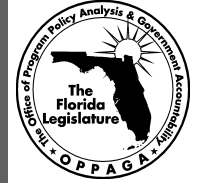




Office of Program Policy Analysis And Government Accountability



John W. Turcotte, Director

March 1998

Review of Adherence to Child Support Guidelines

Abstract

- In our sample, judges awarded child support obligations outside the statutory guidelines in 37% of the IV-D cases and 57% of the private cases. Judges departed from guidelines for several reasons; in many cases, the parents reached a settlement agreement that did not adhere to the guidelines.
- Judges express a need for the guidelines to better address low-income families, parents with multiple families, and the amount of time children are presumed to spend in the custody of each parent.
- Proposed legislative changes to the guidelines would increase support obligations for 70% of the IV-D and 40% of the private child support cases sampled. While this increase could provide more support to children, it could also worsen the problem of support non-payment. According to judges, low-income families have difficulty paying the current guideline amount. Of those cases whose obligation would increase under proposed legislation, almost three-quarters of the IV-D and one-third of the private cases have joint incomes of less than \$2,000 per month.

Purpose

Parents are responsible for the financial support of their minor children. However, when one or both parents fail in this responsibility, the minor children may require public assistance. To reduce or avoid these costs, federal and state governments have established child support programs.

The federal Child Support Program sets standards and provides funding for state child support programs. To remain eligible for federal funding, states must establish guidelines for setting and modifying child support amounts. Federal law also requires states to review their guidelines every four years and revise them if necessary to ensure that their application results in the determination of appropriate child support award amounts.

To comply with this review requirement, the Legislature contracted in 1996 with Policy Studies Incorporated to study Florida's guideline amounts. In addition, the Legislature enacted Ch. 97-170, Laws of Florida, directing the Office of Program Policy Analysis and Government Accountability (OPPAGA) to study and analyze case files for IV-D child support cases to determine whether judges adhere to child support guidelines.¹ At the request of the House Committee on Family Law and Children, private child support cases were also included in this review.

Background

Child support guidelines apply to both IV-D and private cases. Families who receive public assistance payments or request state assistance with child support collections and enforcement are classified as IV-D cases. IV-D cases are administered by the Department of Revenue, which assists in establishing paternity, obtaining support awards from the court, and collecting and enforcing support.² Families who use private attorneys in child support cases and do not receive public assistance or request state assistance are referred to as private cases. As of December 31, 1997, there were 440,458 IV-D cases and 281,394 private cases in Florida.

¹ IV-D cases are those administered in compliance with the federal Child Support Enforcement Program authorized by Title IV-D of the Social Security Act of 1975.

² Paternity cases are those concerning children born out of wedlock.

The child support guidelines include a schedule similar to a tax table that prescribes payments based on two factors: the number of minor children requiring support and combined net parental income. A parent who makes 40% of the couple's combined net income is expected to pay 40% of the child support payment prescribed by the guidelines. (See Appendix A for an example of how support obligations are calculated.)

If the court finds that a parent is voluntarily unemployed or under-employed, the judge imputes (or assigns) an income to that parent using recent work history, occupational qualifications, and prevailing earnings in the community. The judge may also refuse to assign an income to a parent if it is necessary for the parent to stay home with the child.³

Section 61.30, F.S., authorizes judges to order child support awards up to 5% above or below the guidelines. Judges may also depart from this range, but must make their reasons part of the public record.

To provide information for the Legislature's review of child support guidelines, this study addressed five questions:

- How frequently do judges depart from child support guidelines?
- Why do judges depart from child support guidelines?
- What do judges think the Legislature should do to improve Florida's child support guidelines?
- How will proposed legislation affect families currently paying child support?
- How can the Legislature monitor the appropriateness of the child support guidelines?

To answer these questions, OPPAGA sampled 659 IV-D and 552 private child support cases. OPPAGA analyzed case information provided by the Department of Revenue and the Clerks of the Court and provided preliminary assessments to the chief judges of each judicial circuit for review. (Sampling methodology is explained in detail in Appendices B and C.) OPPAGA made field visits to family courts and conducted telephone interviews with at least one family law judge in each of the 20 circuits. OPPAGA also spoke with representatives of the Florida Bar and the Commission on Responsible Fatherhood.

³ Although in many courts hearing officers or general masters hear child support cases, this report refers to all triers of fact as judges.

Findings

Judges routinely award child support obligations above and below the statutory guidelines.

Judges routinely award child support obligations above and below the range specified in the statutory guidelines. This pattern, although varying somewhat from circuit to circuit, is statewide.⁴ As shown in Exhibit 1, judges are more likely to award support amounts within the guidelines for IV-D cases than private cases.

Exhibit 1

All Cases Sampled: Judges Frequently Award Support Outside the Guidelines

Guideline Range	IV-D Cases	Private Cases
Within	63%	43%
Below	24%	24%
6% - 10% Below Guidelines	5%	5%
11% - 20 % Below Guidelines	4%	3%
Over 20% Below Guidelines	15%	16%
Above	13%	33%
6% - 10% Above Guidelines	1%	5%
11% - 20 % Above Guidelines	2%	4%
Over 20% Above Guidelines	10%	24%
Number of Cases	659	552

Source: OPPAGA analysis of sample cases within Fiscal Years 1993-94 through 1996-97

Sample size for each of the subsequent exhibits varies throughout the report. For purposes of evaluation, the cases have been grouped into several subsets. Because not all cases fit into these subsets, the total cases shown will vary. For example, some cases cannot be categorized as "dissolution of marriage" and "paternity" because the grandparents or other family members have been awarded custody and child support. In addition, information on some aspects of a case, such as whether it is public or non-public assistance, was not included in some case files.

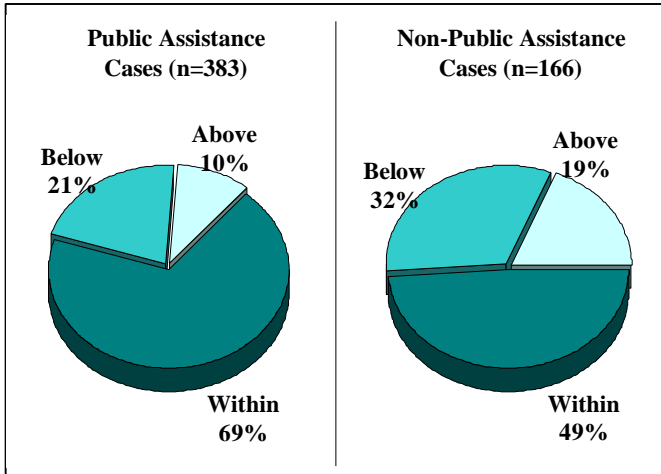
IV-D Cases. For IV-D cases, judges did not award support amounts within the guidelines in 37% of the sample. This is approximately the same rate of departure OPPAGA found in its review of IV-D cases in 1993.⁵ In the current study, departures were more

⁴ OPPAGA reviewed 1,211 cases statewide. This sample is appropriate for determining statewide trends but is too small to use for comparative analyses among circuits.

⁵ Office of the Auditor General Report No. 12002, Performance Audit of the Paternity and Child Support Order Establishment, released January 26, 1993.

likely to be below than above the guidelines. This pattern is similar for public assistance and non-public assistance cases. (See Exhibit 2.)

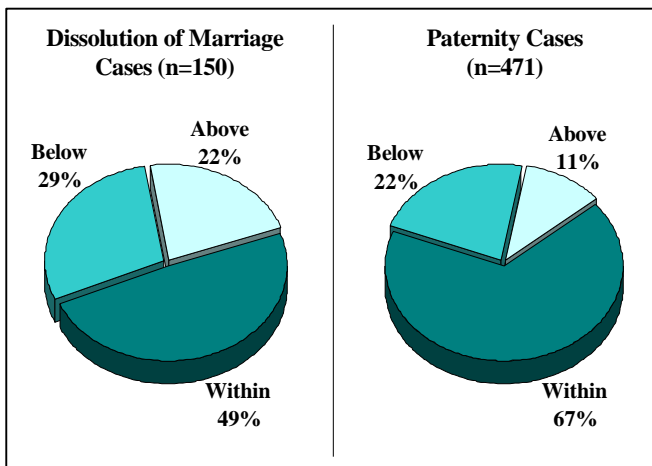
Exhibit 2
IV-D Cases Sampled: Judges Award Support Outside the Guidelines More Frequently for Non-Public Assistance Cases Than Public Assistance Cases



Source: OPPAGA analysis of sample cases within Fiscal Years 1993-94 though 1996-97

Judges were slightly more likely to depart from the guidelines for dissolution of marriage cases than paternity cases. In both situations, the variations were more frequently below the guidelines.⁶ (See Exhibit 3.)

Exhibit 3
IV-D Cases Sampled: Judges Award Support Outside the Guidelines More Frequently for Dissolution of Marriage Cases Than Paternity Cases



Source: OPPAGA analysis of sample cases within Fiscal Years 1993-94 though 1996-97

⁶ There are slightly fewer cases in this comparison because cases in which grandparents or others are granted custody of the child cannot be categorized as "paternity" or "dissolution of marriage."

IV-D public assistance paternity cases had the lowest average family income and were most likely to be assigned child support payments according to the guidelines. (See Exhibit 4.)

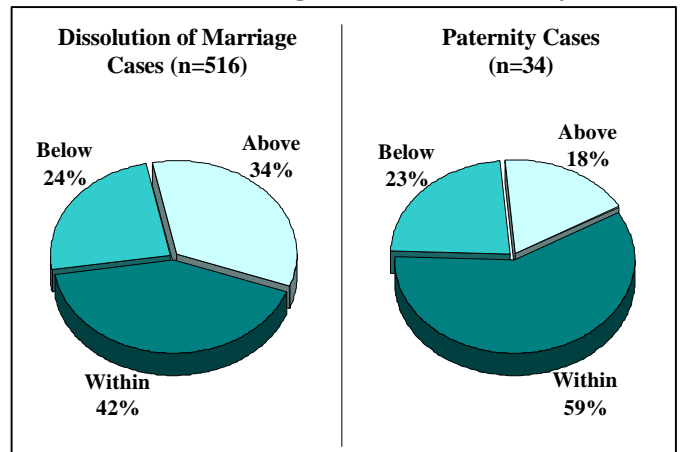
Exhibit 4
IV-D Cases Sampled: Public Assistance Paternity Cases Have the Lowest Income but Are Most Often Within Guidelines.

	Public Assistance		Non-Public Assistance	
	Dissolution of Marriage	Paternity	Dissolution of Marriage	Paternity
Median Monthly Income -- Both Parents	\$1,554	\$1,478	\$2,327	\$2,204
Guideline Range:				
Within	55%	71%	40%	56%
Below	30%	19%	29%	30%
Above	15%	10%	31%	14%
	100%	100%	100%	100%
Number of Cases	54	316	62	95

Source: OPPAGA analysis of sample cases within Fiscal Years 1993-94 though 1996-97

Private Cases. For private cases, judges did not follow the guidelines in 57% of the sample. In OPPAGA's 1993 review, judges awarded support outside the guidelines in 69% of the cases. As shown in Exhibit 5, judges were more likely to award support amounts within the guidelines for paternity than for dissolution of marriage cases.

Exhibit 5
Private Cases Sampled: Judges Award Support Outside the Guidelines More Frequently for Dissolution of Marriage Cases Than Paternity Cases



Source: OPPAGA analysis of sample cases within Fiscal Years 1993-94 though 1996-97

Judges choose not to award support according to the statutory guidelines for several reasons. In many cases, the parents had agreed to waive the guideline amount in their settlement agreement.

Although judges frequently do not award support according to the guidelines, Ch. 61, F.S., authorizes these variances if judges explain why ordering the guideline amount would be unjust or inappropriate.

A primary reason judges award support obligations outside the guidelines is settlement agreements. In OPPAGA's sample, many judges' final orders incorporated settlement agreements in which both parents agreed to a payment amount outside the range specified by the guidelines. Such agreements were made in 63% of the private cases and 15% of the IV-D cases that were outside the guidelines.

In the remaining cases in which judges ordered support amounts outside the guidelines, only 8% of the files included written explanations. According to Department of Revenue legal staff, one reason for the lack of written records may be that Ch. 61, F.S., requires judges to make their reasons for deviating part of public record, but written records are not required. Some courts, for example, use audio or videotapes to record court proceedings. However, without written records, it is expensive and tedious to determine why judges departed from guidelines and whether the guidelines need to be revised.

Because so few reasons were included in case files, OPPAGA contacted family law judges in each of the 20 judicial circuits to find out why judges do not adhere to the guidelines. In addition to settlement agreements, the three most common reasons judges gave for awarding support amounts outside the guidelines were:

- extraordinary expenses, primarily for children with disabilities or medical needs and for private schooling, which require a higher support award;
- one or both parents are supporting children in multiple families, so that they cannot afford to pay the guideline amount; and
- the child lives with each parent a significant amount of the time, so that it may be more fair to depart from the guidelines by taking into account expenses incurred by the secondary residential parent.

Judges pointed out that awards outside the guidelines can also occur if private attorneys or Department of

Revenue staff who calculate support obligations make mathematical errors and judges use these figures in their final orders. During the file review OPPAGA did notice math errors in the calculation of income and support obligations. However, OPPAGA did not recalculate all support computations, as this project was intended to determine whether support awards generally fall within the guidelines, rather than to identify the mathematical error rate in guideline application.

OPPAGA also discovered that a number of other practices can affect whether award amounts are within the guidelines. For example, courts vary in their interpretation of how the guidelines schedule in Ch. 61, F.S., should be used. Using the guidelines table, some courts take a monthly income of \$1,230 and round up to assign payment obligations based on a monthly income of \$1,250; other courts round down to assign payment obligations based on a monthly income of \$1,200. Also, we saw occasional instances of use of an incorrect method to calculate biweekly payments, which resulted in the noncustodial parents making two extra support payments a year.⁷ These examples illustrate a lack of uniformity in child support award procedures and practices.

It is difficult for legislators to determine whether the guidelines need to be revised without written information describing the situations under which judges depart from the guidelines. To assess judicial application of the guidelines, several key pieces of information are needed: (1) the number of children in the support case; (2) the net income of each parent; (3) the payment amount prescribed by the guidelines; (4) how much support the judge awarded; and, (5) when applicable, an explanation of why the judge did not follow the statutory guidelines. This information is not uniformly available in case files. Although all circuits use guidelines worksheets, the information in these forms varies from court to court and does not always include all the key information elements.

In the Eleventh Circuit, judges include this key information as part of the final order. If every circuit recorded information in this way, data on use of guidelines would be more readily available and legislators would have a better basis for assessing the appropriateness of the guidelines.

⁷ The correct way to compute biweekly income is to multiply one biweekly payment by 26 and then divide by 12. The incorrect way is to divide monthly income in half.

In addition, the department and the Legislature can use information describing judicial adherence to child support guidelines to assess program outcomes as part of the performance-based program budgeting process. The department has proposed that the Child Support Program come under performance-based budgeting in July 1998.

Judges express a need for the guidelines to better address low-income families, parents with multiple families, and custody assumptions.

In OPPAGA's telephone survey of 20 family law judges, three issues causing judges concern emerged: low income parents; multiple children of multiple families; and the amount of time the child is presumed to spend in the custody of each parent.

Judicial concerns regarding low-income families. Sixty percent of the judges surveyed considered guidelines too high for minimum wage and low-income parents. Judges believe that if parents cannot meet their own food, shelter, and transportation needs, requiring a child support payment they cannot afford is likely to result in non-payment and be detrimental to the children and the state. As one judge said, guidelines requiring payments that are too high almost invite nonpayment and contempt of court. In OPPAGA's sample, 41% of all parents were at minimum wage, and 49% of all families had joint incomes less than \$2,000 per month.

Judicial concerns regarding multiple families. Fifty-five percent of the judges in the telephone survey considered Ch. 61, F.S., unfair for children in multiple families. Currently, children of the first family to request support are awarded more support than other children because of the way income and obligations are calculated. This provision was intended to protect the rights of children from a first family after their parents have divorced and started second families. However, judges say that in practice the law results in a "race to the courthouse."

The race to the courthouse occurs particularly in paternity suits and situations where men have children with several women. The first woman to file for child support obtains the most for her children; any mother who later files for her children receives less, regardless of the birth order of the children. As a result, the children the law was designed to protect may receive less child support. While this law was intended to encourage more responsible parenting, judges say it is the children and not the parents who suffer.

To ensure equal protection for multiple children of multiple relationships, one idea being discussed is to revise Ch. 61, F.S., to give judges discretion to consolidate child support cases for all the custodians and children of related cases. In this way judges could consider all the facts for each of the related cases. Such a proposal may ensure that multiple children of multiple families are treated in a financially equitable fashion.

However, adopting this proposal would probably significantly increase the workloads of judges and attorneys, thereby increasing costs for the state and individuals involved in child support litigation. It could also create instability for custodial parents if support awards were lowered to accommodate subsequent children born of the noncustodial parent. For example, if child support payments were reduced, custodial parents may be unable to honor financial obligations such as rent, which they made on the basis of the award originally ordered for their case.

Judicial concern regarding guidelines custody assumptions. Half of the judges surveyed would like the law to provide more guidance concerning what proportion of time the guidelines presume a child spends with the secondary residential parent. This information would allow judges to depart from the obligation specified in the guidelines and establish support awards that are appropriate for the amount of time the child actually spends with each parent. For example, reduced support may be appropriate in situations in which the child spends every other week with the secondary residential parent.

Proposed changes in the guideline amounts will result in increased award amounts for 70% of IV-D and 40% of private families in our sample. While the increase could provide more support to children, it could also worsen the problem of support non-payment. Three-quarters of IV-D and one-third of private case families in our sample have joint incomes of less than \$2,000 per month.

Proposed legislation, PCB FLC 98-02, would revise the child support payment schedule based on the recommendations of a national expert.⁸ The purpose of these changes is to reflect changes in consumption, income, and cost of living since the schedule was adopted in 1987. If the guideline amounts are changed, existing child support obligations will remain the same until the noncustodial parent petitions for a change or they are revised as part of the normal three-year review provided by law.

⁸ Robert G. Williams of Policy Studies, Inc., *Economic Basis for Updated Child Support Schedule*, January 30, 1997.

To determine the impact of this proposed legislation, OPPAGA applied it to the sample of cases. OPPAGA found that 70% of IV-D and 40% of private cases would have higher payments. Three-quarters of IV-D and one-third of private case families in the sample have joint incomes of less than \$2,000 per month. According to judges, low-income parents have difficulty paying the current guidelines amounts.

The most dramatic impact of the proposed legislative changes to the child support schedule will occur in cases pertaining to the support of one child. In the sample, 76% of IV-D and 55% of private cases pertained to one child. Under the proposed schedule, cases for the support of one child and with joint incomes between \$900 and \$3,199 per month would have a higher child support obligation than they do currently; those with other incomes would have lower obligations than they do currently.⁹

**Exhibit 6
Cases Sampled With One
Child Will Be Required to Pay More**

Joint Monthly Income	IV-D Cases	Private Cases
Families with One Child	76%	55%
	498 families	305 families
Income for One-Child Families:		
Less than \$900 (will pay less)	2%	1%
\$900 - \$3,199 (will pay more)	93%	72%
\$3,200 - \$8,149 (will pay less)	5%	25%
\$8,150 and Higher (will pay more)	0%	2%

Source: OPPAGA analysis of sample cases within Fiscal Years 1993-94 through 1996-97

As Exhibit 6 illustrates, the overwhelming majority of cases pertains to one child and thus would have a higher child support obligation. These increases range from \$4 to \$36 per month. Although the increases are not large, in the sample they were sufficient to move 80 IV-D and 19 private cases from within the guidelines range to below. (See Exhibit 7.)

⁹ Very few cases fall into the category of joint income \$900 or less. This is because, even if the parents are both unemployed, they will likely be imputed minimum wage incomes between \$650 and \$750 each if they are able-bodied.

**Exhibit 7
Shift in Number of One-Child Families
Sampled Paying More Under New Guidelines**

Joint Monthly Income	IV-D Cases					
	1997 Guideline Range			Proposed Guideline Range		
	Within	Below	Above	Within	Below	Above
Families with 1 Child (498)						
Less than \$900	3	0	8	3	0	8
\$900 - \$3,199	304	105	51	224	185	51
\$3,200 - \$8,149	14	10	2	14	10	2
\$8,150 & Higher	0	0	1	0	0	1

Joint Monthly Income	Private Cases					
	1997 Guideline Range			Proposed Guideline Range		
	Within	Below	Above	Within	Below	Above
Families with 1 Child (305)						
Less than \$900	1	0	1	1	0	1
\$900 - \$3,199	103	42	76	84	61	76
\$3,200 - \$8,149	29	18	29	31	16	29
\$8,150 & Higher	3	3	0	1	5	0

Source: OPPAGA analyses of sample cases for Fiscal Years 1993-94 through 1996-97

Under the proposed schedule, cases pertaining to the support of two children would have lower obligations than they do currently, with the exception of those with joint incomes between \$9,400 and \$10,000 per month.

In the sample, there were no cases in this category. All other cases, for three or more children, would have lower obligations under the proposed schedule. For example, the support for a case pertaining to two children and with a joint income of \$5,000 per month would decrease by \$220 per month, from \$1,551 to \$1,331.

Using income information, OPPAGA compared the number of cases that are within the current guidelines range with the number that would meet the proposed guidelines. An additional 73 IV-D and 8 private cases move from the within guidelines to the below guidelines category. In contrast, at the higher income category, reduced obligations would shift more cases into the within and above guidelines categories.

This analysis indicates that the proposed change would have the greatest impact on lower-income families in the sample. These families are the group that judges are most concerned about forcing into a position of non-payment. Judges suggest that it is difficult for these parents to purchase minimal food, shelter, and basic transportation if they meet their support obligations.

Conclusions and Recommendations

Statewide, for both private and IV-D cases, judges routinely award child support obligations above and below the range specified in the statutory guidelines.

Judges depart from the guidelines for several reasons. Most commonly, the parents have negotiated a settlement agreement that includes a support obligation that is outside the guideline range. Other reasons judges depart from the guidelines include: children with extraordinary expenses, such as medical care; both parents provide care for the child a significant amount of the time; and one or both parents support children in multiple families.

Variations from the guidelines also occur if attorneys or others who calculate guideline amounts make mathematical errors and judges use these figures in their final orders. Overall, OPPAGA observed a lack of uniformity in child support procedures and practices that affect whether awards are within guidelines.

Judges expressed a need for the Legislature to revise the guidelines to address the financial needs of low-income families and parents who support children in multiple families. Judges also want a statutory indication of the amount of custody presumed in the guidelines for the secondary residential parent, so that judges can appropriately set support amounts when custody varies significantly from the guideline presumption.

Proposed bill PCB FLC 98-02 does not address these concerns. The proposed bill would require 70% of IV-D and 40% of private case families in OPPAGA's sample to pay more child support than they pay now. Although the dollar amounts of the proposed changes are modest, the majority of affected families have a joint income less than \$2,000 per month. Judges said that guidelines requiring obligations that are too high almost invite nonpayment. According to Department of Revenue staff, 50% of child support payments were not paid in June 1997.

To establish appropriate child support obligations, the Legislature needs more routine and uniform information about how often and why judges depart from the guidelines. Establishing appropriate obligations is the cornerstone of the child support collections and enforcement process. Better information would also allow the Department of Revenue to assess the child support award process as part of performance-based budgeting.

To facilitate monitoring judicial application of the guidelines, we recommend that the Office of State Court Administrator confer with the Department of Revenue to develop a model paragraph by September 15 to be used in child support final orders, such as is used currently in the Eleventh Circuit. This paragraph should identify: (1) the number of children in the support case; (2) the net income of each parent; (3) the payment amount prescribed by the guidelines; (4) how much support the judge awarded; and, (5) when applicable, an explanation of why the judge did not follow statutory guidelines. In this way, significant case information would be preserved and judges could readily review the decisions made in their courts.

In addition, to improve the child support guidelines, OPPAGA recommends that the Legislature:

- review the new payment obligations proposed in PCB FLC 98-02 to determine whether they are too high for low-income families and would encourage nonpayment;
- amend Ch. 61, F.S., to provide instruction on whether joint income should be rounded up or down when using the guideline schedule; and
- amend Ch. 61, F.S., to define the amount of time children are presumed to spend with their secondary residential parent so that support awards can be revised appropriately when arrangements are made for other amounts of visitation.

Response from the Office of the State Courts Administrator

The following are the comments of the Office of the State Courts Administrator (OSCA) on OPPAGA's draft of the Review of Adherence to Child Support Guidelines. These comments were prepared with input from the judiciary and court administrators throughout the state. According to judges and court administration personnel throughout the state, the primary concerns about OPPAGA's review are as follows:

- The language of the report seems to imply that judges are responsible for the lack of compliance with the statutory guidelines, when the final outcome is actually a function of the collective interaction between the Department of Revenue and its attorneys, private attorneys, hearing officers, and the parties themselves, to

the extent that they reach recommended or negotiated settlements in amounts not consistent with the guideline chart.

- Court files were not reviewed in their entirety, and in some cases, not at all. Data for the private cases were obtained by requesting that the clerk of court in each county provide copies of documents containing certain specified data elements. This information is only as accurate as the clerks' employees' choices of which documents to submit. For example, circuits have reported that in some cases current financial information was provided for one party and outdated financial information was provided for the other party.
- Data concerning IV-D cases were gathered from the Department of Revenue's records. As indicated in the draft review, the department does not have the same requirements for file maintenance as those imposed by the court on the clerks of court, and essential data may have been missing from the department's files that may have been available in the court files.
- The court record is more than the documents contained in the court file. Judges take testimony and make findings during hearings and trials, a record of which is frequently made by court reporters or audio tapes. Absent a thorough review of the file and the corresponding court records (audiotapes or transcripts), it is not always possible to know what information the judge considered in making his or her decision.
- It does not seem appropriate to ignore the frequency of mathematical errors in the calculation of support amounts, as judges order support based on the information with which they are presented.

Judicial concerns are appropriately addressed in this report, and there is general agreement concerning the recommendations. The Office of the State Courts Administrator is willing to explore, in cooperation with the Department of Revenue, the feasibility of developing standard language for court orders that deals with the concerns raised by OPPAGA, and report its findings by August 15, 1998. This will be done in conjunction with the Family Court Steering Committee.

Please advise if you or your staff have any questions concerning our comments.

Sincerely,

/s/ Kenneth R. Palmer

KRP:SW:mb

Response from the Department of Revenue

Attached is our response to the preliminary findings and recommendations of the review of Adherence to Child Support Guidelines.

RECOMMENDATION: That the Office of State Courts Administrator confer with the Department of Revenue to develop a model paragraph to be used in child support final orders. The paragraph should identify: (1) the number of children in the support case; (2) the net income of each parent; (3) the payment amount prescribed by the guidelines; (4) how much support the judge awarded; and (5) when applicable, an explanation of why the judge did not follow statutory guidelines.

RESPONSE: The Department is willing to provide input into the development of a model paragraph. We recommend, however, that the Family Law Rules Committee develop the model paragraph.

RECOMMENDATION: That the Legislature:

- (1) review the new payment obligations proposed in PCB FLC 98-02 to determine whether they are too high for low-income families and would encourage nonpayment;
- (2) amend chapter 61, Florida Statutes, to specify whether users should "look up" or "look down" the support schedule when calculating support obligations; and
- (3) amend chapter 61, Florida Statutes, to define the amount of time children are presumed to spend with their secondary residential parent so that support awards can be revised appropriately when arrangements are made for other amounts of visitation.

RESPONSE: We concur.

Should you need additional information, please contact Ralph King at 922-9718.

Sincerely,

/s/ L. H. Fuchs

LHF/rk

Appendix A

How to Calculate Child Support Obligations

		Father	Mother
1.	Gross Monthly Income	\$1,204.00	\$860.00
2.	Imputed Income	0.00	0.00
3.	Less Monthly Deductions	204.10	69.79
4.	Total Net Monthly Income [add lines 1 + 2 and subtract line 3]	999.90	790.21
5.	COMBINED NET MONTHLY INCOME	\$1,790.11	
6.	Basic Obligation (from chart)	\$ 606.00	
7.	Pro rata Financial Responsibility [line 4 divided by line 5]	55.8569%	44.1431%
8.	Pro rata share of Basic Obligation [line 6 multiplied by line 7]	\$ 338.49	\$ 267.51
9.	Additions to the Basic Obligation (Section II)		
	a. Pro rata share of 75% of child care costs equaling \$200	111.72	88.29
	b. Pro rata share of Child(ren)'s Health Insurance premiums of \$100	55.86	44.14
10.	Statutory Child Support Obligation	506.07	399.94
11.	Statutory Adjustments	0.00	0.00
12.	Adjustment for Secondary Residential Parent paying 100% of child care expenses [If Secondary Residential Parent is paying 100% of child-care expenses, multiply the total amount by -1 and place in Secondary Residential Parent's column]		0.00
13.	Adjustment for Secondary Residential Parent paying Child(ren)'s Health Insurance premiums [If Secondary Residential Parent is paying 100% of health insurance expenses, multiply the total amount by -1 and place in Secondary Residential Parent's column]	-100.00	0.00
14.	Total Child Support Responsibility [add lines 10 + 11 + 12 + 13]	\$406.07	\$399.94

Source: Florida Rules of Court

Appendix B

Sampling Methodology

This study sampled from two populations: IV-D cases administered by the Department of Revenue and private case files received from the Clerks of the Court. Distinctions between the two populations are noted in text, and results for each are generally reported separately.

From the Department of Revenue, OPPAGA requested a list of all IV-D child support cases for Fiscal Year 1993-1994 through Fiscal Year 1996-97. From that list, OPPAGA randomly selected 55 cases from each judicial circuit. The goal was to obtain 30 cases per circuit so that the sample would be statistically random and valid. In response to OPPAGA's request for 55 cases, circuits sent many case files that were unusable because they did not contain parental income, involved child support arrearages only, or had been issued by another state. Because these cases did not contain the data required to assess judicial adherence to guidelines, they had to be discarded. Through successive attempts, OPPAGA continued randomly selecting cases until it obtained 30 cases per circuit minimum. In all, OPPAGA requested 1,624 cases, 659 of which were usable. The extent to which unusable cases discarded from the sample differ from those cases that were usable is unknown due to

incomplete information. Once OPPAGA had a minimum of 30 usable cases per circuit, it applied a multiplier to each circuit's data to ensure that each circuit was appropriately weighted to its total population of child support cases.

OPPAGA worked with the Florida Association of Court Clerks and Comptrollers (FACC) and with individual Clerks of the Court to obtain a sample of private child support cases. The FACC identified child support cases contained in its database of 56 counties. The FACC method of identifying cases varied from county to county, but generally was within the time period of January through August 1997. From the information provided by FACC, OPPAGA randomly selected case files for 56 counties. For the 11 counties not included in the FACC database, OPPAGA requested that the Clerks of the Court provide a specified number of randomly selected files. In all, OPPAGA requested 1,480 records from the counties and received 552 usable cases. The unusable cases generally failed to include parental income, a key component necessary to assess judicial compliance. OPPAGA then used a multiplier to ensure that each circuit was appropriately weighted to its total population of child support cases.

Appendix C

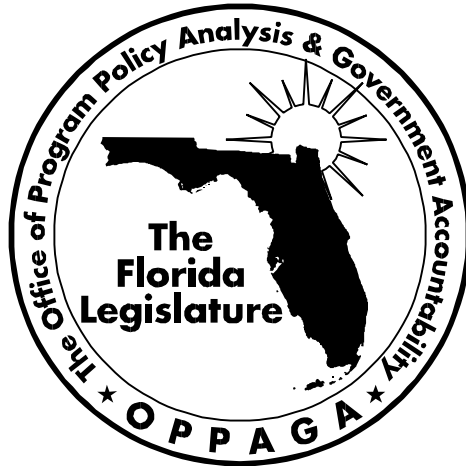
Information Requested from the Department of Revenue and Clerks of the Court

At the suggestion of the agencies involved, and in the interest of cost and time efficiency, OPPAGA requested only pertinent data from child support files necessary to determine adherence to guidelines for IV-D and private cases. Whether this information was in the court files or the attorney files, staff were instructed to provide this office with:

- financial affidavit of the petitioner and respondent;
- complaint to determine paternity and establish child support;
- final judgment;
- any and all judge or hearing officer comments regarding guideline determination of support;
- guideline calculation worksheet necessary to determine how the child support award was derived; and
- indication of whether or not parents are paying or receiving child support from previous marriages or relationships.

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The Florida Legislature
Office of Program Policy Analysis
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ANNOUNCEMENT

The Office of Program Policy Analysis and Government Accountability announces the availability of its newest reporting service. The **Florida Government Accountability Report (FGAR)**, an electronic publication specifically designed for the World Wide Web, is now up and operating for your use.

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