

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 2012

SPONSOR: Children and Families Committee and Senator Peadar

SUBJECT: Establishment of Paternity and Support

DATE: February 20, 2002      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dowds	Whiddon	CF	Favorable/CS
2.			JU	
3.			AGG	
4.			AP	
5.				
6.				

## I. Summary:

CS/SB 2012 creates an administrative process for establishing paternity for certain Title IV-D cases and provides for statewide application and implementation of the pilot program for administrative establishment of child support orders. More specifically, the bill sets forth in the newly created s. 409.256, F.S., a process for the Department of Revenue to establish paternity for specified Title IV-D cases which has the same binding effect as a judgment of paternity entered by the court pursuant to ch. 752, F.S. This administrative process to establish paternity may also be implemented in conjunction with the administrative process to establish child support orders, pursuant to s. 409.2563, F.S., to establish paternity and child support simultaneously. The bill specifically provides that this administrative process is an alternative procedure for establishing paternity and child support. Individuals effected by this administrative process retain the right to file in the circuit court for the determination of paternity or child support.

This bill substantially amends the following sections of the Florida Statutes: 61.13016, 61.1814, 120.80, 382.013, 409.2557, 409.2563, 742.10, and 760.40. The bill creates section 409.256 of the Florida Statutes.

## II. Present Situation:

The use of administrative processes in child support enforcement began with the federal Child Support Enforcement Amendments of 1984 which required that each state use expedited processes and procedures for the establishment and enforcement of child support orders, including those in interstate cases. Federal mandates also included specific time frames for establishing paternity and establishing and enforcing support orders. Under this legislation, states could meet this requirement for expedited processes in one of three ways:

- States could use administrative processes in which staff of the child support agency have the power to determine and enforce the support duty without judicial involvement.
- States could use quasi-judicial procedures in which a court-appointed master, referee or other court-appointed employee hears and decides child support issues.
- States could retain their judicial procedures in which judges hear and decide cases in the traditional manner if the state could demonstrate it can meet the federal time frames and a waiver is approved by the federal Office of Child Support Enforcement.  
(U.S. Commission on Interstate Child Support's Report to Congress, 1993)

Subsequent federal legislation has continued the shift to administrative processes. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) enacted an overhaul of the state child support enforcement programs in response to the number of children in poverty not receiving child support, the growing child support case loads, and the disparity between what was being collected and what could possibly be collected (*Child Support Enforcement: State Legislation in Response to the 1996 Federal Welfare Reform Act*, NCSL, 1998). The mandates set forth in PRWORA aimed to centralize and streamline child support enforcement operations within the states and expanded the state agency's authority and expediting procedures. States were provided the authority to access certain information, to expand administrative authority to take actions concerning child support enforcement previously limited to the judicial system, and to mandate and simplify paternity establishment procedures. As the time limits and eligibility restrictions are imposed by the federal welfare reform and the Temporary Assistance for Needy Families (TANF) block grants, there is increased pressure on state child support enforcement agencies to develop child support income streams for low-income families.

As a result of the federal mandates to provide expedited processes and to improve the effectiveness of their child support enforcement systems, states have incorporated administrative processes in varying degrees. There is general agreement that Maine and South Carolina have two of the strongest administrative process systems in place. Maine has used its process with great success since the mid-1980s. Florida's current administrative establishment pilot in Volusia County mirrors the Maine model. According to the National Conference of State Legislators, Maine has been able to establish more orders using the administrative process than with the previous judicial process and these orders are obtained more quickly. Only 10 percent of non-custodial parents ask for a hearing in Maine and of those who do, 90 percent appear for hearing. Since the number of hearings is small, greater time and attention can be spent resolving the issues which led to the hearing request. Included in Maine's process is an administrative procedure for the establishment of paternity. However, contested cases and default cases (i.e., cases that did not comply with the genetic testing or acknowledge paternity after the positive genetic testing) are transferred to the court. South Carolina sets its orders administratively, but anyone can request a hearing. Dedicated court personnel are available on the same day as the order setting so that people who want a hearing can see someone the same day. An administrative process is used to establish paternity in most cases, with the judicial process providing for paternity establishment in contested cases and cases where parentage is disputed. Other states where the Title IV-D agency sets the initial orders and those orders are final unless contested are Alaska, Kentucky, Montana, Missouri, Oklahoma, Utah, and Washington.

A number of states have adopted variations of the basic administrative process that blend the administrative and judicial process. Colorado has established a front-end administrative scheme which is designed to reduce the number of cases that need to be dealt with by the court system. The Child Support Enforcement Unit issues the notice of financial responsibility to the obligor scheduling a negotiation conference, at which time the support is calculated, a stipulation on the amount of the support to be paid prepared and an administrative order issued which is filed with the court. With parental acknowledgement, the Child Support Unit may issue an administrative order establishing paternity. Texas has established a similar process that identifies appropriate cases for a negotiated conference which are conducted by the Child Support Division. Agreements reached are issued as Child Support Review Process orders. The orders are sent to the court which confirms the order if a hearing is not held. (*Expedited Child Support: An Overview of the Commonwealth Countries' and United States' Procedures for Establishing and Modifying Child Support*, Mary MacDonald, 1997)

States that have continued to use the judicial model exclusively for child support issues include Illinois, New Mexico, New Jersey, New York, Pennsylvania and California. The characteristic common among these states is the use of an official in a quasi-judicial capacity who makes the decision on child support issues whether through a hearing or the review of written materials. California is one of the strongest court-based states in the area of child support. This state has been the focal point of substantial efforts to reform its system due to the heavy emphasis on judicial decision making for all family matters. As a result, the California Child Support Task Force was created in 1993 with the mission to look at the child support system in California and make recommendations for an effective expedited child support process. While the task force considered and ultimately rejected implementing an administrative process, the advantages and disadvantages of the administrative process contained in the report provide insight into the divergent perspectives on this issue.

Advantages to an administrative process were cited as:

- “It is cheaper and more efficient;
- It is able to provide greater uniformity because hearing officers are employees of a single state agency;
- It is easier for parents to use because proceedings are more informal with relaxed rules of evidence;
- It can provide due process safeguards; and
- It removes a number of routine cases from the courts and allows the courts to redirect resources to other priorities.”

Disadvantage to an administrative process were cited as:

- “(It) adds a separate forum for hearing child support cases to a system that is clearly inefficient and frustrating to parents because of its diverse players and scattered forums;
- (It would) not provide a neutral forum to decide cases if the hearing officer was employed by the same agency that enforces support orders;
- (It) duplicates costs for two processes that essentially perform the same functions since child support would continue to be decided by the courts in private family law actions, in IV-D paternity cases and in certain IV-D enforcement actions; and
- (It) relegates IV-D child support cases to a second-class adjudication system.”

*(Expedited Child Support: An Overview of the Commonwealth Countries' and United States' Procedures for Establishing and Modifying Child Support, Mary MacDonald, 1997)*

Currently, there are numerous incentives and pressures for Florida to continue to examine how the efficiency and effectiveness of the child support program can be improved, including, in particular, using administrative processes. First, federal child support enforcement law has required states to speed up the process of establishing and enforcing child support and to use statutorily prescribed administrative procedures to improve the effectiveness of child support enforcement that had once been the sole purview of the courts. Since 1996 when a number of these administrative enforcement procedures were implemented, Title IV-D collections have increased nationally by 32 percent and by 35 percent in Florida.

Second, the federal incentive measures for child support enforcement will determine the level of incentive funding received by each state. States will be competing against each other for this funding and will therefore be examining mechanisms to improve performance on each of the federal measures. The federal performance measures applied to states and Florida's current performance and ranking are as follows:

Federal Performance Measures	Florida's Performance and Ranking for FY 1999-2000	Florida's Performance for FY 2000-2001 (Ranking not yet available)
Percentage of children born out of wedlock with paternity established or acknowledged during the fiscal year.	Performance: 82.9 percent Ranking: 36 <sup>th</sup>	85.5 percent
Percentage of Title IV-D cases with support orders.	Performance: 47.5 percent Ranking: 48 <sup>th</sup>	53.6 percent
Percentage of current support collected.	Performance: 49.9 percent Ranking: 34 <sup>th</sup>	52.1 percent
Percentage of cases paying toward arrears.	(not available)	75 percent
Cost Effectiveness.	Performance: \$3.45 Ranking: 41st	\$3.60

(Department of Revenue)

Florida's Title IV-D Child Support Enforcement Program, operated by the Department of Revenue, currently most closely aligns with a quasi-judicial process. Paternity can be legally established for the child of unwed parents without a court proceeding if the father or both natural parents sign and have notarized a paternity affidavit (s. 742.10, F.S.). Absent a voluntary acknowledgement of paternity, the court establishes paternity (s. 742.031, F.S.) and can require a genetic test to show probability of paternity (s. 742.12, F.S.). Genetic tests that provide a statistical probability of paternity that equals or exceeds 95 percent creates a rebuttable presumption that the alleged father is the biological father of the child (s. 742.12, F.S.). For Title IV-D clients, the Department of Revenue is authorized to issue an administrative order to require the putative father to appear for a genetic test if the department has an affidavit from the child's mother stating that the putative father is or may be the parent of the child. Affirmative results on

the genetic test are used in the disposition hearing for the establishment of paternity and child support.

Chapter 61, F.S., guides the process for establishing the child support order. Non-custodial parents for whom paternity has been established can stipulate to their child support obligation as determined by the statutorily prescribed child support guidelines. This stipulated agreement will be sent to the court for review, whereupon the court may enter the stipulated agreement as the child support order without a court appearance. Those non-custodial parents who either do not stipulate to the child support obligation or do not respond to the Department of Revenue’s notice for a meeting are referred to the legal service provider to begin the judicial process to establish paternity or establish child support. The legal service provider files a petition with the clerk of the court and the service of process is initiated. After the service is successful and either the non-custodial parent responds or defaults, the hearing date is set. If the hearing is to establish paternity, the judge or hearing officer may either order genetic testing or enter a final order of paternity, if the non-custodial father acknowledges paternity. In those cases where genetic testing is ordered, the case is returned for another disposition hearing upon filing of positive results. If the hearing is to establish child support, the judge or hearing officer will determine and establish the child support obligation. Section 61.30, F.S., sets forth the child support guidelines for determining the amount of child support obligation.

During the 2001 session, a pilot program for the administrative establishment of child support was created in Volusia County (ch. 2001-158, L.O.F.). For Title IV-D cases where paternity was not an issue, child support orders were established administratively by the Department of Revenue. To date the results of the pilot are as follows:

As of January 14, 2002	Administrative		Judicial	
	Cases	Percent	Cases	Percent
Assigned to group	262	100	261	100
Notices mailed/judicial referrals	261	100	252	97
Non-custodial parents served notice	178	68	155	59
Non-custodial answers received	47	18	TBD	
Proposed orders sent	141	54		
Informal discussions/pre-trial conferences	6	2	TBD	TBD
Hearings scheduled	7	3	118	45
Hearings held	4	2	62	24
Final orders issued	116	44	52	20
Cases appealed	0	0	0	0
Cases in locate process	20	8	46	18
Cases closed	28	11	24	9

(Department of Revenue)

As states continue to examine how to improve the effectiveness and efficiency of their child support programs, the use of the administrative process remains in the forefront of that examination. There has been no research on the relative effectiveness of quasi-judicial and more purely administrative processes. However, the administrative processes are generally thought to

be more efficient than judicial processes and many child support experts believe they result in better performance. The cautions about administrative processes have been primarily relating to due process and establishing a second system for low-income individuals.

### III. Effect of Proposed Changes:

CS/SB 2012 sets forth in the newly created s. 409.256, F.S., a process for the Department of Revenue to establish paternity for specified Title IV-D cases and provides for statewide application and implementation of the pilot program for administrative establishment of child support orders. This administrative process to establish paternity may also be implemented in conjunction with the administrative process found in s. 409.2563, F.S., to establish child support orders for the simultaneous establishment of both paternity and child support. Establishment of paternity and child support obligations through this process provides an alternative to the judicial process that does not require an appearance in court and is less intimidating than the current venue. This administrative process would not be available to all Title IV-D cases, excluding those cases that involve potentially complex issues, such as parents who were married or are married and persons for whom genetic testing has not been conducted. Throughout the process, Title IV-D custodial and non-custodial parents retain the right to use the circuit court for determination of paternity or child support.

The bill creates s. 409.256, F.S., which sets forth a process for the Department of Revenue to establish paternity or establish paternity and child support at the same time when used in conjunction with the administrative process for establishing child support obligation pursuant to s. 409.2563, F.S. Establishment of paternity through this process has the same binding effect as a judgment of paternity entered by the court pursuant to ch. 742, F.S. The specific Title IV-D cases to which the administrative process for establishment of paternity applies and are limited to are cases in which all of the following criteria are met:

- Child's paternity has not been established; and
- The father is not named on the birth certificate or, if named, it is the same putative father as identified on an affidavit or written statement; and
- Child's mother was not married at the time of conception or birth; and
- The case is a Title IV-D case; and
- Child's mother or putative father has alleged paternity in an affidavit or written statement.

The basic components of the administrative process to establish paternity as provided in s. 409.256, F.S., are as follows:

- Notice of commencement of administrative process to establish paternity: A notice that the administrative process to establish paternity is being initiated is served on the respondent by either certified mail, restricted mail, return receipt requested, or using the procedures allowed for service of process in civil actions. The notice must inform the respondent of the following:
  - Information about the child for whom the respondent has been identified as the putative father,
  - That the respondent is required to submit to a genetic test,

- The actions the department can or will take if the genetic test provides or does not provide for paternity with sufficient statistical probability,
- The respondent's right to consent to the order or contest through an administrative hearing,
- That the proposed order will be rendered a final order if not contested,
- The respondent's responsibility to inform the department of any address changes, and
- The respondent's right to file an action in circuit court to determine paternity or child support or both.
- That the putative father may file for a determination of custody and visitation in circuit court if paternity is established.

In situations where the department is pursuing the establishment of paternity and child support simultaneously, the notice would include both the notice information required for establishment of paternity in s. 409.256, F.S., and the notice information required for establishment of child support found in s. 409.2563(7), F.S.

- Genetic testing to provide necessary probability of paternity: An order to appear for genetic testing is served on the respondent and also provided to the mother or custodian of the child, if not the respondent. This order may be served at the same time as the notice to commence the administrative process to establish paternity, using the same options for serving. The order must inform the respondent or custodial parent that an administrative process to establish paternity has commenced; the putative father identified; the person who needs to submit to the genetic test (i.e., the putative father or child); the verification of identity required; the scheduled date, time and place for the testing; that the department will pay for the test and will provide a copy of the result; the person's right to contest the order by requesting an informal review; and a subsequent right to an administrative hearing, and actions the department may take if the person does not take the genetic tests.
  - The department may schedule genetic testing without an order for persons who voluntarily submit.
  - The process to contest the order for genetic testing is initiated with a written request for an informal review. If the department still intends to proceed, the person is provided an opportunity to request an administrative hearing, pursuant to ch. 120, F.S.
  - The genetic testing may be rescheduled under certain circumstances and depending on whether the department has determined there is good cause. Second genetic tests may be requested or required by the department.
  - The actions available to the department if good cause has not been found for failing to submit to the genetic tests are as follows: suspend driver's license or motor vehicle registration, impose an administrative fine or file a petition in the circuit court to establish paternity (and, if appropriate, obtain a support order). A corresponding amendment to s. 61.13016, F.S., pertaining to suspension of driver's license is provided to allow for the use of this tool to enforce an order to appear for genetic testing.
  - The genetic test results are sent to the putative father, mother and child.
  - If genetic testing results, including subsequent test results, do not provide for a statistical probability of paternity which equals or exceeds 99 percent, the paternity proceedings end for the child.

- Proposed order of paternity (or proposed order of paternity and child support): If the genetic test provides for the established probability of paternity, the department has two options: issue a proposed order of paternity or issue a proposed order that addresses both paternity and child support (as provided in s. 409.2563, F.S.). The department cannot proceed with an order of paternity if the genetic test has not been taken or, if taken, the test has not provided a statistical probability of at least 99 percent.
- Review and contesting of the proposed order: A respondent may request an informal review of the proposed order within the stipulated time frames. A subsequent administrative hearing, pursuant to ch. 120, F.S., may be requested by the respondent. The administrative hearing is to be held where the person receiving Title IV-D services resides, if possible.
- Final order of paternity (or of paternity and child support): The department may issue a final order of paternity or a final order of paternity and child support if the respondent either consents in writing to the order or does not request a hearing within the time frames provided. In those cases where an administrative hearing is requested in a timely manner, the administrative law judge of the Division of Administrative Hearings may issue a final order of paternity or of paternity and child support. The final order issued in accordance with this section is provided the same binding effect as a judgment entered by the court pursuant to ch. 742, F.S. The department is to mail a copy of the final order to the putative father, the mother, and the custodian, if any. The Office of Vital Statistics is also to be notified that the paternity of the child has been established. The corresponding s. 382.013(2), F.S., on the registration of births, is amended to allow for the addition of the father's name to the birth certificate, if paternity is established in accordance with s. 409.256, F.S.

Additional provisions of the bill creating s. 409.256, F.S., are as follows:

- The department is permitted to respond to other states' request for assistance in establishment of paternity using this administrative process.
- The department is permitted to use the procedures of this section against an individual determined a non-resident and over whom the state may assert jurisdiction pursuant to chapters 48 and 88, F.S.
- The ability to address multiple children of the same putative father in the same process is provided, as is the ability to proceed simultaneously against more than one putative father if identified for a particular child.
- The results of the genetic tests are admissible as evidence in circuit court in the same manner as scientific tests provided in ch. 742, F.S.
- The provisions of this section are to be gender neutral and equally applied to a mother of a child whose paternity has not been established or presumed by law.
- The department has both the remedies provided in this section available to establish paternity and child support and the remedies provided in other sections of law, i.e. the judicial process.
- The department is authorized to adopt rules for the administration of this section.

The bill amends other sections of Florida law to conform to the newly created s. 409.256, F.S.

- Section 61.1814, F.S., which provides for the Title IV-D application fee and fines to be deposited into the Child Support Enforcement Application and Program Revenue Trust



Funds, is amended to add the administrative fees imposed and collected for failure to appear for genetic testing.

- The administrative process for establishment of paternity as provided in s. 409.256, F.S., is added to the provisions of s. 120.80(14)(c), F.S., that provides exceptions and special requirements to the ch. 120, F.S., administrative review process for the administrative process set forth for establishment of child support in s. 409.2563, F.S.
- Rulemaking authority is provided to the department in s. 409.2557, F.S., for the administrative process to establish paternity and the administrative process to establish child support.
- The adjudication of paternity by the department pursuant to s. 409.256, F.S., is added to the forms of paternity establishment recognized in s. 742.10(1), F.S., for the purposes of ch. 742, F.S.
- The requirement that genetic testing be performed only when there is informed consent in s. 760.40(2)(a), F.S., currently allows for an exception for the purpose of determining paternity as provided in s. 742.12(1), F.S., and is amended to include the determination of paternity as provided in s. 409.256, F.S., which is the administrative process for establishment of paternity conducted the Department of Revenue.

CS/SB 2012 amends s. 409.2563, F.S., which provides for the pilot program for the administrative establishment of child support obligations, to apply this administrative process statewide. The newly created proceeding for establishing paternity is recognized where appropriate in this section. The use of restricted delivery is permitted by the bill when serving the notice of proceeding to establish child support.

The bill provides for the use of a financial affidavit developed by the department instead of the form prescribed by the Florida Family Law Rules of Procedure as is used for child support determinations by the court. The current form requests a broader scope of information than is pertinent to the full range of ch. 61, F.S., issues, such as alimony and equitable distribution of marital property. It also requires that the affidavit be notarized which may delay the return of the information. This amendment would allow the department to develop a form that is more specific to information needed for determining the child support amount and to provide for a written declaration that the facts ascribed are true.

The bill clarifies that the administrative support order has the same force and effect as a court order. It also applies the presumption of ability to pay support provision of s. 61.14(5)(a), F.S., to the administrative support orders. Specifically, the obligor's imputed or actual ability to pay the support would need to be determined in entering the administrative support order. If a contempt hearing is held by the court, the original administrative support order would create a presumption of ability to pay the support. The obligor would have to show that he or she lacks the ability to purge himself or herself from contempt.

To prevent simultaneous proceedings through the court and through the administrative venue, the bill provides that if the respondent files action in circuit court and notifies the department within the prescribed time frames, the administrative process would end. Section 409.2563, F.S., currently requires that the support order issued through this administrative process provide and state separately the amount of the non-custodial parent's monthly support obligation for each child. The bill eliminates the requirement to specify the amount for each child, a change which

the department reports is consistent with the practice used for Title IV-D orders issued by the court.

CS/SB 2012 clarifies in s. 409.2563, F.S., that the administrative law judge in the ch. 120, F.S., hearings may issue an income deduction order as part of the administrative support order. It also provides that the administrative support order may include deductions from unemployment compensation benefits and that such deductions cannot exceed 40 percent of the benefits. The department's ability to modify the administrative order is expanded to allow the department to suspend or terminate the order.

The subsection of s. 409.2563, F.S., which establishes and requires an evaluation of the pilot program for the administrative establishment process is converted by this bill to the evaluation component for the state administrative establishment process. The evaluation of the county piloting this process continues, but is referred to as the study area. The bill adds a report from the department to the Governor, Cabinet and Legislature that is to be submitted by June 30, 2004 on the implementation and results of the implementation of the administrative process for establishing paternity and for establishing child support as provided in ss. 409.256 and 409.2563, F.S. It also requires the Office of Program Policy Analysis and Government Accountability to evaluate the statewide implementation of these administrative processes with a report to be submitted January 31, 2005.

CS/SB 2012 sets forth a process for establishing paternity and child support for certain Title IV-D clients through administrative procedures conducted by the Department of Revenue. Judicial action would not be required to issue a final order of paternity or child support obligation that is binding and enforceable. This process would not be available to all Title IV-D cases. Excluded are subgroups with a higher potential for complexity clearly necessitating judicial intervention, such as parents who were or are married. Persons for whom genetic testing is not conducted would be sent through the court process. All Title IV-D custodial parents and non-custodial parents would have the ability to use the circuit court alternative to address paternity or child support. If the positive early results found in the Volusia County pilot program for administrative establishment of child support continue, this process has the potential to expedite the establishment of child support orders which will get support payments to custodial parents sooner and improve the incentive funding Florida can secure.

The bill takes effect upon becoming law.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Custodial parents should begin receiving their child support more quickly.

C. Government Sector Impact:

The Department of Revenue reports that this bill will not result in an fiscal impact to the department.

The Office of State Courts Administrator reports that since the Department of Revenue does not pay a filing fee to the clerk for the cases it files for action, the decline in the number of cases that the department files would not impact filing fee revenues. Custodial or non-custodial parents who desire a judicial determination of paternity or child support, who appeal an administrative order to the judicial review level or who require a separate court action in circuit court for resolution of custody and visitation would be required to pay a filing fee. The Office of State Courts Administrator also reports that while an unknown number of cases currently handled judicially will now be handled administratively, some portion of these cases will still be entering the judicial process but in a different manner, i.e., judicial reviews appealing the administrative orders or orders for genetic testing, individuals electing the judicial process for establishment of paternity or child support, and with more support orders there may be potentially more contempt activities by the courts.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The administrative support order rendered by the Department of Revenue will not be enforceable through the contempt powers of the court and will not reflect visitation and custody that are often issues which the custodial and non-custodial parents want addressed as part of the paternity action and establishment of child support obligation. Title IV-D custodial and non-custodial parents need to be able to easily access the court system to address the ancillary issues which are not provided for in the administrative support order. In addition, the standing of the administrative support order when the court intervenes with its contempt powers or in dealing with ancillary issues needs to be addressed.

Minnesota's Supreme Court struck down that state's administrative child support process as being unconstitutional because it violated the separation of powers doctrine. Specifically, the administrative process infringed on the district court's original jurisdiction; the tribunal created was not inferior to the district court; and the child support officers were permitted to practice law. The National Conference of State Legislatures reports that Minnesota's administrative program surpassed the federal requirements. The Minnesota administrative program was provided a number of authorities that are not contained in Florida's proposed administrative process. These authorities were a consideration in the Supreme Court's decision and include the following: the administrative law judges could modify child support orders granted by the courts; administrative orders were enforceable by the contempt powers of the court or district courts; the administrative child support process was mandatory for many parties; and child support officers who were nonattorneys were authorized to draft pleadings and appear at hearings representing the public authority without attorney supervision. (State of Minnesota in Supreme Court, C7-97-926, January 28, 1999)

The one aspect of Florida's proposed administrative child support process that appears similar to Minnesota's administrative program is that the administrative order issued is final and binding without judicial review and approval. However, Vickie Turetsky, a Senior Staff Attorney at the Center for Law and Social Policy, reports that this power is consistent with powers states exercise in other areas, such as workers' compensation, unemployment compensation and Medicaid rate setting. In addition, 13 other states issue administrative orders for child support without court approval.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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