



JOSEPH ABRUZZO
CLERK OF THE CIRCUIT COURT & COMPTROLLER
PALM BEACH COUNTY

Paternity



Workshop Overview

- ❑ About the Clerk of the Circuit Court & Comptroller's Office
- ❑ Terms to Know
- ❑ Ways to Establish Legal Paternity
- ❑ Step by Step: How to File a Paternity Action
- ❑ Q & A



Clerk of the Circuit Court & Comptroller's Self-Service Center



- Clerk of the Circuit Court & Comptroller is the trustee of the county's public records and public funds.
- The Self-Service Center provides:
 - User-friendly forms/packets
 - Public access computers
 - Free Navigator appointments for document preparation assistance
- Clerk of the Circuit Court & Comptroller's office can only provide procedural assistance and cannot give legal advice.

Terms to Know

- Paternity
- Parental Responsibility
- Timesharing
- Parenting Plan
- Guideline Child Support Calculation



Paternity



- Legal Father v. Biological Father:

- Marital Presumption
- Disestablishment of Paternity

- Establishment of Paternity for non-married parties:

- Voluntary Acknowledgment of Paternity, OR
- Court Order- by filing a paternity action.

- DNA testing- not required in court case, but may be requested.



Acknowledgment of Paternity

- Can be signed at the hospital or in the future (if paternity has not otherwise been established and no one else is on birth certificate as the father).
- Must be signed by both parties.
- Adds father to birth certificate.
- If not cancelled after 60 days it becomes a binding legal establishment of paternity.



ACKNOWLEDGMENT OF PATERNITY

TYPE OR PRINT IN BLUE OR BLACK INK

THIS FORM MUST BE SIGNED BY BOTH MOTHER AND FATHER IN THE PRESENCE OF A NOTARY PUBLIC OR BEFORE TWO WITNESSES. IMPORTANT - Read Instructions and Instructions on the reverse side of this form and acknowledge your understanding by signing at the bottom of the reverse side of this form as well as below under "Acknowledgment By Natural Parents"

INFORMATION TAKEN FROM ORIGINAL BIRTH CERTIFICATE

Child's SSN: _____ State File/Birth Number: _____
(If known)

Full Name of Child: _____ Sex: _____
(First) (Middle) (Last)

Child's Date of Birth: _____ Child's Place of Birth: _____
(Month/Day/Year) (City) (County) (State) (Zip)

Mother's Full Maiden Name: _____ Mother's Place of Birth: _____
(First) (Middle) (Last) (State) or (County)

Mother's Social Security Number: _____ Mother's Date of Birth: _____
(Month/Day/Year)

INFORMATION FOR NEW BIRTH CERTIFICATE

Full Name of Child for New Birth Certificate: _____
(See Reverse Side of form) (First) (Middle) (Last) (Suffix)

Natural Father's Full Name: _____
(First) (Middle) (Last)

Date of Birth of Father: _____ Father's Social Security Number: _____
(Month/Day/Year)

Place of Birth of Father: _____ Father's Race: _____
(City) (County) (State)

Residence Address of Father: _____ Mailing Address of Father if Different: _____
(Street/Box No./Route) (City) (County) (State) (Zip) (Street/Box No./Route) (City) (County) (State) (Zip)

Current Mailing Address of Mother: _____
(Street/Box No./Route) (City) (State) (Zip)

NOTE: If married after child's birth and now request amendment of marital status on birth record, send certified copy of marriage record with this form. If married in Florida and you require a certified copy, fill-in data below and send \$5.00. A certified copy will be sent to you upon completion, if married in Florida: Date: _____ County issuing license: _____

ACKNOWLEDGMENT BY NATURAL PARENTS

Under penalties of perjury, **WE HEREBY DECLARE** that we have read the foregoing Acknowledgement of Paternity and that the facts stated in it are true, that is, that the mother was unwed at the time of birth, that no other man is listed on the birth record as father, that we are the natural parents of the child named above and that we fully understand our responsibilities and rights printed on the reverse side of this form, DH 432, (11/04). **WE FURTHER DECLARE** that no court action establishing paternity has occurred or is in process. We understand that a person who knowingly makes a false declaration pursuant to s. 92.525(2) or 382.026(1), Florida Statutes is guilty of perjury by false written declaration, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

IF NOTARIZED

Sworn to and subscribed before me this ____ Day of _____, 20____ by _____ Sworn to and subscribed before me this ____ Day of _____, 20____ by _____
(Signature of Natural Father) (Signature of Natural Mother)

(Printed Name of Natural Father) (Printed Name of Natural Mother)

(Notary Signature) (Notary Signature)

(Printed Name/Notary Stamp) (Printed Name/Notary Stamp)

Personally known _____ OR Produced Identification _____ Personally known _____ OR Produced Identification _____
 Type of Identification Produced: _____ Type of Identification Produced: _____

OR, IF NOT NOTARIZED ABOVE, WITNESSED BELOW

Printed Name of Natural Father Printed Name of the Natural Mother

Signature of Natural Father/Date Signed Signature of Natural Mother/Date Signed

Witness _____ Witness _____
(Printed Name) (Signature) (Printed Name) (Signature)

Witness _____ Witness _____
(Printed Name) (Signature) (Printed Name) (Signature)

Please Turn Sheet Over

DH Form 432, (Rev. 2/06 - Obsoletes Previous Editions, Which may not be used)



Parental Responsibility



- Formerly referred to as custody.
- Who makes important decisions in the child's life: school, medical, travel.
- Shared v. Sole
- FS 61.13: Preference for shared unless it would be detrimental to child.

Timesharing

- Also referred to as visitation.
- Schedule child will follow for when they are with each parent.
- FL law states a preference for “frequent and continuing contact with both parents.”
- Includes factors court should look at to determine what schedule/contact is in the child’s best interest.



Parenting Plan



- Required in all cases involving time-sharing.
- At a minimum must discuss:
 - How parents will share responsibility for daily tasks.
 - Schedule that specifies the time the child will spend with each parent.
 - A designation of who will be responsible for health care and school related matters, and
 - The methods and technologies that the parents will use to communicate with the child.
- Can use safety focused or long distance parenting plan if applicable

Guideline Child Support Calculation

- Guideline Calculations based on FS 61.30
- Shared financial responsibility: Chart uses combined income of parties and # of children to calculate basic need and divides that between the parents based on their % of the income.
- The basic child support obligation may be adjusted based on child care costs, the child's health insurance premium, timesharing of 20% or more, and ct. ordered child support paid for other children.



Guideline Child Support Calculation

CHILD SUPPORT GUIDELINES CHART

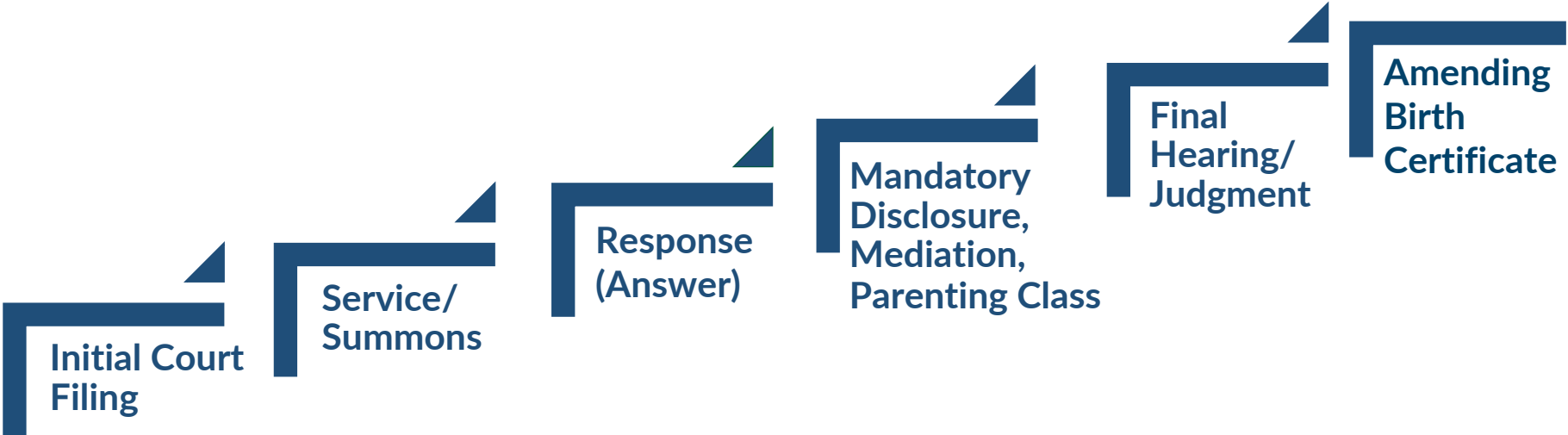
Combined Monthly Available Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
800.00	190	211	213	216	218	220
850.00	202	257	259	262	265	268
900.00	213	302	305	309	312	315
950.00	224	347	351	355	359	363
1000.00	235	365	397	402	406	410
1050.00	246	382	443	448	453	458
1100.00	258	400	489	495	500	505
1150.00	269	417	522	541	547	553
1200.00	280	435	544	588	594	600
1250.00	290	451	565	634	641	648
1300.00	300	467	584	659	688	695
1350.00	310	482	603	681	735	743
1400.00	320	498	623	702	765	790
1450.00	330	513	642	724	789	838
1500.00	340	529	662	746	813	869
1550.00	350	544	681	768	836	895
1600.00	360	560	701	790	860	920
1650.00	370	575	720	812	884	945
1700.00	380	591	740	833	907	971
1750.00	390	606	759	855	931	996
1800.00	400	622	779	877	955	1022
1850.00	410	638	798	900	979	1048
1900.00	421	654	818	923	1004	1074
1950.00	431	670	839	946	1029	1101
2000.00	442	686	859	968	1054	1128
2050.00	452	702	879	991	1079	1154
2100.00	463	718	899	1014	1104	1181
2150.00	473	734	919	1037	1129	1207
2200.00	484	751	940	1060	1154	1234
2250.00	494	767	960	1082	1179	1261
2300.00	505	783	980	1105	1204	1287
2350.00	515	799	1000	1128	1229	1314
2400.00	526	815	1020	1151	1254	1340
2450.00	536	831	1041	1174	1279	1367
2500.00	547	847	1061	1196	1304	1394
2550.00	557	864	1081	1219	1329	1420
2600.00	568	880	1101	1242	1354	1447
2650.00	578	896	1121	1265	1379	1473
2700.00	588	912	1141	1287	1403	1500
2750.00	597	927	1160	1308	1426	1524
2800.00	607	941	1178	1328	1448	1549
2850.00	616	956	1197	1349	1471	1573
2900.00	626	971	1215	1370	1494	1598
2950.00	635	986	1234	1391	1517	1622

Guideline Child Support Calculation

CHILD SUPPORT GUIDELINES CHART

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1100.00	258	400	489	495	500	505
1150.00	260	417	533	541	547	553

Paternity Action Step by Step



Before You Start: Fees

- \$301 Filing Fee
- \$10.00 Summons Fee
- Service Fee
- Mediation Fee

- Application for Determination of Civil Indigent Status



STEP 1

Initial Court Filing

- Cover Sheet
- Petition to Determine Paternity and for Related Relief
 - Per local A.O., a copy of the minor child(ren)'s birth certificate must be attached.
- Notice of Related Cases
- Notice of Social Security Number
- Date of Birth Form
- UCCJEA Declaration
- Financial Affidavit
- Summons
- Process Service Memorandum



STEP 2

Service/ Summons

▪ Service

- Palm Beach County Sheriff for \$40.00 or Private Process Server.
- Process Service Memorandum

▪ Publication/Constructive Service

- If, after due diligence, you cannot locate the Respondent.
- Additional forms required.
- Fee to publish in newspaper. (Unless determined indigent)



STEP 3

Respondent's Answer



- **Answer**
 - Admit, Deny, or Without Knowledge
 - Answer, Answer & Waiver, or Answer & Counter Petition.
 - Must also complete all forms Petitioner did, except for Cover Sheet, Petition, and Summons.
- **Timeframe**
 - 20 days from date of service of petition.
- **No Response**
 - Clerk's Default

Step 4

Mandatory Disclosure

- Required for all Paternity actions unless waived in writing by both parties.
- Even if waived, still need to complete financial affidavit form for purposes of calculating support.
- Mandatory Disclosure means parties must exchange certain financial documents (such as pay stubs and tax returns) with each other and file a Certificate of Compliance with Mandatory Disclosure form with the clerk.
- Do not file financial documents with clerk-only file certificate.



Parenting Course

Parent Education and Family Stabilization Course Providers List

The providers listed are approved by the Department of Children and Families to offer the Parent Education and Family Stabilization course in the State of Florida.

The courses are a minimum of 4 hours and are designed to educate, train, and assist divorcing parents in regards to the impact of divorce on parents and children, as required by Chapter 61.21, F.S.».

NOTE: The amended Rules 65C-32.001-.008, F.A.C., Parent Education and Family Stabilization Course, have been adopted and became effective on April 17, 2016.



Local Courses»



Online Courses»



Webinars»



Providers»

- List of approved providers on clerk website- The course can be taken online or in person: **4 hour course.**
- Cost – varies by provider
- Must complete within 45 days of filing or service of petition.
- Must show proof before entry of judgment-file certificate of completion with clerk.

Mediation



- If no agreement on all issues at this point, or if you'd like assistance writing up your agreement, either party can file a Motion for Mediation. Mediation is required in all paternity cases.
- Costs- Dependent on Income
 - Combined income of parties:
 - ❑ < \$50K = \$60 per person
 - ❑ \$50-\$100K = \$120 per person
 - ❑ > \$100K = Private mediation
- Mediator can assist with guideline calculations and Parenting Plan.

Step 5

Final Hearing

- Default (if no response file the following):
 - Affidavit of Military Service
 - Motion for Default
 - Proposed Parenting Plan
 - CS Guideline Calculation Worksheet
 - Notice for Trial*

(*NOTE: A final hearing will not be set until this form is filed.)



Step 5

Final Hearing (Cont'd)



- Uncontested (If you reached an agreement on all issues file the following):
 - ❑ Notice for Trial
 - ❑ Mediator will submit your agreed parenting plan/CS guideline worksheet, but you should bring your copy to final hearing.

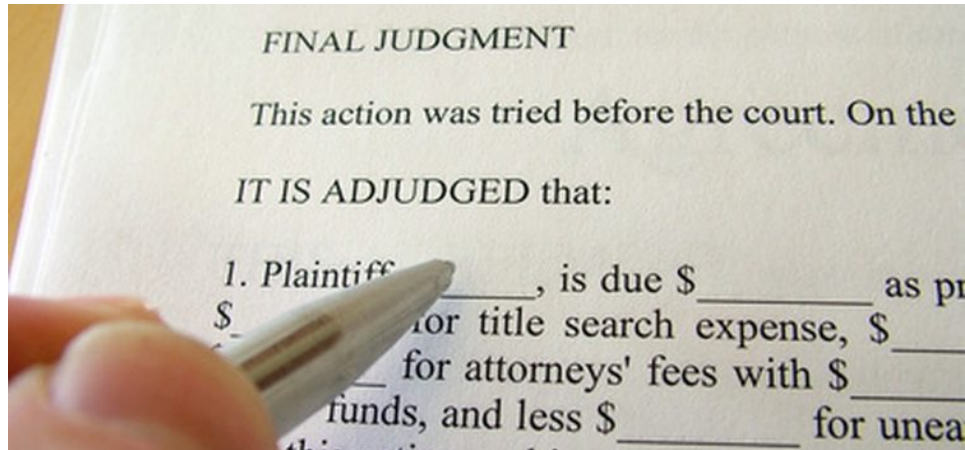
Step 5

Final Hearing (Cont'd)

- Contested (If you did not reach an agreement on all issues at mediation file the following):
 - ❑ Proposed Parenting Plan
 - ❑ CS Guideline Calculation Worksheet
 - ❑ Notice for Trial



Final Judgment



- Notified by mail of court hearing or status order.
- Court will prepare judgment at final hearing.

Step 6

Amending the Minor's Birth Certificate



- After your final hearing file the “Certified Statement of Final Judgment of Paternity” with the clerk.
- Clerk forwards to Dept. of Health Office of Vital Statistics to create an amended birth certificate.
- To obtain a copy of amended birth certificate send “Application for Amendment to Florida Birth Record” & \$20 fee to OVS.

Helpful Links

- www.mypalmbeachclerk.com
(Information on filing Paternity Action in Palm Beach County, Workshop PP & links)
- http://www.floridahealth.gov/certificates/certificates/amendmentscorrections/_documents/DH_429_App_to_Amend_FL_Birth_Record_2013_enterable.pdf (Office of Vital Statistics- Application to Amend Birth Certificate, Acknowledgment)
- <http://15thcircuit.com>
(List of private mediators, mediation contact info, certified private process servers)
- <http://floridarevenue.com/childsupport>
(guideline calculator program)
- www.flcourts.org
(Single family law forms)
- www.palmbeachbar.org
- www.legalaidpbc.org
- www.frls.org

Q & A



QUESTIONS?



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PALM BEACH COUNTY

Thank You

