

## Chapter 1

## GENERAL

1-1. Purpose. This operating procedure details general requirements and procedures for establishing paternity and child support, processing referrals to the Department of Revenue Child Support Program for children receiving Title IV-E foster care or non IV-E foster care payments for the enforcement of child support orders, and for managing support payments.

a. Florida has a vested interest in ensuring that children who are the subject of determination of paternity or adoption have their Florida birth record information updated in accordance with Florida Statutes.

b. The state is required to meet a Paternity Establishment Percentage of 90% each year to avoid the Department being penalized through a reduction to its Temporary Assistance for Needy Families (TANF) block grant (see Title 45 Code of Federal Regulations, section 305.40).

c. The Paternity Establishment Percentage for Florida is determined by identifying the number of Florida born children for whom paternity has been established and recorded during the calendar year compared to the total number of children born in Florida out of wedlock during the previous calendar year.

d. The number of children for whom paternity is established or adoption is confirmed through dependency is sufficient to affect the State's Paternity Establishment Percentage.

1-2. Scope. This operating procedure is applicable to Department staff, Sheriffs' staff conducting Child Protective Investigations, and Community-Based Care (CBC) child welfare staff. This includes Child Protective Investigators, adoption and dependency Case Managers, revenue maximization specialists, supervisors, attorneys with Children's Legal Services (which hereinafter includes the Office of the Attorney General or State Attorney's Office in those circuits where such offices are contractually providing such services), eligibility specialists, and staff responsible for data management and fiscal operations.

1-3. Authorities and References. The following authorities and references apply:

- a. 42 U.S.C. section 657.
- b. Section 471(a)(17) of the Social Security Act.
- c. 45 Code of Federal Regulations (C.F.R.) 233.90.
- d. 45 C.F.R. 305.40.
- e. Section [39.00145 \(4\)\(a\) and \(b\)](#), Florida Statutes (F.S.).
- f. Section [39.01\(16\)](#), F.S.
- g. Section [39.0135](#), F.S.
- h. Section [39.202](#), F.S.
- i. Section [39.402\(11\)\(a\)](#), F.S.
- j. Section [39.521\(1\)\(d\)7](#), F.S.

- k. Section [39.6011\(4\)\(d\)](#), F.S.
- l. Section [39.701\(2\)\(c\)5](#), F.S.
- m. Section [382.015](#), F.S.
- n. Chapter. [61](#), F.S.
- o. Section [61.046 \(21\)](#), F.S.
- p. Section [61.13](#), F.S.
- q. Section [409.2561\(1\)](#), F.S.
- r. Section [409.2561\(2\)\(a\) and \(b\)](#), F.S.
- s. Section [409.2561\(4\)](#), F.S.

1-4. Definitions. The terminology and definitions used throughout this operating procedure follow:

a. Child Support as defined under s. [39.01\(16\)](#), F.S., means a court-ordered obligation, enforced under Chapter [61](#), F.S., and ss. [409.2551 – 409.2597](#), F.S., for monetary support for the care, maintenance, training, and education of a child.

b. Child Support Collections are court-ordered child support payments made for the benefit of a child in out-of-home care.

(1) The Department of Revenue Florida State Distribution Center (FLSDU) or the Clerk of Court submits support payments to the Department of Children and Families (Department) as ordered by the court.

(2) Once the Department receives a support payment, the payment is treated similar to benefit payments received on behalf of a client, except that a personal allowance is not deducted from child support collection before applying the support amount to the cost of care. Child support payments received in excess of the cost of care are deposited into the child's Master (Client) Trust Fund.

c. Child Support Program as required by Title IV-D of the Social Security Act is administered by the Department of Revenue (DOR) to provide services that include location of the absent parent, establishment of paternity, establishment of medical and financial support obligations; and enforcement, modification, and collection of the obligations.

d. Child Welfare Professional means an individual who is primarily responsible for case activities and who has met the criteria for Florida Certification as a Child Protective Investigator, Case Manager, or a Licensing Counselor (Rule [65C-30.001\(22\)](#), Florida Administrative Code [F.A.C.]).

e. Fee(s) may be charged to the parent(s) of a child in licensed shelter care as partial or total reimbursement to the state for maintenance of the child in a licensed out-of-home care facility or for the cost of services, except where prohibited or limited by state or federal law or regulation. Fees are also known as maintenance fee, cost of care, or service fee (refer to CFOP [55-7](#)).

f. Florida Safe Families Network (FSFN) is the state's automated official case management record for all children and families receiving child welfare services, from screening for child abuse and neglect at the Florida Abuse Hotline through adoption. Additionally, it is the official record for all expenditures related to service provision for children, youth and/or families receiving in-home, out-of-home, adoption services, adoption subsidies, and post-foster care supports such as Independent Living

Services. This financial information supports the determination of the cost of care for each individual child, as well as claiming of expenditures to the appropriate funding sources.

g. Master (Client) Trust Fund is an account established for the purpose of accepting and administering in trust any money received for personal use or benefit of a client, such as parent contributions, interest, child support payments, or benefit payments received in excess of the cost of care. Any income received by the Department in excess of the cost of care is deposited into the client's individual master trust account. Departmental Master (Client) Trust funds must be administered in accordance with DCF Accounting Procedures Manual (APM), 7 APM 3 and 7 APM 6.

NOTE: The process differs for support payments made on behalf of a child in out-of-home care. The amount of support payment in excess of the cost of care is deposited into the child's master trust account.

h. Relative Caregiver Program provides payments for certain children placed with relatives by the Department as an alternative to licensed foster care. Funding for the Relative Caregiver Program comes from Title IV-A, Temporary Assistance for Needy Families. Eligibility factors, including child support cooperation, are consistent with Temporary Cash Assistance. Refer to s. [39.5085](#), F.S., and CFOP 165-22, ACCESS Florida Program Policy Manual, sections [2020.0401](#) and [2020.0402](#).

i. Temporary Cash Assistance (TCA) provides financial assistance to children deprived of the support or care of one or both parents, who are needy, and who meet other eligibility criteria. Title IV-A, Temporary Assistance for Needy Families (TANF), is the legal basis for the TCA program. Under state and federal law, the state must take action to locate non-custodial parents, establish paternity, and secure all child support, medical support, or other benefits for children receiving public assistance. Refer to CFOP 165-22, ACCESS Florida Program Policy Manual, section [1420.1700](#), Child Support Cooperation.

#### 1-5. Roles and Responsibilities.

a. Chapter 39, F.S., sets out the responsibilities and authority of the Department of Children and Families (Department) related to children receiving child welfare services. Service delivery is coordinated through an administrative structure of six geographic regions, aligned with Florida's 20 judicial circuits, serving all 67 counties. Within regions, Community-Based Care Lead Agencies (CBCs) deliver out-of-home care and related services. Included in the responsibilities and authority are establishment of paternity and management of support collections for a child placed in out-of-home care.

b. It is vital for Child Welfare Professionals (CWPs), Children's Legal Services (CLS), and the Child Support Program to communicate routinely on support matters.

c. CWPs are responsible for:

(1) Gathering information which will be used to establish the support obligation and enforcement of a support order.

(2) Entering support information in the *Assets and Employment* screen in FSFN. The interface with the Child Support Automated Management System (CAMS) will send an automated message to the primary case manager containing the child support payment information with the child's and one parent's FSFN and CAMS identification number (IDs) and a second row with the child and the other parent's FSFN and CAMS IDs, as appropriate.

NOTE: Support is income for the child, not the parent.

(3) Communicating with CLS, the Child Support Program, and revenue maximization when the child's situation changes such as a change of the child's placement, a permanency goal is achieved, or it is learned that a parent has insurance.

(a) The bilateral interface between FSFN and the Child Support Automated Management System (CAMS) transmits information nightly.

(b) The following updated information in FSFN is sent via the interface:

1. When parental rights are terminated (TPR) for a child's parents;
2. When a child's placement is discharged;
3. When a child is merged; or,
4. When a parent is merged.

(4) Updating FSFN with support information as FSFN will not be updated with data returned from CAMS.

(5) Ensuring that support orders are scanned into the FSFN file cabinet.

(6) Providing to the revenue maximization specialist a copy of the order establishing the parent's duty to support upon receipt from CLS.

d. CLS is responsible for:

- (1) Preparing or reviewing orders establishing a parent's duty to support the child; and,
- (2) Ensuring the CWP receives a copy of the order establishing the parent's duty to support.

