

***In Department of Revenue Child Support Enforcement cases, why is visitation not ordered at the same time I am ordered to pay child support and what do I have to do to obtain visitation?***

When the Florida Department of Revenue opens a case against you for unpaid child support, and/or the recovery of welfare money paid to the custodial parent/family member for your child by the State of Florida, they do not open the case for any other matter besides support. If you were married to the mother/father of the child when the child was born, the matters of parental responsibility and visitation should have been addressed in your final divorce order. If there has not been a previous order concerning visitation or parental responsibility, those matters can usually be added to your existing support case. To add visitation and parental responsibility issues to your support case, a supplemental petition must be filed by you and served on the other party. If there has never been a court order concerning parental responsibility or visitation, there are forms available for parents to use to request custody and/or visitation in a paternity case. Since every situation is slightly different, you may need to seek legal advice to determine whether these forms will work in your situation.

The 6<sup>th</sup> Judicial Circuit Court has an internet page ([www.jud6.org](http://www.jud6.org), “representing yourself in court” section) where you can obtain a “Supplemental Petition for Relief in Paternity Action” package 71. If you don’t have internet access, these forms can also be purchased from the clerk of circuit court (Clearwater: 727-464-3267, St. Petersburg: 727-582-7771) for a fee. You will be responsible for filing your own forms and setting your own hearings. The courts information and resource center can assist you with court procedures, information on where to obtain forms, and basic filing instructions for your case. Assistance is available by telephone only at 727-582-7200 (walk-in assistance is not available). If you cannot afford the filing fees, inquire at the clerk’s desk about an “affidavit of indigence.” If you need help filling out your forms, there may be a legal clinic available where a lawyer will answer your questions and assist you with completing your paperwork. All clinics are income limited and some are only available to St. Petersburg or Clearwater residents. Please call the resource center at 727-582-7200 for information on what legal clinics may be available to you.

Considerations when filing a request for visitation or custody.

- Usually, the child’s home state is where you apply for a visitation or custody order. The Federal Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) addresses this issue. If the child doesn’t reside in Florida, you will need to seek legal advice to determine where your petition must be filed. Jurisdiction can be an extremely complicated area of the law. Every state has its own laws and court procedures. If your case must be filed in another state, you will need to contact that court to determine where to obtain acceptable paperwork and what procedures need to be followed.
- If you have an order establishing paternity from another state, and the child now has legal residence here, you must domesticate that order with the Florida courts before you do anything else. If Florida is already enforcing a child support order, this may have already been done for you by the Florida Department of Revenue. Your physical court file can be ordered at any time from the Clerk of Court so that you can view it at the office. (Note: If there has been a recent hearing or a hearing is scheduled to take place within a few days, you may not be able to get your file until the Judge/Master’s office returns it to the clerk). Please contact the Clerk of Court (Clearwater: 727-464-3267, St. Petersburg: 727-582-7771) for more information concerning moving your order into the Florida courts or ordering your file.