

# *How to Settle your Child Support Case . . . and possibly avoid going to court*

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You have been named the noncustodial parent of a child whose case is with the Florida Department of Revenue's Child Support Enforcement (CSE) Program. This brochure has important information that tells you how to settle your case, possibly without going to court. **Read it carefully.** You have the right to consult an attorney before signing any documents. The CSE Program wants you to understand your rights and responsibilities.

It is the law in Florida that both parents support their children until the children are 18. The CSE Program enforces the law by:

- Locating noncustodial parents.
- Determining the child's legal father (called "establishing paternity").
- Obtaining an order for a support obligation.
- Collecting and distributing support payments.
- Enforcing support orders.
- Asking for a review to raise or lower support payments using state guidelines, if the income of either parent changes substantially.

## **Who is the Noncustodial Parent?**

The parent (father or mother) who is not living with the child. Both parents have a legal responsibility to financially care for the child.

## **Who is the Custodial Parent?**

The parent (father or mother) or caretaker with whom the child lives and who is responsible for the child's basic needs such as housing, food and clothing.

## **What Should You Do Now?**

If you receive a letter, summons or other official document about support, you must act. Contact the Florida Department of Revenue, Child Support Enforcement Program, at 1-800-622-5437. The CSE office can help by showing you how to avoid going to court, how to find out if you are the legal parent and by explaining the support system. The following are some issues that will be covered when you contact the CSE office.

## **Are You the Legal Father? Establishing Paternity**

You are the legal father of a child if any of the following is true:

- The child was conceived while you were married to the mother.
- You and the mother both signed the birth certificate.
- You and the mother signed a paternity acknowledgement.
- Paternity was established by a court order.

If none of the above applies to you, but you believe that you are the child's father, you can ask to sign a legal document to establish paternity. Establishing paternity means becoming a legal father - the man who is recognized under law as the father of the child. Your name will be put on the child's birth certificate. Establishing paternity gives certain rights and benefits to the father, mother and child.

If you are unsure that you are the father, you may ask for a genetic test to find out if the child may be yours. In some cases, the CSE office or the court may require you to take a test if you do not volunteer. The genetic test is a scientifically proven way to determine the father of a child. It is

used all over the United States, and the results are accepted by the courts. The test is quick and simple. It involves gently wiping the inside of the mouth with a swab. Test results will be available in four to six weeks. If test results show you are not the father, no further action will be taken against you.

## **What to Do if You're the Father**

If you are the legal father, the next step is to determine the amount of support that must be paid. The CSE office will ask both parents about their incomes. If the CSE office sets an appointment with you, you may need to bring the following documents:

- A completed Financial Affidavit. If you received a court summons, this form is attached.
- Any tax returns (single or joint) filed by you in the last three years. If you have not filed returns, bring your W-2's, K-1's and any other documents that show your income for the past three years.
- Your pay stubs for the last three months.
- A copy of letters or agreements between you and the mother or caregiver relating to support.
- A copy of any papers showing you are the father of the child.
- Any legal document showing ordered support that you pay for another child or children, and proof that payments have been made.
- Information regarding availability of medical insurance.
- A picture ID.

## **How Much Will You Pay?**

The amount of support each parent pays is determined under Florida law using guidelines that are based on the income of each parent. During your appointment at the CSE office, a representative will review your income and available medical insurance and explain how much support the law presumes you must pay. If you sign a legal document stating that you understand and agree with the amount of support, along with other responsibilities involving your case, you may not have to appear in court.

You are responsible for making your payments as directed by the support order. If you are employed, the CSE office will notify your employer to automatically deduct the support from your paycheck. However, until your employer starts the deduction, you must begin paying on the date in your support order. You must continue to pay the ordered amount unless the support order is changed.

## **Court Hearings**

Signing all the legal documents required to begin support payments is the fastest and easiest way to meet your financial responsibility to your child. It saves time and can help you avoid court appearances that can take you away from your job.

If you cannot reach an agreement with the CSE representative on your support payments and responsibilities, a court hearing will be scheduled. You will receive a notice stating the date, time and location of the court hearing. When the court orders the amount of support, you must pay that amount. It is the law.

## **Your Rights and Responsibilities**

**As a noncustodial parent, you have the right to:**

- Ask for a review of the amount of your support payments if your income has changed or the child is now living with you.

- Ask for a genetic test if you don't think the child is yours and paternity has not been legally established.
- Discuss your case with the CSE office.
- Get an attorney to represent you on support issues. You will be responsible for paying your attorney's fees.
- If you have hired an attorney, all communications will be directed to your attorney.

**As a noncustodial parent, you are responsible for:**

- Paying your child support in full and on time, regardless of the state where you or the child live.
- Notifying the Child Support Enforcement Program and the court whenever you change jobs or move.
- Paying administrative costs such as court fees and charges for genetic testing.
- Providing information to the CSE office about medical insurance that could cover your child.
- Cooperating with the Child Support Enforcement Program.
- Contacting the CSE office before you fall behind on your payments.

## **For More Information on the Child Support Enforcement Program**

Visit our web site at

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

or call **1-800-622-KIDS**(1-800-622-5437)

Except: Dade County      305-530-2600

Manatee County      941-741-4039

The information in this brochure is based on Florida and federal laws. For specific legal advice, you should consult an attorney.



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**Florida Department of Revenue**