

# CHAPTER 2002-239

## House Bill No. 1689

An act relating to the administrative establishment of child support; amending s. 120.80, F.S.; providing for immediate judicial review of any such order; providing for enforcement; amending s. 409.2557, F.S.; authorizing the Department of Revenue to adopt rules for administrative proceedings to establish child-support obligations; amending s. 409.2563, F.S.; revising the pilot program for administrative establishment of child-support obligations; providing for statewide application of the procedures established under the pilot program; providing process for optional pursuit of judicial process; providing for the withholding of a specified portion of a noncustodial parent's unemployment compensation; authorizing the Division of Administrative Hearings to render an income deduction order; providing for the use of a financial affidavit as prescribed by the department; requiring an evaluation of the administrative process for establishing child-support obligations; requiring the Office of Program Policy Analysis and Government Accountability to conduct an evaluation of the statewide implementation of the administrative processes for child support; requiring a report by January 31, 2005; providing legislative intent regarding support for administrative child-support process; directing the Department of Revenue to study the feasibility of an administrative process for the establishment of paternity in Title IV cases; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (c) of subsection (14) of section 120.80, Florida Statutes, is amended to read:

120.80 Exceptions and special requirements; agencies.—

(14) DEPARTMENT OF REVENUE.—

(c) Proceedings for administrative child support orders.—~~Notwithstanding the provisions of s. 120.569 or s. 120.57 to the contrary,~~ In proceedings for the establishment of administrative support orders pursuant to s. 409.2563, final orders in cases referred by the Department of Revenue to the Division of Administrative Hearings shall be entered by the division's administrative law judge and transmitted to the Department of Revenue for filing and rendering indexing. The Department of Revenue has the right to seek judicial review under s. 120.68 of a final order entered by an administrative law judge. Administrative support orders rendered pursuant to s. 409.2563 may be enforced pursuant to s.

120.69 or, alternatively, by any method prescribed by law for the enforcement of judicial support orders, except contempt.

Section 2. Subsection (3) of section 409.2557, Florida Statutes, is amended to read:

409.2557 State agency for administering child support enforcement program.  
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(3) SPECIFIC RULEMAKING AUTHORITY.—The department has the authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement all laws administered by the department in its capacity as the Title IV-D agency for this state including, but not limited to, the following:

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

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

(c) Department trust funds;

(d) Federal funding procedures;

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

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

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

(h) Management of cases by the department involving any documentation or procedures required by federal or state law, including but not limited to, cooperation; review and adjustment; audits; interstate actions; diligent efforts for service of process;

(i) Department procedures for orders for genetic testing; subpoenas to establish, enforce, or modify orders; increasing the amount of monthly obligations to secure delinquent support; suspending or denying driver's and professional licenses and certificates; fishing and hunting license suspensions; suspending vehicle and vessel registrations; screening applicants for new or renewal licenses, registrations, or certificates; income deduction; credit reporting and accessing; tax refund intercepts; passport denials; liens; financial institution data matches;

expedited procedures; medical support; and all other responsibilities of the department as required by state or federal law;

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

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

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

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

(n) State case registry;

(o) State disbursement unit; and

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

~~(q)(p)~~ All other responsibilities of the department as required by state or federal law. Section 3. Section 409.2563, Florida Statutes, is amended to read:

409.2563 ~~Pilot program for~~ Administrative establishment of child support obligations.—

(1) DEFINITIONS.—As used in this section, the term:

(a) “Administrative support order” means a final order rendered by or on behalf of the department pursuant to this section establishing or modifying the obligation of a noncustodial parent to contribute to the support and maintenance of his or her child or children, which may include provisions for monetary support, retroactive support, health care, and other elements of support pursuant to chapter 61.

(b) “Caretaker relative” has the same meaning ascribed in s.414.0252(11).

(c) “Filed” means a document has been received and accepted for filing at the offices of the department by the clerk or any authorized deputy clerk of the department. The date of filing must be indicated on the face of the document by the clerk or deputy clerk.

(d) “Financial affidavit” means an affidavit or written declaration as provided by s. 92.525(2) which shows an individual’s income, allowable deductions, net

income, and other information needed to calculate the child support guideline amount under s. 61.30

~~(e)~~(d) “Rendered” means that a signed written order is filed with the clerk or any deputy clerk of the department and served on the respondent. The date of filing must be indicated on the face of the order at the time of rendition.

~~(f)~~(e) “Title IV-D case” means a case or proceeding in which the department is providing child support services within the scope of Title IV-D of the Social Security Act, 42 U.S.C. ss. 651 et seq.

~~(g)~~(f) “Retroactive support” means a child support obligation established pursuant to s. 61.30(17). Other terms used in this section have the meanings ascribed in ss. 61.046 and 409.2554.

## (2) PURPOSE AND SCOPE.—

(a) It is not the Legislature’s intent to limit the jurisdiction of the circuit courts to hear and determine issues regarding child support. This section is intended to provide the department with an alternative procedure for establishing child support obligations in Title IV-D cases in a fair and expeditious manner when there is no court order of support. The procedures in this section are effective throughout the state and shall be implemented statewide.

(b) The administrative procedure set forth in this section concerns only the establishment of child support obligations. This section does not grant jurisdiction to the department or the Division of Administrative Hearings to hear or determine issues of dissolution of marriage, separation, alimony or spousal support, termination of parental rights, dependency, disputed paternity, award of or change of custody, or visitation. This paragraph notwithstanding, the department and the Division of Administrative Hearings may make findings of fact that which are necessary for a proper determination of a noncustodial parent’s support obligation as authorized by this section.

(c) If there is no support order for a child in a Title IV-D case whose paternity has been established or is presumed by law, the department may establish the a noncustodial parent’s child support obligation pursuant to this section, s. 61.30, and other relevant provisions of state law. The noncustodial parent’s obligation determined by the department may include any obligation to pay retroactive support and any obligation to provide for health care for a child, whether through insurance coverage, reimbursement of expenses, or both. The department may proceed on behalf of:

1. An applicant or recipient of public assistance, as provided by ss. 409.2561 and 409.2567;

2. A former recipient of public assistance, as provided by s. 409.2569;
3. An individual who has applied for services as provided by s. 409.2567;
4. Itself or the child, as provided by s. 409.2561; or
5. A state or local government of another state, as provided by chapter 88.

(d) Either parent, or a caretaker relative if applicable, may at any time file a civil action in a circuit court having jurisdiction and proper venue to determine the noncustodial parent's child support obligations, if any. A support order issued by a circuit court prospectively supersedes an administrative support order rendered by the department.

(e) Pursuant to paragraph (b), neither the department nor the Division of Administrative Hearings have jurisdiction to award or change child custody or rights of parental contact. Either parent may at any time file a civil action in a circuit having jurisdiction and proper venue for a determination of child custody and rights of parental contact.

(f) The department shall terminate the administrative proceeding and file an action in circuit court to determine support if within 20 days after receipt of the initial notice the noncustodial parent requests in writing that the department proceed in circuit court or states in writing the noncustodial parent's intention to address issues concerning custody or rights to parental contact in court and if within 10 days after receipt of the department's petition and waiver of service the noncustodial parent signs and returns the waiver of service form to the department.

(g) The notices and orders issued by the department under this section shall be written clearly and plainly. (3) JURISDICTION OVER NONRESIDENTS.—The department may use the procedures authorized by this section to establish a child support obligation against a nonresident over whom the state may assert personal jurisdiction under chapter 48 or chapter 88.

(4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE SUPPORT ORDER.—To commence a proceeding under this section, the department shall provide to the custodial parent and serve the noncustodial parent with a notice of proceeding to establish administrative support order and a blank financial affidavit form. The notice must state:

(a) The names of both parents, the name of the caretaker relative, if any, and the name and date of birth of the child or children;

(b) That the department intends to establish an administrative support order as defined in this section;

(c) That both parents must submit a completed financial affidavit to the department within 20 days after receiving the notice, as provided by paragraph (13)(a);

(d) That both parents, or parent and caretaker relative if applicable, are required to furnish to the department information regarding their identities and locations, as provided by paragraph (13)(b);

(e) That both parents, or parent and caretaker relative if applicable, are required to promptly notify the department of any change in their mailing addresses to ensure receipt of all subsequent pleadings, notices, and orders, as provided by paragraph (13)(c);

(f) That the department will calculate support obligations based on the child support guidelines in s. 61.30 and using all available information, as provided by paragraph (5)(a), and will incorporate such obligations into a proposed administrative support order;

(g) That the department will send by regular mail to both parents, or parent and caretaker relative if applicable, a copy of the proposed administrative support order, the department's child support worksheet, and any financial affidavits submitted by a parent or prepared by the department;

(h) That the noncustodial parent may file a request for a hearing in writing within 20 days after the date of mailing or other service of the proposed administrative support order or will be deemed to have waived the right to request a hearing;

(i) That if the noncustodial parent does not file a timely request for hearing after service of the proposed administrative support order, the department will issue an administrative support order that incorporates the findings of the proposed administrative support order, and will send by regular mail a copy of the administrative support order to both parents, or parent and caretaker relative if applicable;

(j) That after an administrative support order is rendered, the department will file a copy of the order with the clerk of the circuit court;

(k) That after an administrative support order is rendered, the department may enforce the administrative support order by any lawful means; ~~and~~

(l) That either parent, or caretaker relative if applicable, may file at any time a civil action in a circuit court having jurisdiction and proper venue to determine the noncustodial parent's child support obligations, if any, and that a support order issued by a circuit court supersedes an administrative support order rendered by the department;

(m) That, neither the department nor the Division of Administrative Hearings have jurisdiction to award or change child custody or rights of parental contact and these issues may only be addressed in circuit court. If the noncustodial parent has issues regarding child custody or right of parental contact or requests to proceed in circuit court the noncustodial parent may request in writing that the department proceed in circuit court to determine support and the noncustodial parent must make such request in writing within 20 days after receipt of the initial notice. Upon such request the department shall send the noncustodial parent by regular mail a copy of the department's petition and waiver of service form. The noncustodial parent must sign and return the waiver of service form, within 10 days of receipt of the petition at which time the department shall terminate the administrative proceeding and file an action in circuit court to determine support;

(n) That if the noncustodial parent files an action in circuit court and serves the department with a copy of the petition within 20 days after being served notice under this subsection, the administrative process ends without prejudice and the action must proceed in circuit court;

(o) Information provided by the Office of State Courts Administrator concerning the availability and location of self-help programs for those who wish to file an action in circuit court but who cannot afford an attorney.

The department may serve the notice of proceeding to establish administrative support order by certified mail, restricted delivery, return receipt requested. Alternatively, the department may serve the notice by any means permitted for service of process in a civil action. For purposes of this section, an authorized employee of the department may serve the notice and execute an affidavit of service. Service by certified mail is completed when the certified mail is received or refused by the addressee or by an authorized agent as designated by the addressee in writing. If a person other than the addressee signs the return receipt, the department shall attempt to reach the addressee by telephone to confirm whether the notice was received, and the department shall document any telephonic communications. If someone other than the addressee signs the return receipt, the addressee does not respond to the notice, and the department is unable to confirm that the addressee has received the notice, service is not completed and the department shall attempt to have the addressee served personally. The department shall provide the custodial parent or caretaker relative with a copy of the notice by regular mail to the last known address of the custodial parent or caretaker.

#### (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.—

(a) After serving notice upon the noncustodial parent in accordance with subsection (4), the department shall calculate the noncustodial parent's child support obligation under the child support guidelines as provided by s. 61.30,

based on any timely financial affidavits received and other information available to the department. If either parent fails to comply with the requirement to furnish a financial affidavit, the department may proceed on the basis of information available from any source, if such information is sufficiently reliable and detailed to allow calculation of guideline amounts under s. 61.30. If the custodial parent receives public assistance and fails to submit a financial affidavit, the department may submit a financial affidavit for the custodial parent pursuant to s. 61.30(15). If there is a lack of sufficient reliable information concerning a parent's actual earnings for a current or past period, it shall be presumed for the purpose of establishing a support obligation that the parent had an earning capacity equal to the federal minimum wage during the applicable period.

(b) The department shall send by regular mail to both parents, or to a parent and caretaker relative if applicable, copies of the proposed administrative support order, its completed child support worksheet, and any financial affidavits submitted by a parent or prepared by the department. The proposed administrative support order must contain the same elements as required for an administrative support order under paragraph (7)(e).

(c) The department shall provide a notice of rights with the proposed administrative support order, which notice must inform the noncustodial parent that:

1. The noncustodial parent may, within 20 days after the date of mailing or other service of the proposed administrative support order, request a hearing by filing a written request for hearing in a form and manner specified by the department;

2. If the noncustodial parent files a timely request for a hearing, the case shall be transferred to the Division of Administrative Hearings, which shall conduct further proceedings and may enter an administrative support order;

3. A noncustodial parent who fails to file a timely request for a hearing shall be deemed to have waived the right to a hearing, and the department may render an administrative support order pursuant to paragraph (7)(b);

4. The noncustodial parent may consent in writing to entry of an administrative support order without a hearing;

5. The noncustodial parent may, within 10 days after the date of mailing or other service of the proposed administrative support order, contact a department representative, at the address or telephone number specified in the notice, to informally discuss the proposed administrative support order and, if informal discussions are requested timely and ~~held within a reasonable time~~, the time for requesting a hearing will be extended until 10 days after the department notifies the noncustodial parent that the informal discussions have been concluded; and

6. If an administrative support order that establishes a noncustodial parent's support obligation is rendered, whether after a hearing or without a hearing, the department may enforce the administrative support order by any lawful means.

(d) If, after serving the proposed administrative support order but before a final administrative support order is rendered, the department receives additional information that makes it necessary to amend the proposed administrative support order, it shall prepare an amended proposed administrative support order, with accompanying amended child support worksheets and other material necessary to explain the changes, and follow the same procedures set forth in paragraphs (b) and (c).

(6) HEARING.—If the noncustodial parent files a timely request for hearing, the department shall refer the hearing request to the Division of Administrative Hearings. Unless otherwise provided by this section, chapter 120 and the ~~division's~~ Uniform Rules of Procedure shall govern the conduct of the proceedings. The administrative law judge shall consider all available and admissible information and any presumptions that apply as provided by paragraph (5)(a). ~~A designated employee or other representative of the department, who need not be an attorney, may represent the department as a qualified representative at the hearing.~~

(7) ADMINISTRATIVE SUPPORT ORDER.—

(a) If a hearing is held, ~~notwithstanding ss. 120.569 and 420.57,~~ the administrative law judge of the Division of Administrative Hearings shall issue an administrative support order, or a final order denying an administrative support order, which constitutes final agency action by the department. The Division of Administrative Hearings shall transmit any such order to the department for filing and rendering indexing.

(b) If the noncustodial parent does not file a timely request for a hearing, the noncustodial parent will be deemed to have waived the right to request a hearing.

(c) If the noncustodial parent waives the right to a hearing, or consents in writing to the entry of an order without a hearing, the department may render an administrative support order.

(d) The department shall send by regular mail a copy of the administrative support order, or the final order denying an administrative support order, to both parents, or a parent and caretaker relative if applicable. The noncustodial parent shall be notified of the right to seek judicial review of the administrative support order in accordance with s. 120.68.

(e) An administrative support order must comply with s. 61.30. The department, ~~after consultation with the Division of Administrative Hearings and~~

~~the chief judge of the circuit in which the pilot program is located,~~ shall develop a standard form or forms for administrative support orders. An administrative support order must provide and state findings, if applicable, concerning:

1. The full name and date of birth of the child or children;
2. The name of the noncustodial parent and the custodial parent or caretaker relative;
3. The noncustodial parent's duty and ability to provide support;
4. The amount of the noncustodial parent's monthly support obligation ~~for each child;~~
5. Any obligation to pay retroactive support;
6. The noncustodial parent's obligation to provide for the health care needs of each child, whether through insurance coverage, contribution towards the cost of insurance coverage, payment or reimbursement of health care expenses for the child, or any combination thereof;
7. The beginning date of any required monthly payments and health care coverage;
8. That all support payments ordered must be paid to the Florida State Disbursement Unit as provided by s. 61.1824;
9. That the parents, or caretaker relative if applicable, must file with the department when the administrative support order is rendered, if they have not already done so, and update as appropriate the information required pursuant to paragraph (13)(b); and
10. That both parents, or parent and caretaker relative if applicable, are required to promptly notify the department of any change in their mailing addresses pursuant to paragraph (13)(c); ~~and~~
11. That if the noncustodial parent receives unemployment compensation benefits, the payor shall withhold, and transmit to the department, 40 percent of the benefits for payment of support, not to exceed the amount owed.

An income deduction order as provided by s. 61.1301 must be incorporated into the administrative support order or, if not incorporated into the administrative support order, the department or the Division of Administrative Hearings shall render a separate income deduction order.

(8) FILING WITH THE CLERK OF THE CIRCUIT COURT; OFFICIAL PAYMENT RECORD; JUDGMENT BY OPERATION OF LAW.—The department shall file with the clerk of the circuit court a certified copy of an administrative support order rendered under this section. The depository operated pursuant to s. 61.181 for the county where the administrative support order has been filed shall:

(a) Act as the official recordkeeper for payments required under the administrative support order;

(b) Establish and maintain the necessary payment accounts;

(c) Upon a delinquency, initiate the judgment by operation of law procedure as provided by s. 61.14(6); and

(d) Perform all other duties required of a depository with respect to a support order entered by a court of this state.

(9) COLLECTION ACTION; ENFORCEMENT.—

(a) The department may implement an income deduction notice immediately upon rendition of an income deduction order, whether it is incorporated in the administrative support order or rendered separately.

(b) The department may initiate other collection action 15 days after the date an administrative support order is rendered under this section.

(c) In a subsequent proceeding to enforce an administrative support order, notice of the proceeding that is sent by regular mail to the person's address of record furnished to the department constitutes adequate notice of the proceeding pursuant to paragraph (13)(c).

(d) An administrative support order rendered under this section has the same force and effect as court order and, until modified by the department or superseded by a court order, may be enforced:

1. In any manner permitted for enforcement of a support order issued by a court of this state, except for contempt; or

2. Pursuant to s. 120.69.

(10) JUDICIAL REVIEW, ENFORCEMENT, OR COURT ORDER SUPERSEDING ADMINISTRATIVE SUPPORT ORDER.—

(a) A noncustodial parent has the right to seek judicial review of an administrative support order or a final order denying an administrative support

order in accordance with s. 120.68. The department has the right to seek judicial review, in accordance with s. 120.68, of an administrative support order or a final order denying an administrative support order entered by an administrative law judge of the Division of Administrative Hearings.

(b) An administrative support order rendered under this section has the same force and effect as a court order and may be enforced by any circuit court in the same manner as a support order issued by the court, except for contempt. If the circuit court issues its own order enforcing based on the administrative support order, the circuit court may enforce its own order by contempt. The presumption of ability to pay and purge contempt established in s. 61.14(5)(a) applies to an administrative support order that includes a finding of present ability to pay. Enforcement by the court, without any change by the court in the support obligations established in the administrative support order, does not supersede the administrative support order or affect the department's authority to modify the administrative support order as provided by subsection (12). An order by the court that requires the noncustodial parent to make periodic payments on arrearages does not constitute a change in the support obligations established in the administrative support order and does not supersede the administrative order.

(c) A circuit court of this state, where venue is proper and the court has jurisdiction of the parties, may enter an order prospectively changing the support obligations established in an administrative support order, in which case the administrative support order is superseded and the court's order shall govern future proceedings in the case. Any unpaid support owed under the superseded administrative support order may not be retroactively modified by the circuit court, except as provided by s. 61.14(1)(a), and remains enforceable by the department, by the obligee, or by the court. In all cases in which an administrative support order is superseded, the court shall determine the amount of any unpaid support owed under the administrative support order and shall include the amount as arrearage in its superseding order.

(11) EFFECTIVENESS OF ADMINISTRATIVE SUPPORT ORDER.—

An administrative support order rendered under this section has the same force and effect as a court order and remains in effect until modified by the department, vacated on appeal, or superseded by a subsequent court order. If the department closes a Title IV-D case in which an administrative support order has been rendered:

(a) The department shall take no further action to enforce or modify the administrative support order;

(b) The administrative support order remains effective until superseded by a subsequent court order; and

(c) The administrative support order may be enforced by the obligee by any means provided by law.

(12) MODIFICATION OF ADMINISTRATIVE SUPPORT ORDER.—If it has not been superseded by a subsequent court order, the department may modify, suspend, or terminate an administrative support order in a Title IV-D case prospectively, subject to the requirements for modifications of judicial support orders established in chapters 61 and 409, by following the same procedures set forth in this section for establishing an administrative support order, as applicable.

(13) REQUIRED DISCLOSURES; PRESUMPTIONS; NOTICE SENT TO ADDRESS OF RECORD.—In all proceedings pursuant to this section:

(a) The noncustodial parent and custodial parent must execute and furnish to the department, no later than 20 days after receipt of the notice of proceeding to establish administrative support order, a financial affidavit in the form prescribed by the department in the Florida Family Law Rules of Procedure. An updated financial affidavit must be executed and furnished to the department at the inception of each proceeding to modify an administrative support order. Caretaker relatives are not required to furnish financial affidavits.

(b) The noncustodial parent, custodial parent, and caretaker relative if applicable, shall disclose to the department, no later than 20 days after receipt of the notice of proceeding to establish administrative support order, and update as appropriate, information regarding their identity and location, including names they are known by; social security numbers; residential and mailing addresses; telephone numbers; driver's license numbers; and names, addresses, and telephone numbers of employers. Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each person must provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

(c) The noncustodial parent, custodial parent, and caretaker relative, if applicable, have a continuing obligation to promptly inform the department in writing of any change in their mailing addresses to ensure receipt of all subsequent pleadings, notices, payments, statements, and orders, and receipt is presumed if sent by regular mail to the most recent address furnished by the person.

(14) JUDICIAL PLEADINGS AND MOTIONS.—A party to any subsequent judicial proceeding concerning the support of the same child or children shall affirmatively plead the existence of, and furnish the court with a correct copy of, an administrative support order rendered under this section, and shall provide the department with a copy of the initial pleading. The department may intervene as a

matter of right in any such judicial proceeding involving issues within the scope of the Title IV-D case.

(15) PROVISIONS SUPPLEMENTAL TO EXISTING LAW.—This section does not limit or negate the department's authority to seek establishment of child support obligations under any other applicable law.

(16) RULEMAKING AUTHORITY.—The department may adopt rules to administer this section.

(17) EVALUATION PILOT PROGRAM.—

(a) For the purpose of identifying measurable outcomes and evaluating the administrative process created by this section, a study area, the pilot program shall be established. The study area must be located in a county selected by the Department of Revenue having a population of fewer than 500,000, in which the Title IV-D caseload did not exceed 20,000 cases, and the obligation rate was approximately 65 percent at the end of the 1999-2000 fiscal year. The Department of Revenue shall develop measurable outcomes that at a minimum consist of the department's support order establishment performance measures that are applicable to the administrative process this pilot program, a measure of the effectiveness of the administrative process pilot program in establishing support orders as compared to the judicial process, and a measure of the cost efficiency of the administrative process pilot program as compared to the judicial process. ~~The Department of Revenue and the Division of Administrative Hearings shall implement the pilot program established by this section on July 1, 2001, or as soon thereafter as practicable.~~ The department shall use the procedures of this section to establish support obligations in Title IV-D cases on behalf of custodial parents or caretaker relatives residing in the county selected for the study area pilot program. By June 30, 2002, the Department of Revenue shall submit a report on the implementation of the administrative process in the study area pilot program to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives. The Office of Program Policy Analysis and Government Accountability shall conduct an evaluation of the operation and impact of the administrative process in the study area pilot program. In evaluating the administrative process pilot program, achievement of the measurable outcomes must be considered. The Office of Program Policy Analysis and Government Accountability shall submit an evaluation report on the administrative process in the study area pilot program by June 30, 2003, which must include the findings of the evaluation, ~~the feasibility of a statewide program,~~ and any recommendations to improve the administrative process established by this section, if any, for establishing a statewide program. ~~The pilot program expires June 30, 2004, unless continued by action of the Legislature. The department shall report to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives by June 30, 2004, on the implementation and results of the procedures established by this section.~~

(b) The Office of Program Policy Analysis and Government Accountability shall conduct an evaluation of the statewide implementation of the administrative process for establishing child support provided for in this section. This evaluation shall examine whether these processes have been effectively implemented and administered statewide and are operating to the benefit of the children, including, but not limited to the ability of Title IV-D parents to easily access the court system for necessary court action. The Office of Program Policy Analysis and Government Accountability shall submit an evaluation report on the statewide implementation of the administrative processes for establishing child support by January 31, 2005.

Section 4. The Legislature finds that many child-support services require judicial action and that such services depend heavily on coordination between judges, quasi-judicial officers, clerks of court, sheriffs, private process servers, public and private attorneys, the Department of Revenue as the state's Title IV-D Child Support Enforcement Program, and other state, public, and private agencies. In order to improve child-support services provided to families, these partners must work together to identify and implement process improvements. Therefore, it is the intent of the Legislature that the Department of Revenue continue its ongoing efforts to identify, implement, and support efforts to improve the judicial process and, more specifically, that the Department of Revenue work with all partners to implement the recommendations in the Court Child Support Process Improvement Project Final Report, January 2002. The Legislature also finds that there are many children who are born to unmarried parents and whose paternity has not be legally established. The Legislature recognizes that parental interaction enhances a child's physical and psychological wellbeing. Therefore, the Legislature directs the Department of Revenue to study the feasibility of an administrative process, for the establishment of paternity in Title IV-D cases. In developing the administrative process the Department shall consider procedures used in other states and shall consult affected parties. The Department of Revenue shall submit a report to the Governor and Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the Majority and Minority Leaders of the House and Senate by December 1, 2002. Such report may contain proposed legislation creating an administrative process based on the findings of the study.

Section 5. This act shall take effect upon becoming a law.

Approved by the Governor May 8, 2002.

Filed in Office Secretary of State May 8, 2002.