

By Senator Crist

12-02435-08

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1                   A bill to be entitled  
2           An act relating to temporary child support; amending s.  
3           195.052, F.S.; amending s. 742.031, F.S.; providing  
4           additional limitations on when a court can order an  
5           alleged father to pay temporary child support; providing  
6           an effective date.

7  
8   Be It Enacted by the Legislature of the State of Florida:

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10           Section 1. Section 742.031, Florida Statutes, is amended to  
11           read:

12           742.031 Hearings; court orders ~~for support, hospital~~  
13           ~~expenses, and attorney's fee.--~~

14           (1) Hearings for the purpose of establishing or refuting  
15           the allegations of a the complaint and answer regarding the  
16           paternity of the child shall be held in ~~the~~ chambers and may be  
17           restricted to persons, in addition to the parties involved and  
18           their counsel, as the judge ~~in his or her discretion~~ may direct.  
19           The court shall determine the issues of the child's paternity ~~of~~  
20           ~~the child~~ and the ability of the parents to support the child.  
21           ~~Each party's social security number shall be recorded in the file~~  
22           ~~containing the adjudication of paternity.~~ If the court finds that  
23           the alleged father is the father of the child, it shall so order.  
24           If appropriate, the court shall order the father to pay the  
25           complainant, her guardian, or any other person assuming  
26           responsibility for the child moneys sufficient to pay reasonable  
27           attorney's fees, hospital or medical expenses, cost of  
28           confinement, and any other expenses incident to the birth of the  
29           child and to pay all costs of the proceeding. Bills for

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30 pregnancy, childbirth, and scientific testing are admissible as  
31 evidence without requiring third-party foundation testimony, and  
32 are ~~shall constitute~~ prima facie evidence of amounts incurred for  
33 such services or for testing on behalf of the child. The court  
34 shall order either or both parents owing a duty of support to the  
35 child to pay support pursuant to s. 61.30. ~~The court shall issue,~~  
36 ~~upon motion by a party, a temporary order requiring the provision~~  
37 ~~of child support pursuant to s. 61.30 pending an administrative~~  
38 ~~or judicial determination of parentage, if there is clear and~~  
39 ~~convincing evidence of paternity on the basis of genetic tests or~~  
40 ~~other evidence.~~ The court may also make a determination as to the  
41 parental responsibility and residential care and custody of the  
42 minor children in accordance with chapter 61.

43 (2) If a judgment of paternity contains no explicit award  
44 of custody, the establishment of a support obligation or of  
45 visitation rights in one parent shall be considered a judgment  
46 granting primary residential care and custody to the other parent  
47 without prejudice. If a paternity judgment contains no such  
48 provisions, custody shall be presumed to be with the mother.

49 (3) Pursuant to the federal Personal Responsibility and  
50 Work Opportunity Reconciliation Act of 1996, each party is  
51 required to provide his or her social security number, which  
52 shall be recorded in the file containing the court's adjudication  
53 of paternity in accordance with this section. Disclosure of  
54 social security numbers obtained pursuant to this subsection is  
55 through this requirement shall be limited to purposes relating to  
56 the ~~purpose of~~ administration of the Title IV-D program for child  
57 support enforcement.

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58           (4) Upon motion by a party, the court shall issue a  
59 temporary order for child support pursuant to s. 61.30, pending  
60 an administrative or judicial determination of paternity, if  
61 there is clear and convincing evidence of paternity based on  
62 genetic testing or if the alleged father has voluntarily  
63 acknowledged paternity by signing the child's birth certificate  
64 or other legal document acknowledging paternity.

65           (a) A court may, upon good cause shown and without a  
66 showing of a substantial change of circumstances, modify, vacate,  
67 or set aside a temporary support order before or upon entering a  
68 final order in a proceeding.

69           (b) The modification of a ~~the~~ temporary support order may  
70 be retroactive to the date of the initial entry of the temporary  
71 support order; ~~to~~ the date of filing ~~of~~ the initial petition for  
72 dissolution of marriage, petition for support, petition  
73 determining paternity, or supplemental petition for modification;  
74 or ~~to~~ a date prescribed in s. 61.14(1)(a) or s. 61.30(11)(c) or  
75 (17), as applicable.

76           Section 2. This act shall take effect July 1, 2008.