Florida is Generally Following Statutory Child Support Guidelines; Deviations Are Limited

A Presentation to the Senate Committee on Children, Families, and Elder Affairs

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Scope

Consistent with federal requirements for mandatory review, we sought to determine whether statutory child support guidelines were being followed and the extent to which deviations occurred.
Background

- State law requires the Department of Revenue (DOR) and the courts to determine child support obligations using statutory guidelines (61.30 F.S.).

- Child support guideline schedules are based on two factors:
  - Number of children
  - Net parental income

- The guidelines also consider educational, health care, and child care expenses and parenting time.

- A child support guideline worksheet is used to calculate an obligation amount.
Background

Child support guidelines apply to Title IV-D and private cases (non-Title IV-D) cases

- **Title IV-D cases**: families who previously or currently receive public assistance or request assistance with child support collections and enforcement

- **Private cases**: families who use private attorneys or represent themselves and do not receive public assistance or request state assistance

- DOR handles Title IV-D cases administratively and judicially, while private cases are managed through a judicial process
Florida Statutes allow deviations from the guideline amounts for specific reasons.

A child support payment adjusted by more than 5% above or below the guideline amount is a deviation.

Deviations are permitted based on 11 statutory factors such as extraordinary medical expenses, special needs, and a child spending less than 20% of overnights with one parent.
Our analysis used various approaches because of the quality and type of data available.

<table>
<thead>
<tr>
<th>Population</th>
<th>Population Size</th>
<th>Approach</th>
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</thead>
<tbody>
<tr>
<td>Private Cases</td>
<td>5,756</td>
<td>Case file review of a random sample (n=365)</td>
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<tr>
<td>Title IV-D Administrative Cases</td>
<td>14,990</td>
<td>Population analysis</td>
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<tr>
<td>(calculated by DOR data system)</td>
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<tr>
<td>Title IV-D Judicial Cases</td>
<td>11,138</td>
<td>Case file review of a random sample (n=242)</td>
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<td>(not calculated by DOR data system)</td>
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Findings
Statutory Guidelines are Generally Being Followed

- Private cases: court personnel used worksheets and calculations were generally correct
  - In-depth review of a subsample of private cases found that guideline worksheets were complete and calculated correctly

- Title IV-D administrative cases: DOR data system applied the guideline schedule and basic calculations appeared to be correct

- Title IV-D judicial cases: case file review indicates that personnel used worksheets in applying the guidelines
Deviation Rates Were Less than 10% and Occurred Mostly Below Guideline Amounts

<table>
<thead>
<tr>
<th>Deviations</th>
<th>Title IV-D Administrative Cases (n=14,990)</th>
<th>Title IV-D Judicial Cases (n=206)</th>
<th>Private Cases (n=307)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deviations</td>
<td>391 (2.6%)</td>
<td>10 (4.9%)</td>
<td>17 (5.5%)</td>
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<tr>
<td>Deviations more than 5% above guideline amount</td>
<td>3</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td>Deviations more than 5% below guideline amount</td>
<td>388</td>
<td>9</td>
<td>9</td>
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Reasons for Deviations Varied Among Case Types

- 95% of Title IV-D administrative case deviations were due to:
  - Child spending a significant amount of time, but less than 20% of overnights, with one parent
  - One parent refusing to become involved in the child’s activities

- Deviation reasons for Title IV-D judicial and private cases were mostly classified as “any other adjustment that is needed to achieve an equitable result”
Questions
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