Statutes (Supp. 1994), respectively. This rule implements those provisions and is intended to be consistent with the procedures set out in those provisions except as indicated in this commentary. To the extent a domestic or repeat violence matter becomes criminal or is to be enforced by direct or indirect criminal contempt, the appropriate Florida Rules of Criminal Procedure will apply.

The facts and circumstances to be alleged under subdivision 12.610(b)(1)(A) include those set forth in Florida Supreme Court Approved Family Law Form 12.980(b). An injunction for protection against domestic or repeat violence may be sought whether or not any other cause of action is currently pending between the parties. However, the pendency of any such cause of action must be alleged in the petition. The relief the court may grant

in a temporary or permanent injunction against domestic violence is set forth in sections 741.30(5)–(6).

The facts and circumstances to be alleged under subdivision (b)(1)(B) include those set forth in Florida Supreme Court Approved Family Law Form 12.980(g). The relief the court may grant in a temporary or permanent injunction against repeat violence is set forth in section 784.046(7), Florida Statutes.

Subdivision (b)(4) expands sections 741.30(2)(c)1 and (2)(c)2, Florida Statutes, to provide that the responsibility to assist the petitioner may be assigned not only to the clerk of court but also to the appropriate intake unit of the court. Florida Supreme Court Approved Family Law Form 12.980(b) provides the form for a petition for injunction against domestic violence. If the custody of a child is at issue, a Uniform Child Custody Jurisdiction and Enforcement Act affidavit must be provided and completed in conformity with Florida Supreme Court Approved Family Law Form 12.902(d). If alimony or child support is sought a Financial Affidavit must be provided and completed in conformity with Florida Family Law Rules of Procedure Form 12.902(b) or 12.902(c).

Subdivision (c)(1)(A) expands chapter 95-195, Laws of Florida, and section 784.046(6)(b), Florida Statutes, to make the limitation of evidence presented at an ex parte hearing permissive rather than mandatory given the due process concerns raised by the statutory restrictions on the taking of evidence.

Unlike traditional injunctions, under subdivision (c)(2), no bond will be required for the issuance of injunctions for protection against domestic or repeat violence. This provision is consistent with the statutes except that, unlike the statutes, it does not set a precise number of copies to be provided for service.

Subdivision (c)(3)(A) makes the procedure for service of a temporary order of injunction for protection against domestic violence and repeat violence consistent. This is intended to replace the differing requirements contained in sections 741.30(8)(a)1 and (8)(c)1 and 784.046(8)(a)1, Florida Statutes.

Subdivision (c)(3)(B) makes the procedure for service of a permanent order of injunction for protection against domestic violence and repeat violence consistent. This is intended to replace the differing requirements contained in sections 741.30(8)(a)3 and (8)(c)1 and 784.046(8)(c)1, Florida Statutes, and to specifically clarify that service of the permanent injunction by mail is only effective upon a party who is present at the hearing which resulted in the issuance of the injunction.

Subdivision (c)(4)(A) restates sections 741.30(5)(c) and 784.046(6)(c), Florida Statutes, with some expansion. This subdivision allows the court upon its own motion to extend the protection of the temporary injunction for protection against domestic or repeat violence for good cause shown, which shall include, but not be limited to, failure to obtain service. This subdivision also makes the procedures in cases of domestic and repeat violence identical, resolving the inconsistencies in the statutes.

Subdivision (c)(4)(B) makes the procedures in cases of domestic and repeat violence identical, resolving inconsistencies in the statutes. As stated in section 741.30(1)(c), Florida Statutes, in the event a subsequent cause of action is filed under chapter 61, Florida Statutes, any orders entered therein shall take precedence over any inconsistent provisions of an injunction for protection against domestic violence which addresses matters governed by chapter 61, Florida Statutes.

Subdivision (c)(5) implements a number of statutes governing enforcement of injunctions against domestic or repeat violence. It is intended by these rules that procedures in cases of domestic and repeat violence be identical to resolve inconsistencies in the statutes. As such, the procedures set out in section 741.31(1), Florida Statutes, are to be followed for violations of injunctions for protection of both domestic and repeat violence. Pursuant to that statute, the petitioner may contact the clerk of the circuit court of the county in which the violation is alleged to have occurred to obtain information regarding enforcement.

Subdivision (c)(7) expands sections 741.30(2)(c)1 and (2)(c)2, Florida Statutes, to provide that the responsibility to assist a petitioner may not only be assigned to the clerk of court but also to the appropriate intake unit of the court. This subdivision makes the procedures in cases of domestic and cases of repeat violence identical to resolve inconsistencies in the statutes.

Committee Note

1997 Amendment. This change mandates use of the injunction forms provided with these rules to give law enforcement a standardized form to assist in enforcement of injunctions. In order to address local concerns, circuits may add special provisions not inconsistent with the mandatory portions.

RULE 12.650. OVERRIDE OF FAMILY VIOLENCE INDICATOR

(a) Application. This rule shall apply only to proceedings instituted pursuant to 42 U.S.C. § 653, which authorizes a state court to override a family violence indicator and release information from the Federal Parent Locator Service notwithstanding the family violence indicator.

(b) Definitions.

(1) “Authorized person” means a person as defined in 42 U.S.C. § 653(c) and § 663(d)(2). It includes any agent or attorney of the Title IV-D agency of this or any other state, the court that has authority to issue an order or to serve as the initiating court in an action to seek an order against a ~~noncustodial parent or other person obligated to pay child support for the support and maintenance of a child~~, or any agent of such court, the ~~resident parent~~, or other person entitled to receive child support, legal guardian, attorney, or agent of a child (other than a child receiving assistance under 42 U.S.C. §§ 601 et seq.), and any state agency that administers a child welfare, family preservation, or foster care program. It also includes any agent or attorney of this or any other state who has the duty or authority under the law of such state to enforce a child custody or visitation determination or order establishing a parenting plan; the court that has jurisdiction to make or enforce such a child custody or visitation determination or order establishing a parenting plan, or any agent of such court; and any agent or attorney of the United States, or of a state, who has the duty or authority to investigate, enforce, or bring a prosecution with respect to the unlawful taking or restraint of a child.

(2) “Authorized purpose” means a purpose as defined in 42 U.S.C. § 653(a)(2) and § 663(b). It includes establishing parentage, establishing, setting the amount of, modifying, or enforcing child support obligations, or making or enforcing child custody or visitation orders or orders establishing parenting plans. It also includes enforcing any state or federal law with respect to the unlawful taking or restraint of a child.

(3) “Department” means the Florida Department of Revenue as the state’s Title IV-D agency.

(4) “Family violence indicator” means a notation in the Federal Parent Locator Service that has been placed on a record when a state has reasonable evidence of domestic violence or child abuse as defined by that state.

(5) “Federal Parent Locator Service” means the information service established by 42 U.S.C. § 653.

(6) “Petitioner” means an authorized person or an individual on whose behalf an authorized person has requested a Federal Parent Locator Service search and who has been notified that the information from the Federal Parent Locator Service cannot be released because of a family violence indicator.

(7) “Respondent” means the individual whose record at the Federal Parent Locator Service includes a family violence indicator and ordinarily does not want his or her location information disclosed. The department, the Florida Department of Law Enforcement, or the state entity that placed the family violence indicator on the record may be required to respond to an order to show cause; however, they are not considered respondents in these proceedings.

(c) Initiating Proceedings. When an authorized person has attempted to obtain information from the Federal Parent Locator Service and has been notified by the Federal Parent Locator Service that it has location information but cannot disclose the information because a family violence indicator has been placed on the record, a petitioner may institute an action to override the family violence indicator. An action is instituted by filing a sworn complaint in the circuit court. The complaint must:

(1) allege that the petitioner is an authorized person or an authorized person has requested information on his or her behalf from the Federal Parent Locator Service and must include the factual basis for the allegation;

(2) allege that the petitioner is requesting the information for an authorized purpose and state the purpose for which the information is sought;

(3) include the social security number, sex, race, current address, and date of birth of the petitioner and any alias or prior name used by the petitioner;

(4) include the social security number and date of birth of the respondent and any children in common between the petitioner and the respondent, if known;

(5) disclose any prior litigation between the petitioner and the respondent, if known;

(6) disclose whether the petitioner has been arrested for any felony or misdemeanor in this or any other state and the disposition of the arrest; and

(7) include notice from the Federal Parent Locator Service that location information on the respondent cannot be released because of a family violence indicator.

(d) Initial Court Review. When a complaint is filed, the court shall review the complaint *ex parte* for legal sufficiency to determine that it is from an authorized person or an individual on whose behalf an authorized person requested information from the Federal Parent Locator Service, is for an authorized purpose, and includes the information required in subdivision (c). If the complaint is legally sufficient, the court shall order the department to request the information from the Federal Parent Locator Service and order the department to keep any information received from the Federal Parent Locator Service in its original sealed envelope and provide it to the court within 45 days in the manner described in subdivision (e).

(e) Receipt of Information. When sealed information from the Federal Parent Locator Service is obtained, the department shall file the information with the court. The information from the Federal Parent Locator Service shall remain in its original sealed envelope and the outside of the envelope shall be clearly labeled with the case number and the words “sealed information from Federal Parent Locator Service.” The clerk of the court shall ensure that the sealed information from the Federal Parent Locator Service is not disclosed to any person other than those specifically authorized by the court. Court files in these proceedings shall be separately secured in the Clerk’s office in accordance with the requirements of subdivision (i).

(f) Review of Information by the Court. The court shall conduct an in-camera examination of the contents of the sealed envelope from the Federal Parent Locator Service.

(1) If the information from the sealed envelope does not include an address for the respondent or an address for the respondent's employer, the petitioner and the department will be notified that no information is available and no further action will be taken. The name of the state that placed the family violence indicator on the record will not be released.

(2) If the information from the sealed envelope includes an address for the respondent or the respondent's employer, the court shall issue an order to show cause to the respondent, the department, the Florida Department of Law Enforcement (FDLE) and the state entity that placed the family violence indicator on the record. The order to show cause shall

(A) give the respondent at least 45 days to show cause why the location information should not be released to the petitioner;

(B) clearly state that the failure to respond may result in disclosure of the respondent's location information;

(C) direct the parties to file with the court all documentary evidence which supports their respective positions, including any prior court orders;

(D) direct the department to search its child support enforcement statewide automated system and case file for the presence of a Florida family violence indicator, for any other information in that system or file that is relevant to the issue of whether release of the respondent's location information to the petitioner could be harmful to the respondent or the child, and whether an application for good cause under section 414.32, Florida Statutes, is pending or has been granted and if so, file documentation with the court within 30 days;

(E) unless the FDLE is the petitioner, direct the FDLE to conduct a search of its Florida criminal history records on the petitioner, including information from the Domestic and Repeat Violence Injunction Statewide Verification system, and file it with the court within 30 days; and

(F) set a hearing date within 60 days.

(3) The order to show cause shall be served as follows:

(A) By regular mail and by certified mail, return receipt requested, to the respondent. If a receipt is not returned or a responsive pleading is not filed, the court may extend the time for response and provide for personal service on the respondent. The petitioner also may request that the respondent be initially served by personal service, and if so, the petitioner shall pay into the registry of the court the cost of effecting personal service.

(B) By certified mail, return receipt requested, to the department, the FDLE, and the state entity that placed the family violence indicator on the record.

(C) A copy of the order to show cause shall be provided to the petitioner. However, the copy shall not include any information that may identify the respondent's location, including but not limited to the name or address of the state entity that placed the family violence indicator on the record.

(g) Providing Information to Court.

(1) Information from Department. The department shall submit the information it obtains in response to the order to show cause by filing the information with the court in a sealed envelope. The outside of the envelope shall be clearly labeled with the case number and the words "sealed information from the Department of Revenue." Any information that may reveal the location of the respondent should be distinctly noted so that this information is not inadvertently disclosed.

(2) Information from FDLE. When it has searched its records in response to the order to show cause, the FDLE shall file a report with the court. The report shall include the case number and results of the search of its records.

(h) Hearing on Order to Show Cause.

(1) At the hearing on the order to show cause, the court shall determine whether release of the respondent's location information to the

petitioner could be harmful to the parent or the child. The petitioner has the burden of proof to show that release of information to the petitioner would not be harmful to the parent or the child.

(A) If the court finds that release of the location information could be harmful, the information shall not be released and the petition shall be denied.

(B) If the court finds that release of the location information would not be harmful, the court shall disclose the location information to the petitioner. The disclosure of the location information shall be made only to the petitioner, and the court shall require that the petitioner not disclose the information to other persons. The disclosure of location information to the petitioner in these proceedings does not entitle the petitioner to future disclosure of the respondent's location information.

(C) The court may deny the request for location information if the respondent agrees to designate a third party for service of process for proceedings between the parties.

(2) Notwithstanding the provisions of Florida Rule of Judicial Administration ~~2.071~~2.530, the court may conduct a hearing on the order to show cause by means of communications equipment without consent of the parties and without a limitation on the time of the hearing. The communications equipment shall be configured to ensure that the location of the respondent is not disclosed.

(i) Confidentiality. The clerk of the court shall ensure that all court records in these proceedings are protected according to the requirements of this rule. Court records in these proceedings shall be segregated and secured so that information is not disclosed inadvertently from the court file. All court records in these proceedings are confidential and are not available for public inspection until the court issues a final judgment in the case. After the court issues a final judgment in the case, the location information from the Federal Parent Locator Service and any other information that may lead to disclosure of the respondent's location, including but not limited to the respondent's address, employment information, the name or address of the state that placed the family violence indicator on the record, and the telephone number of the respondent, shall remain confidential and not available for public inspection unless otherwise

ordered by the court. After the court issues a final judgment in the case, the court shall release nonconfidential information upon motion.

Commentary

This rule implements the requirements of 42 U.S.C. § 653, providing for a state court to override a family violence indicator on a record at the Federal Parent Locator Service. It does not apply to any other proceeding involving family violence or any other court records. The limitations on access to the Federal Parent Locator Service and this override process are governed by federal law.

Proceedings under this rule would arise when an authorized person has attempted to obtain information from the Federal Parent Locator Service but has been notified that the information cannot be released because of a family violence indicator. For example, a petitioner may be a noncustodial parent who has attempted to serve the custodial parent in an action to enforce visitation but was unable to effect service of process on the custodial parent. The court may have authorized access to the Federal Parent Locator Service in order to locate the custodial parent for purposes of service of process. If the report from the Federal Parent Locator Service indicates that the information cannot be released because of a family violence indicator, the noncustodial parent would be authorized to petition the court pursuant to this rule to override the family violence indicator.

The purpose of these proceedings is to determine whether to release location information from the Federal Parent Locator Service notwithstanding the family violence indicator. The court must determine whether release of the location information to the petitioner would be harmful to the respondent. If the court determines that release of the location information would not be harmful, the information may be released to the petitioner. If the respondent agrees to designate a third party for service of process, the court may deny the request for location information. In these circumstances, the designation of a third party for service of process is procedural only and does not provide a separate basis for jurisdiction over the respondent.

The court must use care to ensure that information from the Federal Parent Locator Service or other location information in the court record is not inadvertently released to the petitioner, thus defeating any interest of the respondent in maintaining nondisclosure.

The name of the state that placed the family violence indicator on the record may assist the petitioner in obtaining access to the respondent. If the name of the state that placed the family violence indicator on the record is supplied from the Federal Parent Locator Service, but an address for the respondent is not provided, the court should not release the name of the state to the petitioner. Disclosure of this information could assist the petitioner in locating the respondent, may place the respondent in danger, and does not give the respondent an opportunity to be heard by the court prior to release of the information.

Because the interest of the respondent is to keep location information from the petitioner, having both the petitioner and respondent appear at a hearing at the same time may also result in the petitioner obtaining location information about the respondent. If a hearing must be held where both the petitioner and respondent are present, the court should use whatever security measures are available to prevent inadvertent disclosure of the respondent's location information.

Each state establishes its own criteria, consistent with federal law, for placing a family violence indicator on a record. Some states require a judicial determination of domestic violence or child abuse before a family violence indicator is placed on a record. The criteria for a family violence indicator in Florida are in section 61.1825, Florida Statutes.

The records in these proceedings are confidential under 42 U.S.C. §§ 653 and 654. Florida Rule of Judicial Administration 2.051 also exempts from public disclosure any records made confidential by federal law.

Committee Note

2008 Amendment. Chapter 2008-61, Laws of Florida, effective October 1, 2008, eliminated such terms as “custodial parent,” “noncustodial parent,” and “visitation” from Chapter 61, Florida Statutes. Instead, parents are to formulate a parenting plan that includes, among other things, their time-sharing schedule for their minor children. These statutory changes are reflected in the amendments to the definitions in this rule. However, because 42 U.S.C. § 653 includes the terms “custody” and “visitation,” these terms have not been excised from the remainder of the rule.

INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.900(b),
NOTICE OF LIMITED APPEARANCE

When should this form be used?

This form should be used to provide notice to the court and the other **attorney** or **party** when an attorney is making a limited appearance for a client under Florida Family Law Rule of Procedure 12.040.

This form should be typed or printed in black ink. After completing and signing this form, the attorney should **file** the original with the **clerk of the circuit court** in the county in which the action is pending and keep a copy for his or her records.

What should I do next?

A copy of this form must be mailed or hand delivered to the other **party** or his or her **attorney** and to the attorney's client.

Where can I look for more information?

See Florida Family Law Rule of Procedure 12.040.

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

Case No.: _____

Division: _____

Petitioner,

and

Respondent.

NOTICE OF LIMITED APPEARANCE

{Attorney's name} _____ files this Notice of Limited Appearance on behalf of *{name}* _____, [**one** only] () Petitioner () Respondent, for the following limited purpose(s) [**all** that apply]:

- ___ 1. The hearing set for *{date}* _____, at *{time}* _____ on the issue(s) of *{specify}* _____.
- ___ 2. To represent [**one** only] () Petitioner () Respondent on the following issues throughout the proceedings:
- ___ a. Parental responsibility, including ~~eustody and shared parenting time~~ establishing a parenting plan.
- ___ b. Equitable distribution of marital assets and liabilities.
- ___ c. Alimony.
- ___ d. Child support.
- ___ e. Other *{specify}*: _____

The clerk of the above-styled court is requested to enter this notice of record.

Copies of all future court papers should be mailed to the undersigned attorney at the address listed and to the [**one** only] () Petitioner () Respondent at *{name, address, and telephone number}* _____.

I certify that a copy of this notice of limited appearance was: () mailed, () faxed and mailed, or () hand delivered to the person(s) listed below on *{date}* _____.

Other party or his/her attorney:

Name: _____

Address: _____

City, State, Zip: _____

Fax Number: _____

Signature of Attorney

Printed Name: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Florida Bar Number: _____

Signature of Petitioner/Respondent

Printed Name: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.900(c),
CONSENT TO LIMITED APPEARANCE BY ATTORNEY

When should this form be used?

This form should be used for a client to give consent when an **attorney** is making a limited appearance for the client under Florida Family Law Rule of Procedure 12.040.

This form should be typed or printed in black ink. After completing this form, the client should sign it. The attorney or client should then **file** it with the **clerk of the circuit court** in the county in which the action is pending. The attorney and client should each keep a copy for his or her records.

What should I do next?

A copy of this form must be mailed or hand delivered to the other **party** or his or her **attorney**.

Where can I look for more information?

See Florida Family Law Rule of Procedure 12.040.

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

Case No.: _____
Division: _____

Petitioner,

and

Respondent.

CONSENT TO LIMITED APPEARANCE BY ATTORNEY

{Name} _____, the [**one** only] () Petitioner () Respondent,
consents to the limited representation by counsel, {attorney's name} _____,
for the following limited purpose(s) [**all** that apply]:

- 1. The hearing set for {date} _____, at {time} _____ on the issue(s)
of {specify} _____.
- 2. To represent [**one** only] () Petitioner () Respondent on the following issues
throughout the proceedings:
 - a. Parental responsibility, including ~~e custody and shared parenting time~~ establishing a
parenting plan.
 - b. Equitable distribution of marital assets and liabilities.
 - c. Alimony.
 - d. Child support.
 - e. Other {specify}: _____

The clerk of the above-styled court is requested to enter this notice of record.

**I certify that a copy of this consent to limited appearance was: () mailed, () faxed
and mailed, or () hand delivered to the person(s) listed below on {date} _____.**

Other party or his/her attorney:

Name: _____
Address: _____
City, State, Zip: _____
Telephone Number: _____
Fax Number: _____

Signature of Petitioner/Respondent

Printed Name: _____
Address: _____
City, State, Zip: _____
Telephone Number: _____
Fax Number: _____

IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW: [~~do~~ fill in **all** blanks]

I, *{full legal name and trade name of nonlawyer}* _____,
a nonlawyer, located at *{street}* _____, *{city}* _____,
{state} _____, *{phone}* _____, helped *{name}* _____,
who is the [**one** only] ___ petitioner **or** ___ respondent, fill out this form.

INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.902(e),
CHILD SUPPORT GUIDELINES WORKSHEET

When should this form be used?

You should complete this worksheet if **child support** is being requested in your case. If you know the income of the other **party**, this worksheet should accompany your **financial affidavit**. If you do not know the other party's income, this form must be completed after the other party files his or her financial affidavit, and **serves** a copy on you.

This form should be typed or printed in black ink. You should file the original with the **clerk of the circuit court** in the county where your case is filed and keep a copy for your records.

What should I do next?

A copy of this form must be mailed or hand delivered to the other party in your case, if it is not **served** on him or her with your initial papers.

Where can I look for more information?

Before proceeding, you should read "General Information for Self-Represented Litigants" found at the beginning of these forms. The words that are in "**bold underline**" in these instructions are defined there. For further information, see section 61.30, Florida Statutes.

Special notes...

If this is a domestic violence case and you want to keep your address confidential for safety reasons, do not enter the address, telephone, and fax information at the bottom of this form. Instead, file **Petitioner's Request for Confidential Filing of Address**, ☞☞-Florida Supreme Court Approved Family Law Form 12.980(+)(h).

The chart below contains the guideline amounts that you should use when calculating child support. This amount is based on the number of children and the combined income of the parents, and it is divided between the parents in direct proportion to their income or earning capacity. From time to time, some of the amounts in the child support guidelines chart will change. Be sure you have the most recent version of the chart before using it.

Because the guidelines are based on monthly amounts, it may be necessary to convert some income and expense figures from other frequencies to monthly. You should do this as follows:

If payment is twice per month	Payment amount	x	2	=	Monthly amount
If payment is every two weeks	Payment amount	x	26	=	Yearly amount due
	Yearly amount	÷	12	=	Monthly amount
If payment is weekly	Weekly amount	x	52	=	Yearly amount due
	Yearly amount	÷	12	=	Monthly amount

If you or the other parent request that the court award an amount that is different than the guideline amount, you must also complete and attach a **Motion to Deviate from Child Support Guidelines**, ☞☞-Florida Supreme Court Approved Family Law Form 12.943.

Remember, a person who is NOT an attorney is called a nonlawyer. If a nonlawyer helps you fill out these forms, that person must give you a copy of a **Disclosure from Nonlawyer**, ☞☞-Florida

Family Law Rules of Procedure Form 12.900(a), before he or she helps you. A nonlawyer helping you fill out these forms also **must** put his or her name, address, and telephone number on the bottom of the last page of every form he or she helps you complete.

CHILD SUPPORT GUIDELINES CHART

Combined Monthly Available Net Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
650.00	74	75	75	76	77	78
700.00	119	120	121	123	124	125
750.00	164	166	167	169	171	173
800.00	190	211	213	216	218	220
850.00	202	257	259	262	265	268
900.00	213	302	305	309	312	315
950.00	224	347	351	355	359	363
1000.00	235	365	397	402	406	410
1050.00	246	382	443	448	453	458
1100.00	258	400	489	495	500	505
1150.00	269	417	522	541	547	553
1200.00	280	435	544	588	594	600
1250.00	290	451	565	634	641	648
1300.00	300	467	584	659	688	695
1350.00	310	482	603	681	735	743
1400.00	320	498	623	702	765	790
1450.00	330	513	642	724	789	838
1500.00	340	529	662	746	813	869
1550.00	350	544	681	768	836	895
1600.00	360	560	701	790	860	920
1650.00	370	575	720	812	884	945
1700.00	380	591	740	833	907	971
1750.00	390	606	759	855	931	996
1800.00	400	622	779	877	955	1022
1850.00	410	638	798	900	979	1048
1900.00	421	654	818	923	1004	1074
1950.00	431	670	839	946	1029	1101
2000.00	442	686	859	968	1054	1128
2050.00	452	702	879	991	1079	1154
2100.00	463	718	899	1014	1104	1181
2150.00	473	734	919	1037	1129	1207
2200.00	484	751	940	1060	1154	1234
2250.00	494	767	960	1082	1179	1261
2300.00	505	783	980	1105	1204	1287
2350.00	515	799	1000	1128	1229	1314
2400.00	526	815	1020	1151	1254	1340
2450.00	536	831	1041	1174	1279	1367
2500.00	547	847	1061	1196	1304	1394
2550.00	557	864	1081	1219	1329	1420
2600.00	568	880	1101	1242	1354	1447
2650.00	578	896	1121	1265	1379	1473
2700.00	588	912	1141	1287	1403	1500
2750.00	597	927	1160	1308	1426	1524
2800.00	607	941	1178	1328	1448	1549

Instructions for Florida Family Law Rules of Procedure Form 12.902(e), Child Support Guidelines Worksheet (40-02 ---/08)

Combined Monthly Available Net Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
2850.00	616	956	1197	1349	1471	1573
2900.00	626	971	1215	1370	1494	1598
2950.00	635	986	1234	1391	1517	1622
3000.00	644	1001	1252	1412	1540	1647
3050.00	654	1016	1271	1433	1563	1671
3100.00	663	1031	1289	1453	1586	1695
3150.00	673	1045	1308	1474	1608	1720
3200.00	682	1060	1327	1495	1631	1744
3250.00	691	1075	1345	1516	1654	1769
3300.00	701	1090	1364	1537	1677	1793
3350.00	710	1105	1382	1558	1700	1818
3400.00	720	1120	1401	1579	1723	1842
3450.00	729	1135	1419	1599	1745	1867
3500.00	738	1149	1438	1620	1768	1891
3550.00	748	1164	1456	1641	1791	1915
3600.00	757	1179	1475	1662	1814	1940
3650.00	767	1194	1493	1683	1837	1964
3700.00	776	1208	1503	1702	1857	1987
3750.00	784	1221	1520	1721	1878	2009
3800.00	793	1234	1536	1740	1899	2031
3850.00	802	1248	1553	1759	1920	2053
3900.00	811	1261	1570	1778	1940	2075
3950.00	819	1275	1587	1797	1961	2097
4000.00	828	1288	1603	1816	1982	2119
4050.00	837	1302	1620	1835	2002	2141
4100.00	846	1315	1637	1854	2023	2163
4150.00	854	1329	1654	1873	2044	2185
4200.00	863	1342	1670	1892	2064	2207
4250.00	872	1355	1687	1911	2085	2229
4300.00	881	1369	1704	1930	2106	2251
4350.00	889	1382	1721	1949	2127	2273
4400.00	898	1396	1737	1968	2147	2295
4450.00	907	1409	1754	1987	2168	2317
4500.00	916	1423	1771	2006	2189	2339
4550.00	924	1436	1788	2024	2209	2361
4600.00	933	1450	1804	2043	2230	2384
4650.00	942	1463	1821	2062	2251	2406
4700.00	951	1477	1838	2081	2271	2428
4750.00	959	1490	1855	2100	2292	2450
4800.00	968	1503	1871	2119	2313	2472
4850.00	977	1517	1888	2138	2334	2494
4900.00	986	1530	1905	2157	2354	2516
4950.00	993	1542	1927	2174	2372	2535

Instructions for Florida Family Law Rules of Procedure Form 12.902(e), Child Support Guidelines Worksheet (10/02 ---/08)

Combined Monthly Available Net Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
5000.00	1000	1551	1939	2188	2387	2551
5050.00	1006	1561	1952	2202	2402	2567
5100.00	1013	1571	1964	2215	2417	2583
5150.00	1019	1580	1976	2229	2432	2599
5200.00	1025	1590	1988	2243	2447	2615
5250.00	1032	1599	2000	2256	2462	2631
5300.00	1038	1609	2012	2270	2477	2647
5350.00	1045	1619	2024	2283	2492	2663
5400.00	1051	1628	2037	2297	2507	2679
5450.00	1057	1638	2049	2311	2522	2695
5500.00	1064	1647	2061	2324	2537	2711
5550.00	1070	1657	2073	2338	2552	2727
5600.00	1077	1667	2085	2352	2567	2743
5650.00	1083	1676	2097	2365	2582	2759
5700.00	1089	1686	2109	2379	2597	2775
5750.00	1096	1695	2122	2393	2612	2791
5800.00	1102	1705	2134	2406	2627	2807
5850.00	1107	1713	2144	2418	2639	2820
5900.00	1111	1721	2155	2429	2651	2833
5950.00	1116	1729	2165	2440	2663	2847
6000.00	1121	1737	2175	2451	2676	2860
6050.00	1126	1746	2185	2462	2688	2874
6100.00	1131	1754	2196	2473	2700	2887
6150.00	1136	1762	2206	2484	2712	2900
6200.00	1141	1770	2216	2495	2724	2914
6250.00	1145	1778	2227	2506	2737	2927
6300.00	1150	1786	2237	2517	2749	2941
6350.00	1155	1795	2247	2529	2761	2954
6400.00	1160	1803	2258	2540	2773	2967
6450.00	1165	1811	2268	2551	2785	2981
6500.00	1170	1819	2278	2562	2798	2994
6550.00	1175	1827	2288	2573	2810	3008
6600.00	1179	1835	2299	2584	2822	3021
6650.00	1184	1843	2309	2595	2834	3034
6700.00	1189	1850	2317	2604	2845	3045
6750.00	1193	1856	2325	2613	2854	3055
6800.00	1196	1862	2332	2621	2863	3064
6850.00	1200	1868	2340	2630	2872	3074
6900.00	1204	1873	2347	2639	2882	3084
6950.00	1208	1879	2355	2647	2891	3094
7000.00	1212	1885	2362	2656	2900	3103
7050.00	1216	1891	2370	2664	2909	3113
7100.00	1220	1897	2378	2673	2919	3123
7150.00	1224	1903	2385	2681	2928	3133

Instructions for Florida Family Law Rules of Procedure Form 12.902(e), Child Support Guidelines Worksheet (10/02 ---/08)

Combined Monthly Available Net Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
7200.00	1228	1909	2393	2690	2937	3142
7250.00	1232	1915	2400	2698	2946	3152
7300.00	1235	1921	2408	2707	2956	3162
7350.00	1239	1927	2415	2716	2965	3172
7400.00	1243	1933	2423	2724	2974	3181
7450.00	1247	1939	2430	2733	2983	3191
7500.00	1251	1945	2438	2741	2993	3201
7550.00	1255	1951	2446	2750	3002	3211
7600.00	1259	1957	2453	2758	3011	3220
7650.00	1263	1963	2461	2767	3020	3230
7700.00	1267	1969	2468	2775	3030	3240
7750.00	1271	1975	2476	2784	3039	3250
7800.00	1274	1981	2483	2792	3048	3259
7850.00	1278	1987	2491	2801	3057	3269
7900.00	1282	1992	2498	2810	3067	3279
7950.00	1286	1998	2506	2818	3076	3289
8000.00	1290	2004	2513	2827	3085	3298
8050.00	1294	2010	2521	2835	3094	3308
8100.00	1298	2016	2529	2844	3104	3318
8150.00	1302	2022	2536	2852	3113	3328
8200.00	1306	2028	2544	2861	3122	3337
8250.00	1310	2034	2551	2869	3131	3347
8300.00	1313	2040	2559	2878	3141	3357
8350.00	1317	2046	2566	2887	3150	3367
8400.00	1321	2052	2574	2895	3159	3376
8450.00	1325	2058	2581	2904	3168	3386
8500.00	1329	2064	2589	2912	3178	3396
8550.00	1333	2070	2597	2921	3187	3406
8600.00	1337	2076	2604	2929	3196	3415
8650.00	1341	2082	2612	2938	3205	3425
8700.00	1345	2088	2619	2946	3215	3435
8750.00	1349	2094	2627	2955	3224	3445
8800.00	1352	2100	2634	2963	3233	3454
8850.00	1356	2106	2642	2972	3242	3464
8900.00	1360	2111	2649	2981	3252	3474
8950.00	1364	2117	2657	2989	3261	3484
9000.00	1368	2123	2664	2998	3270	3493
9050.00	1372	2129	2672	3006	3279	3503
9100.00	1376	2135	2680	3015	3289	3513
9150.00	1380	2141	2687	3023	3298	3523
9200.00	1384	2147	2695	3032	3307	3532
9250.00	1388	2153	2702	3040	3316	3542
9300.00	1391	2159	2710	3049	3326	3552
9350.00	1395	2165	2717	3058	3335	3562
9400.00	1399	2171	2725	3066	3344	3571

Instructions for Florida Family Law Rules of Procedure Form 12.902(e), Child Support Guidelines Worksheet (40/02 ---/08)

Combined Monthly Available Net Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
9450.00	1403	2177	2732	3075	3353	3581
9500.00	1407	2183	2740	3083	3363	3591
9550.00	1411	2189	2748	3092	3372	3601
9600.00	1415	2195	2755	3100	3381	3610
9650.00	1419	2201	2763	3109	3390	3620
9700.00	1422	2206	2767	3115	3396	3628
9750.00	1425	2210	2772	3121	3402	3634
9800.00	1427	2213	2776	3126	3408	3641
9850.00	1430	2217	2781	3132	3414	3647
9900.00	1432	2221	2786	3137	3420	3653
9950.00	1435	2225	2791	3143	3426	3659
10000.00	1437	2228	2795	3148	3432	3666

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

Case No.: _____

Division: _____

_____,
Petitioner,

and

_____,
Respondent.

NOTICE OF FILING CHILD SUPPORT GUIDELINES WORKSHEET

PLEASE TAKE NOTICE, that *{name}* _____, is filing his/her
Child Support Guidelines Worksheet attached and labeled Exhibit 1.

CERTIFICATE OF SERVICE

I certify that a copy of this Notice of Filing with the Child Support Guidelines Worksheet
was [**one** only] () mailed () faxed and mailed () hand delivered to the person(s) listed below
on *{date}* _____.

Other party or his/her attorney:

Name: _____

Address: _____

City, State, Zip: _____

Fax Number: _____

Date: _____

Signature of Party

Printed Name: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Fax Number: _____

CHILD SUPPORT GUIDELINES WORKSHEET			
	A. FATHER	B. MOTHER	TOTAL
1. Present Net Monthly Income Enter the amount from line number 27, Section I of Florida Family Law Rules of Procedure Form 12.902(b) or [(c)], Financial Affidavit.			
2. Basic Monthly Obligation There is (are) <i>(number)</i> _____ minor child(ren) common to the parties. Using the total amount from line 1, enter the appropriate amount from the child support guidelines chart.			
3. Percent of Financial Responsibility Divide the amount on line 1A by the total amount on line 1 to get Father's percentage financial responsibility. Enter answer on line 3A. Divide the amount on line 1B by the total amount on line 1 to get Mother's percentage financial responsibility. Enter answer on line 3B.	.%	.%	
4. Share of Basic Monthly Obligation Multiply the number on line 2 by the percentage on line 3A to get Father's share of basic obligation. Enter answer on line 4A. Multiply the number on line 2 by the percentage on line 3B to get Mother's share of basic obligation. Enter answer on line 4B.			
Additional Support — Health Insurance, Child Care & Other			
5a. 75% of Monthly Child Care Costs [Child care costs should not exceed the level required to provide quality care from a licensed source for the child(ren). See section 61.30(7), Fla. Stat. for more information.]			
5b. Total Monthly Child(ren)'s Health Insurance Cost			
5c. Total Monthly Child(ren)'s Noncovered Medical, Dental and Prescription Medication Costs			
5d. Total Monthly Child Care & Health Costs [Add lines 5a+5b+5c]			
6. Additional Support Payments Multiply the number on line 5d by the percentage on line 3A to determine the Father's share. Enter answer on line 6A. Multiply the number on line 5d by the percentage on line 3B to determine the Mother's share. Enter answer on line 6B.			
Statutory Adjustments/Credits			
7a. Monthly child care payments actually made			
7b. Monthly health insurance payments actually made			
7c. Other payments/credits actually made for any noncovered medical, dental and prescription medication expenses of the child(ren) not ordered to be separately paid on a percentage basis. [See § 61.30 (8), Florida Statutes]			

8. Total Support Payments actually made [Add 7a through 7c]			
9. MINIMUM CHILD SUPPORT OBLIGATION FOR EACH PARENT [Line 4 plus line 6; minus line 8]			
Substantial Shared Parenting Time-Sharing (GROSS UP METHOD) If the noncustodial parent exercises visitation time-sharing at least 40 percent of the overnights in the year (146 overnights in the year), complete Nos. 10 through 21			
	A. FATHER	B. MOTHER	TOTAL
10. Basic Monthly Obligation x 150% [Multiply line 2 by 1.5]			
11. Increased Basic Obligation for each parent Multiply the number on line 10 by the percentage on line 3A to determine the Father's share. Enter answer on line 11A. Multiply the number on line 10 by the percentage on line 3B to determine the Mother's share. Enter answer on line 11B.			
12. Percentage of overnight stays with each parent The child(ren) spend(s) _____ overnight stays with the father each year. Using the number on the above line, multiply it by 100 and divide by 365. Enter this number on line 12A. The child(ren) spend(s) _____ overnight stays with the mother each year. Using the number on the above line, multiply it by 100 and divide by 365. Enter this number on line 12B.	%	%	
13. Parent's support multiplied by other Parent's percentage of overnights [Multiply line 11A by line 12B. Enter this number in 13A. Multiply line 11B by line 12A. Enter this number in 13B.]			
Additional Support — Health Insurance, Child Care & Other			
14a. Total Monthly Child Care Costs [Child care costs should not exceed the level required to provide quality care from a licensed source for the child(ren). See section 61.30(7), Fla. Stat. for more information.]			
14b. Total Monthly Child(ren)'s Health Insurance Cost [This is only amounts actually paid for health insurance on the child(ren).]			
14c. Total Monthly Child(ren)'s Noncovered Medical, Dental and Prescription Medication Costs			
14d. Total Monthly Child Care & Health Costs [Add lines 14a+14b+14c]			
15. Additional Support Payments Multiply the number on line 14d by the percentage on line 3A to determine the Father's share. Enter answer on line 15A. Multiply the number on line 14d by the percentage on line 3B to determine the Mother's share. Enter answer on line 15B.			
Statutory Adjustments/Credits			
16a. Monthly child care payments actually made			
16b. Monthly health insurance payments actually made			
16c. Other payments/credits actually made for any noncovered medical, dental and prescription medication expenses of the child(ren) not ordered to be separately paid on a percentage basis. [See § 61.30 (8), Florida Statutes]			
17. Total Support Payments actually made [Add 16a through 16c]			

18. Total Additional Support Transfer Amount [Line 15 minus line 17; Enter any negative number as zero]			
19. Total Child Support Owed from Father to Mother [Add line 13A+18A]			
20. Total Child Support Owed from Mother to Father [Add line 13B+18B]			
21. Actual Child Support to Be Paid. [Comparing lines 19 and 20, Subtract the smaller amount owed from the larger amount owed and enter the result in the column for the parent that owes the larger amount of	\$ _____ -or- \$		

ADJUSTMENTS TO GUIDELINES AMOUNT. If you or the other parent is requesting the Court to award a child support amount that is more or less than the child support guidelines, you must complete and file Motion to Deviate from Child Support Guidelines, Florida Supreme Court Approved Family Law Form 12.943.

[one only]

_____ a. **Deviation from the guidelines amount is requested.** The Motion to Deviate from Child Support Guidelines, Florida Supreme Court Approved Family Law Form 12.943, is attached.

_____ b. **Deviation from the guidelines amount is NOT requested.** The Motion to Deviate from Child Support Guidelines, Florida Supreme Court Approved Family Law Form 12.943, is not attached.

IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW: [~~do not~~ fill in **all** blanks]

I, {full legal name and trade name of nonlawyer} _____,
a nonlawyer, located at {street} _____, {city} _____,
{state} _____, {phone} _____, helped {name} _____,
who is the [one only] ___ petitioner **or** ___ respondent, fill out this form.

INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.930(b),
STANDARD FAMILY LAW INTERROGATORIES FOR ORIGINAL OR ENFORCEMENT
PROCEEDINGS

When should this form be used?

This form should be used to ask the other **party** in your case to answer certain standard questions in writing. These questions are called **interrogatories**, and they must relate to your case. If the other party fails to answer the questions, you may ask the **judge** to order the other party to answer the questions. (You cannot ask these questions before the **petition** has been **filed**.)

The questions in this form should be used in **original proceedings** or **enforcement proceedings** and are meant to supplement the information provided in the **Financial Affidavit**, Florida Family Law Rules of Procedure Form 12.902(b) or (c). You should read all of the questions in this form to determine which questions, if any, the other party needs to answer in order to provide you with information not covered in the financial affidavit forms. If there are questions to which you already know the answer, you may choose not to ask them.

This form should be typed or printed in black ink. You must complete the box at the beginning of this form to indicate which questions you are requesting that the other party answer. You should send 2 copies of this form and the **Notice of Service of Standard Family Law Interrogatories**, Florida Family Law Rules of Procedure Form 12.930(a), to the other party. You should also keep a copy for your records. You should not **file** this form with the **clerk of the circuit court**. However, you must file the **Notice of Service of Standard Family Law Interrogatories**, Florida Family Law Rules of Procedure Form 12.930(a), to tell the court that you have sent this form to the other party.

Where can I look for more information?

Before proceeding, you should read “General Information for Self-Represented Litigants” found at the beginning of these forms. For further information, see the instructions for **Notice of Service of Standard Family Law Interrogatories**, Florida Family Law Rules of Procedure Form 12.930(a), rules 12.280, 12.285, 12.340, and 12.380, Florida Family Law Rules of Procedure, and rules 1.280, 1.340, and 1.380, Florida Rules of Civil Procedure.

Special notes...

In addition to the standard questions in this form, you may ask up to 10 additional questions. You should type or print legibly your additional questions on a separate sheet of paper and attach it to this form. If you want to ask more than 10 additional questions, you will need to get permission from the judge.

You may want to inform the other party of the following information: As a general rule, within **30 days** after service of interrogatories, the other party must answer the questions in writing and mail (have postmarked) the answers to you. His or her answers shall be written in the blank space provided after each separately numbered interrogatory. If sufficient space is not provided, the answering party may attach additional papers with the answers and refer to them in the space provided in the interrogatories. He or she should be sure to make a copy for him/herself. All answers to these questions are made under oath or affirmation as to their

truthfulness. Each question must be answered separately and as completely as the available information permits. The original of the answers to the interrogatories is to be provided to the requesting party. Do not file the original or a copy with the clerk of the circuit court except as provided in Florida Rule of Civil Procedure 1.340(c). The other party may object to a question by writing the legal reason for the objection in the space provided. He or she may also ask the court for a protective order granting him or her permission not to answer certain questions and protecting him or her from annoyance, embarrassment, apprehension, or undue burden or expense. If the other party fails to either answer or object to the questions within 30 days, he or she may be subject to court sanctions.

Remember, a person who is NOT an attorney is called a nonlawyer. If a nonlawyer helps you fill out these forms, that person must give you a copy of **Disclosure from Nonlawyer**, Florida Family Law Rules of Procedure Form 12.900(a), before he or she helps you. A nonlawyer helping you fill out these forms also **must** put his or her name, address, and telephone number on the bottom of the last page of every form he or she helps you complete.

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

Case No.: _____
Division: _____

Petitioner,

and

Respondent.

**STANDARD FAMILY LAW INTERROGATORIES
FOR ORIGINAL OR ENFORCEMENT PROCEEDINGS**

TO BE COMPLETED BY THE PARTY SERVING THESE INTERROGATORIES						
I am requesting that the following standard questions be answered: [<input type="checkbox"/> all that apply]						
_____ 1 Background Information	_____ 2 Education	_____ 3 Employment	_____ 4 Assets	_____ 5 Liabilities	_____ 6 Miscellaneous	_____ 7 Long Form Affidavit
In addition, I am requesting that the attached {#} _____ questions be answered.						

The answers to the following questions are intended to supplement the information provided in the Financial Affidavits, Florida Family Law Rules of Procedure Form 12.902(b) or (c). You should answer the group of questions indicated in the above shaded box. The questions should be answered in the blank space provided below each separately numbered question. If sufficient space is not provided, you may attach additional papers with the answers and refer to them in the space provided in the interrogatories. You should be sure to make a copy for yourself. Each question must be answered separately and as completely as the available information permits. All answers are to be made under oath or affirmation as to their truthfulness.

I, {name of person answering interrogatories} _____,
being sworn, certify that the following information is true:

1. BACKGROUND INFORMATION:

- State your full legal name and any other name by which you have been known.
- State your present residence and telephone numbers.
- State your place and date of birth.

2. EDUCATION:

- List all business, commercial, and professional licenses that you have obtained.
- List all of your education including, but not limited to, vocational or specialized training, including the following:
 - name and address of each educational institution.
 - dates of attendance.

(3) degrees or certificates obtained or anticipated dates of same.

3. **EMPLOYMENT:**

a. For each place of your employment or self-employment during the last 3 years, state the following:

- (1) name, address, and telephone number of your employer.
- (2) dates of employment.
- (3) job title and brief description of job duties.
- (4) starting and ending salaries.
- (5) name of your direct supervisor.
- (6) all benefits received, including, for example, health, life, and disability insurance; expense account; use of automobile or automobile expense reimbursement; reimbursement for travel, food, or lodging expenses; payment of dues in any clubs or associations; and pension or profit sharing plans.

b. Other than as an employee, if you have been engaged in or associated with any business, commercial, or professional activity within the last 3 years that was not detailed above, state for each such activity the following:

- (1) name, address, and telephone number of each activity.
- (2) dates you were connected with such activity.
- (3) position title and brief description of activities.
- (4) starting and ending compensation.
- (5) name of all persons involved in the business, commercial, or professional activity with you.
- (6) all benefits and compensation received, including, for example, health, life, and disability insurance; expense account; use of automobile or automobile expense reimbursement; reimbursement for travel, food, or lodging expenses; payment of dues in any clubs or associations; and pension or profit sharing plans.

c. If you have been unemployed at any time during the last 3 years, state the dates of unemployment. If you have not been employed at any time in the last 3 years, give the information requested above in question 3.a for your last period of employment.

4. **ASSETS:**

a. **Real Estate.** State the street address, if any, and if not, the legal description of all real property that you own or owned during the last 3 years. For each property, state the following:

- (1) the names and addresses of any other persons or entities holding any interest and their percentage of interest.
- (2) the purchase price, the cost of any improvements made since it was purchased, and the amount of any depreciation taken.
- (3) the fair market value on the date of your separation from your spouse.
- (4) the fair market value on the date of the filing of the petition for dissolution of marriage.

b. **Tangible Personal Property.** List all items of tangible personal property that are owned by you or in which you have had any interest during the last 3 years including, but not limited to, motor vehicles, tools, furniture, boats, jewelry, art objects or other collections, and collectibles whose fair market value exceeds \$100. For each item, state the following:

- (1) the percentage and type interest you hold.
- (2) the names and addresses of any other persons or entities holding any interest.
- (3) the date you acquired your interest.
- (4) the purchase price.
- (5) the present fair market value.
- (6) the fair market value on the date of your separation from your spouse.
- (7) the fair market value on the date of the filing of the petition for dissolution of marriage.

c. **Intangible Personal Property.** Other than the financial accounts (checking, savings, money market, credit union accounts, retirement accounts, or other such cash management accounts) listed in the answers to interrogatories 4.d and 4.e below, list all items of

intangible personal property that are owned by you or in which you have had any ownership interest (including closed accounts) within the last 3 years, including but not limited to, partnership and business interests (including good will), deferred compensation accounts unconnected with retirement, including but not limited to stock options, sick leave, and vacation pay, stocks, stock funds, mutual funds, bonds, bond funds, real estate investment trust, receivables, certificates of deposit, notes, mortgages, and debts owed to you by another entity or person. For each item, state the following:

- (1) the percentage and type interest you hold.
- (2) the names and addresses of any other persons or entities holding any interest and the names and addresses of the persons and entities who are indebted to you.
- (3) the date you acquired your interest.
- (4) the purchase price, acquisition cost, or loaned amount.
- (5) the fair market value or the amounts you claim are owned by or owed to you:
 - (a) presently, at the time of answering these interrogatories.
 - (b) on the date of your separation from your spouse.
 - (c) on the date of the filing of the petition for dissolution of marriage.

You may comply with this interrogatory (4.c) by providing copies of all periodic (monthly, quarterly, semi-annual, or annual) account statements for each such account for the preceding 3 years. However, if the date of acquisition, the purchase price and the market valuations are not clearly reflected in the periodic statements which are furnished then these questions must be answered separately. You do not have to resubmit any periodic statements previously furnished under rule 12.285 (Mandatory Disclosure).

d. Retirement Accounts: List all information regarding each retirement account/plan, including but not limited to defined benefit plans, 401k, 403B, IRA accounts, pension plans, Florida Retirement System plans (FRS), Federal Government plans, money purchase plans, HR10 (Keogh) plans, profit sharing plans, annuities, employee savings plans, etc. that you have established and/or that have been established for you by you, your employer, or any previous employer. For each account, state the following:

- (1) the name and account number of each account/plan and where it is located.
- (2) the type of account/plan.
- (3) the name and address of the fiduciary plan administrator/service representative.
- (4) the fair market value of your interest in each account/plan.
 - (a) present value.

(b) value on the date of separation.

(c) value on the date of filing of the petition for dissolution of marriage

(5) whether you are vested or not vested; and if vested, in what amount, as of a certain date and the schedule of future vesting.

(6) the date at which you became/become eligible to receive some funds in this account/plan.

(7) monthly benefits of the account/plan if no fair market value is ascertained.

(8) beneficiary(ies) and/or alternate payee(s).

e. **Financial Accounts.** For all financial accounts (checking, savings, money market, credit union accounts, or other such cash management accounts) listed in your Financial Affidavit, in which you have had any legal or equitable interest, regardless of whether the interest is or was held in your own name individually, in your name with another person, or in any other name, give the following:

(1) name and address of each institution.

(2) name in which the account is or was maintained.

(3) account numbers.

(4) name of each person authorized to make withdrawals from the accounts.

(5) highest balance within each of the preceding 3 years.

(6) lowest balance within each of the preceding 3 years.

You may comply with this interrogatory (4.e) by providing copies of all periodic (monthly, quarterly, semi-annual, or annual) account statements for each such account for the preceding 3 years. You do not have to resubmit account statements previously furnished pursuant to rule 12.285 (Mandatory Disclosure).

f. **Closed Financial Accounts.** For all financial accounts (checking, savings, money market, credit union accounts, or other such cash management accounts) closed within the last 3 years, in which you have had any legal or equitable interest, regardless of whether the interest is or was held in your own name individually, in your name with another person, or in any other name, give the following:

(1) name and address of each institution.

- (2) name in which the account is or was maintained.
- (3) account numbers.
- (4) name of each person authorized to make withdrawals from the accounts.
- (5) date account was closed.

g. Trust. For any interest in an estate, trust, insurance policy, or annuity, state the following:

- (1) If you are the beneficiary of any estate, trust, insurance policy, or annuity, give for each one the following:
 - (a) identification of the estate, trust, insurance policy, or annuity.
 - (b) the nature, amount, and frequency of any distributions of benefits.
 - (c) the total value of the beneficiaries' interest in the benefit.
 - (d) whether the benefit is vested or contingent.
- (2) If you have established any trust or are the trustee of a trust, state the following:
 - (a) the date the trust was established.
 - (b) the names and addresses of the trustees.
 - (c) the names and addresses of the beneficiaries.
 - (d) the names and addresses of the persons or entities who possess the trust documents.
 - (e) each asset that is held in each trust, with its fair market value.

h. Canceled Life Insurance Policies. For all policies of life insurance within the preceding 3 years that you no longer hold, own, or have any interest in, state the following:

- (1) name of company that issued the policy and policy number.
- (2) name, address, and telephone number of agent who issued the policy.
- (3) amount of coverage.
- (4) name of insured.
- (5) name of owner of policy.
- (6) name of beneficiaries.
- (7) premium amount.
- (8) date the policy was surrendered.
- (9) amount, if any, of monies distributed to the owner.

i. **Name of Accountant, Bookkeeper, or Records Keeper.** State the names, addresses, and telephone numbers of your accountant, bookkeeper, and any other persons who possess your financial records, and state which records each possesses.

j. **Safe Deposit Boxes, Lock Boxes, Vaults, Etc.** For all safe deposit boxes, lock boxes, vaults, or similar types of depositories, state the following:

(1) The names and addresses of all banks, depositories, or other places where, at any time during the period beginning 3 years before the initiation of the action, until the date of your answering this interrogatory, you did any of the following:

(a) had a safe deposit box, lock box, or vault.

(b) were a signatory or co-signatory on a safe deposit box, lock box, or vault.

(c) had access to a safe deposit box, lock box, or vault.

(d) maintained property.

(2) The box or identification numbers and the name and address of each person who has had access to any such depository during the same time period.

(3) All persons who have possession of the keys or combination to the safe deposit box, lock box, or vault.

(4) Any items removed from any safe deposit boxes, lock boxes, vaults, or similar types of depositories by you or your agent during that time, together with the present location and fair market value of each item.

(5) All items in any safe deposit boxes, lock boxes, vaults, or similar types of depositories and fair market value of each item.

5. **LIABILITIES:**

a. **Loans, Liabilities, Debts, and Other Obligations.** For all loans, liabilities, debts, and other obligations (other than credit cards and charge accounts) listed in your Financial Affidavit, indicate for each the following:

(1) name and address of the creditor.

(2) name in which the obligation is or was incurred.

(3) loan or account number, if any.

(4) nature of the security, if any.

- (5) payment schedule.
- (6) present balance and current status of your payments.
- (7) total amount of arrearage, if any.
- (8) balance on the date of your separation from your spouse.
- (9) balance on the date of the filing of the petition for dissolution of marriage.

You may comply with this interrogatory (5.a) by providing copies of all periodic (monthly, quarterly, semi-annual, or annual) account statements for each such account for the preceding 3 years. You do not have to resubmit account statements previously furnished under rule 12.285 (Mandatory Disclosure).

b. Credit Cards and Charge Accounts. For all financial accounts (credit cards, charge accounts, or other such accounts) listed in your Financial Affidavit, in which you have had any legal or equitable interest, regardless of whether the interest is or was held in your own name individually, in your name with another person, or in any other name, give the following:

- (1) name and address of the creditor.
- (2) name in which the account is or was maintained.
- (3) names of each person authorized to sign on the accounts.
- (4) account numbers.
- (5) present balance and current status of your payments.
- (6) total amount of arrearage, if any.
- (7) balance on the date of your separation from your spouse.
- (8) balance on the date of the filing of the petition for dissolution of marriage.
- (9) highest and lowest balance within each of the preceding 3 years.

You may comply with this interrogatory (5.b) by providing copies of all periodic (monthly quarterly, semi-annual, or annual) account statements for each such account for the preceding 3 years. You do not have to resubmit account statements previously furnished under rule 12.285 (Mandatory Disclosure).

c. Closed Credit Cards and Charge Accounts. For all financial accounts (credit cards, charge accounts, or other such accounts) closed with no remaining balance, within the last 3 years, in which you have had any legal or equitable interest, regardless of whether the interest is or was held in your own name individually, in your name with another person, or in any other name, give the following:

- (1) name and address of each creditor.
- (2) name in which the account is or was maintained.
- (3) account numbers.
- (4) names of each person authorized to sign on the accounts.
- (5) date the balance was paid off.
- (6) amount of final balance paid off.

You may comply with this interrogatory (5.c) by providing copies of all periodic (monthly, quarterly, semi-annual, or annual) account statements for each such account for the preceding 3 years. You do not have to resubmit account statements previously furnished under rule 12.285 (Mandatory Disclosure).

6. **MISCELLANEOUS:**

- a. If you are claiming an unequal distribution of marital property or enhancement or appreciation of nonmarital property, state the amount claimed and all facts upon which you rely in your claim.
- b. If you are claiming an asset or liability is nonmarital, list the asset or liability and all facts upon which you rely in your claim.
- c. If the mental or physical condition of a spouse or child is an issue, identify the person and state the name and address of all health care providers involved in the treatment of that person for said mental or physical condition.
- d. ~~If custody of minor children is an issue, state why, and the facts that support your contention that you should be the primary residential parent or have sole parental responsibility of the child(ren). Detail your proposed parenting plan for the minor child(ren), including your proposed time-sharing schedule. Alternatively, attach a copy of your proposed parenting plan.~~
- e. If you are claiming that the other parent's contact or time-sharing with the minor child(ren) should be limited, or that you should have sole parental responsibility for the minor child(ren), with or without time-sharing with the other parent, or that you should have ultimate responsibility over specific aspects of the child(ren)'s welfare or that these responsibilities should be divided between you and the other parent, state your reasons and all facts upon which you rely to support your claim.

7. **LONG FORM AFFIDAVIT:** If you filed the short form affidavit, Florida Family Law Rules of Procedure Form 12.902(b), and you were specifically requested in the Notice of Service of Standard Family Law Interrogatories to file the Long Form Affidavit, Form 12.902(c), you must do so within the time to serve the answers to these interrogatories.

I certify that a copy of this document was [**one** only] () mailed () faxed and mailed () hand delivered to the person(s) listed below on *{date}* _____.

Other party or his/her attorney:

Name: _____

Address: _____

City, State, Zip: _____

Fax Number: _____

I understand that I am swearing or affirming under oath to the truthfulness of the answers to these interrogatories and that the punishment for knowingly making a false statement includes fines and/or imprisonment.

Dated: _____

Signature of Party

Printed Name: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Fax Number: _____

STATE OF FLORIDA
COUNTY OF _____

Sworn to or affirmed and signed before me on _____ by _____.

NOTARY PUBLIC or DEPUTY CLERK

[Print, type, or stamp commissioned name of notary or deputy clerk.]

____ Personally known
____ Produced identification
Type of identification produced _____


IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW: [fill in all blanks]



I, {full legal name and trade name of nonlawyer} _____,
a nonlawyer, located at {street} _____, {city} _____,
{state} _____, {phone} _____, helped {name} _____,
who is the [one only] ___ petitioner **or** ___ respondent, fill out this form.

INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.930(c),
STANDARD FAMILY LAW INTERROGATORIES FOR MODIFICATION PROCEEDINGS


When should this form be used?

This form should be used to ask the other **party** in your case to answer certain standard questions in writing. These questions are called **interrogatories**, and they must relate to your case. If the other party fails to answer the questions, you may ask the **judge** to order the other party to answer the questions. (You cannot ask these questions before the **petition** has been filed.)

The questions in this form should be used in **modification proceedings** and are meant to supplement the information provided in the **Financial Affidavits**, -Florida Family Law Rules of Procedure Form 12.902(b) or (c). You should read all of the questions in this form to determine which questions, if any, the other party needs to answer in order to provide you with information not covered in the financial affidavit forms. If there are questions to which you already know the answer, you may choose not to ask them.

This form should be typed or printed in black ink. You must complete the box at the beginning of this form to indicate which questions you are requesting that the other party answer. You should send two copies of this form and the **Notice of Service of Standard Family Law Interrogatories**, -Florida Family Law Rules of Procedure Form 12.930(a), to the other party. You should also keep a copy for your records. You do not need to **file** this form with the **clerk of the circuit court**. However, you must file the **Notice of Service of Standard Family Law Interrogatories**, -Florida Family Law Rules of Procedure Form 12.930(a), to tell the court that you have sent this form to the other party.

Where can I look for more information?

Before proceeding, you should read “General Information for Self-Represented Litigants” found at the beginning of these forms. For further information, see the instructions for **Notice of Service of Standard Family Law Interrogatories**, -Florida Family Law Rules of Procedure Form 12.930(a), rules 12.280, 12.285, 12.340, and 12.380, Florida Family Law Rules of Procedure and rules 1.280, 1.340, and 1.380, Florida Rules of Civil Procedure.

Special notes...

In addition to the standard questions in this form, you may ask up to 10 additional questions. You should type or print your additional questions on a separate sheet of paper and attach it to this form. If you want to ask more than 10 additional questions, you will need to get permission from the judge.

You may want to inform the other party of the following information: As a general rule, within **30 days** after service of interrogatories, the other party must answer the questions in writing and mail (have postmarked) the answers to you. His or her answers shall be written in the blank space provided after each separately numbered interrogatory. If sufficient space is not provided, the answering party may attach additional papers with the answers and refer to them in the space provided in the interrogatories. He or she should be sure to make a copy for him/herself. All answers to these questions are made under oath or affirmation as to their truthfulness. Each question must be answered separately and as completely as the available information permits. The original of the answers to the interrogatories is to be provided to the requesting party. Do not file the original or a copy with the clerk of the circuit court except as provided by Florida Rule of Civil Procedure 1.340(e). The other party may object to a question by writing the legal reason for the objection in the space provided. He or she may also ask the court for a protective order granting him or her permission not to answer certain questions and

protecting him or her from annoyance, embarrassment, apprehension, or undue burden or expense. If the other party fails to either answer or object to the questions within 30 days, he or she may be subject to court sanctions.

Remember, a person who is NOT an attorney is called a nonlawyer. If a nonlawyer helps you fill out these forms, that person must give you a copy of **Disclosure from Nonlawyer**, ~~§~~ Florida Family Law Rules of Procedure Form 12.900(a), before he or she helps you. A nonlawyer helping you fill out these forms also **must** put his or her name, address, and telephone number on the bottom of the last page of every form he or she helps you complete.

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

Case No.: _____

Division: _____

Petitioner

and

Respondent.

**STANDARD FAMILY LAW INTERROGATORIES
FOR MODIFICATION PROCEEDINGS**

TO BE COMPLETED BY THE PARTY SERVING THESE INTERROGATORIES

I am requesting that the following standard questions be answered: [all that apply]

_____ 1
Background
Information

_____ 2
Education

_____ 3
Employment

_____ 4
Assets

_____ 5
Liabilities

_____ 6
Miscellaneous

_____ 7
Long Form
Affidavit

In addition, I am requesting that the attached {#} _____ questions be answered.

The answers to the following questions are intended to supplement the information provided in the Financial Affidavits, ~~§~~ Florida Family Law Rules of Procedure Form 12.902(b) or (c). You should answer the group of questions indicated in the above shaded box. The questions should be answered in the blank space provided below each separately numbered question. If sufficient space is not provided, you may attach additional papers with the answers and refer to them in the space provided in the interrogatories. You should be sure to make a copy for yourself. Each question must be answered separately and as completely as the available information permits. All answers are to be made under oath or affirmation as to their truthfulness.

I, {name of person answering interrogatories} _____,
being sworn, certify that the following information is true:

1. BACKGROUND INFORMATION:

- a. State your full legal name and any other name by which you have been known.
- b. State your present residence and telephone numbers.
- c. State your place and date of birth.

2. **EDUCATION:**

- a. List all business, commercial, and professional licenses that you have obtained since the entry of the Final Judgment sought to be modified.
- b. List all of your education since the entry of the Final Judgment sought to be modified including, but not limited to, vocational or specialized training, including the following:
 - (1) name and address of each educational institution.
 - (2) dates of attendance.
 - (3) degrees or certificates obtained or anticipated dates of same.

3. **EMPLOYMENT:**

- a. For each place of your employment or self-employment since the entry of the Final Judgment sought to be modified, state the following:
 - (1) name, address, and telephone number of your employer.
 - (2) dates of employment.
 - (3) job title and brief description of job duties.
 - (4) starting and ending salaries.
 - (5) name of your direct supervisor.
 - (6) all benefits received, including, for example, health, life, and disability insurance; expense account; use of automobile or automobile expense reimbursement; reimbursement for travel, food, or lodging expenses; payment of dues in any clubs or associations; and pension or profit sharing plans.

- b. Other than as an employee, if you have been engaged in or associated with any business, commercial, or professional activity since the entry of the Final Judgment sought to be modified that was not detailed above, state for each such activity the following:
 - (1) name, address, and telephone number of each activity.
 - (2) dates you were connected with such activity.

- (3) position title and brief description of activities.
- (4) starting and ending compensation.
- (5) name of all persons involved in the business, commercial, or professional activity with you.
- (6) all benefits and compensation received, including, for example, health, life, and disability insurance; expense account; use of automobile or automobile expense reimbursement; reimbursement for travel, food, or lodging expenses; payment of dues in any clubs or associations; and pension or profit sharing plans.

c. If you have been unemployed at any time since the entry of the Final Judgment sought to be modified, state the dates of unemployment. If you have not been employed at any time since the entry of the Final Judgment sought to be modified, give the information requested above in question 3.a for your last period of employment.

4. **ASSETS:**

a. **Real Estate.** State the street address, if any, and if not, the legal description of all real property that you own or owned during the last 3 years, or since the entry of the Final Judgment sought to be modified, if shorter. For each property, state the following:

- (1) the names and addresses of any other persons or entities holding any interest and their percentage of interest.
- (2) the present fair market value.

b. Tangible Personal Property. List all items of tangible personal property that are owned by you or in which you have had any interest during the last 3 years, or since the entry of the Final Judgment sought to be modified, if shorter, including, but not limited to, motor vehicles, tools, furniture, boats, jewelry, art objects or other collections, and collectibles whose fair market value exceeds \$100. For each item, state the following:

- (1) the percentage and type interest you hold.
- (2) the names and addresses of any other persons or entities holding any interest.
- (3) the present fair market value.

c. Intangible Personal Property. Other than the financial accounts (checking, savings, money market, credit union accounts, retirement accounts, or other such cash management accounts) listed in the answers to interrogatories 4.d and 4.e below, list all items of intangible personal property that are owned by you or in which you have had any ownership interest (including closed accounts) within the last 3 years, or since the entry of the Final Judgment sought to be modified, if shorter, including, but not limited to, partnership and business interests (including good will), deferred compensation accounts unconnected with retirement, including but not limited to stock options, sick leave, and vacation pay, stocks, stock funds, mutual funds, bonds, bond funds, real estate investment trusts, receivables, certificates of deposit, notes, mortgages, and debts owed to you by another entity or person. For each item, state the following:

- (1) the percentage and type interest you hold.
- (2) the names and addresses of any other persons or entities holding any interest and the names and addresses of the persons and entities who are indebted to you.
- (3) the present fair market value or the amounts you claim are owned by or owed to you, at the time of answering these interrogatories.

You may comply with this interrogatory (4.c) by providing copies of all periodic (monthly, quarterly, semi-annual, or annual) account statements for each such account for the preceding 3 years, or since the entry of the Final Judgment sought to be modified, if shorter. However, if the date of acquisition, the purchase price, and the market valuations are not clearly reflected in the periodic statements which are furnished, then these questions must be answered separately. You do not have to resubmit any periodic statements previously furnished under rule 12.285 (Mandatory Disclosure).

d. **Retirement Accounts:** List all information regarding each retirement account/plan, including but not limited to defined benefit plans, 401k, 403B, IRA accounts, pension plans, Florida Retirement System plans (FRS), Federal Government plans, money purchase plans, HR10 (Keogh) plans, profit sharing plans, annuities, employee savings plans, etc. that you have established and/or that have been established for you by you, your employer or any previous employer. For each account, state the following:

- (1) the name and account number of each account/plan and where it is located.
- (2) the type of account/plan.
- (3) the name and address of the fiduciary plan administrator/service representative.
- (4) the fair market value of your interest in each account/plan.
 - (a) present value
 - (b) value on the date of separation
 - (c) value on the date of filing of the petition for dissolution of marriage
- (5) whether you are vested or not vested; and if vested, in what amount, as of a certain date and the schedule of future vesting.
- (6) the date at which you became/become eligible to receive some funds in this account/plan.
- (7) monthly benefits of the account/plan if no fair market value is ascertained.
- (8) beneficiary(ies) and/or alternate payee(s).

e. **Financial Accounts.** For all financial accounts (checking, savings, money market, credit union accounts, or other such cash management accounts) listed in your Financial Affidavit, in which you have had any legal or equitable interest, regardless of whether the interest is or was held in your own name individually, in your name with another person, or in any other name, give the following:

- (1) name and address of each institution.
- (2) name in which the account is or was maintained.
- (3) account numbers.
- (4) names of each person authorized to make withdrawals from the accounts.
- (5) highest balance within each of the preceding 3 years, or since the entry of the Final Judgment sought to be modified, if shorter.
- (6) lowest balance within each of the preceding 3 years, or since the entry of the Final Judgment sought to be modified, if shorter.

You may comply with this interrogatory (4.e) by providing copies of all periodic (monthly, quarterly, semi-annual, or annual) account statements for each such account for the preceding 3 years, or since the entry of the Final Judgment sought to be modified, if shorter. You do not have to resubmit account statements previously furnished under rule 12.285 (Mandatory Disclosure).

f. **Closed Financial Accounts.** For all financial accounts (checking, savings, money market, credit union accounts, or other such cash management accounts) closed within the last 3 years, or since the entry of the Final Judgment sought to be modified, if shorter, in which you have had any legal or equitable interest, regardless of whether the interest is or was held in your own name individually, in your name with another person, or in any other name, give the:

- (1) name and address of each institution.
- (2) name in which the account is or was maintained.
- (3) account numbers.
- (4) name of each person authorized to make withdrawals from the accounts.
- (5) date account was closed.

g. **Trust.** For any interest in an estate, trust, insurance policy, or annuity, state the following:

- (1) if you are the beneficiary of any estate, trust, insurance policy, or annuity, give for each one the following:
 - (a) identification of the estate, trust, insurance policy, or annuity.
 - (b) the nature, amount, and frequency of any distributions of benefits.
 - (c) the total value of the beneficiaries' interest in the benefit.
 - (d) whether the benefit is vested or contingent.
- (2) if you have established any trust or are the trustee of a trust, state the following:
 - (a) the date the trust was established.
 - (b) the names and addresses of the trustees.
 - (c) the names and addresses of the beneficiaries.
 - (d) the names and addresses of the persons or entities who possess the trust documents.
 - (e) each asset that is held in each trust, with its fair market value.

h. Name of Accountant, Bookkeeper, or Records Keeper. State the names, addresses, and telephone numbers of your accountant, bookkeeper, and any other persons who possess your financial records, and state which records each possesses.

5. **LIABILITIES:**

a. Loans, Liabilities, Debts, and Other Obligations. For all loans, liabilities, debts, and other obligations (other than credit cards and charge accounts) listed in your Financial Affidavit, indicate for each the following:

- (1) name and address of the creditor.
- (2) name in which the obligation is or was incurred.
- (3) loan or account number, if any.
- (4) nature of the security, if any.
- (5) payment schedule.
- (6) present balance and current status of your payments.
- (7) total amount of arrearage, if any.

You may comply with this interrogatory (5.a) by providing copies of all periodic (monthly, quarterly, semi-annual, or annual) account statements for each such account for the preceding 3 years, or since the entry of the Final Judgment sought to be modified, if shorter. You do not have to resubmit account statements previously furnished under rule 12.285 (Mandatory Disclosure).

b. Credit Cards and Charge Accounts. For all financial accounts (credit cards, charge accounts, or other such accounts) listed in your Financial Affidavit, in which you have had any legal or equitable interest, regardless of whether the interest is or was held in your own name individually, in your name with another person, or in any other name, give the following:

- (1) name and address of the creditor.

- (2) name in which the account is or was maintained.
- (3) name of each person authorized to sign on the accounts.
- (4) account numbers.
- (5) present balance and current status of your payments.
- (6) total amount of arrearage, if any.
- (7) highest and lowest balance within each of the preceding 3 years, or since the entry of the Final Judgment sought to be modified, if shorter.

You may comply with this interrogatory (5.b) by providing copies of all periodic (monthly, quarterly, semi-annual, or annual) account statements for each such account for the preceding 3 years, or since the entry of the Final Judgment sought to be modified, if shorter. You do not have to resubmit account statements previously furnished under rule 12.285 (Mandatory Disclosure).

c. Closed Credit Cards and Charge Accounts. As to all financial accounts (credit card, charge accounts, or other such accounts) closed with no remaining balance, within the last 3 years, or since the entry of the Final Judgment sought to be modified, if shorter, in which you have had any legal or equitable interest, regardless of whether the interest is or was held in your own name individually, in your name with another person, or in any other name, give the following:

- (1) name and address of each creditor.
- (2) name in which the account is or was maintained.
- (3) account numbers.
- (4) name of each person authorized to sign on the accounts.
- (5) date the balance was paid off.
- (6) amount of final balance paid off.

You may comply with this interrogatory (5.c) by providing copies of all periodic (monthly, quarterly, semi-annual, or annual) account statements for each such account for the preceding 3 years, or since the entry of the Final Judgment sought to be modified, if shorter. You do not have to resubmit account statements previously furnished under rule 12.285 (Mandatory Disclosure).

6. **MISCELLANEOUS:**

a. If you are claiming a diminished earning capacity since the entry of the Final Judgment sought to be modified as grounds to modify alimony or deviate from the child support established in your case, describe in detail how your earning capacity is lowered and state all facts upon which you rely in your claim. If unemployed, state how, why, and when you lost your job.

b. If you are claiming a change in a mental or physical condition since the entry of the Final Judgment sought to be modified as grounds to modify alimony or change the child support established in your case, describe in detail how your mental and/or physical capacity has changed and state all facts upon which you rely in your claim. Identify the change in your mental and/or physical capacity, and state the name and address of all health care providers involved in the treatment of this mental or physical condition.

c. If you are requesting a change in shared or sole parental responsibility, ~~primary residency~~, the parenting ~~schedule~~plan, or any combination thereof, for the minor child(ren), describe in detail the change in circumstances since the entry of the Final Judgment sought to be modified that you feel justify the requested change. State when the change of circumstances occurred, how the change of circumstances affects the child(ren), and why it is in the best interests of the child(ren) that the Court make the requested change. Attach your proposed parenting schedule plan.

d. If you do not feel the requested change in shared or sole parental responsibility, ~~primary residency~~, the parenting ~~schedule~~plan, or any combination thereof, for the minor child(ren) is in their best interests, describe in detail any facts since the entry of the Final Judgment sought to be modified that you feel justify the Court denying the requested change. State, in your opinion, what change, if any, in shared or sole parental responsibility, or of the parenting arrangement plan is justified or agreeable to you and why it is in the best interests of the child(ren).

7. **LONG FORM AFFIDAVIT:** If you filed the short form affidavit, Florida Family Law Rules of Procedure Form 12.902(b), and you were specifically requested in the Notice of Service of Standard Family Law Interrogatories to file the Long Form Affidavit, Form 12.902(c), you must do so within the time to serve the answers to these interrogatories.

I certify that a copy of this document was [one only] () mailed, () faxed and mailed, or () hand delivered to the person(s) listed below on {date} _____.

Other party or his/her attorney:

Name: _____

Address: _____

City, State, Zip: _____

Fax Number: _____

I understand that I am swearing or affirming under oath to the truthfulness of the answers to these interrogatories and that the punishment for knowingly making a false statement includes fines and/or imprisonment.

Dated: _____

Signature of Party

Printed Name: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Fax Number: _____

STATE OF FLORIDA
COUNTY OF _____

Sworn to or affirmed and signed before me on _____ by _____.

NOTARY PUBLIC or DEPUTY CLERK

[Print, type, or stamp commissioned name of notary or clerk.]

- ____ Personally known
- ____ Produced identification
- ____ Type of identification produced

IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW: [~~do~~ fill in **all** blanks]

I, {full legal name and trade name of nonlawyer} _____,
a nonlawyer, located at {street} _____, {city} _____,
{state} _____, {phone} _____, helped {name} _____,
who is the [**one** only] ___ petitioner **or** ___ respondent, fill out this form.

APPENDIX C

Proposed rule

Reasons for change

RULE 12.010. SCOPE, PURPOSE, AND TITLE

(a) Scope.

(1) These rules apply to all actions concerning family matters, including actions concerning domestic, repeat, dating, and sexual violence, except as otherwise provided by the Florida Rules of Juvenile Procedure or the Florida Probate Rules. “Family matters,” “family law matters,” or “family law cases” as used within these rules include, but are not limited to, matters arising from dissolution of marriage, annulment, support unconnected with dissolution of marriage, paternity, child support, ~~eustodial care of or access to an action involving a parenting plan for a minor child or~~ children (except as otherwise provided by the Florida Rules of Juvenile Procedure), adoption, proceedings for emancipation of a minor, declaratory judgment actions related to premarital, marital, or post-marital agreements (except as otherwise provided, when applicable, by the Florida Probate Rules), injunctions for domestic, repeat, dating, and sexual violence, and all proceedings for modification, enforcement, and civil contempt of these actions.

Amended to conform to sections 61.046(13) and 61.13(2)(a), Florida Statutes, as amended by sections 2 and 8 of Chapter 2008-61, Laws of Florida.

(2) [No change]

(b) [No change]

(c) [No change]

Proposed rule

Reasons for change

RULE 12.200. CASE MANAGEMENT AND PRETRIAL CONFERENCES

(a) Case Management Conference.

(1) Family Law Proceedings, Generally. A case management conference may be ordered by the court at any time on the court's initiative. A party may request a case management conference 30 days after service of a petition or complaint. At such a conference the court may:

(A)–(L) [No change]

(M) refer the cause for a parenting plan recommendation, social investigation and study, home study, or psychological evaluation and allocate the initial expense for that study;

Amended to conform to sections 61.046(13)–(14) and 61.20, Florida Statutes, as amended by sections 2 and 14 of Chapter 2008-61, Laws of Florida.

(N)–(O) [No change]

(2) [No change]

(b) [No change]

(c) [No change]

(d) [No change]

Commentary

[No change]

Committee Note

[No change]

Proposed rule

Reasons for change

RULE 12.210. PARTIES

Parties to an action filed under the Florida Family Law Rules of Procedure shall be governed by Florida Rule of Civil Procedure 1.210, except that rule 1.210 shall not be read to require that a child is an indispensable party for a dissolution of marriage or ~~child custody proceeding~~action involving a parenting plan for a minor child or children.

Amended to conform to section 61.13(2)(a), Florida Statutes, as amended by section 8 of Chapter 2008-61, Laws of Florida.

Proposed rule

Reasons for change

RULE 12.363. EVALUATION OF MINOR CHILD

(a) Appointment of Mental Health Professional or Other Expert.

(1) When the issue of ~~visitation, parental responsibility, or residential placement of a~~ parenting plan for a minor child is in controversy, the court, on motion of any party or the court's own motion, may appoint a licensed mental health professional or other expert for an examination, evaluation, testing, or interview of any minor child or to conduct a social or home study investigation. The parties may agree on the particular expert to be appointed, subject to approval by the court. If the parties have agreed, they shall submit an order including the name, address, telephone number, area of expertise, and professional qualifications of the expert. If the parties have agreed on the need for an expert and cannot agree on the selection, the court shall appoint an expert.

Amended to conform to section 61.13(2), Florida Statutes, as amended by section 8 of Chapter 2008-61, Laws of Florida.

(2)–(6) [No change]

(b) [No change]

(c) [No change]

(d) [No change]

(e) [No change]

Committee Note

[No change]

Proposed rule

Reasons for change

RULE 12.491. CHILD SUPPORT ENFORCEMENT

(a) [No change]

(b) **Scope.** This rule shall apply to proceedings for

(1) the establishment, enforcement, or modification of child support, or

(2) the enforcement of any support order for the ~~custodial parent~~ or other person entitled to receive child support in conjunction with an ongoing child support or child support arrearage order,

when a party seeking support is receiving services pursuant to Title IV-D of the Social Security Act (42 U.S.C. §§ 651 et seq.) and to non-Title IV-D proceedings upon administrative order of the chief justice.

(c) [No change]

(d) [No change]

(e) **General Powers and Duties.** The support enforcement hearing officer shall be empowered to issue process, administer oaths, require the production of documents, and conduct hearings for the purpose of taking evidence. A support enforcement hearing officer does not have the authority to hear contested paternity cases. Upon the receipt of a support pro-

Amended to conform to section 61.13(1)(a), Florida Statutes, as amended by section 8 of Chapter 2008-61, Laws of Florida.

ceeding, the support enforcement hearing officer shall:

(1) assign a time and place for an appropriate hearing and give notice to each of the parties as may be required by law;

(2) take testimony and establish a record, which record may be by electronic means as provided by Florida Rule of Judicial Administration ~~2.0702.535~~(g)(3);

(3) accept voluntary acknowledgment of paternity and support liability and stipulated agreements setting the amount of support to be paid; and

(4) evaluate the evidence and promptly make a recommended order to the court. Such order shall set forth findings of fact.

(f) [No change]

(g) [No change]

(h) [No change]

Commentary

[No change]

Committee Note

[No change]

Amended to conform to renumbering of the Florida Rules of Judicial Administration in *In re: Amendments to the Florida Rules of Judicial Administration — Reorganization of Rules*, 939 So. 2d 966 (Fla. 2006)

Proposed rule

Reasons for change

RULE 12.610. INJUNCTIONS FOR DOMESTIC, REPEAT, DATING, AND SEXUAL VIOLENCE

(a) [No change]

(b) **Petitions.**

(1) [No change]

(2) **Service of Petitions.**

(A) [No change]

(B) **Repeat Violence, Dating**

Violence, and Sexual Violence. Personal service by a law enforcement agency is required. The clerk of the court shall furnish a copy of the petition for an injunction for protection against repeat violence, dating violence, or sexual violence, temporary injunction (if one has been entered), and notice of hearing to the appropriate sheriff or law enforcement agency of the county where the respondent resides or can be found for expeditious service of process.

Grammatical correction

(C) [No change]

(3) [No change]

(4) Forms.

(A) [No change]

(B) Confidential Filing of Address.

A petitioner's address may be furnished to the court in a confidential filing separate from a petition or other form if, for safety reasons, a petitioner believes that the address should be concealed. The ultimate determination of a need for confidentiality must be made by the court as provided in Florida Rule of Judicial Administration ~~2.051~~2.420.

Amended to conform to renumbering of the Florida Rules of Judicial Administration in *In re: Amendments to the Florida Rules of Judicial Administration — Reorganization of Rules*, 939 So. 2d 966 (Fla. 2006).

(c) Orders of Injunction.

(1) Consideration by Court.

(A) [No change]

(B) [No change]

(C) Final Judgment of Injunction for Protection Against Domestic Violence. The court shall conduct a hearing and make a finding of whether domestic violence occurred or whether imminent danger of domestic violence exists. If the court determines that an injunction will be issued, the court shall also rule on the following:

(i) whether the respondent may have any contact with the petitioner, and if so, under what conditions;

(ii) exclusive use of the parties' shared residence;

(iii) petitioner's temporary custody of time-sharing with the minor child or children;

(iv) whether respondent will have temporary visitation time-sharing with the minor child or children will occur and whether it will be supervised;

(v) whether temporary child support will be ordered;

(vi) whether temporary spousal support will be ordered; and

(vii) such other relief as the court deems necessary for the protection of the petitioner.

The court, with the consent of the parties, may refer the parties to mediation by a certified family mediator to attempt to resolve the details as to the above rulings. This mediation shall be the only alternative dispute resolution process offered by the court. Any agreement reached by the parties through mediation shall be reviewed by the court and, if approved, incorporated into the final judgment. If no agreement is reached the matters referred shall be returned to the court for appropriate rulings. Regardless of whether all issues are resolved in mediation, an injunction for protection against domestic violence shall be entered or extended the same day as the hearing on the petition commences.

Amended to conform to sections 741.30(3)(b) and (6)(a), Florida Statutes, as amended by section 35 of Chapter 2008-61, Laws of Florida.

(2) [No change]

(3) **Service of Injunctions.**

(A) [No change]

(B) **Permanent Injunction.**

(i) **Party Present at**

Hearing. The parties may acknowledge receipt of the permanent injunction for protection against domestic, repeat, dating, or sexual violence in writing on the face of the original order. If a party is present at the hearing and that party fails or refuses to acknowledge the receipt of a certified copy of the injunction, the clerk shall cause the order to be served by mailing certified copies of the injunction to the parties who were present at the hearing at the last known address of each party. Service by mail is complete upon mailing. When an order is served pursuant to this subdivision, the clerk shall prepare a written certification to be placed in the court file specifying the time, date, and method of service and within 24 hours shall forward a copy of the injunction and the clerk's affidavit of service to the sheriff with jurisdiction over the residence of the petitioner. This procedure applies to service of orders to modify or vacate injunctions for protection against domestic, repeat, dating, or sexual violence.

Grammatical correction

(ii) [No change]

(4)–(7) [No change]

Commentary

[No change]

Committee Note

[No change]

Proposed rule

Reasons for change

**RULE 12.650. **OVERRIDE OF FAMILY
VIOLENCE INDICATOR****

(a) [No change]

(b) **Definitions.**

(1) “Authorized person” means a person as defined in 42 U.S.C. § 653(c) and § 663(d)(2). It includes any agent or attorney of the Title IV-D agency of this or any other state, the court that has authority to issue an order or to serve as the initiating court in an action to seek an order against a ~~non-eustodial parent~~ or other person obligated to pay child support for the support and maintenance of a child, or any agent of such court, the ~~resident parent~~, or other person entitled to receive child support, legal guardian, attorney, or agent of a child (other than a child receiving assistance under 42 U.S.C. §§ 601 et seq.), and any state agency that administers a child welfare, family preservation, or foster care program. It also includes any agent or attorney of this or any other state who has the duty or authority under the law of such state to enforce a child custody or visitation determination or order establishing a parenting plan; the court that has jurisdiction to make or enforce such a child custody or visitation determination or order establishing a parenting plan, or any agent of such court; and any agent or attorney of the United States, or of a state, who has the duty or authority to investigate, enforce, or bring a prosecution with respect to the unlawful taking or restraint of a child.

Amended to conform to sections to 61.12(1)–(2), Florida Statutes, as amended by section 8 of Chapter 2008-61, Florida Statutes.

Style correction

(2) “Authorized purpose” means a purpose as defined in 42 U.S.C. § 653(a)(2) and § 663(b). It includes establishing parentage, establishing, setting the amount of, modifying, or enforcing child support obligations, or making or enforcing child custody or visitation orders or orders establishing parenting plans. It also includes enforcing any state or federal law with respect to the unlawful taking or restraint of a child.

Amended to conform to sections to 61.12(1)–(2), Florida Statutes, as amended by section 8 of Chapter 2008-61, Florida Statutes.

(3)–(7) [No change]

(c) [No change]

(d) [No change]

(e) [No change]

(f) [No change]

(g) [No change]

(h) **Hearing on Order to Show Cause.**

(1) [No change]

(2) Notwithstanding the provisions of Florida Rule of Judicial Administration ~~2.0712.530~~, the court may conduct a hearing on the order to show cause by means of communications equipment without consent of the parties and without a limitation on the time of the hearing. The communications equipment shall be configured to ensure that

Amended to conform to renumbering of Florida Rules of Judicial Administration in *In re: Amendments to the Florida Rules of Judicial Administration — Reorganization of Rules*, 939 So. 2d 966 (Fla. 2006).

the location of the respondent is not disclosed.

(i) [No change]

Commentary

[No change]

Committee note

2008 Amendment. Chapter 2008-61, Laws of Florida, effective October 1, 2008, eliminated such terms as “custodial parent,” “noncustodial parent,” and “visitation” from Chapter 61, Florida Statutes. Instead, parents are to formulate a parenting plan that includes, among other things, their time-sharing schedule for their minor children. These statutory changes are reflected in the amendments to the definitions in this rule. However, because 42 *U.S.C.* § 653 includes the terms “custody” and “visitation,” these terms have not been excised from the remainder of the rule.

APPENDIX D

Chapter 2008-61

Committee Substitute for Committee Substitute for Senate Bill No. 2532

An act relating to child custody and support; providing a directive to the Division of Statutory Revision to retitle ch. 61, F.S.; amending s. 61.046, F.S.; defining the terms “parenting plan,” “parenting plan recommendation,” and “time-sharing schedule”; deleting definitions of the terms “custodial parent” and “noncustodial parent”; amending ss. 61.052, 61.09, and 61.10, F.S.; conforming provisions to changes in terminology; repealing s. 61.121, F.S., relating to rotating custody; amending s. 61.122, F.S.; conforming provisions to changes in terminology; revising provisions relating to a presumption of good faith for psychologists making specified determinations; amending s. 61.13, F.S.; revising provisions relating to modification of support; conforming provisions to changes in terminology; revising provisions relating to development of a parenting plan; amending s. 61.13001, F.S.; conforming provisions to changes in terminology; deleting obsolete definitions; amending s. 61.13002, F.S.; providing for orders of temporary support for children whose time-sharing is temporarily modified due to a parent’s military service; conforming provisions to changes in terminology; amending ss. 61.14, 61.181, and 61.1827, F.S.; conforming provisions to changes in terminology; conforming a cross-reference; amending s. 61.20, F.S.; conforming provisions to changes in terminology; revising provisions relating to social investigation and recommendations regarding a parenting plan; amending s. 61.21, F.S.; conforming provisions to changes in terminology; amending s. 61.30, F.S.; conforming provisions to changes in terminology; amending ss. 61.401, 61.45, 409.2554, and 409.2558, F.S.; conforming provisions to changes in terminology; amending s. 409.2563, F.S.; conforming provisions to changes in terminology; revising provisions relating to presumption of a parent’s income for the purpose of establishing a support obligation; deleting an obsolete provision concerning a study by the Office of Program Policy Analysis and Government Accountability; amending ss. 409.2564, 409.25657, 409.25659, and 409.2577, F.S.; conforming provisions to changes in terminology; amending s. 409.2579, F.S.; conforming a cross-reference; amending ss. 409.811, 414.0252, 414.065, 414.085, 414.095, 414.295, and 445.024, F.S.; conforming provisions to changes in terminology; amending s. 741.0306, F.S.; revising requirements for a family law handbook; conforming provisions to changes in terminology; requiring a review of the handbook and report to the Legislature; amending s. 741.30, F.S.; conforming provisions to changes in terminology; amending s. 742.031, F.S.; conforming provisions to changes in terminology; providing for time-sharing and parental responsibility in paternity judgments; amending ss. 753.01 and 827.06, F.S.; conforming provisions to changes in terminology; reenacting s. 61.1825(3)(a), F.S., relating to the State Case Registry, to incorporate the amendments made to s. 741.30, F.S., in a reference thereto; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. The Division of Statutory Revision is directed to redesignate chapter 61, Florida Statutes, as “Dissolution of Marriage; Support; Time-sharing.”

Section 2. Section 61.046, Florida Statutes, is amended to read:

61.046 Definitions.—As used in this chapter, the term:

(1) “Business day” means any day other than a Saturday, Sunday, or legal holiday.

(2) “Clerk of Court Child Support Collection System” or “CLERC System” means the automated system established pursuant to s. 61.181(2)(b)1., integrating all clerks of court and depositories and through which payment data and State Case Registry data is transmitted to the department’s automated child support enforcement system.

~~(3) “Custodial parent” or “primary residential parent” means the parent with whom the child maintains his or her primary residence.~~

~~(3)(4)~~ “Department” means the Department of Revenue.

~~(4)(5)~~ “Depository” means the central governmental depository established pursuant to s. 61.181, created by special act of the Legislature or other entity established before June 1, 1985, to perform depository functions and to receive, record, report, disburse, monitor, and otherwise handle alimony and child support payments not otherwise required to be processed by the State Disbursement Unit.

~~(5)(6)~~ “Electronic communication” means contact, other than face-to-face contact, facilitated by tools such as telephones, electronic mail or e-mail, webcams, video-conferencing equipment and software or other wired or wireless technologies, or other means of communication to supplement face-to-face contact between a parent and that parent’s minor child.

~~(6)(7)~~ “Federal Case Registry of Child Support Orders” means the automated registry of support order abstracts and other information established and maintained by the United States Department of Health and Human Services as provided by 42 U.S.C. s. 653(h).

~~(7)(8)~~ “Income” means any form of payment to an individual, regardless of source, including, but not limited to: wages, salary, commissions and bonuses, compensation as an independent contractor, worker’s compensation, disability benefits, annuity and retirement benefits, pensions, dividends, interest, royalties, trusts, and any other payments, made by any person, private entity, federal or state government, or any unit of local government. United States Department of Veterans Affairs disability benefits and unemployment compensation, as defined in chapter 443, are excluded from this definition of income except for purposes of establishing an amount of support.

~~(8)(9)~~ “IV-D” means services provided pursuant to Title IV-D of the Social

Security Act, 42 U.S.C. ss. 651 et seq.

~~(9)(10)~~—“Local officer” means an elected or appointed constitutional or charter government official including, but not limited to, the state attorney and clerk of the circuit court.

~~(10)(11)~~—“National medical support notice” means the notice required under

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U.S.C. s. 666(a)(19).

~~(12) “Noncustodial parent” means the parent with whom the child does not maintain his or her primary residence.~~

~~(11)(13)–~~“Obligee” means the person to whom payments are made pursuant to an order establishing, enforcing, or modifying an obligation for alimony, for child support, or for alimony and child support.

~~(12)(14)–~~“Obligor” means a person responsible for making payments pursuant to an order establishing, enforcing, or modifying an obligation for alimony, for child support, or for alimony and child support.

(13) “Parenting plan” means a document created to govern the relationship between the parties relating to the decisions that must be made regarding the minor child and shall contain a time-sharing schedule for the parents and child. The issues concerning the minor child may include, but are not limited to, the child’s education, health care, and physical, social, and emotional well-being. In creating the plan, all circumstances between the parties, including the parties’ historic relationship, domestic violence, and other factors must be taken into consideration. The parenting plan shall be developed and agreed to by the parents and approved by a court or, if the parents cannot agree, established by the court.

(a) Any parenting plan formulated under this chapter must address all jurisdictional issues, including, but not limited to, the Uniform Child Custody Jurisdiction and Enforcement Act, part II of this chapter, the International Child Abduction Remedies Act, 42 U.S.C. ss. 11601 et seq., the Parental Kidnapping Prevention Act, and the Convention on the Civil Aspects of International Child Abduction enacted at the Hague on October 25, 1980.

(b) For purposes of the application of the Uniform Child Custody Jurisdiction and Enforcement Act, part II of this chapter, a judgment or order incorporating a parenting plan under this part is a child custody determination under part II of this chapter.

(c) For purposes of the International Child Abduction Remedies Act, 42 U.S.C. ss. 11601 et seq., and the Convention on the Civil Aspects of International Child Abduction, enacted at the Hague on October 25, 1980, rights of custody shall be determined under the parenting plan under this part.

(14) “Parenting plan recommendation” means a nonbinding recommendation made by a psychologist licensed under chapter 490.

(15) “Payor” means an employer or former employer or any other person or agency providing or administering income to the obligor.

(16) “Shared parental responsibility” means a court-ordered relationship in which both parents retain full parental rights and responsibilities with respect to their child and in which both parents confer with each other so that major decisions affecting the welfare of the child will be determined jointly.

(17) “Sole parental responsibility” means a court-ordered relationship in which one parent makes decisions regarding the minor child.

(18) “State Case Registry” means the automated registry maintained by the Title IV-D agency, containing records of each Title IV-D case and of each support order established or modified in the state on or after October 1, 1998. Such records shall consist of data elements as required by the United States Secretary of Health and Human Services.

(19) "State Disbursement Unit" means the unit established and operated by the Title IV-D agency to provide one central address for collection and disbursement of child support payments made in cases enforced by the department pursuant to Title IV-D of the Social Security Act and in cases not being enforced by the department in which the support order was initially issued in this state on or after January 1, 1994, and in which the obligor's child support obligation is being paid through income deduction order.

(20) "Support order" means a judgment, decree, or order, whether temporary or final, issued by a court of competent jurisdiction or administrative agency for the support and maintenance of a child which provides for monetary support, health care, arrearages, or past support. When the child support obligation is being enforced by the Department of Revenue, the term "support order" also means a judgment, decree, or order, whether temporary or final, issued by a court of competent jurisdiction for the support and maintenance of a child and the spouse or former spouse of the obligor with whom the child is living which provides for monetary support, health care, arrearages, or past support.

(21) "Support," unless otherwise specified, means:

(a) Child support and, when the child support obligation is being enforced by the Department of Revenue, spousal support or alimony for the spouse or former spouse of the obligor with whom the child is living.

(b) Child support only in cases not being enforced by the Department of Revenue.

(22) "Time-sharing schedule" means a timetable that must be included in the parenting plan that specifies the time, including overnights and holidays, that a minor child will spend with each parent. If developed and agreed to by the parents of a minor child, it must be approved by the court. If the parents cannot agree, the schedule shall be established by the court.

* * *

Section 8. Section 61.13, Florida Statutes, is amended to read:

~~61.13 Custody and Support of children; parenting and time-sharing visitation rights; powers power of court in making orders.—~~

(1)(a) In a proceeding under this chapter, the court may at any time order either or both parents who owe a duty of support to a child to pay support to the other parent or, in the case of both parents, to the person with custody in accordance with the child support guidelines schedule in s. 61.30. The court initially entering an order requiring one or both parents to make child support payments ~~has shall have~~ continuing jurisdiction after the entry of the initial order to modify the amount and terms and conditions of the child support payments when the modification is found necessary by the court in the best interests of the child, when the child reaches majority, ~~or~~ when there is a substantial change in the circumstances of the parties, when s. 743.07(2) applies, or when a child is emancipated, marries, joins the armed services, or dies. The court initially entering a child support order ~~has shall also have~~ continuing jurisdiction to require the obligee to report to the court on terms prescribed by the court regarding the disposition of the child support payments.

(b) Each order for support shall contain a provision for health care coverage for the

minor child when the coverage is reasonably available. Coverage is reasonably available if either the obligor or obligee has access at a reasonable rate to a group health plan. The court may require the obligor either to provide health care coverage or to reimburse the obligee for the cost of health care coverage for the minor child when coverage is provided by the obligee. In either event, the court shall apportion the cost of coverage, and any noncovered medical, dental, and prescription medication expenses of the child, to both parties by adding the cost to the basic obligation determined pursuant to s. 61.30(6). The court may order that payment of uncovered medical, dental, and prescription medication expenses of the minor child be made directly to the obligee on a percentage basis.

1. In a non-Title IV-D case, a copy of the court order for health care coverage shall be served on the obligor's union or employer by the obligee when the following conditions are met:

a. The obligor fails to provide written proof to the obligee within 30 days after receiving effective notice of the court order that the health care coverage has been obtained or that application for coverage has been made;

b. The obligee serves written notice of intent to enforce an order for health care coverage on the obligor by mail at the obligor's last known address; and

c. The obligor fails within 15 days after the mailing of the notice to provide written proof to the obligee that the health care coverage existed as of the date of mailing.

2.a. A support order enforced under Title IV-D of the Social Security Act which requires that the obligor provide health care coverage is enforceable by the department through the use of the national medical support notice, and an amendment to the support order is not required. The department shall transfer the national medical support notice to the obligor's union or employer. The department shall notify the obligor in writing that the notice has been sent to the obligor's union or employer, and the written notification must include the obligor's rights and duties under the national medical support notice. The obligor may contest the withholding required by the national medical support notice based on a mistake of fact. To contest the withholding, the obligor must file a written notice of contest with the department within 15 business days after the date the obligor receives written notification of the national medical support notice from the department. Filing with the department is complete when the notice is received by the person designated by the department in the written notification. The notice of contest must be in the form prescribed by the department. Upon the timely filing of a notice of contest, the department shall, within 5 business days, schedule an informal conference with the obligor to discuss the obligor's factual dispute. If the informal conference resolves the dispute to the obligor's satisfaction or if the obligor fails to attend the informal conference, the notice of contest is deemed withdrawn. If the informal conference does not resolve the dispute, the obligor may request an administrative hearing under chapter 120 within 5 business days after the termination of the informal conference, in a form and manner prescribed by the department. However, the filing of a notice of contest by the obligor does not delay the withholding of premium payments by the union, employer, or health plan administrator. The union, employer, or health plan administrator must implement the withholding as directed by the national medical

support notice unless notified by the department that the national medical support notice is

terminated.

b. In a Title IV-D case, the department shall notify an obligor's union or employer if the obligation to provide health care coverage through that union or employer is terminated.

3. In a non-Title IV-D case, upon receipt of the order pursuant to subparagraph 1., or upon application of the obligor pursuant to the order, the union or employer shall enroll the minor child as a beneficiary in the group health plan regardless of any restrictions on the enrollment period and withhold any required premium from the obligor's income. If more than one plan is offered by the union or employer, the child shall be enrolled in the group health plan in which the obligor is enrolled.

4.a. Upon receipt of the national medical support notice under subparagraph 2. in a Title IV-D case, the union or employer shall transfer the notice to the appropriate group health plan administrator within 20 business days after the date on the notice. The plan administrator must enroll the child as a beneficiary in the group health plan regardless of any restrictions on the enrollment period, and the union or employer must withhold any required premium from the obligor's income upon notification by the plan administrator that the child is enrolled. The child shall be enrolled in the group health plan in which the obligor is enrolled. If the group health plan in which the obligor is enrolled is not available where the child resides or if the obligor is not enrolled in group coverage, the child shall be enrolled in the lowest cost group health plan that is available where the child resides.

b. If health care coverage or the obligor's employment is terminated in a Title IV-D case, the union or employer that is withholding premiums for health care coverage under a national medical support notice must notify the department within 20 days after the termination and provide the obligor's last known address and the name and address of the obligor's new employer, if known.

5.a. The amount withheld by a union or employer in compliance with a support order may not exceed the amount allowed under s. 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s. 1673(b), as amended. The union or employer shall withhold the maximum allowed by the Consumer Credit Protection Act in the following order:

- (I) Current support, as ordered.
- (II) Premium payments for health care coverage, as ordered.
- (III) Past due support, as ordered.
- (IV) Other medical support or coverage, as ordered.

b. If the combined amount to be withheld for current support plus the premium payment for health care coverage exceed the amount allowed under the Consumer Credit Protection Act, and the health care coverage cannot be obtained unless the full amount of the premium is paid, the union or employer may not withhold the premium payment. However, the union or employer shall withhold the maximum allowed in the following order:

- (I) Current support, as ordered.
- (II) Past due support, as ordered.
- (III) Other medical support or coverage, as ordered.

6. An employer, union, or plan administrator who does not comply with the requirements in sub-subparagraph 4.a. is subject to a civil penalty not to exceed \$250 for the first violation and \$500 for subsequent violations, plus attorney's fees and costs. The

department may file a petition in circuit court to enforce the requirements of this ~~subparagraph subsection~~.

7. The department may adopt rules to administer the child support enforcement provisions of this section that affect Title IV-D cases.

(c) To the extent necessary to protect an award of child support, the court may order the obligor to purchase or maintain a life insurance policy or a bond, or to otherwise secure the child support award with any other assets which may be suitable for that purpose.

(d)1. Unless the provisions of subparagraph 3. apply, all child support orders entered on or after January 1, 1985, shall direct that the payments of child support be made as provided in s. 61.181 through the depository in the county where the court is located. All child support orders shall provide the full name and date of birth of each minor child who is the subject of the child support order.

2. Unless the provisions of subparagraph 3. apply, all child support orders entered before January 1, 1985, shall be modified by the court to direct that payments of child support shall be made through the depository in the county where the court is located upon the subsequent appearance of either or both parents to modify or enforce the order, or in any related proceeding.

3. If both parties request and the court finds that it is in the best interest of the child, support payments need not be directed through the depository. The order of support shall provide, or shall be deemed to provide, that either party may subsequently apply to the depository to require direction of the payments through the depository. The court shall provide a copy of the order to the depository.

4. If the parties elect not to require that support payments be made through the depository, any party may subsequently file an affidavit with the depository alleging a default in payment of child support and stating that the party wishes to require that payments be made through the depository. The party shall provide copies of the affidavit to the court and to each other party. Fifteen days after receipt of the affidavit, the depository shall notify both parties that future payments shall be paid through the depository.

5. In IV-D cases, the IV-D agency shall have the same rights as the obligee in requesting that payments be made through the depository.

(2)(a) The court shall have jurisdiction to approve, grant, or modify a parenting plan ~~determine custody~~, notwithstanding that the child is not physically present in this state at the time of filing any proceeding under this chapter, if it appears to the court that the child was removed from this state for the primary purpose of removing the child from the jurisdiction of the court in an attempt to avoid the court's approval, creation, or modification of a parenting plan ~~a determination or modification of custody~~.

(b) Any parenting plan approved by the court must, at minimum, describe in adequate detail how the parents will share and be responsible for the daily tasks associated with the upbringing of the child, the time-sharing schedule arrangements that specify the time that the minor child will spend with each parent, a designation of who will be responsible for any and all forms of health care, school-related matters, other activities, and the methods and

technologies that the parents will use to communicate with the child.

~~(c)(b)~~1. The court shall determine all matters relating to parenting and time-sharing ~~custody~~ of each minor child of the parties in accordance with the best interests of the child and in accordance with the Uniform Child Custody Jurisdiction and Enforcement Act. It is the public policy of this state to assure that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to share the rights and responsibilities, and joys, of childrearing. There is no presumption for or against ~~After considering all relevant facts,~~ the father or mother of the child when creating or modifying the parenting plan shall be given the same consideration as the mother in determining the primary residence of a child irrespective of the age or sex of the child.

2. The court shall order that the parental responsibility for a minor child be shared by both parents unless the court finds that shared parental responsibility would be detrimental to the child. Evidence that a parent has been convicted of a felony of the third degree or higher involving domestic violence, as defined in s. 741.28 and chapter 775, or meets the criteria of s. 39.806(1)(d), creates a rebuttable presumption of detriment to the child. If the presumption is not rebutted, shared parental responsibility, including time-sharing with ~~visitation,~~ ~~residence~~ of the child, and decisions made regarding the child, may not be granted to the convicted parent. However, the convicted parent is not relieved of any obligation to provide financial support. If the court determines that shared parental responsibility would be detrimental to the child, it may order sole parental responsibility and make such arrangements for time-sharing as specified in the parenting plan ~~visitation~~ as will best protect the child or abused spouse from further harm. Whether or not there is a conviction of any offense of domestic violence or child abuse or the existence of an injunction for protection against domestic violence, the court shall consider evidence of domestic violence or child abuse as evidence of detriment to the child.

a. In ordering shared parental responsibility, the court may consider the expressed desires of the parents and may grant to one party the ultimate responsibility over specific aspects of the child's welfare or may divide those responsibilities between the parties based on the best interests of the child. Areas of responsibility may include ~~primary residence,~~ education, health care ~~medical and dental care,~~ and any other responsibilities that the court finds unique to a particular family.

b. The court shall order “sole parental responsibility for a minor child to one parent, with or without time-sharing with ~~visitation rights,~~ ~~to the other parent”~~ when it is in the best interests of² the minor child.

3. Access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records, may not be denied to either a parent ~~because the parent is not the child's primary residential parent.~~ Full rights under this subparagraph apply to either parent unless a court order specifically revokes these rights, including any restrictions on these rights as provided in a domestic violence injunction. A parent having rights under this subparagraph has the same rights upon request as to form, substance, and manner of access as are available to the other parent of a child, including, without limitation, the right to in-person communication with medical, dental, and education providers.

(d)~~(e)~~ The circuit court in the county in which either parent and the child reside or the

circuit court in which the original ~~order approving or creating the parenting plan award of~~ eustody was entered ~~has~~ have jurisdiction to modify ~~the parenting plan an award of child~~ eustody. The court may change the venue in accordance with s. 47.122.

(3) For purposes of establishing or modifying parental responsibility and creating, developing, approving, or modifying a parenting plan, including a time-sharing schedule, which governs each parent's relationship with his or her minor child and the relationship between each parent with regard to his or her minor child, the best interest of the child shall be the primary consid-eration. Determination of the best interests of the child shall be made by evaluating all of the factors affecting the welfare and interests of the minor child, including, but not limited to:

(a) The demonstrated capacity and disposition of each parent to facilitate and encourage a close and continuing parent-child relationship, to honor the time-sharing schedule, and to be reasonable when changes are required.

(b) The anticipated division of parental responsibilities after the litigation, including the extent to which parental responsibilities will be delegated to third parties.

(c) The demonstrated capacity and disposition of each parent to determine, consider, and act upon the needs of the child as opposed to the needs or desires of the parent. ~~shared parental responsibility and primary residence, the best interests of the child shall include an evaluation of all factors affecting the welfare and interests of the child, including, but not limited to:~~

(a) ~~The parent who is more likely to allow the child frequent and continuing contact with the nonresidential parent.~~

(b) ~~The love, affection, and other emotional ties existing between the parents and the child.~~

(c) ~~The capacity and disposition of the parents to provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of this state in lieu of medical care, and other material needs.~~

(d) ~~The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.~~

(e) The geographic viability of the parenting plan, with special attention paid to the needs of school-age children and the amount of time to be spent traveling to effectuate the parenting plan. This factor does not create a presumption for or against relocation of either parent with a child. ~~The permanenece, as a family unit, of the existing or proposed custodial home.~~

(f) ~~The moral fitness of the parents.~~

(g) ~~The mental and physical health of the parents.~~

(h) ~~The home, school, and community record of the child.~~

(i) ~~The reasonable preference of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference.~~

(j) The demonstrated knowledge, capacity, and disposition of each parent to be informed of the circumstances of the minor child, including, but not limited to, the child's friends, teachers, medical care providers, daily activities, and favorite things.

(k) The demonstrated capacity and disposition of each parent to provide a consistent

routine for the child, such as discipline, and daily schedules for homework, meals, and bedtime.

(l)(j)–The demonstrated capacity of each parent to communicate with and keep the other parent informed of issues and activities regarding the minor child, and the willingness of each parent to adopt a unified front on all major issues when dealing with the child ~~The willingness and ability of each parent to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent.~~

(m)(k)–Evidence of domestic violence, sexual violence, child abuse, child abandonment, or child neglect, regardless of whether a prior or pending action relating to those issues has been brought that any party has knowingly provided false information to the court regarding a domestic violence proceeding pursuant to s. 741.30.

(n)(l)–Evidence that either parent has knowingly provided false information to the court regarding any prior or pending action regarding domestic violence, sexual violence, child abuse, child abandonment, or child neglect of domestic violence or child abuse.

(o)(m)–The particular parenting tasks customarily performed by each parent and the division of parental responsibilities before the institution of litigation and during the pending litigation, including the extent to which parenting responsibilities were undertaken by third parties. Any other fact considered by the court to be relevant.

(p) The demonstrated capacity and disposition of each parent to participate and be involved in the child’s school and extracurricular activities.

(q) The demonstrated capacity and disposition of each parent to maintain an environment for the child which is free from substance abuse.

(r) The capacity and disposition of each parent to protect the child from the ongoing litigation as demonstrated by not discussing the litigation with the child, not sharing documents or electronic media related to the litigation with the child, and refraining from disparaging comments about the other parent to the child.

(s) The developmental stages and needs of the child and the demonstrated capacity and disposition of each parent to meet the child’s developmental needs.

(t) Any other factor that is relevant to the determination of a specific parenting plan, including the time-sharing schedule.

(4)(a) When a ~~noneustodial~~ parent who is ordered to pay child support or alimony and who is awarded visitation rights fails to pay child support or alimony, the ~~eustodial~~ parent who should have received the child support or alimony may ~~shall~~ not refuse to honor the time-sharing schedule presently in effect between the parents ~~noneustodial parent’s visitation rights~~.

(b) When a ~~eustodial~~ parent refuses to honor the other a ~~noneustodial~~ parent’s visitation rights under the time-sharing schedule, the ~~noneustodial~~ parent whose time-sharing rights were violated shall ~~continue not fail~~ to pay any ordered child support or alimony.

(c) When a ~~eustodial~~ parent refuses to honor the time-sharing schedule in the parenting plan a ~~noneustodial~~ parent’s or grandparent’s visitation rights without proper cause, the court:

1. Shall, after calculating the amount of time-sharing ~~visitation~~ improperly denied,

award the ~~noncustodial parent~~ denied time ~~or grandparent~~ a sufficient amount of extra time-

~~sharing visitation~~ to compensate for the time-sharing missed, and such time-sharing ~~the noncustodial parent or grandparent, which visitation~~ shall be ordered as expeditiously as possible in a manner consistent with the best interests of the child and scheduled in a manner that is convenient for the parent ~~person~~ deprived of time-sharing visitation. In ordering any makeup time-sharing visitation, the court shall schedule such time-sharing visitation in a manner that is consistent with the best interests of the child or children and that is convenient for the nonoffending noncustodial parent and at the expense of the noncompliant parent, or grandparent. ~~In addition, the court:~~

2. May order the custodial parent who did not provide time-sharing or did not properly exercise time-sharing under the time-sharing schedule to pay reasonable court costs and attorney's fees incurred by the nonoffending noncustodial parent or grandparent to enforce the time-sharing schedule. ~~their visitation rights or make up improperly denied visitation;~~

3.2. May order the custodial parent who did not provide time-sharing or did not properly exercise time-sharing under the time-sharing schedule to attend a the parenting course approved by the judicial circuit.;

4.3. May order the custodial parent who did not provide time-sharing or did not properly exercise time-sharing under the time-sharing schedule to do community service if the order will not interfere with the welfare of the child.;

5.4. May order the custodial parent who did not provide time-sharing or did not properly exercise time-sharing under the time-sharing schedule to have the financial burden of promoting frequent and continuing contact when that the custodial parent and child reside further than 60 miles from the other noncustodial parent.;

6.5. May award custody, rotating custody, or primary residence to the noncustodial parent, upon the request of the noncustodial parent who did not violate the time-sharing schedule, modify the parenting plan if modification the award is in the best interests of the child.; ~~or~~

7.6. May impose any other reasonable sanction as a result of the noncompliance.

(d) A person who violates this subsection may be punished by contempt of court or other remedies as the court deems appropriate.

(5) The court may make specific orders regarding the parenting plan and time-sharing schedule for the care and custody of the minor child as such orders relate to ~~from~~ the circumstances of the parties and the nature of the case and are ~~is~~ equitable and provide for child support in accordance with the guidelines schedule in s. 61.30. An order for equal time-sharing for award of shared parental responsibility of a minor child does not preclude the court from entering an order for child support of the child.

(6) In any proceeding under this section, the court may not deny shared parental responsibility and time-sharing, custody, or visitation rights to a parent ~~or grandparent~~ solely because that parent ~~or grandparent~~ is or is believed to be infected with human immunodeficiency virus.;

but the court may condition such rights to require that parent in an order approving the parenting plan upon the parent's or grandparent's agreement to observe measures approved by the Centers for Disease Control and Prevention of the United States Public Health Service or by the Department of Health for preventing the spread of human

immunodeficiency virus to the child.

~~(7) If the court orders that parental responsibility, including visitation, be shared by both parents, the court may not deny the noncustodial parent overnight contact and access to or visitation with the child solely because of the age or sex of the child.~~

~~(7)(8)(a) Beginning July 1, 1997,~~ Each party to any paternity or support proceeding is required to file with the tribunal as defined in s. 88.1011(22) and State Case Registry upon entry of an order, and to update as appropriate, information on location and identity of the party, including social security number, residential and mailing addresses, telephone number, driver's license number, and name, address, and telephone number of employer. ~~Beginning October 1, 1998,~~ Each party to any paternity or child support proceeding in a non-Title IV-D case shall meet the above requirements for updating the tribunal and State Case Registry.

(b) Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

(c) ~~Beginning July 1, 1997,~~ In any subsequent Title IV-D child support enforcement action between the parties, upon sufficient showing that diligent effort has been made to ascertain the location of such a party, the court of competent jurisdiction shall deem state due process requirements for notice and service of process to be met with respect to the party, upon delivery of written notice to the most recent residential or employer address filed with the tribunal and State Case Registry pursuant to paragraph (a). ~~Beginning October 1, 1998,~~ In any subsequent non-Title IV-D child support enforcement action between the parties, the same requirements for service shall apply.

~~(8)(9)~~ At the time an order for child support is entered, each party is required to provide his or her social security number and date of birth to the court, as well as the name, date of birth, and social security number of each minor child that is the subject of such child support order. Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. All social security numbers required by this section shall be provided by the parties and maintained by the depository as a separate attachment in the file. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

* * *

Section 14. Section 61.20, Florida Statutes, is amended to read:

61.20 Social investigation and recommendations regarding a parenting plan when ~~when~~ child custody is in issue.—

(1) In any action where the parenting plan ~~custody of a minor child~~ is at ~~in~~ issue

because the parents are unable to agree, the court may order a social investigation and study concerning all pertinent details relating to the child and each parent when such an

investigation has not been done and the study therefrom provided to the court by the parties or when the court determines that the investigation and study that have been done are insufficient. The agency, staff, or person conducting the investigation and study ordered by the court pursuant to this section shall furnish the court and all parties of record in the proceeding a written study containing recommendations, including a written statement of facts found in the social investigation on which the recommendations are based. The court may consider the information contained in the study in making a decision on the parenting plan ~~child's custody~~ and the technical rules of evidence do not exclude the study from consideration.

(2) A social investigation and study, when ordered by the court, shall be conducted by qualified staff of the court; a child-placing agency licensed pursuant to s. 409.175; a psychologist licensed pursuant to chapter 490; or a clinical social worker, marriage and family therapist, or mental health counselor licensed pursuant to chapter 491. If a certification of indigence based on an affidavit filed with the court pursuant to s. 57.081 is provided by an adult party to the proceeding and the court does not have qualified staff to perform the investigation and study, the court may request that the Department of Children and Family Services conduct the investigation and study.

(3) Except as to persons who obtain certification of indigence as specified in subsection (2), for whom no costs shall be incurred, the adult parties involved in a ~~child custody~~ proceeding to determine a parenting plan wherein the court has ordered the performance of a social investigation and study ~~performed~~ shall be responsible for the payment of the costs of such investigation and study. Upon submission of the study to the court, the agency, staff, or person performing the study shall include a bill for services, which shall be taxed and ordered paid as costs in the proceeding.

* * *

Section 16. Section 61.30, Florida Statutes, is amended to read:

61.30 Child support guidelines; retroactive child support.—

(1)(a) The child support guideline amount as determined by this section presumptively establishes the amount the trier of fact shall order as child support in an initial proceeding for such support or in a proceeding for modification of an existing order for such support, whether the proceeding arises under this or another chapter. The trier of fact may order payment of child support which varies, plus or minus 5 percent, from the guideline amount, after considering all relevant factors, including the needs of the child or children, age, station in life, standard of living, and the financial status and ability of each parent. The trier of fact may order payment of child support in an amount which varies more than 5 percent from such guideline amount only upon a written finding explaining why ordering payment of such guideline amount would be unjust or inappropriate. Notwithstanding the variance limitations of this

section, the trier of fact shall order payment of child support which varies from the guideline amount as provided in paragraph (11)(b) whenever any of the children are required by court order or mediation agreement to spend a substantial

amount of time with ~~either parent the primary and secondary residential parents~~. This requirement applies to any living arrangement, whether temporary or permanent.

(b) The guidelines may provide the basis for proving a substantial change in circumstances upon which a modification of an existing order may be granted. However, the difference between the existing monthly obligation and the amount provided for under the guidelines shall be at least 15 percent or \$50, whichever amount is greater, before the court may find that the guidelines provide a substantial change in circumstances.

(c) For each support order reviewed by the department as required by s. 409.2564(11), if the amount of the child support award under the order differs by at least 10 percent but not less than \$25 from the amount that would be awarded under s. 61.30, the department shall seek to have the order modified and any modification shall be made without a requirement for proof or showing of a change in circumstances.

(2) Income shall be determined on a monthly basis for ~~each parent the obligor and for the obligee~~ as follows:

(a) Gross income shall include, but is not limited to, the following ~~items~~:

1. Salary or wages.
2. Bonuses, commissions, allowances, overtime, tips, and other similar payments.
3. Business income from sources such as self-employment, partnership, close corporations, and independent contracts. "Business income" means gross receipts minus ordinary and necessary expenses required to produce income.
4. Disability benefits.
5. All workers' compensation benefits and settlements.
6. Unemployment compensation.
7. Pension, retirement, or annuity payments.
8. Social security benefits.
9. Spousal support received from a previous marriage or court ordered in the marriage before the court.
10. Interest and dividends.
11. Rental income, which is gross receipts minus ordinary and necessary expenses required to produce the income.
12. Income from royalties, trusts, or estates.
13. Reimbursed expenses or in kind payments to the extent that they reduce living expenses.
14. Gains derived from dealings in property, unless the gain is nonrecurring.

(b) Income on a monthly basis shall be imputed to an unemployed or underemployed parent when such employment or underemployment is found by the court to be voluntary on that parent's part, absent a finding of fact by the court of physical or mental incapacity or other circumstances over which the parent has no control. In the event of such voluntary unemployment or underemployment, the employment potential and probable earnings level of the parent shall be determined based upon his or her recent work history, occupational qualifications, and prevailing earnings level in the community as provided in this paragraph; however, the court may refuse to impute income to a ~~primary residential~~ parent if the court finds it necessary for the parent to stay home with the child who is the subject of a child

support calculation.

(c) Public assistance as defined in s. 409.2554 shall be excluded from gross income.

(3) Net income is obtained by subtracting allowable deductions from gross income.

Allowable deductions shall include:

(a) Federal, state, and local income tax deductions, adjusted for actual filing status and allowable dependents and income tax liabilities.

(b) Federal insurance contributions or self-employment tax.

(c) Mandatory union dues.

(d) Mandatory retirement payments.

(e) Health insurance payments, excluding payments for coverage of the minor child.

(f) Court-ordered support for other children which is actually paid.

(g) Spousal support paid pursuant to a court order from a previous marriage or the marriage before the court.

(4) Net income for each parent the obligor and net income for the obligee shall be computed by subtracting allowable deductions from gross income.

(5) Net income for each parent the obligor and net income for the obligee shall be added together for a combined net income.

(6) The following guidelines schedule schedules shall be applied to the combined net income to determine the minimum child support need:

Combined Monthly Available Net Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
650.00	74	75	75	76	77	78
700.00	119	120	121	123	124	125
750.00	164	166	167	169	171	173
800.00	190	211	213	216	218	220
850.00	202	257	259	262	265	268
900.00	213	302	305	309	312	315
950.00	224	347	351	355	359	363
1000.00	235	365	397	402	406	410
1050.00	246	382	443	448	453	458
1100.00	258	400	489	495	500	505
1150.00	269	417	522	541	547	553
1200.00	280	435	544	588	594	600
1250.00	290	451	565	634	641	648
1300.00	300	467	584	659	688	695
1350.00	310	482	603	681	735	743
1400.00	320	498	623	702	765	790
1450.00	330	513	642	724	789	838
1500.00	340	529	662	746	813	869
1550.00	350	544	681	768	836	895
1600.00	360	560	701	790	860	920
1650.00	370	575	720	812	884	945
1700.00	380	591	740	833	907	971
1750.00	390	606	759	855	931	996

Combined Monthly Available Net Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
1800.00	400	622	779	877	955	1022
1850.00	410	638	798	900	979	1048
1900.00	421	654	818	923	1004	1074
1950.00	431	670	839	946	1029	1101
2000.00	442	686	859	968	1054	1128
2050.00	452	702	879	991	1079	1154
2100.00	463	718	899	1014	1104	1181
2150.00	473	734	919	1037	1129	1207
2200.00	484	751	940	1060	1154	1234
2250.00	494	767	960	1082	1179	1261
2300.00	505	783	980	1105	1204	1287
2350.00	515	799	1000	1128	1229	1314
2400.00	526	815	1020	1151	1254	1340
2450.00	536	831	1041	1174	1279	1367
2500.00	547	847	1061	1196	1304	1394
2550.00	557	864	1081	1219	1329	1420
2600.00	568	880	1101	1242	1354	1447
2650.00	578	896	1121	1265	1379	1473
2700.00	588	912	1141	1287	1403	1500
2750.00	597	927	1160	1308	1426	1524
2800.00	607	941	1178	1328	1448	1549
2850.00	616	956	1197	1349	1471	1573
2900.00	626	971	1215	1370	1494	1598
2950.00	635	986	1234	1391	1517	1622
3000.00	644	1001	1252	1412	1540	1647
3050.00	654	1016	1271	1433	1563	1671
3100.00	663	1031	1289	1453	1586	1695
3150.00	673	1045	1308	1474	1608	1720
3200.00	682	1060	1327	1495	1631	1744
3250.00	691	1075	1345	1516	1654	1769
3300.00	701	1090	1364	1537	1677	1793
3350.00	710	1105	1382	1558	1700	1818
3400.00	720	1120	1401	1579	1723	1842
3450.00	729	1135	1419	1599	1745	1867
3500.00	738	1149	1438	1620	1768	1891
3550.00	748	1164	1456	1641	1791	1915
3600.00	757	1179	1475	1662	1814	1940
3650.00	767	1194	1493	1683	1837	1964
3700.00	776	1208	1503	1702	1857	1987
3750.00	784	1221	1520	1721	1878	2009
3800.00	793	1234	1536	1740	1899	2031
3850.00	802	1248	1553	1759	1920	2053
3900.00	811	1261	1570	1778	1940	2075
3950.00	819	1275	1587	1797	1961	2097
4000.00	828	1288	1603	1816	1982	2119
4050.00	837	1302	1620	1835	2002	2141

Combined Monthly Available Net Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
4100.00	846	1315	1637	1854	2023	2163
4150.00	854	1329	1654	1873	2044	2185
4200.00	863	1342	1670	1892	2064	2207
4250.00	872	1355	1687	1911	2085	2229
4300.00	881	1369	1704	1930	2106	2251
4350.00	889	1382	1721	1949	2127	2273
4400.00	898	1396	1737	1968	2147	2295
4450.00	907	1409	1754	1987	2168	2317
4500.00	916	1423	1771	2006	2189	2339
4550.00	924	1436	1788	2024	2209	2361
4600.00	933	1450	1804	2043	2230	2384
4650.00	942	1463	1821	2062	2251	2406
4700.00	951	1477	1838	2081	2271	2428
4750.00	959	1490	1855	2100	2292	2450
4800.00	968	1503	1871	2119	2313	2472
4850.00	977	1517	1888	2138	2334	2494
4900.00	986	1530	1905	2157	2354	2516
4950.00	993	1542	1927	2174	2372	2535
5000.00	1000	1551	1939	2188	2387	2551
5050.00	1006	1561	1952	2202	2402	2567
5100.00	1013	1571	1964	2215	2417	2583
5150.00	1019	1580	1976	2229	2432	2599
5200.00	1025	1590	1988	2243	2447	2615
5250.00	1032	1599	2000	2256	2462	2631
5300.00	1038	1609	2012	2270	2477	2647
5350.00	1045	1619	2024	2283	2492	2663
5400.00	1051	1628	2037	2297	2507	2679
5450.00	1057	1638	2049	2311	2522	2695
5500.00	1064	1647	2061	2324	2537	2711
5550.00	1070	1657	2073	2338	2552	2727
5600.00	1077	1667	2085	2352	2567	2743
5650.00	1083	1676	2097	2365	2582	2759
5700.00	1089	1686	2109	2379	2597	2775
5750.00	1096	1695	2122	2393	2612	2791
5800.00	1102	1705	2134	2406	2627	2807
5850.00	1107	1713	2144	2418	2639	2820
5900.00	1111	1721	2155	2429	2651	2833
5950.00	1116	1729	2165	2440	2663	2847
6000.00	1121	1737	2175	2451	2676	2860
6050.00	1126	1746	2185	2462	2688	2874
6100.00	1131	1754	2196	2473	2700	2887
6150.00	1136	1762	2206	2484	2712	2900
6200.00	1141	1770	2216	2495	2724	2914
6250.00	1145	1778	2227	2506	2737	2927
6300.00	1150	1786	2237	2517	2749	2941

Combined Monthly Available Income	Net	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
6350.00		1155	1795	2247	2529	2761	2954
6400.00		1160	1803	2258	2540	2773	2967
6450.00		1165	1811	2268	2551	2785	2981
6500.00		1170	1819	2278	2562	2798	2994
6550.00		1175	1827	2288	2573	2810	3008
6600.00		1179	1835	2299	2584	2822	3021
6650.00		1184	1843	2309	2595	2834	3034
6700.00		1189	1850	2317	2604	2845	3045
6750.00		1193	1856	2325	2613	2854	3055
6800.00		1196	1862	2332	2621	2863	3064
6850.00		1200	1868	2340	2630	2872	3074
6900.00		1204	1873	2347	2639	2882	3084
6950.00		1208	1879	2355	2647	2891	3094
7000.00		1212	1885	2362	2656	2900	3103
7050.00		1216	1891	2370	2664	2909	3113
7100.00		1220	1897	2378	2673	2919	3123
7150.00		1224	1903	2385	2681	2928	3133
7200.00		1228	1909	2393	2690	2937	3142
7250.00		1232	1915	2400	2698	2946	3152
7300.00		1235	1921	2408	2707	2956	3162
7350.00		1239	1927	2415	2716	2965	3172
7400.00		1243	1933	2423	2724	2974	3181
7450.00		1247	1939	2430	2733	2983	3191
7500.00		1251	1945	2438	2741	2993	3201
7550.00		1255	1951	2446	2750	3002	3211
7600.00		1259	1957	2453	2758	3011	3220
7650.00		1263	1963	2461	2767	3020	3230
7700.00		1267	1969	2468	2775	3030	3240
7750.00		1271	1975	2476	2784	3039	3250
7800.00		1274	1981	2483	2792	3048	3259
7850.00		1278	1987	2491	2801	3057	3269
7900.00		1282	1992	2498	2810	3067	3279
7950.00		1286	1998	2506	2818	3076	3289
8000.00		1290	2004	2513	2827	3085	3298
8050.00		1294	2010	2521	2835	3094	3308
8100.00		1298	2016	2529	2844	3104	3318
8150.00		1302	2022	2536	2852	3113	3328
8200.00		1306	2028	2544	2861	3122	3337
8250.00		1310	2034	2551	2869	3131	3347
8300.00		1313	2040	2559	2878	3141	3357
8350.00		1317	2046	2566	2887	3150	3367
8400.00		1321	2052	2574	2895	3159	3376
8450.00		1325	2058	2581	2904	3168	3386
8500.00		1329	2064	2589	2912	3178	3396

Combined Monthly Available Net Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
8550.00	1333	2070	2597	2921	3187	3406
8600.00	1337	2076	2604	2929	3196	3415
8650.00	1341	2082	2612	2938	3205	3425
8700.00	1345	2088	2619	2946	3215	3435
8750.00	1349	2094	2627	2955	3224	3445
8800.00	1352	2100	2634	2963	3233	3454
8850.00	1356	2106	2642	2972	3242	3464
8900.00	1360	2111	2649	2981	3252	3474
8950.00	1364	2117	2657	2989	3261	3484
9000.00	1368	2123	2664	2998	3270	3493
9050.00	1372	2129	2672	3006	3279	3503
9100.00	1376	2135	2680	3015	3289	3513
9150.00	1380	2141	2687	3023	3298	3523
9200.00	1384	2147	2695	3032	3307	3532
9250.00	1388	2153	2702	3040	3316	3542
9300.00	1391	2159	2710	3049	3326	3552
9350.00	1395	2165	2717	3058	3335	3562
9400.00	1399	2171	2725	3066	3344	3571
9450.00	1403	2177	2732	3075	3353	3581
9500.00	1407	2183	2740	3083	3363	3591
9550.00	1411	2189	2748	3092	3372	3601
9600.00	1415	2195	2755	3100	3381	3610
9650.00	1419	2201	2763	3109	3390	3620
9700.00	1422	2206	2767	3115	3396	3628
9750.00	1425	2210	2772	3121	3402	3634
9800.00	1427	2213	2776	3126	3408	3641
9850.00	1430	2217	2781	3132	3414	3647
9900.00	1432	2221	2786	3137	3420	3653
9950.00	1435	2225	2791	3143	3426	3659
10000.00	1437	2228	2795	3148	3432	3666

For combined monthly net available income less than the amount set out on the above guidelines schedule schedules, the parent should be ordered to pay a child support amount, determined on a case-by-case basis, to establish the principle of payment and lay the basis for increased orders should the parent's income increase in the future. For combined monthly net available income greater than the amount set out in the above guidelines schedule schedules, the obligation shall be the minimum amount of support provided by the guidelines schedule plus the following percentages multiplied by the amount of income over \$10,000:

Child or Children

One Two Three Four Five Six

5.0% 7.5% 9.5% 11.0% 12.0% 12.5%

(7) Child care costs incurred on behalf of the children due to employment, job search, or education calculated to result in employment or to enhance income of current employment of either parent shall be reduced by 25 per-cent and then shall be added to the basic obligation. After the adjusted child care costs are added to the basic obligation, any moneys prepaid by ~~a the noncustodial~~ parent for child care costs for the child or children of this action shall be deducted from that ~~noncustodial~~ parent's child support obligation for that child or those children. Child care costs shall not exceed the level required to provide quality care from a licensed source for the children.

(8) Health insurance costs resulting from coverage ordered pursuant to s. 61.13(1)(b), and any noncovered medical, dental, and prescription medication expenses of the child, shall be added to the basic obligation unless these expenses have been ordered to be separately paid on a percentage basis. After the health insurance costs are added to the basic obligation, any moneys prepaid by ~~a the noncustodial~~ parent for health-related costs for the child or children of this action shall be deducted from that ~~noncustodial~~ parent's child support obligation for that child or those children.

(9) Each parent's percentage share of the child support need shall be determined by dividing each parent's net monthly income by the combined net monthly income.

(10) Each parent's actual dollar share of the total minimum child support need shall be determined by multiplying the minimum child support need by each parent's percentage share of the combined monthly net income.

(11)(a) The court may adjust the total minimum child support award, or either or both parents' share of the total minimum child support award, based upon the following deviation factors considerations:

1. Extraordinary medical, psychological, educational, or dental expenses.
2. Independent income of the child, not to include moneys received by a child from supplemental security income.
3. The payment of support for a parent which regularly has been paid and for which there is a demonstrated need.
4. Seasonal variations in one or both parents' incomes or expenses.
5. The age of the child, taking into account the greater needs of older children.
6. Special needs, such as costs that may be associated with the disability of a

child, that have traditionally been met within the family budget even though the fulfilling

of those needs will cause the support to exceed the presumptive amount established by the proposed guidelines.

7. Total available assets of the obligee, obligor, and the child.

8. The impact of the Internal Revenue Service dependency exemption and waiver of that exemption. The court may order a the primary residential parent to execute a waiver of the Internal Revenue Service dependency exemption if the paying nonecustodial parent is current in support payments.

9. When application of the child support guidelines schedule requires a person to pay another person more than 55 percent of his or her gross income for a child support obligation for current support resulting from a single support order.

10. The particular parenting plan shared parental arrangement, such as where the child spends a significant amount of time, but less than 40 percent of the overnights, with one the nonecustodial parent, thereby reducing the financial expenditures incurred by the other primary residential parent; or the refusal of a the nonecustodial parent to become involved in the activities of the child.

11. Any other adjustment which is needed to achieve an equitable result which may include, but not be limited to, a reasonable and necessary existing expense or debt. Such expense or debt may include, but is not limited to, a reasonable and necessary expense or debt which the parties jointly incurred during the marriage.

(b) Whenever a particular parenting plan shared parental arrangement provides that each child spend a substantial amount of time with each parent, the court shall adjust any award of child support, as follows:

1. In accordance with subsections (9) and (10), calculate the amount of support obligation apportioned to each the nonecustodial parent without including day care and health insurance costs in the calculation and multiply the amount by 1.5.

~~2. In accordance with subsections (9) and (10), calculate the amount of support obligation apportioned to the custodial parent without including day care and health insurance costs in the calculation and multiply the amount by 1.5.~~

~~2.3.~~ Calculate the percentage of overnight stays the child spends with each parent.

~~3.4.~~ Multiply each the nonecustodial parent's support obligation as calculated in subparagraph 1. by the percentage of the other custodial parent's overnight stays with the child as calculated in subparagraph ~~2.3.~~

~~5. Multiply the custodial parent's support obligation as calculated in subparagraph 2. by the percentage of the nonecustodial parent's overnight stays with the child as calculated in subparagraph 3.~~

~~4.6.~~ The difference between the amounts calculated in subparagraph 3. ~~subparagraphs 4. and 5.~~ shall be the monetary transfer necessary between the custodial and nonecustodial parents for the care of the child, subject to an adjustment for day care and health insurance expenses.

~~5.7.~~ Pursuant to subsections (7) and (8), calculate the net amounts owed by each parent the custodial and nonecustodial parents for the expenses incurred for day care and health insurance coverage for the child. Day care shall be calculated without regard to the 25-percent reduction applied by subsection (7).

~~6.8.~~ Adjust the support obligation owed by each the custodial or nonecustodial parent pursuant to subparagraph ~~4.6.~~ by crediting or debiting the amount calculated in

subparagraph ~~5.7~~. This amount represents the child support which must be exchanged between the ~~custodial and noncustodial~~ parents.

~~7.9~~. The court may deviate from the child support amount calculated pursuant to subparagraph ~~6.8~~ based upon the deviation factors considerations set forth in paragraph (a), as well as the obligee custodial parent's low income and ability to maintain the basic necessities of the home for the child, the likelihood that either the noncustodial parent will actually exercise the time-sharing schedule set forth in the parenting plan visitation granted by the court, and whether all of the children are exercising the same time-sharing schedule shared parental arrangement.

~~8.10~~. For purposes of adjusting any award of child support under this paragraph, "substantial amount of time" means that a the noncustodial parent exercises visitation at least 40 percent of the overnights of the year.

(c) A ~~noncustodial~~ parent's failure to regularly exercise court-ordered or agreed time-sharing schedule visitation not caused by the other custodial parent which resulted in the adjustment of the amount of child support pursuant to subparagraph (a)10. or paragraph (b) shall be deemed a substantial change of circumstances for purposes of modifying the child support award. A modification pursuant to this paragraph shall be retroactive to the date the noncustodial parent first failed to regularly exercise court-ordered or agreed time-sharing schedule visitation.

(12)(a) A parent with a support obligation may have other children living with him or her who were born or adopted after the support obligation arose. If such subsequent children exist, the court, when considering an upward modification of an existing award, may disregard the income from secondary employment obtained in addition to the parent's primary employment if the court determines that the employment was obtained primarily to support the subsequent children.

(b) Except as provided in paragraph (a), the existence of such subsequent children should not as a general rule be considered by the court as a basis for disregarding the amount provided in the guidelines schedule. The parent with a support obligation for subsequent children may raise the existence of such subsequent children as a justification for deviation from the guidelines schedule. However, if the existence of such subsequent children is raised, the income of the other parent of the subsequent children shall be considered by the court in determining whether or not there is a basis for deviation from the guideline amount.

(c) The issue of subsequent children under paragraph (a) or paragraph (b) may only be raised in a proceeding for an upward modification of an existing award and may not be applied to justify a decrease in an existing award.

(13) If the recurring income is not sufficient to meet the needs of the child, the court may order child support to be paid from nonrecurring income or assets.

(14) Every petition for child support or for modification of child support shall be accompanied by an affidavit which shows the party's income, allow-able deductions, and net income computed in accordance with this section. The affidavit shall be served at the same time that the petition is served. The respondent, whether or not a stipulation is entered, shall make an affidavit which shows the party's income, allowable deductions, and net income computed in accordance with this section. The respondent shall include his or her affidavit with the answer to the petition or as soon thereafter as is practicable,

but in any case at least 72 hours prior to any hearing on the finances of either party.

(15) For purposes of establishing an obligation for support in accordance with this section, if a person who is receiving public assistance is found to be noncooperative as defined in s. 409.2572, the IV-D agency is authorized to submit to the court an affidavit attesting to the income of ~~that the custodial~~ parent based upon information available to the IV-D agency.

(16) The Legislature shall review the guidelines schedule established in this section at least every 4 years beginning in 1997.

(17) In an initial determination of child support, whether in a paternity action, dissolution of marriage action, or petition for support during the marriage, the court has discretion to award child support retroactive to the date when the parents did not reside together in the same household with the child, not to exceed a period of 24 months preceding the filing of the petition, regardless of whether that date precedes the filing of the petition. In determining the retroactive award in such cases, the court shall consider the following:

(a) The court shall apply the guidelines schedule in effect at the time of the hearing subject to the obligor's demonstration of his or her actual in-come, as defined by subsection (2), during the retroactive period. Failure of the obligor to so demonstrate shall result in the court using the obligor's income at the time of the hearing in computing child support for the retroactive period.

(b) All actual payments made by ~~a the noncustodial~~ parent to the other custodial parent or the child or third parties for the benefit of the child throughout the proposed retroactive period.

(c) The court should consider an installment payment plan for the payment of retroactive child support.

* * *

Section 35. Subsection (3), paragraph (a) of subsection (5), and paragraph (a) of subsection (6) of section 741.30, Florida Statutes, are amended to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement.—

(3)(a) The sworn petition shall allege the existence of such domestic violence and shall include the specific facts and circumstances upon the basis of which relief is sought.

(b) The sworn petition shall be in substantially the following form:

PETITION FOR
INJUNCTION FOR PROTECTION
AGAINST DOMESTIC VIOLENCE

Before me, the undersigned authority, personally appeared Petitioner ...(Name)..., who has been sworn and says that the following statements are true:

(a) Petitioner resides at: ...(address)...

(Petitioner may furnish address to the court in a separate confidential filing if, for safety reasons, the petitioner requires the location of the current residence to be

confidential.)

(b) Respondent resides at: ...(last known address)...

(c) Respondent's last known place of employment: ...(name of business and address)...

(d) Physical description of respondent:

Race....

Sex....

Date of birth....

Height....

Weight....

Eye color....

Hair color....

Distinguishing marks or scars....

(e) Aliases of respondent:

(f) Respondent is the spouse or former spouse of the petitioner or is any other person related by blood or marriage to the petitioner or is any other person who is or was residing within a single dwelling unit with the petitioner, as if a family, or is a person with whom the petitioner has a child in common, regardless of whether the petitioner and respondent are or were married or residing together, as if a family.

(g) The following describes any other cause of action currently pending between the petitioner and respondent:

The petitioner should also describe any previous or pending attempts by the petitioner to obtain an injunction for protection against domestic violence in this or any other circuit, and the results of that attempt

Case numbers should be included if available.

(h) Petitioner is either a victim of domestic violence or has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence because respondent has ...(mark all sections that apply and describe in the spaces below the incidents of violence or threats of violence, specifying when and where they occurred, including, but not limited to, locations such as a home, school, place of employment, or visitation exchange)....:

....committed or threatened to commit domestic violence defined in s. 741.28, Florida Statutes, as any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another. With the exception of persons who are parents of a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

....previously threatened, harassed, stalked, or physically abused the petitioner.

....attempted to harm the petitioner or family members or individuals closely associated with the petitioner.

....threatened to conceal, kidnap, or harm the petitioner's child or children.

....intentionally injured or killed a family pet.

....used, or has threatened to use, against the petitioner any weapons such as guns or knives.

....physically restrained the petitioner from leaving the home or calling law

enforcement.

....a criminal history involving violence or the threat of violence (if known).

....another order of protection issued against him or her previously or from another jurisdiction (if known).

....destroyed personal property, including, but not limited to, telephones or other communication equipment, clothing, or other items belonging to the petitioner.

....engaged in any other behavior or conduct that leads the petitioner to have reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence.

(i) Petitioner alleges the following additional specific facts: (mark appropriate sections)

....~~A minor child or minor children reside with the petitioner is the custodian of a minor child or children~~ whose names and ages are as follows:

....Petitioner needs the exclusive use and possession of the dwelling that the parties share.

....Petitioner is unable to obtain safe alternative housing because:

....Petitioner genuinely fears that respondent imminently will abuse, remove, or hide the minor child or children from petitioner because:

(j) Petitioner genuinely fears imminent domestic violence by respondent.

(k) Petitioner seeks an injunction: (mark appropriate section or sections)

....Immediately restraining the respondent from committing any acts of domestic violence.

....Restraining the respondent from committing any acts of domestic violence.

....Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

....~~Providing a temporary parenting plan, including a temporary timesharing schedule Awarding temporary custody of, or temporary visitation rights~~ with regard to, the minor child or children of the parties ~~which might involve, or prohibiting or limiting time-sharing or requiring that it be visitation to that which is supervised by a third party.~~

....Establishing temporary support for the minor child or children or the petitioner.

....Directing the respondent to participate in a batterers' intervention program or other treatment pursuant to s. 39.901, Florida Statutes.

....Providing any terms the court deems necessary for the protection of a victim of domestic violence, or any minor children of the victim, including any injunctions or directives to law enforcement agencies.

(c) Every petition for an injunction against domestic violence shall contain, directly above the signature line, a statement in all capital letters and bold type not smaller than the surrounding text, as follows:

I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION 837.02, FLORIDA STATUTES.

...(initials)...

(d) If the sworn petition seeks to determine a parenting plan and timesharing schedule ~~issues of custody or visitation~~ with regard to the minor child or children of the parties, the sworn petition shall be accompanied by or shall incorporate the allegations required by s. 61.522 of the Uniform Child Custody Jurisdiction and Enforcement Act.

(5)(a) When it appears to the court that an immediate and present danger of domestic violence exists, the court may grant a temporary injunction ex parte, pending a full hearing, and may grant such relief as the court deems proper, including an injunction:

1. Restraining the respondent from committing any acts of domestic violence.
2. Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

3. On the same basis as provided in s. 61.13, providing the petitioner with 100 percent of the time-sharing that shall remain ~~granting to the petitioner temporary custody of a minor child. An order of temporary custody remains~~ in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting the placement of, access to, parental time with, adoption of, or parental rights and responsibilities for the minor child.

(6)(a) Upon notice and hearing, when it appears to the court that the petitioner is either the victim of domestic violence as defined by s. 741.28 or has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence, the court may grant such relief as the court deems proper, including an injunction:

1. Restraining the respondent from committing any acts of domestic violence.
2. Awarding to the petitioner the exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

3. On the same basis as provided in chapter 61, providing the petitioner with 100 percent of the time-sharing in a temporary parenting plan that shall remain awarding ~~temporary custody of, or temporary visitation rights with regard to, a minor child or children of the parties. An order of temporary custody or visitation remains~~ in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting the placement of, access to, parental time with, adoption of, or parental rights and responsibilities for the minor child.

4. On the same basis as provided in chapter 61, establishing temporary support for a minor child or children or the petitioner. An order of temporary support remains in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting child support.

5. Ordering the respondent to participate in treatment, intervention, or counseling services to be paid for by the respondent. When the court orders the respondent to participate in a batterers' intervention program, the court, or any entity designated by the court, must provide the respondent with a list of all certified batterers' intervention programs and all programs which have submitted an application to the Department of Children and Family Services to become certified under s. 741.32, from which the respondent must choose a program in which to participate. If there are no certified batterers' intervention programs in the circuit, the court shall provide a list of acceptable programs from which the respondent must choose a program in which to participate.

6. Referring a petitioner to a certified domestic violence center. The court must

provide the petitioner with a list of certified domestic violence centers in the circuit which the petitioner may contact.

7. Ordering such other relief as the court deems necessary for the protection of a victim of domestic violence, including injunctions or directives to law enforcement agencies, as provided in this section.

* * *

Section 40. This act shall take effect October 1, 2008.

Approved by the Governor May 28, 2008.

Filed in Office Secretary of State May 28, 2008.