



**LEGISLATION COMMITTEE
AGENDA - Mid-Year Meeting
Orlando, Florida
September 22, 2010
(3:30 p.m. to 6:00 p.m.)**

- I. **Welcome and Call to Order.**
 - A. Introduction of Guests
 - B. Introduction of Section and Committee Officers and Lobbyist

- II. **Legislation Committee Handbook.**
 - A. Discussion of Content / Call-In Number / Meeting Dates
 - B. Member Information Sheet (Submit to Ben Hodas) - **Exhibit "1"**
 - C. Lobbying Contract approved – (2010-2011)

- III. **Minutes.**
 - A. Review and approval of Minutes from June 23, 2010 meeting - **Exhibit "2"**
 - B. Review and approval of Minutes from July 12, 2010 telephonic meeting - **Exhibit "3"**

- IV. **Standing Positions and Legislative Positions.**
 - A. Standing Positions – slate approved by BOG for 2010-2012 biennium- - **Exhibit "4"**
 - B. 4 New Standing Positions transmitted to BOG for approval:
 - 1. Section 61.30(14) - Remove filing a financial affidavit
 - 2. Equitable Distribution - Coveture Fraction Formula
 - 3. GALs in Chap. 61 - Develop program to certify / train
 - 4. Chap. 39 - Establishment of paternity

V. **Ad Hoc Committee and Subcommittee Reports.**

- A. Paternity – Sarah Sullivan
- B. Alimony - (Rapid Response / Guidelines) Norberto Katz
- C. Guardian Ad Litem- (Hearsay) - Kim Nutter
- D. Domestic Violence - (Firearms) - David Hertzberg
- E. Probate/Family Jurisdiction – Julia Wyda

VI. **Proposals for Legislation.**

- A. UIFSA – Rana Holz – **Exhibit “5”**
- B. Section 61.075(10) - Equitable Distribution Bill – David Manz – **Exhibit “6”**
- C. Chapter 39 Glitch Bill – (Keeping Children Safe Act) – **Exhibit “7”**
- D. Section 40.013 – General Magistrates relieve from Jury duty – Norberto Katz – **Exhibit “8”**
- E. Domestic Violence– “Jihan’s Bill”– David Hertzberg – (**Exhibit on site**)
- F. Section 61.401 - (GAL Attorney may act as his/her attorney) – **Exhibit “9”**
- G. Section 61.16 and Section 742.045 - (Attorneys Fees) - Robert Jones / Robert Merlin – **Exhibit “10”**

VII. **New Business.**

- A. Section 744.301 - RPPTL Section- (Natural Guardian) -White Paper – **Exhibit “11”**
- B. Section 61.30 – (Child Support Glitch Bill) – Elisha Roy
-Median Income vs. Minimum Wage
-Poverty Level Support
- C. Section 68.07 -- Name Change -- Matt Capstraw -- **Exhibit “12”**
- D. Chapter 39 – Paternity – Sarah Sullivan – **Exhibit “13”**
- E. Section 61.30(12)(a) - Support for prior born children not established by court order - Rana Holz - **Exhibit “14”**
- F. Section 741.30 (Repeat Violence – Section 784.06) - Heather Appicella /Judge Rene Goldenberg – **Exhibit “15”**
- G. Paternity – Judge Rene Goldenberg – **Exhibit “16”**

VIII. **Next Meeting.**

- A. January 27, 2011 at Disney’s Yacht and Beach Club in conjunction with the Family Law Section’s Marital and Family Certification Review Course.

IX. **Good of the Order.**

X. **Adjournment.**

EXHIBIT

"1"

**2010-2011 Family Law Section
Legislation Committee Member Fact Sheet**

Name: _____

Email: _____

Best Contact Number: _____ **Years in family law practice:** _____

Any lobbying experience: _____

Specific family law areas of interest (i.e. adoption, dependency, children's issues):

Flexibility to travel to Tallahassee (meaning financially and scheduling wise) _____

Suggested areas of possible needed legislation: _____

EXHIBIT

"2"

Minutes
(June 23, 2010)
Boca Raton Resort & Club
Legislation Committee
(Family Law Section - Florida Bar)

MEMBERS IN ATTENDANCE:

Elisha Roy, Co-Chair
Patty Alexander, Co-Chair
Thomas Duggar, Vice-Chair
Maria C. Gonzalez, Vice-Chair
Heather Apicella, Secretary
Ron Bornstein, Secretary
Deborah Day, Special Advisor
Abigail Beebe
Barbara Beilly
Angel Bello-Billini
Steve Berzner
Mat Capstraw
Lawrence Datz
Terry Fogel
Diane M. Kirigin
Any Hamlin
Amy Hickman
David Hirschberg
Ben Hodas
Luis Insignares
Robert Jones

Norberto Katz
Ingrid Keller
Belinda Lazzara
David Manz
Ray McNeal
Robert Merlin
Ashley Myers
Monica Pigna
Carin Porras
David Riggs
Rosemarie Roth
Scott Rubin
Robin Scher
Laura Davis Smith
Sarah Sullivan
Julia Wyda
Adam Zborowski
Frank Zilitis

GUESTS:
Robyn Vines
Allyson Hughes
Kyle Marshall
Sandra Rodriguez
Daniel Goldberg
Jana Hoche
Scott Silverman
Donna Draves
Gary Flader
A. Sam Jubran
Enid Miller Ponn
Randy Heller
John W. Foster
Robert Rodriguez
Philip Wartenberg
Susan Suvad
Karen Green

I. Call to Order and Welcome by Co-Chairs: 3:40pm

Elisha Roy and Patty Alexander called the meeting to order at 3:40pm. Elisha thanked the many people who helped both her and Patty get to the place they are today.

A. Introduction of Guests: All guests introduced themselves.

B. Thank you: Elisha and Patty handed out certificates of appreciation to the Legislation Committee Members. Elisha and Patty handed out certificates and gifts to the Vice Chairs, Maria Gonzalez and Thomas Duggar. Thomas and Maria are the incoming Chairs of this Committee for the 2010-2011 Bar Year. Heather Apicella and Ron Bornstein, Secretaries, received their certificates and gift. Heather and Ron are the incoming Vice-Chairs of this Committee for the 2010-2011 Bar Year. Ben Hodas, Magistrate Jones, Abbe Beebe, and Amy Hamlin also received additional certificates of appreciation. Dr. Day received her certificate of appreciation.

Elisha explained that we could not have had such a successful year without Nelson Diaz and Edgar Castro. Nelson and Edgar have gone above and beyond for the Section. In the three years that Edgar and Nelson have been our lobbyists we have changed laws, which are substantial to the Section.

II. 2010 Legislation Session Wrap Up (40 minutes).

A. Report from Nelson Diaz and Edgar Castro on Alimony and Child Support and Questions.

Nelson thanked the Section for allowing them to work with the Family Law Section. and then provided the Committee with a detailed re-cap as to the progression of the Child Support and Alimony Bill. Elisha explained that there is really no way to completely understand how the process works without going to Tallahassee and witnessing the same first hand. Tom and Elisha met with Senator Storms several times and were able to explain to her the reason why this bill was so important. Senator Storms was originally going to sponsor the bill with the proposed language per FSU; however, she worked with the Section and was receptive to many of its suggestions. Elisha also recognized Rep. Frish and Rep. Flores for their efforts in getting this bill passed.

B. Remaining Legislative Issues from 2010 Agenda.

Nelson explained that there are several glitches (set forth below) which must be fixed. He suggested we combine several issues set forth below.

- A. GAL as own attorney**
- B. General Magistrates relieved from Jury Duty**
- C. Equitable Distribution**
- D. Chapter 39 Glitch**
- E. UIFSA**

C. Glitch issues in the Bill/Law that need to be addressed:

- A. Median Income vs. Minimum Wage**
- B. Poverty level Report**

III. Standing Positions:

A. Review current standing positions –

Elisha explained that the officers met earlier this week to review each standing position to determine what the recommendation should be to the Committee. With the exception of one deletion, we are hoping that this Committee will accept all the standing positions again.

B. Vote on sun-setting -

Motion: Rob Jones moved to approve the Standing Positions, with the exception of the deletion of one position. Matt Capstraw seconded. Elisha called for discussion. Elisha explained that all the standing positions have been fully vetted within the Family Law Section.

Maria asked what would happen if one of the Committees voted on a new standing position, would we vote on this now? Elisha explained that the vote from a Committee for a new standing position is done separately.

Magistrate Kirigin asked Elisha to explain the sun setting procedure. Elisha advised that we have to do this every 2 years because the Bar says so.

Elisha called the Vote:

All in favor. **Motion passed unanimously.**

Motion: Nelson requested the committee consider adopting a standing position which opposes legislation which eliminates alimony in its entirety. Motion made and was seconded.

Elisha called the vote:

All in favor. **Motion passed unanimously.**

C. Children's Issues Committee – Request for New Standing Position:

Motion: Maria Gonzalez, made a Motion on behalf of the Children's Issues Committee to create a new standing position:

“Support legislation in Chapter 39 proceedings which would facilitate the establishment of paternity to achieve permanency for children.”

Rob Jones Seconded the Motion.

Discussion: Magistrate Beilly asked if this is a Chapter 39 proceeding, which is confidential, how do we take the confidential proceeding Order to another file and use the establishment of paternity? Amy Hickman stated that you do not do this by Order, you do this by the birth certificate.

Elisha called the vote.

All in favor. **Motion passed unanimously.**

D. Equitable Distribution Committee – Request for New Standing Position:

David Manz explained, the position of the Committee was that we suggest a Coveture formula, which is different from the formula used in the Kaaa v. Kaaa case. David explained that we believe this would resolve this dilemma when the property is carrying the mortgage which is paid down with martial funds, which portion is “marital” for purposes of equitable distribution.

Motion: David Manz moved to use the following wording for the standing position:

“The section supports the coveture formula to establish the portion of martial property from non-marital property.”

Discussion ensued. Does the formula cover depreciation? David said no. The other problem is that this is not a bright line rule for every single case; rather something to apply if applicable.

Scott Rubin questioned whether this deals with real property only? David said yes. Why are we only restricting this to real property and not other property (i.e. stocks and bonds). There are numerous problems with regard to other property and the Equitable Distribution Committee does not believe this area of the law has enough clarity that the real property law does.

Elisa called the vote:

In favor – 29

Opposed -1

Abstentions – 2

Motion carried.

E. Ad Hoc GAL Committee – requested a new standing position.

Kim Nutter moved for the following standing position:

“To support legislation which would fund the development of a uniform objective statewide program for certifying training for GAL’s under Chapter 61 and family cases.”

All in favor. **Motion passed unanimously.**

F. Proposals for Future Legislation :

a. Collaborative Law Bill - Matt Capstraw stated that he has spoken with the Uniform Law Commission regarding the collaborative law bill and the concerns which they have relating to same. One concern deals with informed consent and having one uniform law. These people are concerned that our statute does not have this language in the bill. Matt stated that this would be covered under the Florida Rules of Ethics, which requires an attorney to provide informed consent. The next concern they had was that we have an opt out for legal aide organizations. The statute does not have a withdraw provision, as this is a rule of ethics. Therefore, if the legal aid has a conflict they would refer this case out to a pro bono attorney. The Uniform Law Commission suggested that we have a contingent operation clause, that this bill cannot go in to effect, unless there is a withdraw provision. Matt explained that the Collaborative Law Committee discussed this in the meeting today and the Committee decided not to do this. This bill is also using a different confidentiality clause. Matt explained that this bill is essentially a repeat of 2 years ago. The only difference is that we do not have a tolling

for the statute of limitations period. We are now asking this Committee to approve the bill so that it can be lobbied next year. Robert Merlin seconded.

Elisha called the vote:

All in favor: 22

Opposed: 2

Abstention: 6

Motion Carried.

b. Attorney's Fees: Rob Jones explained that a bill was filed back in 2005, which set forth that in addition to asking for attorney's fees for entitlement, you can also seek fees for fees.

Following up on this – I believe the section has a standing position which supports an award for fees in paternity appeal cases.

Motion: Rob Jones moved to support the bill which is exactly like Senate bill 502 which was filed a while ago.

Seconded by Scott Rubin.

Discussion: Magistrate Katz advised that there is a Senator which was widely opposed to this in the past.

Elisha called the vote.

All in favor. **Motion passed unanimously.**

c. Domestic Violence: Jodie Sietlin explained that she had a client who, 2 hours after obtaining an injunction, was killed by her Husband. Jodie explained the Husband killed the Wife and the Wife's father. The father had questioned Jodie what would happen if the Husband did not surrender the firearm. Jodie explained that it never occurred to her that there was not a procedure in place to ensure that the weapon was actually turned over to the authorities.

I brought this issue to Judge Karen, and Amy Costantino, and we are hoping to fix this problem. Senator Hill was trying to respond to this issue. This proposed bill, which you have, has been drafted in collaboration with law enforcement, gun lobbyists, and members of the Florida Bar. Some one suggested that I contact Frank Messersmith, regarding the drafting of this type of legislation. Senator Hill had a bill 946 and 948 on this issue, which did not move, because the bill was not nearly as well thought out as this draft is.

Magistrate Kirigin asked Jodie to further speak as to her statement that she had the support of the gun lobbyist. Jodie explained that this statement relates to an attorney in Coral

Gables, who is chair of the travelers section (Mike Haggared). Mike was kept in the loop regarding this bill; but Jodie stated that she cannot say that she has had any recent communication with him. Jodie advised that she did not have a personal conversation with the person who is lobbying for the NRA. She did ask law enforcement to take part in the discussion and the draft bill back to their respective sections.

Amy Hamlin asked whether or not there is a provision providing what will happen if the perpetrator lives across state lines. We have been very careful to make sure that we did not trample on someone's rights. We are not invading the search and seizure laws. This is still voluntarily done on behalf of the Respondent.

Angel Bello-Billini agreed with the concept. However, he is not sure that this goes as far as Jodie is intending to go. In the past we have discussed something similar to this, and in the past law enforcement does not want to house these guns.

Magistrate Katz stated that he thought that what she was proposing was that anyone who has an order of protection entered against them, must surrender weapons.

Motion: Rob Jones made a Motion to table this issue until the next meeting.
Tom Duggar called the vote:

All in favor. Motion carried.

Magistrate Beilly suggested that we create a subcommittee of the legislation committee to work with the DV Committee.

Robin Scher, Carin Porras, Matt Capstraw, Sarah Sullivan, and Sam Jabran, volunteered to be on this subcommittee.

Motion for Concept vote: Magistrate Kirigin moved to determine whether or not this body likes the concept of this legislation? Frank Zilitis seconded.

Norberto Katz asked for the answer to his questioned be answered. Is the concept that if there is a DV injunction, than you must turn over all firearms and ammunition in the respondents possession to the authorities?. Robin Scher stated that some of this is based upon the work of Judge Karen, based upon the procedural mechanism in Miami.

Frank Zalitis is concerned about the Second Amendment Right.

Tom called the vote on the concept of this legislation:

All in favor: 24

Opposed: 1

Abstention: 5

Motion carried.

d. Name Change Glitch:

Matt Capstraw advised that when a name change of a minor child is filed; the parent is the Petitioner on behalf of the minor child. Currently the statute requires that the finger print be taken of the "Petitioner," which in this case is the "parent" not the child. This was pointed out by the Chief Justice and suggested to the legislature that they look at this issue.

MOTION: To change the requirement in the statute that the finger print of the petitioner/parent and should really be the finger print of the child. This is a one sentence change.

Carin Porras seconded.

Elisha called the vote:

All in favor. **Motion passed unanimously.**

V. Open Micellaneous / New Business.:

a. Jurisdictional Issues for Probate and Family:

Maria C. Gonzalez explained that family court and probate court issues overlap. Who has jurisdiction to determine the need of the spouse when the parties are involved in a guardianship/incapacity proceeding? If you determine someone is incapacitated the Court appoints a guardian for the ward, so does the jurisdiction for temporary (or final) spousal relief lie in the probate court or family court?

A new subcommittee was formed: "Probate Jurisdictional Subcommittee":

Julia Wyda, CHAIR
Sheena Benjamin-Wise
Robin Scher
Sara Sullivan
Maria C. Gonzalez

Meeting adjourned at 5:30pm.

Meeting adjourned.

Submitted by:

Ron Bornstein & Heather Apicella,

EXHIBIT

"3"

Family Law Section

Legislation Committee

Teleconference for NEW members (July 12, 2010)

Roll Call:

In Attendance

Thomas Duggar
Maria Gonzalez
Benjamin Hodas
Susan Savard
Belinda Lazzara
Jodie Seitlin
Steve Pennypacker
Robyn Vines
Christopher Rumbold
Jason Brodie
Caryn Green
Peter Hobson
Sam Jubran
Robert Kohlman

Not in attendance

Hon. Elizabeth Adams
Sheena Benjamin-Wise
Michael Gildea
Amy Hamlin
Patricia Kuendig ¹
C. Debra Welch
Julia Wyda

Thomas Duggar gave opening remarks and then discussed the following:

- There will be a series of meetings during the year both in-person and telephonic
- It is very important for everyone to attend each meeting
- We will choose five (5) bills to lobby that we will submit to Executive Council
- The Lobbyists (Nelson and Edgar) will obtain sponsors
- Volunteering in Tallahassee
 - Great opportunity to learn how the legislative process works
 - Great help to the Section

¹ Ms. Kuendig is the Chair of the Sponsorship Committee and was hosting a Sponsorship teleconference during this Legislation teleconference.

- By September 2010 we will be voting on the bills we like and that we will send to Executive Council for approval.
- We need to have the bills selected and approved by January 2011.
- When we get sponsors for the bills, they are no longer “our” bills
- Again discussed the importance of Friday meeting during session
- There will be a leadership roundtable at Hammock Beach – very informative to get a feel for the legislative process

Jodi Seitlin asked if the proposed domestic violence legislation that was discussed at the June 2010 meeting in Boca will be one of the five (5) bills; Thomas said that Robin Scher (chair of that DV subcommittee) would be contacting those members to meet prior to our September meeting.

Steve asked how we obtain Sponsors; Thomas again stated that we leave it up to our lobbyists (Nelson and Edgar) for the most part.

Important to advise Tom and Maria if you know potential legislatures/contacts in Tallahassee

Maria stated that members will be receiving materials and the Legislation Committee Handbook at Leadership Retreat on flash drives. New members should read the Handbook.

- All committee members must notify Thomas or Maria by email if they cannot be present at any meetings
- More than four (4) unexcused absences will be a basis for your removal from the Legislation Committee
- Caryn Greene and Robyn Vines advised that they cannot attend the Leadership Retreat at Hammock Beach in July due to prior commitments
- recommended that members get familiar with the House and Senate websites
- members are encouraged to contact any Committee officers with any questions

Meeting adjourned at 12:30 p.m.

EXHIBIT

"4"



The Florida Bar



Mayanne Downs
President

John F. Harkness, Jr.
Executive Director

Scott G. Hawkins
President-Elect

July 30, 2010

Ms. Diane Mary Kirigin, Chair
Family Law Section
South County Courthouse
200 W. Atlantic Ave., Ste. 217
Delray Beach, FL 33444-3664

Re: Reactivation of 2008-2010 Legislation Positions for 2010-2012 Biennium

Dear Ms. Kirigin:

On July 23, 2010 the Board of Governors of The Florida Bar considered your section's request for reactivation of various recognized legislative positions from the 2008-2010 legislative biennium following their formal sunset pursuant to Standing Board Policy 9.20(d).

Upon review of that request, the BoG determined that it was consistent with Standing Board Policy 9.50 concerning section legislative activity and opted to not prohibit the Family Law Section's continued advocacy of these matters for the 2010-2012 biennium: Per your request, these newly reactivated positions have been officially published within the 2010-2012 Master List of Legislative Positions on The Florida Bar's website as reflected on the attached document.

As you may otherwise know, Bylaw 2-7.5 of the Rules Regulating The Florida Bar specifies that legislative action taken by a section shall be clearly identified as that of the section rather than The Florida Bar.

And, for the benefit of all involved in Bar legislative activities, the Office of Governmental Affairs maintains a listing of individuals who might be directly lobbying legislators on any section position. Our listing includes the names of all "contacts" listed on your original Legislative Position Request Form as well as the section chair and legislative chair. However, if you anticipate legislative visits or appearances by persons other than those cited above regarding any particular matter, please advise us as soon as possible.

If you have any questions or need further assistance, please do not hesitate to contact me.

Sincerely,

Elizabeth May
Administrative Assistant

Attachment

cc: Thomas L. Duggar, Section Legislation Committee Chair
Maria C. Gonzalez, Section Legislation Committee Chair
Summer Hall, Staff Administrator

**2008-2010 SECTION LEGISLATIVE POSITIONS REQUESTED FOR
REACTIVATION OR "ROLLOVER" IN 2010-2012**

Family Law Section

1. Supports amendments to Florida's domestic violence laws that would include amending §741.30(6)(a)7, *Florida Statutes*, to authorize the court to enter relief to protect minor children of a domestic violence victim as well as the victim.
2. Opposes legislation that would seek to remove from the courts in any way the establishment, modification or enforcement of family support, and/or that would seek to place consideration, effectuation or adjudication of these issues under the jurisdiction of the Department of Revenue or any other governmental or administrative body.
3. Supports modification of child support guidelines, Chapter 61, *Florida Statutes*, to eliminate the 25% reduction from the total cost of child care prior to allocating that cost between the parents, and to allow consideration of any available tax credit received by one parent as a result of child care expenses when determining allocation of costs.
4. Supports adequate funding for dependency courts and for all Chapter 39, F.S. proceedings relating to children.
5. Supports the establishment and funding of programs to provide dependency mediation services in each judicial circuit.
6. Opposes creation of an evidentiary privilege for parent-child communications.
7. Supports amendment of §61.13(1), *Florida Statutes*, to clarify that a court may require either or both parents to carry life insurance or to otherwise secure child support obligations.
8. Opposes removing or deleting the word "imminent" from §741.30(1)(a), *Florida Statutes*.
9. Supports amending Chapter 61, *Florida Statutes*, by adding a new § 61.406, *Florida Statutes*, authorizing an award of reasonable fees and costs to a duly appointed guardian ad litem, and further authorizing the guardian to apply for and enforce such an award in his or her own name without the necessity of counsel.
10. Supports amending § 742.045, *Florida Statutes*, allowing the award of appellate fees and costs in paternity matters, consistent with existing language of § 61.16, *Florida Statute*.
11. Opposes any proposed legislation that disturbs the finality of judgments determining parentage of children without consideration or inclusion of a statute of repose, a best interests of child standard consistent with established public policy of the State, and the elements and burden of proof of fraud.
12. Supports amending § 61.13(3), *Florida Statutes*, by adding as a factor for consideration of shared parental responsibility and primary residence of a child "the willingness of a parent to confer and cooperate with the other parent."
13. Supports an amendment to §61.30 (1) (a), *Florida Statutes* (Child Support Guidelines; Retroactive Child Support), deleting the words ""or mediation agreement"" in the second to last sentence.

14. Opposes any extension of administrative procedures for a determination of paternity outside of the constitutionally established judiciary branch of state government.
15. Supports the amendment of §63.042, Florida Statutes, to permit a court to excuse the consent of an adoptive parent's spouse when the court finds that an adoption is in the best interests of the child. The court, rather than the Department of Children & Families, should be vested with the authority to determine whether an adoptive parent's disability should prohibit the person from adopting.
16. Supports the elimination of any language concerning non-adoption issues such as §63.043, Florida Statutes, regarding the screening for the sickle cell trait.
17. Supports adequate funding of the state courts system, state attorneys' offices, public defenders' offices and court-appointed counsel.
18. Supports amending *Florida Statutes*, Chapters 61 and 742, Florida Statutes, to make it clear that the court has the appropriate discretion and authority to, upon good cause shown by a party, modify temporary support orders on a retroactive basis, even in the absence of a showing of a substantial change in circumstances.
19. Opposes legislation deleting the term "repeat violence" in F. S. 784.046 for purposes of protective injunctions.
20. Supports the creation of a parenting coordination statute that would apply in certain family law cases.
21. Supports the statutory recognition of collaborative law as a form of alternative dispute resolution in family law cases and the establishment of a privilege regarding the disclosure of information related to collaborative proceedings.
22. Supports legislation to create a rebuttable presumption for the purposes of imputation of income in a child support case that every parent in the State of Florida can earn minimum wage.
23. Supports the establishment of supervised visitation program standards.
24. Supports the amendment of Florida Statutes 61.08 and 61.14 to fix certain "glitches" created by the 2005 amendment of the Florida Statutes which provided for the termination or modification of alimony based upon a finding that a *de facto* marriage occurred.
25. Supports an amendment to Florida Statutes 61.14 to include subparagraphs (1)(a)1, (2), (3) (a) and (b), as well as (4) to enable a court to temporarily reduce support under certain defined circumstances post-judgment.
26. Supports the amendment to Florida Statutes section 61.30 (16) to adjust the child support statutory guidelines no less than every 3 years to ensure that Federal Poverty Guidelines are properly adjusted within those statutory guidelines.
27. Supports amending §61.30(6) F.S. which would provide that when the parents combined income exceeds the child support guidelines schedule amounts that the percentages contained at the end of subparagraph (6) not be used as a basis for awarding child support beyond the reasonable needs of the parties' children.

28. Supports amending §61.30 11(a)10 F. S. and §61.30 11(b) F. S. to require mandatory deviation in the calculation of child support and the continuing utilization of the “gross-up” method for child support calculation when the particular parenting arrangement provides that parties’ children spend a substantial amount of time with the non-custodial parent. The threshold for determination of “substantial time-sharing” should be reduced from 40% to 20% of the overnights.
29. Supports an amendment to §61.30 11 (d) F.S. which would codify current case law addressing the formula for calculating child support in split custody cases.
30. Strongly opposes any amendment to 61.30 F.S. which would delegate the obligation to review and if appropriate, reconfigure the child support guidelines schedule in Florida Statutes, Chapter 61, to the Supreme Court of the State of Florida or the State of Florida, Department of Revenue.
31. Opposes the incorporation of Family Team Conferencing as an alternative dispute resolution mechanism unless it incorporates the appropriate procedural safeguards.
32. Supports the inclusion of the definition of "incarcerated parent" in Chapter 39, Florida Statutes.
33. Supports an amendment to §827.03 F. S. to incorporate a fourth category of child abuse provided that the definition of corporal punishment is amended to define excessive corporal punishment as consistent with definitions thereof set forth in § 39.01 (30)(a) 4 a.-k.; as well as the incorporation of the phrases “permanent or temporary” in reference to i. disfigurement and j. loss or impairment of a body part or function.
34. Supports the inclusion of limiting language in setting aside paternity based upon fraud or misrepresentation for child support termination purposes.
35. Supports an amendment to § 61.13 (1)(a)(1),(2) and (3) to require that the trial court set forth in an order establishing or modifying child support a schedule containing specific findings designating the child support award for multiple children based upon current net income so that as each child attains the age of majority, the aggregate number of remaining minor children for whom child support is being paid is accordingly reduced, to the appropriate child support amount as set forth on the schedule, until such time as the total child support obligation is extinguished.
36. Supports an amendment to §61.30(2)(b) to include subparagraphs 1.,2., 3. and 4. which defines the criteria for imputation of income for child support calculation purposes under the statutory child support guidelines, assigns the evidentiary burden to the party seeking to impute the income; makes mandatory the obligation to make findings of fact when imputation of income occurs; creates a rebuttable presumption pertaining to imputation of the minimum wage to parties residing in the State of Florida and outside of the State of Florida; and finally limits those circumstances when a court may not impute income beyond minimum wage requirements.
37. Supports the adoption of legislation that will enhance parental responsibility for and time-sharing of children involved in dissolution of marriage, domestic violence and paternity matters, when in a non-intact family unit, including: (1) the elimination of labels and presumptions previously associated with custody and visitation issues; (2) the promotion of co-parenting between parents so long as domestic violence does not prevent such co-parenting concepts; and (3) minimizing the detriment (emotional, financial or otherwise) that might arise from prolonged litigation that is often inherent when parents are adversaries in proceedings involving their child(ren).
38. Supports an amendment to Chapter 39 F. S. applying Florida’s Putative Father Registry to all

termination of parental rights actions. An unmarried biological father's consent is on required when he acts to protect his parental rights by legally establishing his rights or registering with Florida's Putative Father Registry prior to the date the petition to terminate parental rights is filed with the court.

39. Supports amendment to Chapter 39 F. S. which would clearly set forth the intent that application of the Florida Putative Father Registry would differ in Dependency/Shelter proceedings and Termination of Parental Rights Proceedings as the interests of the child were different in each proceeding.

40. Supports an amendment to Chapter 39 F. S. which would provide juvenile judges with the authority to enter legally recordable paternity judgments, child support order and income deduction orders.

41. Supports amendment to Chapter 339 F. S. that applying Florida's Putative Father Registry to Dependency/Shelter proceeding by personally providing a father identified as a result of §39.503 F. S. inquiry with a disclosure on his paternal responsibility to register with Florida Putative Father Registry, support his child and legally establish his rights to the child. Such a father would have 30 days from personal receipt of the disclosure to assert his rights by registering with Florida's Putative Father Registry.

42. Supports legislation intended to clarify the nature of marital and non-marital assets in *Florida Statutes Chapter 61* proceedings.

43. Supports legislation allowing trial courts to temporarily reduce, suspend or abate child support in temporary circumstances necessitating a reduction of support.

44. Opposes legislation removing the need for a father to be current in his support to seek disestablishment of paternity.

45. Opposes legislation re attorney ad litem representation that seeks to regulate the profession, instruct and/or train lawyers on how they should represent their clients, and that allows another governmental branch agency to train lawyers.

46. Opposes legislation that remedies barriers to remarriage through equitable distribution.

47. Supports legislation designed to promote and implement a Unified Family Court.

48. Supports legislation that expands the range of both civil and criminal sanctions imposed against those who violate existing injunctions for protection against domestic, repeat, sexual and dating violence.

49. Supports an amendment to F.S. §61.14(6) to specify the application of payments when obligations exist for current alimony or spousal support, arrears of alimony or spousal support, and interest on alimony or spousal support.

50. Supports amendments to F.S. §61.14 & 742.08 regarding the enforcement and accrual of interest on child support, alimony, and spousal support judgments.

51. Supports amendments to F.S. §61.30 to streamline, simplify, and clarify the methodology of calculating child support.

52. Supports changes to F.S. §61.13 codifying the standard required for modification of parental responsibility, a parenting plan and /or time-sharing schedule.

53. Supports amendments to F.S. §61.13001 streamlining the requirements and criteria governing relocation.
54. Supports amendments to §61.075, F.S. to allow for the assessment of interest and award of security regarding delayed equitable distribution payments.
55. Supports amendments to F.S. §61.08 (alimony statute) to recognize the court's discretion to fashion alimony awards that are appropriate based upon the statutory factors including bridge-the-gap, rehabilitative, durational, and permanent alimony.
56. Supports legislation to allow not-for-profit legal aid associations to certify guardians ad litem who have taken a uniform statewide training program for cases under F.S. Chapter 61 where there are no well-founded allegations of abuse, abandonment or neglect; to not require such legal aid associations to certify guardians ad litem; and to penalize for false statements or omissions on a guardian ad litem application. Opposes legislation allowing lay guardians ad litem without the foregoing safeguards.
57. Supports an amendment to §744.301(1), Florida Statutes (2008) to specify the designation of natural guardianship for parents whose marriage has been dissolved.
58. Supports legislation providing for notice to relatives of the existence of proceedings and investigations under Chapter 39 so long as the added burden of giving notice does not result in attorneys, investigators and others working for DCF having less time to work directly to protect children.
59. Opposes legislation allowing one party to obtain assignment of a retired judge or justice with payment of the retired judge or justice by the prevailing party in a matter governed by the Florida Family Law Rules of Procedure.
60. Supports legislation allowing sheriffs to serve faxed copies of previously certified domestic violence injunctions.
61. Opposes legislation granting immunity from suit to mental health professionals licensed under Chapter 491 who disclose confidential communications when they believe there is a clear and immediate probability of certain harm.
62. Supports the expansion of actions which constitute violations of injunctions for protection to include coming into close proximity of the petitioner's dwelling, vehicle, school or place of business; defacing or destroying petitioner's vehicle or refusing to surrender firearms or ammunition after being ordered to do so by the court issuing the injunction.
63. Supports legislation specifying that transfers of homestead property between husband and wife, whether incident to a dissolution of marriage or otherwise, are not to be considered a "change of ownership" for homestead exemption purposes.
64. Opposes legislation regarding child support which creates a presumption that health insurance is affordable if it is 5% or less of a parent's gross income.
65. Supports mandatory and discretionary appointment of attorneys for children predicated on the understanding that funding for any attorney ad litem program does not jeopardize funding of the Statewide Guardian ad Litem program, that the administration of the program is not through the Statewide

Guardian ad Litem program or any other executive branch agency, and that any funding of the program does not jeopardize other court programs.

66. The Family Law Section supports the discretionary appointment of attorneys for children in the following situations:

Where the court has a concern that the child has a need for developmental disability, mental health or substance abuse services; and

In any Chapter 39 proceedings when the Court deems it appropriate.

67. Supports the mandatory appointment of attorneys for children in the following situations:

In cases where the state is seeking to administer or administers psychotropic medications to a child subject to a Chapter 39 proceeding.

Where the child is the subject of a proceeding in which the state is seeking the commitment or placement of the child for longer than 72 hours to a secure residential treatment facility, including licensed care under chapters 39, 393, 394, and 397 of the Florida Statutes.

To a child involved in a Chapter 39 proceeding at the age of 16 years.

In any case where someone is asserting a psychotherapist-patient waiver on behalf of a child.

For a child who is the subject of an application for services pursuant to Chapter 393, Florida Statutes, where the application was denied and the matter proceeds to the administrative appellate level.

68. Supports legislation that maintains current uniform laws that have been enacted in Florida that pertain to Marital & Family Law.

69. Supports legislation regarding child abduction prevention.

70. Supports legislation that will allow a duly licensed attorney acting as a guardian ad litem in Chapter 61 proceedings to also act as the attorney for the guardian ad litem.

71. Supports legislation that requires the court to allow an adoption entity to intervene in dependency proceedings where the parent has executed a consent for adoption.

72. Opposes legislation that requires only a best interests standard in allowing a third party to be delegated or awarded timesharing or visitation with a minor child.

EXHIBIT

"5"

CHAPTER 88

UNIFORM INTERSTATE FAMILY SUPPORT ACT

PART I

GENERAL PROVISIONS

88.0011 Short title.--This act shall be known and may be cited as the "Uniform Interstate Family Support Act."

88.1011 Definitions.--As used in this act:

(1) "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

(2) "Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state or foreign country.

(3) "Convention" means the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, concluded at The Hague on November 23, 2007.

(4) "Duty of support" means an obligation imposed or imposed by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

(5) "Foreign country" means a country, including a political subdivision thereof, other than the United States, that authorizes the issuance of support orders and:

(A) which has been declared under the law of the United States to be a foreign reciprocating country;

(B) which has been established a reciprocal arrangement for child support with this state as provided in Section 308;

(C) which has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures under this [act]; or

(D) in which the Convention is in force with respect to the United States.

(6) "Foreign support order" means a support order of a foreign tribunal.

(7) "Foreign tribunal" means a court, administrative agency, or quasi-judicial entity of a foreign country which is authorized to establish, enforce, or modify support orders or to determine parentage of a child. The term includes a competent authority under the Convention.

(8) "Home state" means the state or foreign country in which a child lived with a parent or a person acting as parent for at least 6 consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than 6 months old, the state or foreign country in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the 6-month or other period.

(9) "Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this state.

~~(6)~~ (10) "Income-withholding order" means an order or other legal process directed to an obligor's employer or other debtor, as defined by the income deduction law of this state, or payor as defined by s. 61.046, to withhold support from the income of the obligor.

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~~(7)~~ "Initiating state" means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this act or a law or procedure substantially similar to this act, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

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~~(8)~~ (11) "Initiating tribunal" means the authorized tribunal of a state or foreign country from which a [petition] or comparable pleading is filed for forwarding to another state or foreign country in an initiating state.

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(12) "Issuing foreign country" means the foreign country in which a tribunal issues a support order or a judgment determining parentage of a child.

~~(9)~~ (13) "Issuing state" means the state in which a tribunal issues a support order or renders a judgment determining parentage.

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~~(10)~~ (14) "Issuing tribunal" means the tribunal of a state or foreign country that issues a support order or renders a judgment determining parentage of a child.

(11) (15) "Law" includes decisional and statutory law and rules and regulations having the force of law.

(12) (16) "Obligee" means:

(aA) An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage of a child has been issued rendered;

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(bB) A foreign country, state or political subdivision of a state to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee in place of child support; or

(cC) An individual seeking a judgment determining parentage of the individual's child; or

(D) a person that is a creditor in a proceeding under [Article] 7.

~~(13)~~ (17) "Obligor" means an individual, or the estate of a decedent that:

(aA) Who owes or is alleged to owe a duty of support;

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(bB) Who is alleged but has not been adjudicated to be a parent of a child; or

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(cC) Who is liable under a support order; or

(D) is a debtor in a proceeding under [Article] 7.

(18) "Outside this state" means a location in another state or country other than the United States, whether or not the country is a foreign country.

(19) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency or instrumentality or any other legal or commercial entity.

Comment [EDR3]: This 2001 change we did not implement with some language changes from 2008.

(20) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium that is retrievable in perceivable form.

Comment [EDR2]: This is a 2001 change we did not implement.

(14) (21) "Register" means to record or file in a tribunal of this state a support order or judgment determining parentage of a child issued in another state or a foreign country in the Registry of Foreign Support Orders of the circuit court, or other appropriate location for the recording or filing of foreign judgments generally or foreign support orders specifically.

(15) (22) "Registering tribunal" means a tribunal in which a support order or judgment determining parentage of a child is registered.

(16) (23) "Responding state" means a state in which a proceeding is filed or to which a [petition] or comparable pleading for support or to determine parentage of a child is filed or to which a [petition] or other comparable pleading is proceeding is forwarded for filing from another state or a foreign country, an initiating state under this act or a law or procedure substantially similar to this act, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

Comment [EDR3]: These are changes from both 2001 and 2008.

(17) (24) "Responding tribunal" means the authorized tribunal in a responding state or foreign country.

(18) (25) "Spousal support order" means a support order for a spouse or former spouse of the obligor.

(19) (26) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to under the jurisdiction of the United States. The term includes:

(a) An Indian nation or tribe; and

(b) A foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under this act, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act, as determined by the Attorney General.

Comment [EDR4]: Substantial changes were made to this definition in 2001 that were not adopted by us. They are moot if we adopt 2008 because the 2008 version strikes through the entire section.

(20) (27) "Support enforcement agency" means a public official, governmental entity, or private or agency authorized to seek:

(aA) seek Enforcement of support orders or laws relating to the duty of support;

(bB) seek Establishment or modification of child support;

(cC) request Determination of parentage; or

(dD) attempt To locate obligors or their assets; or

(E) request determination of the controlling child support order.

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(21) (28) "Support order" means a judgment, decree, or order, decision, or directive, whether temporary, final, or subject to modification, issued in a state or foreign country for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, retroactive support, or reimbursement for financial assistance provided to an individual obligee in place of child support, and The term may include related costs and fees, interest, income withholding, automatic adjustment, reasonable attorney's fees, and other relief.

(22) "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage of a child.

88.1021 ~~Tribunal of state.~~ STATE TRIBUNAL AND SUPPORT ENFORCEMENT AGENCY—

(a) The circuit court or other appropriate court, administrative agency, quasi-judicial entity, or combination is the tribunal of this state.

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(b) The [public official, governmental entity, or private agency] [is] [are] the support enforcement agency of this state.

History.— s. 1, ch. 96-189; s. 14, ch. 97-170.

88.1031 Remedies cumulative.—

(a) Remedies provided by this act are cumulative and do not affect the availability of remedies under other law, or the recognition of a foreign support order on the basis of comity.

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(b) This act does not:

_____ (1) provide the exclusive method of establishing or enforcing a support under the law of this state;

or

_____ (2) grant a tribunal of this state jurisdiction to render judgment or issue an order relating to child custody or visitation in a proceeding under this act.

Comment [EDR5]: Virtually of this change was from 2001, the addition of (a) and (b), etc. The "foreign" is the only new addition from 2008.

88.1041 Application of Act to Resident of Foreign County and Foreign Support Proceeding.

(a) A tribunal of this state shall apply [Articles] 1 through 6 and, as applicable, [Article] 7, to a support proceeding involving:

Comment [EDR6]: This is an entirely new section added with 2008 version.

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_____ (1) a foreign support order;

_____ (2) a foreign tribunal; or

_____ (3) an obligee, obligor, or child residing in a foreign country.

(b) A tribunal of this state that is requested to recognize and enforce a support order on the basis of comity may apply the procedural and substantive provision of [Articles] 1 through 6.

(c) [Article] 7 applies only to a support proceeding under the Convention. In such a proceeding, if a provision of [Article] 7 is inconsistent with [Articles] 1 through 6, [Article] 7 controls.

PART II

JURISDICTION

88.2011 Bases for jurisdiction over nonresident.—

(a) In a proceeding to establish, enforce, or modify a support order or to determine parentage of a child, a tribunal of this state may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if:

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- (1) The individual is personally served with citation, summons, or notice within this state;
- (2) The individual submits to the jurisdiction of this state by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;
- (3) The individual resided with the child in this state;
- (4) The individual resided in this state and provided prenatal expenses or support for the child;
- (5) The child resides in this state as a result of the acts or directives of the individual;
- (6) The individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse;
- (7) The individual asserted parentage in a tribunal or in a putative father registry maintained in this state by the appropriate agency; or

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(8) There is any other basis consistent with the constitutions of this state and the United States for the exercise of personal jurisdiction.

~~(b) The bases of personal jurisdiction set forth in subsection (a) or in any other law of this state may not be used to acquire personal jurisdiction for tribunal of this state to modify a child-support order of another state unless the requirements of section 611 are met, or, in the case of a foreign support order, unless the requirements of 615 are met.~~

Comment [EDR7]: This is a 2001 change.

88.2021 DURATION OF PERSONAL JURISDICTION. Personal jurisdiction acquired by a tribunal of this state in a proceeding under this act or other law of this state relating to a support order continues so long as a tribunal of this state has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided by Sections 205, 206 and 211.

Comment [EDR8]: This is a 2001 change.

~~88.2021 Procedure when exercising jurisdiction over nonresident. A tribunal of this state exercising personal jurisdiction over a nonresident under s. 88.2011 may apply s. 88.3161 (special rules of evidence and procedure) to receive evidence from another state, and s. 88.3181 (assistance with discovery) to obtain discovery through a tribunal of another state. In all other respects, parts III through VII of this chapter do not apply and the tribunal shall apply the procedural and substantive law of this state, including the rules on choice of law other than those established by this act.~~

88.2031 Initiating and responding tribunal of state.—Under this act, a tribunal of this state may serve as an initiating tribunal to forward proceedings to a tribunal of another state and as a responding tribunal for proceedings initiated in another state or foreign country.

88.2041 Simultaneous proceedings in another state.—

~~(a) A tribunal of this state may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a petition or comparable pleading is filed in another state or a foreign country only if:~~

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~~(a1) The petition or comparable pleading in this state is filed before the expiration of the time allowed in the other state or the foreign country for filing a responsive pleading challenging the exercise of jurisdiction by the other state or the foreign country;~~

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~~(b2) The contesting party timely challenges the exercise of jurisdiction in the other state or the foreign country; and~~

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(e3) If relevant, this state is the home state of the child.

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(2b) A tribunal of this state may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state or a foreign country if:

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(a1) The petition or comparable pleading in the other state or foreign country is filed before the expiration of the time allowed in this state for filing a responsive pleading challenging the exercise of jurisdiction by this state;

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(b2) The contesting party timely challenges the exercise of jurisdiction in this state; and

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(e3) If relevant, the other state or foreign country is the home state of the child.

88.2051 Continuing exclusive jurisdiction to modify child-support order.--

Comment (EDRS): All the changes to 88.2051 were as a result of the 2001 modifications to UIFSA that we did not adopt.

~~(1a) A tribunal of this state that has issued issuing a child-support order consistent with the law of this state has and shall exercise continuing exclusive jurisdiction to modify its over a child support order if the order is the controlling order and:~~

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~~(a1) As long as at the time of the filing of a request for modification this state is the remains the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or~~

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~~(b2) Until all of the parties who are individuals have filed written consents with the tribunal of this state for a tribunal of another state to modify the order and assume continuing exclusive jurisdiction even if this state is not the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued, the parties consent in a record or in open court that the tribunal of this state may continue to exercise jurisdiction to modify its order.~~

~~(2b) A tribunal of this state issuing a child-support order consistent with the law of this state may not exercise its continuing, exclusive jurisdiction to modify the order if the order has been modified by a tribunal of another state pursuant to this act or a law substantially similar to this act.~~

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~~(1) all of the parties who are individuals file consent in a record with the tribunal of this state that a tribunal of another state that has jurisdiction over at least one of the parties who is an individual or that is located in the state of residence of the child may modify the order and assume continuing, exclusive jurisdiction; or~~

~~(2) the order is not the controlling order.~~

~~(3) If a child support order of this state is modified by a tribunal of another state pursuant to this act or a law substantially similar to this act, a tribunal of this state loses its continuing exclusive jurisdiction with regard to prospective enforcement of the order issued in this state, and may only:~~

~~(a) Enforce the order that was modified as to amounts accruing before the modification;~~

~~(b) Enforce nonmodifiable aspects of that order; and~~

(e) Provide other appropriate relief for violations of that order which occurred before the effective date of the modification.

(c) If a tribunal of another state has issued a child-support order pursuant to the Uniform Interstate Family Support Act or a law substantially similar to that Act which modifies a child-support order of a tribunal of this state, tribunals of this state shall recognize the continuing, exclusive jurisdiction of the tribunal of the other state.

(4) A tribunal of this state shall recognize the continuing exclusive jurisdiction of a tribunal of another state which has issued a child support order pursuant to this act or a law substantially similar to this act.

(d) A tribunal of this state that lacks continuing, exclusive jurisdiction to modify a child-support order may serve as an initiating tribunal to request a tribunal of another state to modify a support order issued in that state.

(5c) A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

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(6) A tribunal of this state issuing a support order consistent with the law of this state has continuing exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. A tribunal of this state may not modify a spousal support order issued by a tribunal of another state having continuing exclusive jurisdiction over that order under the law of that state.

88.2061 Enforcement and modification of support order by tribunal having Continuing jurisdiction to enforce child-support order.--

Comment [EDR10]: All of the changes to 88.2061 are from 2001

(1a) A tribunal of this state that has issued a child-support order consistent with the law of this state may serve as an initiating tribunal to request a tribunal of another state to enforce, or modify a support order issued in that state.

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(1) the order if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction pursuant to the Uniform Interstate Family Support Act; or

(2) a money judgment for arrears of support an interest on the order accrued before a determination that an order of a tribunal of another state is the controlling order.

(2b) A tribunal of this state having continuing exclusive jurisdiction over a support order may act as a responding tribunal to enforce or modify the order. If a party subject to the continuing exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings the tribunal may apply s. 88.3161 (special rules of evidence and procedure) to receive evidence from another state and s. 88.3181 (assistance with discovery) to obtain discovery through a tribunal of another state.

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(3) A tribunal of this state which lacks continuing exclusive jurisdiction over a spousal support order may not serve as a responding tribunal to modify a spousal support order of another state.

88.2071 Recognition Determination of controlling child support order.--

Comment [EDR11]: All changes to 88.2071 are from 2001 UIFSA

(1a) If a proceeding is brought under this act and only one tribunal has issued a child-support order, the order of that tribunal controls and must be so recognized.

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(2b) If a proceeding is brought under this act, and two or more child-support orders have been issued by tribunals of this state, or another state, or a foreign country with regard to the same obligor and child, a tribunal of this state having personal jurisdiction over both the obligor and individual obligee shall apply the following rules and by order shall determine in determining which order controls and must be recognized or recognize for purposes of continuing, exclusive jurisdiction:

(a) If only one of the tribunals would have continuing, exclusive jurisdiction under this act, the order of that tribunal controls and must be so recognized.

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(b) If more than one of the tribunals would have continuing, exclusive jurisdiction under this act,

(A) an order issued by a tribunal in the current home state of the child controls; or

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(B) and must be so recognized, but if an order has not been issued in the current home state of the child, the order most recently issued controls and must be so recognized.

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(c) If none of the tribunals would have continuing, exclusive jurisdiction under this act, the tribunal of this state having jurisdiction over the parties shall issue a child support order, which controls and must be so recognized.

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(3c) If two or more child support orders have been issued for the same obligor and same child and if the obligor or the individual obligee resides in this state, upon request of a party who is an individual or that is a support enforcement agency, may request a tribunal of this state having personal jurisdiction over both the obligor and the obligee who in an individual shall to determine which order controls and must be so recognized under subsection (b2). The request must be accompanied by a certified copy of every support order in effect. The requesting party shall give notice of the request to each party whose rights may be affected by the determination. The request may be filed with a registration for enforcement or registration for modification pursuant to Article 6 or may be filed a separate proceeding.

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(d) A request to determine which is the controlling order must be accompanied by a copy of every child support order in effect and the applicable record of payments. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

(4c) The tribunal that issued the controlling order under subsection (1a), subsection (2b), or subsection (3c) has is the tribunal that has continuing, exclusive jurisdiction to the extent provided under s. 88.2051 and 88.2061.

(5f) A tribunal of this state which that determines by order which is the identity of the controlling order under subsection (b)(1) or (2) or (c), or that paragraph (2)(a) or paragraph (2)(b) or which issues a new controlling order under subsection (b)(3) paragraph (2)(c) shall state in that order:

(1) the basis upon which the tribunal made its determination;

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(2) the amount of the prospective support, if any; and

(3) the total amount of consolidated arrears and accrued interest, if any, under all of the orders after all payments made are credited as provided in 88.2091.

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(6g) Within 30 days after issuance of an order determining which is the identity of the controlling order, the party obtaining the order shall file a certified copy of it with each tribunal that issued or registered an earlier order of child support. A party or support enforcement agency obtaining who obtains the order and that fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.

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(h) An order that has been determined to be the controlling order, or a judgment for consolidated arrears of support and interest, if any, made pursuant to this section must be recognized in proceedings under this act.

88.2081 Multiple child support orders for two or more obligees.--In responding to multiple registrations, petitions, or comparable pleadings for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of

another state or a foreign country, a tribunal of this state shall enforce those orders in the same manner as if the multiple orders had been issued by a tribunal of this state.

88.2091 Credit for payments. ~~A tribunal of this state shall credit amounts collected and credited for a particular period pursuant to any child-support order against the amount owed issued by a tribunal of another state must be credited against the amounts accruing or accrued for the same period under any other child-support order for support of the same child issued by the tribunal of this state, another state, or a foreign country.~~

Comment [EDR12]: The bulk of these changes are from 2001.

88.2101 Application of Act to Nonresident Subject to Personal Jurisdiction. A tribunal of this state exercising personal jurisdiction over a nonresident in a proceeding under this act, under other law of this state relating to a support order, or recognizing a foreign support order may receive evidence from outside this state pursuant to Section 316, communicate with a tribunal outside this state pursuant to Section 317, and obtain discovery through a tribunal outside this state pursuant to Section 318. In all other respects [Articles] 3 through 6 do not apply, and the tribunal shall apply the procedural and substantive law of this state.

Comment [EDR13]: All 2001 changes
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88.2111 Continuing, Exclusive Jurisdiction to Modify Spousal Support Order.

Comment [EDR14]: All 2001 changes

(a) A tribunal of this state issuing a spousal-support order consistent with the law of this state has continuing, exclusive jurisdiction to modify the spousal-support order throughout the existence of the obligation.

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(b) A tribunal of this state may not modify a spousal-support order issued by a tribunal of another state or foreign country having continuing, exclusive jurisdiction over that order under the law of that state or foreign country.

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(c) A tribunal of this state that has continuing, exclusive jurisdiction over a spousal-support order may serve as:

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(1) an initiating tribunal to request a tribunal of another state to enforce the spousal-support order issued in this state; or

(2) a responding tribunal to enforce or modify its own spousal-support order.

PART III

CIVIL PROVISIONS OF GENERAL APPLICATION

88.3011 Proceedings under this act.--

(1a) ~~Except as otherwise provided in this act, this article applies to all proceedings under this act.~~

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(2) ~~This act provides for the following proceedings:~~

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(a) ~~Establishment of an order for spousal support or child support pursuant to part IV;~~

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(b) ~~Enforcement of a support order and income withholding order of another state without registration pursuant to part V;~~

(c) ~~Registration of an order for spousal support or child support of another state for enforcement pursuant to part VI;~~

~~(d) Modification of an order for child support or spousal support issued by a tribunal of this state pursuant to ss. 88.2031-88.2061;~~

~~(e) Registration of an order for child support of another state for modification pursuant to part VI;~~

~~(f) Determination of parentage pursuant to part VII; and~~

~~(g) Assertion of jurisdiction over nonresidents pursuant to ss. 88.2011-88.2021.~~

(3) ~~(b) An individual petitioner or a support enforcement agency may initiate commence a proceeding authorized under this act by filing a petition or a comparable pleading in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state or a foreign country which has or can obtain personal jurisdiction over the respondent.~~

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88.3021 -Action Proceeding by minor parent.--A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

88.3031 Application of law of state.--Except as otherwise provided in by this act, a responding tribunal of this state shall:

(1) Shall apply the procedural and substantive law, ~~including the rules on choice of law,~~ generally applicable to similar proceedings originating in this state and may exercise all powers and provide all remedies available in those proceedings; and

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(2) Shall determine the duty of support and the amount payable in accordance with the law and support guidelines of this state.

88.3041 Duties of initiating tribunal.--

(1a) Upon the filing of a petition or comparable pleading authorized by this act, an initiating tribunal of this state shall forward ~~three copies of~~ the petition and its accompanying documents or a comparable pleading and its accompanying documents:

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(1a) To the responding tribunal or appropriate support enforcement agency in the responding state; or

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(b) If the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

(2b) ~~If requested by the responding tribunal a responding state has not enacted this act or a law or procedure substantially similar to this act, a tribunal of this state shall may issue a certificate or other document and make findings required by the law of the responding state. If the responding tribunal is in a foreign country, upon request state is a foreign jurisdiction, the tribunal of this state shall may specify the amount of support sought, convert that amount into the equivalent amount in the foreign currency under applicable official or market exchange rate as publicly reported, and provide any other documents necessary to satisfy the requirements of the responding state foreign tribunal.~~

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History.-- s. 3, ch. 96-189; s. 20, ch. 97-170.

88.3051 Duties and powers of responding tribunal.--

(a4) When a responding tribunal of this state receives a petition or comparable pleading from an initiating tribunal or directly pursuant to s. 88.3011(b3), it shall cause the petition or comparable pleading to be filed and notify the petitioner where and when it was filed.

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(b2) A responding tribunal of this state, to the extent ~~not prohibited by other~~ otherwise authorized by law, may do one or more of the following:

(a1) ~~Issue~~ establish or enforce a support order, modify a child-support order, determine the controlling child-support order, or render a judgment to determine percentage of a child;

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(b2) Order an obligor to comply with a support order, specifying the amount and the manner of compliance;

(e3) Order income withholding;

(d4) Determine the amount of any arrearages, and specify a method of payment;

(e5) Enforce orders by civil or criminal contempt, or both;

(f6) Set aside property for satisfaction of the support order;

(g7) Place liens and order execution on the obligor's property;

(h8) Order an obligor to keep the tribunal informed of the obligor's current residential address, ~~electronic-mail address, telephone number, employer, address of employment, and telephone number at the place of employment;~~

(i9) Issue a bench warrant, *capias*, or writ of bodily attachment for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant, *capias*, or writ of bodily attachment in any local and state computer systems for criminal warrants;

(j10) Order the obligor to seek appropriate employment by specified methods;

(k11) Award reasonable attorney's fees and other fees and costs;

(l12) Grant any other available remedy.

(3c) A responding tribunal of this state shall include in a support order issued under this act, or in the documents accompanying the order, the calculations on which the support order is based.

~~(4c) A responding tribunal of this state may not condition the payment of a support order issued under this act upon compliance by a party with provisions for visitation.~~

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~~(5e) If a responding tribunal of this state issues an order under this act, the tribunal shall send a copy of the order to the petitioner and the respondent and to the initiating tribunal, if any.~~

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(f) If requested to enforce a support order, arrears, or judgment or modify a support order stated in a foreign currency, a responding tribunal of this state shall convert the amount stated in the foreign currency to the equivalent amount in dollars under the applicable official or market exchange rate as publicly reported.

88.3061 Inappropriate tribunal--If a petition or comparable pleading is received by an inappropriate tribunal of this state, ~~the tribunal~~, it shall forward the pleading and accompanying documents to an appropriate tribunal ~~of~~ in this state or another state and notify the petitioner where and when the pleading was sent.

88.3071 Duties of support enforcement agency.--

~~(a)~~ A support enforcement agency of this state, upon request, shall provide services to a petitioner in a proceeding under this act.

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Or

(a) In a proceeding under ~~this~~ act, a support enforcement agency of this state, upon request:

Comment [EDR15]: This is an alternative from UIFSA 2008 we support.

(1) Shall provide services to a petitioner residing in a state

(2) shall provide services to a petitioner requesting services through a central authority of a foreign country as described in Section 88.102(5)(A) or (D); and

(3) may provide services to a petitioner who is an individual not residing in a state

(b) A support enforcement agency of this state that is providing services to the petitioner as appropriate shall:

(1a) Take all steps necessary to enable an appropriate tribunal of this state, another state, or a foreign country ~~in this state or another state~~ to obtain jurisdiction over the respondent;

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(2b) Request an appropriate tribunal to set a date, time, and place for a hearing;

(3e) Make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;

(4d) Within 10 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice from an initiating, responding, or registering tribunal, send a copy of the notice to the petitioner;

(5e) Within 10 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication from the respondent or the respondent's attorney, send a copy of the communication to the petitioner; and

(6f) Notify the petitioner if jurisdiction over the respondent cannot be obtained.

(c) A support enforcement agency of this state that requests registration of a child-support order in this state for enforcement or for modification shall make reasonable efforts:

Comment [EDR16]: 2001 changes

(1) to ensure that the order to be registered is the controlling order; or

(2) if two more child-support orders exist and the identity of the controlling order has not been determined, to ensure that a request for such a determination is made in a tribunal having jurisdiction to do so.

(d) A support enforcement agency of this state that requests registration and enforcement of a support order, arrears, or judgment stated in a foreign currency shall convert the amounts stated in the foreign currency into the equivalent amounts in dollars under the applicable official or market exchange rate as publicly reported.

~~(e) A support enforcement agency of this state shall issue or request a tribunal of this state to issue a child support order and an income-withholding order that redirect payment of current support, arrears, and interest if requested to do so by a support enforcement agency of another state pursuant to Section 319.~~

(3) This act does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

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88.3081 Duty of Governor and Cabinet.—

(a) If the Governor and Cabinet determine that the support enforcement agency is neglecting or refusing to provide services to an individual, the Governor and Cabinet may order the agency to perform its duties under this act or may provide those services directly to the individual.

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~~(b) The Governor and Cabinet may determine that a foreign country has established reciprocal arrangement for child support with this state and take appropriate action for notification of the determination.~~

Comment [EDR17]: 2001 changes

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88.3091 Private counsel.—An individual may employ private counsel to represent the individual in proceedings authorized by this act.

88.3101 Duties of state information agency.—

(a) The Department of Revenue is the state information agency under this act.

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(b) The state information agency shall:

(1a) Compile and maintain a current list, including addresses, of the tribunals in this state which have jurisdiction under this act and any support enforcement agencies in this state and transmit a copy to the state information agency of every other state.

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(2b) ~~Maintain a register~~ register names and addresses of tribunals and support enforcement agencies received from other states.

(3e) Forward to the appropriate tribunal in the place in this state in which the individual obligee who is an individual or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this act received from another state or a foreign country; ~~and an initiating tribunal or the state information agency of the initiating state.~~

(4) Obtain information concerning the location of the obligor and the obligor's property within this state not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and social security.

88.3111 Pleadings and accompanying documents.—

(a) ~~In a proceeding under this act, a petitioner seeking to establish or modify a support order, or to determine parentage of a child, or to register and modify a support order of a tribunal of another state or foreign country, in a proceeding under this act must verify the file a petition or comparable pleading. Unless otherwise ordered under s. 88.3121 (nondisclosure of information in exceptional circumstances), the petition or comparable pleading or the documents accompanying either the petition or comparable pleading must provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee, or the parent and alleged parent, and the name, sex, residential address, social security number, and date of birth of each child for whom~~

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whose benefit support is sought or whose parentage is to be determined. ~~The~~ Unless filed at the time of registration, the petition must be accompanied by a certified copy of any support order known to have been issued by another tribunal in effect. The petition may include any other information that may assist in locating or identifying the respondent.

(b2) The petition must specify the relief sought. The petition and accompanying documents must conform substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency.

~~88.3121 Nondisclosure of information in exceptional circumstances. Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this act. If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by disclosure of specific identifying information, that information must be sealed and may not be disclosed to the other party or the public. After a hearing in which a tribunal takes into consideration the health, safety, or liberty of the party or child, the tribunal may order disclosure of information that the tribunal determines to be in the interest of justice.~~

Comment [EDR18]: 2001 changes

88.3131 Costs and fees.--

(a1) The petitioner may not be required to pay a filing fee or other costs.

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(b2) If an obligee prevails, a responding tribunal of this state may assess against an obligor filing fees, reasonable attorney's fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or the responding state or foreign country, except as provided by other law. Attorney's fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs, and expenses.

(c3) The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding under part VI, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

88.3141 Limited immunity of petitioner.--

(a4) Participation by a petitioner in a proceeding under this act before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the petitioner in another proceeding.

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(b2) A petitioner is not amenable to service of civil process while physically present in this state to participate in a proceeding under this act.

(c3) The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this act committed by a party while present in this state to participate in the proceeding.

88.3151 Nonparentage as defense.--A party whose parentage of a child has been previously determined by or pursuant to law may not plead nonparentage as a defense to a proceeding under this act.

88.3161 Special rules of evidence and procedure.--

(a1) The physical presence of ~~the petitioner a nonresident party who is an individual~~ in a responding tribunal of this state is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage of a child.

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(b2) ~~A verified petition or other comparable pleading. An affidavit, a document substantially complying with federally mandated forms, and a document incorporated by reference in any of them, which would not be excluded under the hearsay rule if given in person, is admissible in evidence if given under penalty of perjury oath by a party or witness residing in another outside this state.~~

(c3) A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it, and is admissible to show whether payments were made.

(d4) Copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least 10 days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

(e5) Documentary evidence transmitted from outside this ~~another~~ state to a tribunal of this state by telephone, telecopier, or other electronic means that do not provide an original record writing may not be excluded from evidence on an objection based on the means of transmission.

(f6) In a proceeding under this act, a tribunal of this state may shall permit a party or witness residing in another outside this state to be deposed or to testify by telephone, audiovisual means, or other electronic means at a designated tribunal or other location ~~in that state~~. A tribunal of this state shall cooperate with other tribunals of other states in designating an appropriate location for the deposition or testimony.

(g7) If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

(h8) A privilege against disclosure of communications between spouses does not apply in a proceeding under this act.

(i9) The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this act.

(j) A voluntary acknowledgment of paternity, certified as a true copy, is admissible to establish parentage of a child.

88.3171 Communications between tribunals.--A tribunal of this state may communicate with a tribunal of another outside this state in a record writing, or by telephone, electronic mail, or other means, to obtain information concerning the laws of that state, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding ~~in the other state~~. A tribunal of this state may furnish similar information by similar means to a tribunal of another outside this state.

88.3181 Assistance with discovery.--A tribunal of this state may:

(1) Request a tribunal of another ~~outside this state~~ to assist in obtaining discovery, and.

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(2) Upon request, compel a person over whom which it has jurisdiction to respond to a discovery order issued by a tribunal of another outside this state.

88.3191 Receipt and disbursement of payments.--

(a) A support enforcement agency or tribunal of this state shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or tribunal of another state or a foreign country a certified statement by the custodian of the record of the amounts and dates of all payments received.

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(b) If neither the obligor, nor the obligee who is an individual, nor the child resides in this State, upon request from the support enforcement agency of this State or another State, [the support enforcement agency of this State or] a tribunal of this State shall:

(1) direct that the support payment be made to the support enforcement agency in the State in which the obligee is receiving services; and

(2) issue and send to the obligor's employer a conforming income-withholding order or an administrative notice of change of payee, reflecting the redirected payments.

(c) The support enforcement agency of this State receiving redirected payments from another State pursuant to a law similar to subsection (b) shall furnish to a requesting party or tribunal of the other State a certified statement by the custodian of the record of the amount and dates of all payments received.

PART IV

ESTABLISHMENT OF SUPPORT ORDER

88.4011 Petition to establishment support order.--

(a) If a support order entitled to recognition under this act has not been issued, a responding tribunal of this state with personal jurisdiction over the parties may issue a support order if:

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(1a) The individual seeking the order resides in another outside this state; or

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(2b) The support enforcement agency seeking the order is located in another outside this state.

(b) The tribunal may issue a temporary child support order if the tribunal determines that such an order is appropriate and the individual order to pay is:

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Comment [EDR19]: All changes from 2001

(1) a presumed father of the child;

(2) petitioning to have his paternity adjudicated;

(3) identified as the father of the child through genetic testing;

(4) an alleged father who has declined to submit to genetic testing;

(5) shown by clear and convincing evidence to be the father of the child;

(6) an acknowledged father as provided by [applicable state law];

(7) the mother of the child; or

(8) an individual who has been ordered to pay child support in a previous proceeding and the order

has not been reversed or vacated.

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(a) The respondent has signed a verified statement acknowledging parentage;

(b) The respondent has been determined by or pursuant to law to be the parent; or

(c) There is other clear and convincing evidence that the respondent is the child's parent.

(c) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to s. 88.3051.

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PART V

**DIRECT ENFORCEMENT OF SUPPORT ORDER
OF ANOTHER STATE WITHOUT REGISTRATION**

88.5011 Employer's receipt of income-withholding order of another state.--An income-withholding order issued in another state may be sent by or on behalf of the obligee, or by the support enforcement agency, to the person or entity defined as the obligor's employer under the income deduction law of this state or payor as defined by s. 61.046, without first filing a petition or comparable pleading or registering the order with a tribunal of this state.

88.50211 Employer's compliance with income-withholding order of another state.--

(a1) Upon receipt of an income-withholding order, the obligor's employer shall immediately provide a copy of the order to the obligor.

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(b2) The employer shall treat an income-withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of this state.

(c3) Except as otherwise provided by subsection (4) and s. 88.5031, the employer shall withhold and distribute the funds as directed in the withholding order by complying with the terms of the order which specify:

(1a) The duration and amount of periodic payments of current child support, stated as a sum certain;

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(2b) The person or agency designated to receive payments and the address to which the payments are to be forwarded;

(3e) Medical support, whether in the form of periodic cash payment, stated as a sum certain, or ordering the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment;

(4d) The amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney, stated as sums certain; and

(5e) The amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.

(d4) An employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:

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(1a) The employer's fee for processing an income-withholding order;

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(2b) The maximum amount permitted to be withheld from the obligor's income; and

(3e) The times within which the employer must implement the withholding order and forward the child support payment.

88.5031 Employers Compliance with two or more multiple income-withholding orders.--If the an obligor's employer receives two or more multiple income-withholding orders with respect to the earnings of the same obligor,

the employer satisfies the terms of the multiple orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for multiple two or more child support obligees.

88.5041 Immunity from civil liability.--An employer who ~~that~~ complies with an income-withholding order issued in another state in accordance with this article is not subject to civil liability to an individual or agency with regard to the employer's withholding of child support from the obligor's income.

88.5051 Penalties for noncompliance.--An employer who ~~that~~ willfully fails to comply with an income-withholding order issued ~~by~~ in another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this state.

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88.5061 Contest by obligor.--

(a) An obligor may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer in this state ~~by registering the order in a tribunal of this state and filing a contest to that order as provided in Article 6, or otherwise contesting the order in the same manner as if the order had been issued by a tribunal of this state. Section 88.6041, choice of law, applies to the contest.~~

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(b) The obligor shall give notice of the contest to:

(1a) A support enforcement agency providing services to the obligee;

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(2b) Each employer that has directly received an income-withholding order relating to the obligor;

and

(3e) The person ~~or agency~~ designated to receive payments in the income-withholding order, or if no person ~~or agency~~ is designated, to the obligee.

88.5071 Administrative enforcement of orders.--

(a) A party ~~or support enforcement agency~~ seeking to enforce a support order or an income-withholding order, or both, issued ~~in~~ by a ~~tribunal of another state or a foreign support order~~ may send the documents required for registering the order to a support enforcement agency of this state.

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(b) Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of this state to enforce a support order or an income-withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to this act.

PART VI

ENFORCEMENT AND MODIFICATION OF SUPPORT ORDER AFTER REGISTRATION

88.6011 Registration of order for enforcement.--A support order or an income-withholding order issued ~~in~~ by a ~~tribunal of another state or a foreign support order~~ may be registered in this state for enforcement.

88.6021 Procedure to register order for enforcement.--

