FLORIDA STATE UNIVERSITY

Florida Child Support Enforcement:

An Analysis of Options for Collection from Noncustodial Parents

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BY

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The Honorable John Ellis Bush
Governor
Office of the Governor
The Florida Capitol
Tallahassee, FL 32399-0001

Dear Governor Bush:

It is an honor to submit to you Florida Child Support Enforcement: An Analysis of Options for Collection from Noncustodial Parents. The report is the outcome of extensive research and analysis conducted during the spring semester of 2004. Child support enforcement in Florida is an ongoing issue of great concern as it is in other states. The need to collect support from noncustodial parents is essential for custodial parents, especially with the recent changes that have taken place in U. S. welfare laws. The new strategies being implemented to locate and assist low-income noncustodial parents in meeting their support obligations may prove productive overtime.

However, after examining several alternative policies, my recommendation is that Florida should focus on guaranteed child support benefits to provide assured benefits to all custodial parents that have support awards. This policy alternative is recommended based on the use of the three evaluative criteria: benefit-cost analysis, efficiency, and on the equity criterion. Assisting noncustodial parents in finding jobs does well on both the benefit-cost analysis and efficiency criteria because of the positive results already shown in such programs as the NCEP. Also, on the efficiency criterion, this alternative has the necessary resources, such as data, staff, and funding readily available should the decision be made to implement it as policy. However on the equity criterion this alternative was found to be lacking due to the shortcomings of present techniques used in locating the disadvantaged noncustodial parents that cannot afford to pay support.

The guaranteed benefits program received top scores on each criterion because of its potential to free-up funds used in TANF and related programs once custodial parents began receiving consistent monthly payments. The guaranteed benefits program would create more self sufficient single-parent families, therein reducing welfare roles, and encouraging more custodial parents to seek support awards. The other two policy options needs a better means for locating disadvantaged noncustodial parents since present techniques are not working well at reaching this population.
The community-based child well-being programs are a fairly new approach whose outcomes are yet to be realized. The recommendation of the guaranteed support benefits program has the potential to improve the overall collection of support from all noncustodial parents, especially if the two other options are employed to complement it as enforcement measures for the collection of support.

Respectfully,

Earnestine Reshard
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EXECUTIVE SUMMARY

The Child Support Enforcement system in Florida is working diligently to identify and to collect support from all noncustodial parents. With the recent welfare reforms that now places time limits on those receiving public assistance, low-income single-parent families are in desperate need of support owed them from noncustodial parents. There are an estimated 901,000 children in the state, with one in every four touched by a state-administered child support case. Florida is striving to achieve its strategic goal of collecting support from all noncustodial parents.

Information for this report was compiled using three methods. First, academic literature and popular media was analyzed to provide background information and insight into child support enforcement alternatives. Second, analysis of legislative appropriations for Florida Child Support program 2003-2004 and Florida Department of Revenue Budget and Annual Reports. Third, review of applicable laws, rules, regulations, policies, and standard operating procedures governing the Child Support Enforcement system. Fourth, unstructured interviews were conducted with Child Support Enforcement legal and administrative staff to gain insight into legal and administrative processes for collection enforcement alternatives.

This report presents three policy options for support collections from noncustodial parents: (1) assisting noncustodial parents in finding jobs, (2) a guaranteed support benefits programs, and (3) community-based child well-being programs. Each option is evaluated against three criteria: benefit-cost analysis, efficiency, and equity.

Based on assessment of the alternatives using the three evaluative criteria, a guaranteed child support benefits program is recommended. This program would be the most viable policy to provide alternatives to collecting of support from noncustodial
parents. A guaranteed benefits program would establish more self sufficient single-parent families and considerably reduce the states welfare roles. The other two policies need better means for locating the targeted disadvantaged population of noncustodial parents; however the two could serve as enforcement measures that complement the recommended policy option. A guaranteed benefits program would not only aid in custodial parents receiving consistent monthly payment that would allow them to plan better; it would also provide them the opportunity to earn their way off welfare. Moreover, the program would encourage custodial parents to pursue support awards and cause them to be self sufficient.
I. PROBLEM STATEMENT

Problem Statement

Estimates indicate that there are about 17 million child support cases that exist in the United States, with less than half of custodial parents receiving the full amount of child support owed to them (United States GAO, 2002). Financial assistance from the absent or non custodial parent (NCP) is needed by many families to achieve economic efficiency. Sharman, Rowe & Lewis (1997) stated that, “Today, approximately 25 percent of America’s children live in poverty, and children living in a single parent household run a much greater risk of being poor than children living in a two-parent home” (p. 6). According to a newsletter released from Florida’s Department of Revenue (2002), there are about 901,000 children in the state, with about one child in four that is touched by a state-administered child support case. The newsletter also states that Florida is placing greater emphasis on bringing this social problem under control. It has stepped up its efforts to collect child support from all NCPs and in a timelier manner.

Doolittle and Lynn (1998) posit that a recent overhaul of the nation's welfare laws has made the task of improving child support enforcement for low-income families more urgent than ever. It has forced states to bear more of the fiscal consequences of the policy choices that they make, causing child support collections to be increasingly viewed as one way to compensate for anticipated short falls in federal revenues. The Florida Child Support Enforcement (CSE) system must now seek to identify and collect from all NCPs who owe child support. Doolittle and Lynn (1998) state that “the NCPs of children on welfare are in large part an unknown quantity; how many could pay support if compelled to do so is a matter of some debate” (p. 1). The purpose of this Action Report is to examine alternatives for collecting child support from all NCPs.
II. BACKGROUND & LITERATURE REVIEW

Background

Three important initiatives should be examined to understand how child support evolved at the national level and what problems and/or trends it presents at the state level: (1) Congress amending the AFDC laws, (2) the implementing of non custodial supports laws, and (3) the mandating of States to operate Child Support Enforcement Programs. Each of these enactments has greatly influenced Florida's current child support enforcement system.

The first child support initiative at the national level occurred in 1950, with Congress amending the Aid to Families with Dependent Children (AFDC) law. This law required State welfare agencies to inform law enforcement officials when benefits were being furnished to a child who had been abandoned by one of their parents. From 1950 to 1975, the Federal Government limited its child support efforts to these welfare children. However, by the early 1970s, Congress realized the composition of AFDC caseload had changed considerably. Whereas in previous years, the majority of children needed financial assistance because their fathers had died, by the 1970s, the majority needed aid because their parents were separated, divorced, or never married (Committee on Ways and Means, 2000).

Second, in 1975 Congress enacted the Child Support Enforcement and Paternity Establishment Program. This program was Congress' response (a) to reduce taxpayer dollars contributed toward welfare by obtaining continual support from NCPs, (b) to assist non-AFDC families to get support so they stay off public assistance, and (c) to establish paternity for children born outside marriage so child support can be obtained
for them. This legislation (Public Law 93-647) was an addendum to title IV of the Social Security Act. This statute, as amended, authorized Federal matching funds to be used for enforcing support obligations by locating nonresident parents, establishing paternity, establishing child support awards, and collecting child support payments. The basic responsibility for administering the program is left to states (Committee on Ways and Means, 2000).

Third, in 1996, Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, abolished the AFDC and related programs and replaced them with a block grant program of Temporary Assistance to Needy Families (TANF). Under the new law, each State must operate a CSE Program meeting Federal requirements in order to be eligible for TANF funds (Committee on Ways and Means, 2000).

Child support enforcement at the state level requires all states to operate a Temporary Assistance to Needy Families (TANF) Program and to conduct a Child Support Enforcement Program (Committee on Ways And Means, 2000). According to the Office of Program Policy Analysis and Government Accountability (OPPAGA), the effectiveness of Florida’s child support program can have a major impact on custodial parents, the state’s public assistance expenditures, and federal program funding. In order to remain eligible for federal funding, Florida, like other states, must establish guidelines for setting and modifying child support amounts. State child support programs receive federal incentive payments based on the amount of child support collected. States may have their payments reduced if they do not perform well (1999).
OPPAGA (1999) states that Florida created the statewide child support enforcement program in 1975; subsequently, in 1985 the Florida Legislature created two child support enforcement demonstration projects, located in Manatee and Dade counties. The Clerk of the Circuit Court administers the Manatee County demonstration project, while the State Attorney for the Eleventh Judicial Circuit administers the Dade County demonstration project. These demonstration projects were established to address concerns about administrative fragmentation, inconsistencies in enforcement services, delays in providing services, and the cost-effectiveness of different agencies providing child support services.

Florida, like other states, is also required to designate a single and separate organizational unit of State government to administer its child support program. Most states have placed the child support program within a social or human services umbrella agency which also administers the TANF Program (Committee of Ways and Means, 2000). However, Florida (along with Alaska, Arkansas, and Massachusetts) placed the agency in the department of revenue. It was in 1994 that the Legislature assigned overall responsibility for the administering of the State’s Child Enforcement Program to the Department of Revenue (DOR). The two demonstration projects in Manatee and Dade counties are provided funds on a cost reimbursement basis pursuant to a contract with the Department of Revenue (OPPAGA, 1999).

Whether the enactment of child support enforcement is measured by either expenditures or total collections, the Federal-State program has grown exponentially since 1978. To the extent that private arrangements fail to ensure child support payments, legislative initiatives and, increasingly, governmental practices bring child
support cases into the public domain (Committee of Ways And Means, 2000). The
strategic objective for Florida’s Child Support Program is to help ensure parents fulfill
their obligation to support their children; therefore, the program is focused on assuring
that all possible paternities are established, all possible support orders are obtained,
and all collectible dollars are distributed in a timely manner (Department of Revenue-
Child Support, n.d.).

However, for the state to accomplish its goals, it must correct problems in the
current CSE system process. For instance, many judges believe legislative guidelines
are too high for minimum wage and low-income parents. They believe that if parents are
already struggling to meet their own basic needs, such as food, shelter, and
transportation, the courts awarding a child support payment that they cannot afford is
likely to result in non payment and be detrimental to the children and the state
(OPPAGA, 2003).

Additionally, the 2001 Legislature, having authorized the DOR to establish child
support orders administratively without judicial involvement, reduced the time for
establishing uncontested child support orders. However, compliance with administrative
support orders is lower than the orders established through the judicial process
(OPPAGA, 2003).

In summary, from 1950 to 1975, the Federal Government restricted its child
support efforts to welfare children. However, in 1975 Congress amended Title IV,
authorizing Federal matching funds to be used for enforcing support obligations by
locating nonresident parents, establishing paternity, establishing child support awards,
and collecting child support payments. This enactment left state child support programs
to receive federal incentive payments based on the amount of child support collected. Notwithstanding, the social changes that have taken place in American society have transformed the role government plays in family matters. The issue of child support is an ongoing national concern that has prompted the federal government to enact laws to bring it under control. Florida is working to improve or resolve the problems currently confronting its Child Support Enforcement System in an effort to achieve its strategic goals.

**Literature Review**

The literature review addresses four themes: (1) Florida’s requirement to adhere to federal law by instituting child support guidelines, (2) the profiles of NCPs, problems (3) locating NCPs, and (4) provisions made for those NCPs who can not pay. Expositions of these issues are explained by the representative works discussed below.

First, the literature explains that Florida is required by federal law to operate a child support enforcement program that sets forth statutory guidelines. These guidelines must obtain federal approval in order to receive federal public assistance (House of Ways and Means Green Book, 2000; DOR, 2003; OPPAGA, 2003). A review of these guidelines must be conducted every four years and revised, if warranted, to ensure that the guidelines’ application produces determination of appropriate child support award amounts. To meet this requirement, the Legislature in 1996 employed Policy Studies, Inc., to study State guidelines amount (OPPAGA, 2000).

The Florida Statutes, section 61.30, establishes the guidelines to be used in initiating new child support obligations or modifying existing obligations in a Florida court. It also includes a schedule similar to a tax table that determines basic support
obligations based on two factors: the number of minor children requiring support and combined net parental income (DOR, 2004; OPPAGA, 2002). However, the literature suggests that state judges do not always abide by the laws or guidelines that restrict their discretion in the awarding of child support amounts. In fact, at one point, they routinely deviated from the guidelines. In 1998, at the request of the Legislature, OPPAGA analyzed child support cases and found that judges awarded child support obligations in compliance with statutory guidelines in 63% of the Title IV-D cases and 43% of the private cases (OPPAGA, 2002).

Apparently, while analyzing records in their 1998 review, OPPAGA identified several concerns regarding the interpretation of support guidelines. For instance, some courts rounded monthly incomes up, while others rounded down. OPPAGA recommended that the Legislature amend Florida Statute, Ch. 61, so that it includes instruction on whether joint income should be rounded up or down when using the guideline schedule. The Legislature has yet to amend this statute (OPPAGA, 2002).

Second, the literature provides characteristics or profiles that identify which NCPs will usually comply with court-ordered child support and which ones will not. Several authors report that NCPs could pay billions more in child support if all NCPs had child support orders and if those orders were fully paid (Bartfeld, 2000; Sorenson, 1997; Meyer & Bartfeld, 1996; Garfinkel & Oellerich, 1989; Seltzer, 1998). King (1994) argues that most studies use all white samples, and the few that collect data for minorities do not examine whether the results differ from those of whites. Bartfeld (2000) points out that very little attention has been given to research that takes an explicitly distributional perspective on the effects of child support by simultaneously considering the impact on
both the custodial as well as the NCP. However, most research found that the higher compliance ratios are among higher-income fathers than among lower-income fathers. This agreed-upon finding has important implications as to who may be most able to pay child support and those who can not afford to pay child support.

Judith Seltzer (1991) suggests that another characteristic that contributes to a non custodial parent’s profile is one that purports that non marital fathers have a lower income than that of divorced fathers. Seltzer (1991) concluded that divorced non custodial fathers are more apt to pay child support than unwed fathers. However, King (1994) rejects Seltzer’s belief that marriage formalizes a parent’s commitment to the obligation of childbearing. This in turn, may encourage more frequent involvement of NCPs with the child after divorce, which usually results in child support compliance. King (1994), utilizing a study by Furstenberg and Talvitie (1980) on black pregnant teenagers, found that outside fathers who never married were very similar to divorced fathers in terms of contact and financial support. Some authors (King, 1994; Meyer, Bartfeld, Garfinkel, Brown, 1996) recognize from their studies that many blacks have higher rates of unemployment, divorce, and non marital childbearing. The patterns for Hispanic usually fall between those of whites and blacks, which reiterate the harsher economic circumstances that minorities often encounter in comparison to whites. It is these NCPs with low or irregular incomes that cannot pay adequate or regular amounts of child support. Hence, with a better understanding of how to identify NCPs that will likely pay child support and the ones that probably will not, the literature puts forth the various techniques used to locate the NCPs that won’t pay child support.
Third, the literature provides the different techniques used to locate NCPs that are delinquent. Some authors maintain that the techniques used are limited, making it problematic to enforce orders (Doolittle & Lynn, 1998; Sorenson, 1997; GAO, 2002). These techniques, such as matching administrative records and automated enhanced enforcement, work best with the NCPs whose residence, employment, and financial resources are stable. Parents Fair Share (PFS) research indicates that a significant portion of NCPs whose children receive welfare do not fit this profile. These NCPs will continue to pose enforcement challenges because it is usually hard to determine their residence and employment (Doolittle & Lynn, 1998).

However, the United States General Accounting Office (2002) states that the Social Security Act authorizes all states to enact laws that require the recording of social security numbers (SSN) when applying for a driver’s license. State CSE programs rely on SSNs to locate the addresses, income, and assets of non custodial parents. The same report, states that private firms handling child support collections disclose that they seldom request information from the Federal Program Locator System (FPLS), a federal database containing personal information on individuals nationwide. These firms indicate that the information in the FPLS database is not as timely as other sources that they can access.

The United States Department of Health and Human Services (DDHS), which oversees the Office of Child Support Enforcement (OCSE), provides a list of techniques and/or practices used to locate NCPs, such as the National Directory of New Hires (NDNH), which interacts with the Federal Case Registry (FCR) and contains information about persons in all child support cases being handled by State CSE agencies. These
two databases compare their data and when a match occurs, the NDNH provides the appropriate state information concerning the NCP. The CSE can also use financial institution data to identify accounts for the purpose of locating assets belonging to delinquent NCPs. Once assets are located, liens or levies can be issued to attach and seize those assets (DHHS, 2003).

Research carried out by companies like the Manpower Demonstration Research Corporation has found through interviews that NCPs have sporadic work histories punctuated by long periods of unemployment, unstable living arrangements, and that they do not have any credit card or bank accounts. Furthermore, most NCPs have no valid driver’s license and no cars (Doolittle & Lynn, 1998). Therefore, these techniques employed by CSE and other agencies are mainly for locating NCPs who are connected to the mainstream economy or to government social programs not low-income NCPs (Doolittle & Lynn, 1998).

Fourth, the literature includes the investigations and findings about the different provisions put in place for those NCPs that can not pay child support. Doolittle and Lynn’s (1998) research uncovered that CSE staffs have often tried to enforce child support on inappropriate populations, such as the disabled, the incarcerated, fathers that were custodial parents, and on the deceased. Occurrences like these raise serious concerns about the entire CSE process.

Waldman & Hercik (2002) found that NCPs are required by law to continue to pay child support while they are in prison, despite a reduction in wages. Nevertheless, some states will allow a reduction in monthly payments if the NCP files a written request.
Cornelia Ashby of the Government Accounting Office, in a March 26, 2002, memo to the Honorable Lloyd Dogett, U. S. House of Representatives, discussed child support awards that low-income fathers were unable to pay. She reported that private firms and state agencies that handle child support collection cite the lack of income or assets by NCPs more than any other reason for being unable to collect child support (GAO, 2002). The CSE treats the inability to pay child support as a defense to a collection action, wherein the NCP professes that he or she lacks the means to support him/her self adequately and still comply with the support order. Depending on State law, inability to pay may be an acceptable defense; however, the burden of proof is on the NCP to demonstrate his or her inability to pay (DHHS, 2003).

In summary, the literature focuses on four themes which provide a more in-depth understanding of the mission that the Florida CSE has embarked upon. Each of the themes addresses an important aspect of the system or problems confronting it. Although the literatures offer suggestions for improving the system, it provides no standards for evaluation and comparison to determine the best options for managing or resolving the problems with child support. This report will expand on the existing literature by comparing and evaluating three policy options to be measured by specific criteria to arrive at the most appropriate alternative.
III. METHODOLOGY & EVALUATION CRITERIA

Methodology

Information for this report was collected using the following methods:

- Review of academic literature between the years 1989 and 2000 using these databases: JSTOR, First Gov, My Florida, GAO Reports, Florida Government Accountability Report,

- Analysis of legislative appropriations for Florida Child Support program 2003-2004, Florida Department of Revenue past and present budget and Annual Reports,

- Review of applicable laws, rules, regulations, policies, standard operating procedures; and

- Unstructured interviews carried out with legal staff for Florida Child Support Enforcement system, and CSE staff (n=3). Each of the interviews will be fifteen to twenty minutes in length.

Through the use of prominent media, statistical charts, surveys and academic resources, extensive knowledge was gained about the historical background and current practices executed to enforce and collect ordered child support. Federal, state and local laws were reviewed and examined to assess that federal statutory requirements were met by the State of Florida Child Support Enforcement (CSE) system.

Professionals and other key players working within the child support system will be interviewed for their interpretation regarding the previously cited information. Fifteen to twenty minutes of question and answer interviews were carried out. Subjects were amenable to receiving follow-up calls for additional information concerning the research. Finally, administrators and other staff members were helpful in providing insight into standard operating procedures for CSE.
Evaluative Criteria

Three criteria were employed to evaluate the proposed policy options: (1) benefit-cost analysis (2) efficiency, and (3) equity. Each policy option is given a score from 1 to 5 based on how well it meets each criterion. The scores for each option will be totaled based on added to determine the weight of each criterion to calculate a weighted score for that criterion. These weighted scores will then be summed together to calculate each policy option’s total weighted score.

- **Benefit-cost**—assesses whether the social benefits (e.g., training, education, assistance in obtaining employment) derived from the alternative option surpass the social costs (e.g., burden of current taxation placed on citizens). It will also generate a ranking order of the alternatives should more than one alternative provide net social benefits. Academic literature and state documents are the data sources used for this criterion.

- **Efficiency**—measures if the resources (e.g., data, staff, and funds) needed to produce output for the alternative are available. The alternative rates low if it does not exceed or equal productivity of current practices and procedures. Academic literature and state documents are the data sources used for this criterion.

- **Equity**—measures the extent to which the effects and efforts of the alternative solution can be fairly or justly distributed among the different low income ethnic groups that comprise NCPs. The alternative rates low if the resources (e.g., training, education, and assistance finding jobs) are disproportionately distributed to the targeted population. Academic literature, interviews, and state documents are the data sources used for this criterion.

These criteria were chosen as suitable means of assessing the child support enforcement alternatives. Other criteria such as appropriateness and responsiveness are not evaluated due to very limited research data on some aspects of the issue, such as studies conducted on outcomes of policies implemented to aid targeted NCPs who are unable to pay.
Limitations of this study are that there is little research data on women and minority NCPs and the affect child support enforcement has on them. In spite of these constraints, the most pertinent criteria were utilized and it is believed that comparable recommendations would be put forth by any study using the same methodology carried out in this section.
IV. MANAGEMENT POLICY OPTIONS

Section IV analyzes three alternatives to improve collection of child support in Florida: welfare and unemployed NCPs programs, guaranteed child support benefit programs, and community-based child well-being programs. Although there are other options, such as privatizing the collection aspect of child support and granting joint custody, this paper limits its assessment to the options with the most promising outcomes. These alternatives are assessed individually, using the three criteria defined previously: benefit-cost analysis, efficiency, and equity. The options are designed to aid policy makers in choosing the most practicable policy to increase support collection.

Option One: Welfare and Unemployed NCPs

Surveys show that NCPs with less than a high school education and those that have only a high school diploma are less likely to pay support than NCPs with an education beyond high school (Sorenson, 1997). This alternative would help NCPs that are on welfare, low income or unemployed to meet their support obligations by furthering their education, providing training to increase their skill levels, and assist them in finding jobs.

Benefit-Cost Analysis: Policymakers are recognizing that many NCPs violate child support orders not because they are “dead beats,” but because they are “dead broke” (Ganow, 2001). Florida has implemented pilot programs in several counties for the purpose of providing assistance to NCPs that are on welfare, underemployed, or unemployed. It is believed that the benefits afforded CPs through TANF to assist them in matters, such as substance abuse treatment, job training and placement, and
education, could also be beneficial in aiding the unemployed and low-income NCPs in the same ways. The assistance could help them in meeting their child support obligations (Ganow, 2001).

Florida’s DOR, in conjunction with Agency for Workforce Innovation, has established a partnership with 24 local workforce development boards to assist in steering unemployed or underemployed NCPs to job counseling training and job openings. Additionally, the Legislature in 1995 implemented a pilot Non-custodial Parent Employment Program (NCEP) in Pinellas, Pasco and Hillsborough counties. Since program inception, Dr. William Blount, Chairman of the Department Criminology at University of South Florida, has conducted a study of the program. Blount found that the program has a strong endorsement of local judges, DOR, and the Clerk of Courts (DOR, 2002).

Department of Revenue records reflect that in the first four months of 1999, the NCEP program generated $4 of revenue to the State for every $1 spent. Additionally, after 16 months, the collection by DOR from the NCPs participating in the program exceeded the cost necessary to serve those clients by 1.2 million (Gulf Coast Jewish Family Service, Inc, 2000).

Contrary to the DOR report, a commentary published in the Orlando Sentinel disclosed that taxpayers paid $4.5 million for the state to collect $162,000 from deadbeat parents, mostly fathers. The columnist attributed the State’s spending to the ineptness of bureaucracies (Parker, 1999).
Moreover, Michael McCoy, managing director of a private child support enforcement agency known as Child Support Intervention, does not agree that NCPs are “dead broke.” Mr. McCoy posits that

... the vast majority of people who do not make child support payments are not broke- they just claim to be broke. As long as the Florida Department of Revenue and the judges in Florida accept that claim, then Florida will continue spending $1 for every $4 collected. When laws are enforced across the board, deadbeats who claimed to be broke will come up with the money necessary to pay their child support. This has been proven time and time again throughout the United States by hard-nosed public agencies, judges, and private agencies that contract directly with custodial parents (Orlando Sentinel, 1999).

In summary, courts and state agencies that perform administrative and monitoring functions should refer disadvantaged NCPs to programs designed to assist them in improving their present economic conditions so that they can meet their support obligation. This criterion rates 5 because it provides NCPs of low income or no income the opportunity to improve their financial situation, thereby meeting support obligations that will reduce government welfare spending.

Efficiency: Assisting underemployed and unemployed NCPs would serve as another means by which to address the changing dynamics and expectation for the child support program due to the welfare reform laws enacted in 1996. Whereas before most efforts to improve CSE were directed toward NCPs with income and assets, now Florida has begun to focus more on collection of support from all NCPs.

Resource constraints on enforcement are faced by many CSE agencies, preventing them from effectively following through with sanctions against noncompliant NCPs. The Parents’ Fair Share Demonstration, a national project that combines job training and placement and other services, indicates that CSE practices and techniques used for locating NCPs may not be ideally suited to deal with NCPs in AFDC-related
cases. These techniques tend to work best with NCPs whose residence, employment and financial resources are stable. Doolittle and Lynn (1998) indicate that most NCPs whose children receive welfare do not fit this mode. Instead, studies show that the most reliable sources of information about employed low-income NCPs’ current status may be that which is obtained from the NCPs family and friends or the custodial parents. On the other hand, the computerized information systems used by CSE agencies are only as good as the information put into them. Programs like PFS can be useful in improving enforcement against unemployed low-income NCPs by performing monitoring and follow-up functions that the courts or administrative agencies are not currently able to do well (Doolittle & Lynn, 1998).

Additionally, based on previous PFS findings, CSE should change its practices of conducting investigative work in an office setting to that of staff home visits, which could prove to be more productive. Such a change could possibly increase the appearance rate of NCPs at hearings, which would attest to the potential payoff of moving away from the usual CSE practice of office-based investigations to a more community-based approach. CSE presence in neighborhoods could lead to new information on NCPs addresses or employment, thus increasing the payoff success in locating them. Also, the locating of them could bring an unexpected dividend by allowing CSE staff to sort out the “unwilling” from the “unable,” that is; the process could uncover enough employed fathers who can pay support to make the effort worthwhile (Doolittle & Lynn, 1998).

To aid in changing current practices by CSE staff, there are several funding sources that can be used to provide such services, such as the TANF and maintenance
of effort funds, State general revenue funds, Welfare-to Work grant funds, Child Support Enforcement funds, Social Services Block Grant funds, and Community Services Block Grant funds (Doolittle & Lynn, 1998). Through the utilization of these programs, the CSE system could make substantial gains in the area of support enforcement. This criterion rates 5 because the data, staff, and funds are accessible.

**Equity:** The assistance provided to underemployed and unemployed NCPs in the PFS program consisted of three-fourths of the research samples being African-American or Hispanic. Compliance rates are considerably lower for low-income NCPs than for those with higher incomes. Research (King, 1994; Meyer, Bartfeld, Garfinkel, Brown, 1996) has shown that blacks have higher rates of unemployment, divorce, and non-marital childbearing and that Hispanics fall somewhere in between the patterns of blacks and whites. The findings suggest that there are harsher economic circumstances encountered by minorities when compared to whites.

Once the NCPs who are not paying child support are screened and determined to be eligible for referral assistance, they can be court-ordered into programs like the Florida NCEP pilot project if they are unemployed and underemployed, and have children who receive public assistance. The program assists them in establishing a regular support payment pattern by obtaining and keeping unsubsidized employment. However, whereas the PFS-type programs provide job training and other services to NCPs, the NCEP breaks with the traditional education and training programs and encourages participants to obtain paid employment as quickly as possible by providing job placement and close monitoring services (Gulf Coast Jewish Family Services, Inc, 2001). There is also a program known as Pulling for Progress, where the Hillsborough
Community College is involved in a collaborative effort with other partners to train as well as place unemployed NCPs in positions in the telecommunications industry (Gulf Coast Jewish, 2001).

The PFS programs go against the trend of the “one-size-fits-all” and attempts to create an alternative to current policy by moving away from more standardization of child support payments, use of administrative records in child support to more intensive efforts to impose sanctions for nonpayment of child support, and the efforts placed on reducing the cost of child support enforcement. PFS services would serve as an enforcement option wherein the unemployed or underemployed NCPs can be referred for mandatory participation, which would provide the courts and CSE agencies with another method of sorting.

A PFS-type service would be a constructive alternative to the usual punishments available for noncompliant obligors. For example, Assistant State Attorney, Warren Goodwin, indicates that by State Statutes NCPs that owe $5000 or more and have been delinquent in child support payments for at least a year can be criminally prosecuted in Florida (personal interview, February 26, 2004). Programs like NCEP and PFS could lend “political legitimacy” to aggressive enforcement efforts against an extremely disadvantaged group (Doolittle & Lynn, 1998). On a case-by-case basis the courts or an agent of the court could screen NCPs to determine their eligibility for receiving assistance from agencies established to aid in improving their current financial condition. This criterion rates 4 because no ethnic group is excluded from the screening process based on race. All absent parents will be assessed for referral based on qualifying situations or circumstances. However, there is no systematic means of
locating disadvantaged NCPs in order to provide them the help offered through these programs.

In summary, the assisting of welfare and unemployed NCPs scores very high on benefit-cost and efficiency criteria. Programs designed to help disadvantaged noncustodial parents find jobs have resulted in positive outcomes. The increase in support collection exceeds the cost of the NCPs served in the program. To improve enforcement against unemployed low-income NCPs, programs are being used that are better at performing monitoring and follow-up functions than administrative agencies and the courts. The equity criterion is somewhat questionable because there is no systematic means by which to locate all low-income NCPs so that they can take advantage of the benefits offered them by these programs.

**Option Two: A Guaranteed Child Support Benefit Program**

This alternative moves beyond the collection strategy and puts government in the posture of guaranteeing a minimum child support payment to all custodial parents that have support awards. Under this program, the government would make up the difference between some minimum assured payment and the child support actually paid by the NCPs (Lerman, 1993). In situations wherein NCPs with low or sporadic incomes cannot pay adequate child support, consistent amounts of child support could aid CPs in becoming self-sufficient (Meyer, Bartfeld, Garfinkel, Brown, 1996).

**Benefit-cost Analysis:** This program proposal would increase the earnings of CPs and complement the current policy emphasis on enforcement. Benefits would be paid to CPs based on the number of minor children. Such a program would insure against the father’s failure to pay rather than helping children because of their poverty (Lerman,
According to King (1996), “the relationship between the mother and her child and the effectiveness of a mother’s functioning after the divorce is known to be important correlates in a child’s postdivorce adjustment.” Therefore policies aimed at helping mothers would have a bigger payoff for children than those aimed at trying to change fathers’ behavior.

Net costs would be contingent upon the government’s ability to collect support and on the response by parents. According to Dave Bruns, DOR Chief Office of Public Information (personal communication, February 26, 2004), Florida is usually one of the top ten states for collection of past due child support; he attributes this to the state’s vigorous compliance and enforcement posture. Bruns also indicates that Florida collects approximately 60 to 65% of the current and arrears support owed by NCPs. He adds that the State fairs a little above that of the national average when current and arrear support collections are combined.

A guaranteed support benefit program would mean that CPs gain a stable income source, thereby improving their ability to plan while also reducing their labor supply. For CPs on welfare, the benefits would increase their work incentives by replacing some or possibly all of an income-conditioned transfer (AFDC) with one that does not decrease with earnings (the guaranteed payment).

Conversely, a guaranteed support payment would broaden the group of NCPs whose support payments would serve to reduce government spending rather than raise their children’s income. However since the guaranteed payment neither stigmatizes nor imposes the high tax rates that welfare does, it may encourage non-marital childbearing and family splitting by easing the CPs financial burden and therein still prevent them
from becoming independent (Lerman, 1993). The idea of a federally-guaranteed minimum child support benefit has been proposed in Congress recently but has never been enacted. This alternative takes the guess work out of whether CPs will be receiving child support on a regular basis and it promotes CPs toward taking action in obtaining awards. The score for this criterion rates 5 because this alternative would only serve in the government increasing its enforcement efforts to recoup revenues from all NCPs who are not paying for the support of their children.

Efficiency: Research findings suggest that among couples where children remain with their mother after legal separations or divorce, the ex-husband tends to enjoy levels of well-being twice as high as their former wives and children. Fathers who pay child support to their former wives help equalize the post separation gap but apparently not often enough or in sums large enough that would place the children at a level of well-being close or equal to that of their own (Bianchi, Subaiya & Kahn, 1999).

For CPs whose child support award is no more than the guaranteed payment, the guaranteed benefits program would provide 100 percent insurance against unpaid awards. Guaranteed payments would serve to increase work incentives of CPs that are AFDC recipients; replacing some or all of an income-conditioned transfer (AFDC) with one that does not decline with earnings (Lerman, 1993).

Should a guaranteed payment program be adopted, the financial benefits for many CPs and their children would not have to await major changes in government processes to increase awards or compliance. Such practices and processes are already carried out by CSE and the courts. The program would immediately provide welfare mothers the opportunity to earn their way off welfare, contingent upon their cooperation
in establishing child support (Lerman, 1993). According to Bruns, there are a quarter-of-a-million support cases that comes to the Florida DOR every year, and of those cases, approximately 213 thousand do not have a support order (personal interview, February 26, 2004).

Although the program could stimulate support orders and enforcement, it could also reduce the incentive for NCPs to make official payment. Additionally, the incentives for parents to collude (now present under AFDC) would cover a larger population (Lerman, 1993).

This program could also result in lower government costs and higher welfare reductions, should it raise additional support payments from NCPs. However past experience indicates that unless new administrative procedures generate sharp increases in the productivity of CSE agencies, the reduced incentives for compliance might raise administrative costs substantially (Lerman, 1993). Bruns admits that Florida CSE system has much room for improving its current processes. He states that,

…CSE has room for improvement in the area of effective management information in ‘real time’—management needs data in order to manage performance, until this can happen in real time it is difficult to achieve at the level we need to achieve at. The computer system used to maintain CSE presently is the Florida system, which is a dinosaur. This system has not changed with the changing dynamics of the CSE program. A new Computer Automated Management system (CAM) will be able to change, but won’t be up and running until 2005. CAM will interface with tables and sets of information very easily. It can be manipulated to perform various functions now carried out manually, thus limiting the need for a great deal of human interaction (personal communication, February 26, 2004).

Implementing this program would be a good start toward single-parents becoming self sufficient, however, the difficulty would be the safeguarding against abusers of the system. The score for this criterion rates 5 because resources now
employed to carry out current CSE practices and procedures could be diverted to the implementing of this program. The reduction in welfare recipients would also reduce the need for TANF funds which could be used also to fund the guaranteed benefits program.

**Equity**: The guaranteed benefits would only be made available to CPs with support awards, regardless whether they are of a low income level (Lerman, 1993). These guaranteed payments would create an incentive for many AFDC recipients to obtain an award either by utilizing the DOR administrative process, or through the court judicial process. However, the outcomes of the two different processes for establishing awards have been shown to be different on compliance. OPPAGA (2003) found that 85 percent of the NCPs with a judicially established support order paid toward their support order obligation, while only 71 percent with an administratively established support order made partial or full payments.

Moreover, many of the judges consider guidelines for determining support amounts are too high for minimum wage and low-income NCPs. They believe that NCPs who are unable to meet their own food, shelter, and transportation needs will also be unable to pay ordered child support. This would force them into a position of nonpayment making it detrimental to state efforts to recoup government spending (OPPAGA, 2000). Also to be considered is the possible adverse effect on fathers who currently pay support and no longer see their children any better off than those who do not pay (Lerman, 1999). Mr. McCoy suggests that Florida has long been a debtor’s heaven—a state that makes it easier for people not to pay their bills and makes the collection of bills by creditors
and collection agencies extremely difficult. It is extremely easy for a Florida deadbeat - someone who does not pay his or her bills - or their child support - to continue avoiding paying their obligations. When it comes to child support, the courts give the appearance of being extremely ‘deadbeat friendly.’ Deadbeats who do have the means to pay child support are routinely allowed to walk out of the court without having to be accountable for their actions - or, more appropriately, ‘inaction’ (Orlando Sentinel, 1999).

A state government guarantee of child support payments to custodial parents with awards would help increase self sufficiency among single-parent families and drastically reduce its welfare roles. Although NCPs and CPs alike may possibly abuse such a program, the program will probably experience no more abuse than that found in other programs. The score for this criteria rates 5 because it complements the processes and practices of present policies for support enforcement.

In summary, the guaranteed child support benefit program received very high scores on all three of the criteria. Custodial parents could plan better once they begin to receive consistent benefit payments and would likely be motivated to seek jobs, thus reducing welfare roles. This alternative would also encourage the pursuit of more support awards and enforcement, resulting in a reduced cost to government. The State would intensify its efforts to recover government spending from all NCPs owing child support. The guaranteed benefits would only be accessible to those custodial parents who have obtained administrative or judicial awards.
Option Three: Community-Based Child Well Being Programs for Unwed–Parents

This alternative promotes supportive services to unwed fathers and mothers through partnerships with community-based organizations. These organizations recognize the importance of establishing paternity and paying child support as being a key element of responsible fatherhood. Bruns (personal communication, February 26, 2004) estimates that 38 percent of the live births in Florida are babies that are born to parents who are unwed. The 1996 welfare reform legislation contains provisions to increase child support enforcement efforts hoping to encourage fathers’ responsibility for their children, thereby reducing the dependence of single mothers on government benefits.

Benefit-cost Analysis: This program proposes to develop partnerships between local child-support enforcement agencies and community-based groups serving low-income unwed fathers, mothers and their children. It also encourages parents to establish legal paternity and to work together on behalf of their children. Additionally, it would aid them in finding meaningful jobs, particularly in areas where wages have declined or jobs have disappeared (Dodson, 1999). Fathers in fragile families tend to be young, with little education and low skills, but fatherhood and job readiness programs, such as the Healthy Start Men’s Services in Baltimore, help these men by providing job training and alcohol-abuse programs. The Florida Commission on Responsible Fatherhood, a State commission that raises awareness of the importance of fatherhood, identifies hindrances that may cause fathers from participating in their children’s lives, and uses strategies to help them become responsible and effective parents. As a result of these programs the need for public assistance is greatly reduced. For instance, a
sample of 140 NCPs in the NCEP program reported a 73 percent decline in the receiving of food stamps, a 24 percent reduction in CPs receiving public assistance, and the removal of 75 percent children from Medicaid by being added to the NCPs medical insurance (Gulf Coast Jewish Family Services, Inc, 2001).

There are also other programs, such as the Partners for Fragile Families (PFF). This demonstration project prompts local discussions between community-based organizations, child support enforcement agencies, and faith-based partners for the purpose of helping young mothers and fathers build stronger parenting partnerships. The goals of these programs are to change undereducated and unemployed fathers into men who support their children. In fiscal year 2000, there was an estimated 1.6 million paternities and over 689,000 were established through in-hospital acknowledgement programs (DHHS, 2002).

Recent research indicates that approximately 80 percent of babies born out of wedlock have parents who are either living together or involved in a romantic relationship. Furthermore, these couples usually have hopes of getting married. Seltzer (1991) found that being born in marriage was associated with a greater level of father involvement. Moreover, she argues that marriage formalizes a parent’s commitment to the responsibilities of childrearing and that co-residence seems to encourage more frequent involvement even after divorce. However, King (1996) indicates that Furstenberg and Talvite (1980) conducted a study of black pregnant teenagers and found that outside fathers who never married were not very different than those divorced fathers in terms of contact and financial support.
Based on the findings of research and testimony from scholars and men directly involved in fatherhood programs, more emphasis should be placed on involving couples in the fatherhood program at around the time of the child’s birth (House of Ways and Means, 2001). Using data for her analysis from the child supplement to the National Longitudinal Survey of Youth (NLSY), King (1996) concludes that there was only limited evidence to support the hypotheses that NCP involvement has positive benefits for children. Community-based programs would serve as a proactive approach to educate fathers on how to be good parents, which would include providing financial support for their children. Child support programs stand to benefit by working cooperatively with fatherhood initiatives that provide these services. The success of CSE programs in meeting their performance goals are contingent upon how well they work with helping low-income fathers (NCSEA, 2000). The score for this criterion rates 4 because it has the potential for preventing the child from ever becoming a statistic in the CSE system and if he did the NCP would be a paying one.

**Efficiency:** Florida child support agencies are also beginning to establish relationships with fathers by providing TANF funds through partnerships with community-based organizations to provide service to fathers. It has allocated 3 million of its TANF funds to Florida Commission on Responsible Fatherhood. Additionally, Florida Republican Representative, E. Clay Shaw Jr., was the sponsor of a bill in Congress that provided for $2 billion to be allocated to fatherhood programs. These efforts are to help CSE become more flexible in working with fragile family populations (U. S House Committee on Ways and Means, 2001).
Child support agencies are working in conjunction with TANF agencies and Workforce Development Boards to develop family self-sufficiency. An effective fatherhood initiative should be coordinated between state TANF and Workforce Development Boards, so that there is a comprehensive strategy to develop self-sufficiency for the family. Child support agencies already have a relationship with the TANF agency, including computer data links between mothers and fathers, and are forming relationships with the Workforce Development Boards. These linkages are essential to the success of the fatherhood operation initiative (NCSEA, 2000).

Careful evaluation of the programs will be imperative in order to determine whether they work. Based on the results, the characteristics of the successful programs are to be duplicated by other programs (House of Ways and Means, 2001). How efficiently these community-based or faith based programs will be is unknown at present. The score for this criterion rates 3 because how productive these programs is at a wait-and-see stage.

**Equity:** Fatherhood programs are innovative ways to promote marriage and better parenting skills. They help fathers to understand the need for making regular child support payments. They also assist in finding employment for poor and low-income NCPs, particularly those whose children have been on welfare.

Additionally, underemployed and unemployed NCPs may be less apprehensive of taking advantage of the job placement assistance, education, and job training offered if programs are administered by leaders who are members of their local community. The government funding for these programs are expressly to ensure that projects are consistent with local culture and are conducted primarily by community leaders rather
than imposed from outside the community by government officials (House Committee on Ways and Means, 2001). Community-based programs probably have a greater chance of reaching those NCPs in most need of the assistance than that of those administered by government.

Community-based programs serve as a possible solution for strengthening fragile families. It is a proactive approach wherein the community involves itself in providing supportive services to unwed fathers and mothers to establish legal paternity and to work together for the well-being of the child (Dodson, 1999). The child support program more than any other agency has the responsibility and is in a position to reach out to fathers who need supportive services to support their families. The score for this criterion rates 4 since communities have become more ethnically diverse, some of the low income or no income NCP populations may not receive the assistance in proportion to their need.

In summary, the community-based child well-being program scores high on benefit-cost and equity criteria because it takes a proactive approach to educate low income unwed-parents about the importance of establishing legal paternity. The program also teaches them good parenting skills and helps them to find meaningful jobs. Local leaders in the community are used to administer these programs rather than outside government officials to increase the chances of reaching those parents that are most in need of help. Efficiency is questionable because community-based programs are a fairly new approach and it is unknown at present how productive these programs will be. It will require close monitoring and evaluation to determine how well they work.
V. CONCLUSION

The report set forth three child support enforcement policy alternatives for collecting support from all NCPs: (1) assisting NCPs find jobs, (2) guaranteed child support benefits program, and (3) community–based well-being program. Each of the three options was evaluated based on benefit-cost analysis, efficiency, and equity. Table 1 is a summary of the results.

Table 1: Summary of Options and Evaluative Criteria

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Options 1: Assist NCPs Find Jobs</th>
<th>Options 2: Guaranteed Child Support Benefits</th>
<th>Options 3: Community-Based Well-Being Programs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefit-Cost Analysis</td>
<td>5</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>Efficiency</td>
<td>5</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>Equity</td>
<td>4</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>Total Score</td>
<td><strong>14</strong></td>
<td><strong>15</strong></td>
<td><strong>11</strong></td>
</tr>
</tbody>
</table>

Criteria Ranking Scale: 1-very low, 2-low, 3-fair, 4-high, and 5-very high
Total Score Range: 9-10=low; 11-12=fair; 13-14=high, 15=very high

All three alternatives would serve as different ways to address the issue of collection of child support from NCPs. The Legislature and the Department of Revenue should focus their efforts on the strengthening of the alternative which rates the highest on the evaluative criteria.

Assisting NCPs to find jobs received a very high score on benefit-cost due to the positive outcomes seen in the pilot programs conducted in several Florida counties. The increase in support collection exceeds the cost of the NCPs served. Efficiency received a very high score because the staff, data, and funds needed to implement more of these
programs are readily accessible. Equity received a high score because child support agencies and courts have no systematic means of locating those disadvantaged NCPs that are in desperate need of services offered.

The guaranteed child support benefits program scored very high in benefit-cost because of its ability to provide stable income to CPs that would in turn allow them to plan better, earn their way off welfare, and to become self sufficient single-parent families. Efficiency also scored very high because the program could be implemented without custodial parents having to await major changes in government processes to increase awards or compliance. Many of these practices and processes are already carried out by CSE and the courts. Equity received a very high score also due to the program only paying benefits to parents that have support awards. This would encourage CPs to pursue obtaining awards either administratively or judicially so that they receive consistent benefits regardless whether NCPs made partial support payment or nothing at all.

The community-based child well-being program scored high on benefit-cost because of its proactive approach to educate fathers on how to be good parents, which includes providing financial support for their children. It would also aid low-income parents in finding meaningful jobs. Efficiency received a fair score. Although these programs are well supported by lawmakers from both parties, it will require evaluative monitoring to determine if the program will improve collection enforcement. Equity scored high because community leaders are used to head the organizations to increase chances of reaching those NCPs that probably otherwise would not come forward to
receive the assistance they need if these programs were administered by the
government.

An assessment of the alternatives using the three evaluative criteria indicates
that the guaranteed child support benefit programs would be the most viable policy to
provide an alternative for the collecting of child support from all NCPs. Therefore, the
guaranteed child support benefit program is recommended. The program would provide
consistent support payments and create more self sufficient single parent families,
which should be Florida’s top priority.

The totaled scores on criteria for option one and two were very close; however
option two, the guaranteed benefits program, is the more outstanding program of the
two. Option one and option three need more efficient and equitable means for locating
and assisting NCPs that are least able to pay.

Assisting disadvantaged NCPs to increase their earning capacity and
establishing community-based child well-being programs should be incorporated as
enforcement measures to ensure the success of the guaranteed support benefits
program. It is the most practicable approach toward reducing poverty and establishing
more self sufficient single-parent families.
REFERENCES


409.2557 State agency for administering child support enforcement program.--

(1) The department is designated as the state agency responsible for the administration of the child support enforcement program, Title IV-D of the Social Security Act, 42 U.S.C. ss. 651 et seq.

(2) The department in its capacity as the state Title IV-D agency shall have the authority to take actions necessary to carry out the public policy of ensuring that children are maintained from the resources of their parents to the extent possible. The department's authority shall include, but not be limited to, the establishment of paternity or support obligations, as well as the modification, enforcement, and collection of support obligations.

(3) SPECIFIC RULEMAKING AUTHORITY.--The department has the authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement all laws administered by the department in its capacity as the Title IV-D agency for this state including, but not limited to, the following:

(a) Background screening of department employees and applicants, including criminal records checks;

(b) Confidentiality and retention of department records; access to records; record requests;

(c) Department trust funds;

(d) Federal funding procedures;

(e) Agreements with law enforcement and other state agencies; National Crime Information Center (NCIC) access; Parent Locator Service access;

(f) Written agreements entered into between the department and support obligors in establishment, enforcement, and modification proceedings;

(g) Procurement of services by the department, pilot programs, and demonstration projects;

(h) Management of cases by the department involving any documentation or procedures required by federal or state law, including but not limited to, cooperation; review and adjustment; audits; interstate actions; diligent efforts for service of process;
(i) Department procedures for orders for genetic testing; subpoenas to establish, enforce, or modify orders; increasing the amount of monthly obligations to secure delinquent support; suspending or denying driver's and professional licenses and certificates; fishing and hunting license suspensions; suspending vehicle and vessel registrations; screening applicants for new or renewal licenses, registrations, or certificates; income deduction; credit reporting and accessing; tax refund intercepts; passport denials; liens; financial institution data matches; expedited procedures; medical support; and all other responsibilities of the department as required by state or federal law;

(j) Collection and disbursement of support and alimony payments by the department as required by federal law; collection of genetic testing costs and other costs awarded by the court;

(k) Report information to and receive information from other agencies and entities;

(l) Provide location services, including accessing from and reporting to federal and state agencies;

(m) Privatizing location, establishment, enforcement, modification, and other functions;

(n) State case registry;

(o) State disbursement unit;

(p) Administrative proceedings to establish child-support obligations; and

(q) All other responsibilities of the department as required by state or federal law.

History.--s. 3, ch. 76-220; s. 19, ch. 92-138; s. 4, ch. 94-318; s. 20, ch. 98-397; s. 26, ch. 2001-158; s. 9, ch. 2002-173; s. 2, ch. 2002-239.
742.10 Establishment of paternity for children born out of wedlock.--

(1) This chapter provides the primary jurisdiction and procedures for the determination of paternity for children born out of wedlock. When the establishment of paternity has been raised and determined within an adjudicatory hearing brought under the statutes governing inheritance, or dependency under workers' compensation or similar compensation programs, or when an affidavit acknowledging paternity or a stipulation of paternity is executed by both parties and filed with the clerk of the court, or when an affidavit or notarized voluntary acknowledgment of paternity as provided for in s. 382.013 or s. 382.016 is executed by both parties, it shall constitute the establishment of paternity for purposes of this chapter. If no adjudicatory proceeding was held, a notarized voluntary acknowledgment of paternity shall create a rebuttable presumption, as defined by s. 90.304, of paternity and is subject to the right of any signatory to rescind the acknowledgment within 60 days of the date the acknowledgment was signed or the date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a support order, in which the signatory is a party, whichever is earlier. Both parents are required to provide their social security numbers on any acknowledgment of paternity, consent affidavit, or stipulation of paternity. Except for affidavits under seal pursuant to ss. 382.015 and 382.016, the Office of Vital Statistics shall provide certified copies of affidavits to the Title IV-D agency upon request.

(2) 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.

(3) The department shall adopt rules which establish the information which must be provided to an individual prior to execution of an affidavit or voluntary acknowledgment of paternity. The information shall explain the alternatives to, the legal consequences of, and the rights, including, if one parent is a minor, any rights afforded due to minority status, and responsibilities that arise from acknowledging paternity.

(4) After the 60-day period referred to in subsection (1), a signed voluntary acknowledgment of paternity shall constitute an establishment of paternity and may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenger, and under which the legal responsibilities, including child support obligations of any signatory arising from the acknowledgment may not be suspended during the challenge, except upon a finding of good cause by the court.

(5) Judicial or administrative proceedings are not required or permitted to ratify an unchallenged acknowledgment of paternity.

History.--s. 9, ch. 26949, 1951; s. 10, ch. 27991, 1953; s. 7, ch. 75-166; s. 153, ch. 86-220; s. 28, ch. 92-138; s. 21, ch. 93-208; s. 8, ch. 94-318; s. 70, ch. 97-170; s. 114, ch. 97-237; s. 41, ch. 99-397; s. 22, ch. 2001-53.
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