

By Senator Kirkpatrick

23-1215-98

See HB

1                                   A bill to be entitled  
2           An act relating to child support guidelines;  
3           amending s. 61.30, F.S.; removing the allowance  
4           of court-ordered support for other children  
5           which is actually paid as a deduction from  
6           income with respect to child support  
7           guidelines; authorizing the court to enter an  
8           order, including a variance with child support  
9           guidelines with respect to parents who have  
10          children living in more than one household;  
11          providing for the consolidation and joinder of  
12          certain cases; providing an effective date.

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

16           Section 1. Paragraphs (f) and (g) of subsection (3)  
17 and subsection (12) of section 61.30, Florida Statutes, are  
18 amended to read:

19           61.30 Child support guidelines; retroactive child  
20 support.--

21           (3) Allowable deductions from gross income shall  
22 include:

23           ~~(f) Court-ordered support for other children which is~~  
24 ~~actually paid.~~

25           (f)(g) Spousal support paid pursuant to a court order  
26 from a previous marriage or the marriage before the court.

27           (12) A parent ~~with a support obligation~~ may have ~~other~~  
28 children living in more than one household ~~with him or her who~~  
29 ~~were born or adopted after the support obligation arose. The~~  
30 ~~existence of such subsequent children should not as a general~~  
31 ~~rule be considered by the court as a basis for disregarding~~

1 ~~the amount provided in the guidelines. The parent with a~~  
2 ~~support obligation for subsequent children may raise the~~  
3 ~~existence of such subsequent children as a justification for~~  
4 ~~deviation from the guidelines. However, if the existence of~~  
5 ~~such subsequent children is raised, the income of the other~~  
6 ~~parent of the subsequent children shall be considered by the~~  
7 ~~court in determining whether or not there is a basis for~~  
8 ~~deviation from the guideline amount. The issue of subsequent~~  
9 ~~children may only be raised in a proceeding for an upward~~  
10 ~~modification of an existing award and may not be applied to~~  
11 ~~justify a decrease in an existing award. In such cases, the~~  
12 ~~court may consider all of the circumstances affecting all of~~  
13 ~~that parent's children and enter such order, including one at~~  
14 ~~variance with the schedules in subsection (6), as the court in~~  
15 ~~the exercise of sound discretion believes will be in the best~~  
16 ~~interest of all of such children. If feasible and necessary to~~  
17 ~~promote justice, the court may consolidate cases or require~~  
18 ~~the joinder of the custodians of any or all of such children.~~

19 Section 2. This act shall take effect upon becoming a  
20 law.

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23 LEGISLATIVE SUMMARY

24 Revises the provision of law governing child support  
25 guidelines to provide that where a parent has children in  
26 more than one household the court may consider all of the  
27 circumstances affecting all of that parent's children,  
28 including a variance in the child support guideline  
29 schedule, in the best interest of all of the children.  
Provides that, if feasible and necessary to promote  
justice, the court may consolidate cases or require the  
joinder of the custodians of any or all of such children.

30 Deletes court-ordered support for other children which is  
31 actually paid from the allowable deduction from gross  
income with respect to child support.