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Amendments to Florida Family Law Rules

SC08-92

THE NEXT CASE ON OUR CALENDAR
WILL BE CONCERNING AMENDMENTS
TO THE FLORIDA FAMILY LAW RULES.

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>> PLEASE THE COURT, FOR THE
RECORD, RAY McNEIL THE CHAIR OF
THE FAMILY LAW RULES COMMITTEE.
I WANT TO RESERVE FIVE MINUTES
OF MY TIME FOR REBUTTAL IF THAT
IS NECESSARY.

WE ARE HERE TO CLARIFY
APPLICATION OF RULE 12.040, TO
ATTORNEYS REPRESENTING THE
DEPARTMENT OF REVENUE, IN CHILD
SUPPORT ENFORCEMENT PROCEEDINGS.

WHEN I SAY CHILD SUPPORT
ENFORCEMENT PROCEEDINGS I'M
SAYING THAT IN A KIND OF A
GLOBAL SENSE, THAT INCLUDES
PETITIONS THAT THEY FILED TO
DETERMINE PATERNAL, AND
PETITIONS TO ESTABLISH AND
ENFORCE CHILD SUPPORT AND ALSO,
MODIFICATIONS.

THEY CAN TAKE SEVERAL DIFFERENT
FORMS.

THE RULE E THAT WE PROPOSED IS
BORNE OUT OF A NEED RESOLVE
THREE LEGAL QUESTIONS.

THE FIRST IS WHETHER THE
DEPARTMENT OF REVENUE ATTORNEY
HAS ANY ATTORNEY-CLIENT
RELATIONSHIP WITH THE PERSON
RECEIVING 40 SERVICES -- THE
SERVICES AND THE SECOND IS
WHETHER THE PLEADING FILED BY
THE DEPARTMENT OF REVENUE ON
BEHALF OF THAT PERSON MAKES THE
PERSON A PARTY TO THE
LITIGATION.

AND THE THIRD IS TO DEFINE THE
LIMITATIONS ON WHAT ISSUES CAN
BE RAISED IN THE LITIGATION.

>> COULD YOU GO BACK ON
SOMETHING FOR ME?

I KNOW THAT -- I WAS VERY MUCH A

PART OF THAT UNBUNDLED LEGAL SERVICES RULE.

AND THE WHOLE PURPOSE OF IT WAS TO TRY TO ENCOURAGE PRIVATE ATTORNEYS TO HELP OUT WITH UNREPRESENTED LITIGANTS FOR SOME PARTICULAR STAY -- STAGE.

WE KNOW, DURING THIS ENTIRE TIME THE ISSUE OF WHAT THE ROLL OF THE DEPARTMENT OF REVENUE WAS NEVER WAS AN ISSUE.

CORRECT?

>> I MICRO AT LEAST I DON'T REMEMBER IT BEING THE ISSUE.

-- I MEAN, AT LEAST I DON'T REMEMBER IT BEING THE ISSUE.

THE DRIVING FORCE WAS THE NEED FOR PRIVATE ATTORNEYS, TO HELP OUT.

AND I DON'T KNOW IF THAT RULE IS EVEN -- IF WE ARE GETTING A PRIVATE ATTORNEY TO DO IT.

WHERE DOES THE DEPARTMENT OF REVENUE ISSUE COME UP, AND TO NECESSITATE SOMETHING ELSE WE HAVE TO DO NOW THAT IS -- WHICH IS NOW THE DRIVING FORCE BEHIND THE AMENDMENT.

>> I THINK THAT IS A LEGITIMATE QUESTION.

ALL ALONG WE WERE TALK ABOUT, ON THE LEGAL SERVICE, USED THE DEPARTMENT OF REVENUE AS AN EXAMPLE OF UNBUNDLED LEGAL SERVICES.

AS IT TURNS OUT, THAT MIGHT NOT HAVE BEEN A WISE THING TO DO.

I BELIEVE THAT THE MAIN PROBLEM THAT WE HAVE IS A LACK OF LAW IN THE STATE OF FLORIDA ON THEIR ROLE AND THEIR RELATIONSHIP TO THE LITIGANT.

THE COURT COULD -- I WOULD SUGGEST THERE ARE SEVERAL WAYS THE COURT COULD RESOLVE THIS. MAYBE THE MOST STRAIGHTFORWARD AND SIMPLEST WAY WOULD BE JUST TO SAY, THE COURT DECIDES AS A MATTER OF LAW THAT THERE IS NO ATTORNEY-CLIENT RELATIONSHIP BETWEEN THE DEPARTMENT OF REVENUE AND THE PERSON RECEIVING THESE SERVICES, THAT THAT PERSON IS NOT A PARTY TO THAT

INDICATION, THE STATE OF FLORIDA IS THE ONLY PARTY TO THE --

>> TELL ME -- YOU DIDN'T ANSWER THE QUESTION.

THE RULE GETS PASS AND BEFORE THAT DOR WAS COMING IN, IN WHATEVER CAPACITY THEY ARE COMING IN, WHAT, THEN OCCURRED TO MAKE THIS AN ISSUE AND YOU KNOW, VERY WELL, THAT WE DON'T RESOLVE QUESTIONS OF LAW THAT IS, WHETHER THERE IS AN ATTORNEY-CLIENT PRIVILEGE IN A RULES CASE.

SO I DON'T SEE US DECIDING SOMETHING THAT COULD BE DISPUTED.

WHERE IS THE PRESSING NEED THAT OCCURS THAT SOMEHOW THIS NECESSITATED THE RULE CHANGE -- NECESSITATED THE RULE CHANGE.

>> I DIDN'T UNDERSTAND YOUR QUESTION AND I THINK I DO NOW, HERE'S WHY IT IS IMPORTANT TO THE BAR AND FRUSTRATING TO JUDGES AND LAWYERS WHO PRACTICE IN THIS ARENA.

-- ARENA.

IN A LOT OF CASES, THE RESPONDENT WANTS TO ASK FOR PARENTING TIME OR PARENTING PLAN WITH THE CHILDREN INVOLVED IN THAT CASE.

DO YOU FILE A COUNTERCLAIM?

DO YOU SEND IT TO THE DEPARTMENT OF REVENUE ATTORNEY?

SEND IT TO THE LITIGANT -- TO THE PARENT WHO IS SEEKING SUPPORT?

THAT IS NOT CLEAR IN OUR LAW.

DO YOU FILE A THIRD-PARTY COMPLAINT OR A SEPARATE LAWSUIT TO RESOLVE THOSE ISSUES?

EVEN THOUGH THE PARENTING TIME AFFECTS THE AMOUNT OF SUPPORT, MOST JUDGES RULE -- AND I HAVE RULED THAT WAY MYSELF, THAT THE STATE OF FLORIDA IS THE ONLY PARTY TO THE CASE, THE DEPARTMENT OF REVENUE DOES NOT HAVE ANY RELATION -- ATTORNEY DOESN'T HAVE A LEGAL RELATIONSHIP WITH THE PERSON RECEIVING THOSE SERVICES, AND

THE ONLY ISSUE THAT CAN BE
DECIDED IS A QUESTION OF
SUPPORT.

SO, YOU HAVE TO GO FILE A
SEPARATE LAWSUIT.

I THINK IN A UNIFIED FAMILY
COURT THERE OUGHT TO BE A WAY TO
RESOLVE THOSE ISSUES WHILE YOU
HAVE ALL THOSE PARTIES IN FRONT
OF YOU BUT THERE IS NO GOOD WAY
TO DO THAT RIGHT NOW AND I'M NOT
SAYING THIS RULE WOULD CORRECT
THAT PROBLEM.

BUT, AT LEAST IT WOULD DEFINE
THE LIMITS OF WHAT IS GOING ON
IN THE CASE.

>> LET ME ASK --

>> REVENUE SITUATION, YOU ARE
NOT EVEN -- YOU ARE IN A -- NOT
IN A REGULAR COURT, YOU ARE IN A
-- BEFORE A CHILD SUPPORT
ENFORCEMENT HEARING OFFICER.

>> YES, WELL, YOU MAY BE IN
COURT, YOU MAY BE BEFORE A
MAGISTRATE OR YOU MAY BE BEFORE
A CHILD SUPPORT HEARING OFFICER
AND THE FACT CHILD SUPPORT
HEARING OFFICERS HEAR MOST OF
THE CASES, IS -- SUPPORTS THE
ARGUMENT, MR. MATO'S ARGUMENT,
SO YES, I UNDERSTAND THERE IS A
DIFFERENCE IN THAT LITIGATION
AND A LOT -- IN A LOT OF CASES.

>> WELL, ARE WE NOT DISCUSSING
UNDER TITLE IV-D THE ROLE OF THE
AGENCY'S ATTORNEY?

IS THAT THE QUESTION OF --
BEFORE THE COURT?

>> WELL,, YES, MA'AM.

>> AND SO AREN'T THOSE CHILD
SUPPORT ENFORCEMENT PROCEEDINGS,
AND THE DEPARTMENT -- WHAT IS
THIS DEPARTMENT OF REVENUE'S
INTEREST IN THOSE KINDS OF
PROCEEDINGS?

I ASSUMED -- AND MAYBE I AM
ASSUMING INCORRECTLY, THAT THE
DEPARTMENT IS PAYING OUT THESE
CHILD SUPPORT -- MAKING THESE
CHILD SUPPORT PAYMENTS TO THE
RECIPIENT, CORRECT?

>> WELL, MAYBE.

>> AND THEN, THEY ARE TRYING TO
GET THE PERSON WHO IS SUPPOSED

TO BE PAYING THEM TO ACTUALLY REIMBURSE THAT MONEY?

IS THAT WHAT IS GOING ON HERE?

>> THERE'S -- IN A TYPICAL CASE, THE DEPARTMENT OF REVENUE ATTORNEY FILES A CHILD SUPPORT ENFORCEMENT ESTABLISHMENT CASE, AGAINST THE PERSON THAT THEY WANT TO PAY CHILD SUPPORT. THEY REPRESENT THE STATE OF FLORIDA AGAINST THAT PERSON, AND THE STATE'S INTEREST, THEY REPRESENT THE STATE'S INTEREST IN SEEING THAT SUPPORT IS PAID FOR THOSE CHILDREN.

AND SO, YES, THAT IS ONE KIND OF PROCEEDING.

>> OKAY.

AND SO ARE THERE OTHER THINGS THAT WE ARE TALKING ABOUT WHERE YOU CONTEND THAT THE DEPARTMENT MAY IN FACT BE REPRESENTING THE RECIPIENT?

>> YES, THERE ARE THINGS --

>> GIVE US AN EXAMPLE OF WHAT YOU MEAN IN THAT SITUATION.

>> HERE'S WHY THE LEGAL QUESTIONS ARE SO IMPORTANT. I UNDERSTAND JUSTICE PARIENTE'S STATEMENT ABOUT THE COURT DOESN'T DECIDE THOSE LEGAL QUESTIONS IN A RULES OPINION.

IF THE DEPARTMENT HAS FILED A PLEADING THAT MADE THE PARENT WHO IS SEEKING SUPPORT A PARTY TO THAT CASE, THEN THEY HAVE -- FALL UNDER SECTION D OF 12.040.

WHICH IS THIS UNBUNDLED LEGAL SERVICE RULE BECAUSE THEY PROVIDED A DISCRETE LEGAL SERVICE TO THE PERSON AND DO --

>> BY MAKING THEM A PARTY, YOU ARE SAYING THEY ALSO ARE MAKING THEMSELVES A REPRESENTATIVE OF THAT PARTY.

AND THEY ARE SIMPLY SAYING AS I WOULD UNDERSTAND IT, THE -- THIS PARTY NEEDS TO BE HERE IN ORDER FOR THE COURT TO MAKE A TOTAL DETERMINATION OF THE ISSUES.

>> ACTUALLY, THAT PARTY DOES NOT HAVE TO BE THERE.

AND I THINK, MR. MATO WOULD MAKE THE ARGUMENT THEY

DON'T HAVE TO BE THERE AND THAT IS MAYBE IN HIS RESPONSE BUT THE DEPARTMENT CAN PROCEED WITH THE CHILD SUPPORT ENFORCEMENT CASE IN THE ABSENCE OF THE PART.

-- PARTY.

>> DID THE DEPARTMENT --

>> RIGHT, BUT -- AND I

UNDERSTAND THAT ASPECT OF IT.

BUT YOU JUST SAID, IF THE

DEPARTMENT FILES A PLEADING THAT INCLUDES THE RECIPIENT THEN WHAT?

>> IF THEY FILE A PLEADING AND THEIR ATTORNEY SIGNS THAT PLEADING, MAKING THAT PERSON A PARTY TO THE CASE, THEY HAVE PERFORMED A DISCRETE --

>> WHAT WOULD YOU SAY TO MAKE -- THAT PERSON A PARTY TO THE CASE.

>> OKAY, THERE ARE TWO WAYS TO LOOK AT IT.

THE CASE COULD -- YOU CAN LOOK AT A AND TWO CASES, ONE FROM LOUISIANA AND OHIO, I BELIEVE THE TWO STATES, THAT ARE CLEARLY ON POINT, THAT ARE INCLUDED IN THEIR RESPONSE.

YOU CAN LOOK AT IT, THE STATE OF FLORIDA IS A PARTY.

A PETITIONING PARTY AND THE PERSON WHO RECEIVES SUPPORT IS JUST NAMED BECAUSE THEY ARE GOING TO GET THE SUPPORT AND NOT A PARTY TO THE CASE.

IN OTHER WORDS, IF YOU WANT TO FILE A COUNTERCLAIM YOU CAN'T SEND IT TO THEM, YOU HAVE TO HAVE THEM SERVED AND MAKE THEM A PARTY TO THE CASE, A LEGAL PARTY.

>> THE OTHER SITUATION WOULD BE WHAT.

>> WELL, IF THE DEPARTMENT FILES A PLEADING, AND THEY ARE A PARTY, IN THE DEPARTMENT HAS MADE THEM -- THE DEPARTMENT'S ATTORNEY HAS MADE THEM A PART BY FILING THE PLEADING.

AND IF THEY FILE A PLEADING MAKING THAT PERSON A PARTY, IN THE THEY HAVE -- FALL UNDER 12.040-D WHICH IS IF YOU FILE A PLEADING ON BEHALF OF SOMEONE --

>> WELL, THEY DON'T MIND FILING THE NOTICE OF LIMITED REPRESENTATION. THEY JUST DON'T WANT TO HAVE TO PUT IN THE NOTICE THAT THEY ARE PROVIDING LEGAL SERVICES TO THE ONLY AGREE, CORRECT? ISN'T THAT THE -- OBLIGEE AND THIS IS MY PROBLEM AND I HAVE BEEN INVOLVED IN THIS FOR TONIGHT YEARS, YOU HAVE BEEN INVOLVED YOUR WHOLE LIFE. YOU ARE TRYING TO SOLVE SOMETHING ABOUT HOW YOU CAN GET CHILD -- CHILD SUPPORT ENFORCEMENT MATTERS GET VISITATION, AND ALL OF THOSE OTHER THINGS, RESOLVED, WITHOUT HAVING TO HAVE MULTIPLE CASES. BUT THE RULE WE'RE DEALING WITH, AS I'M AT THE OUTSET WAS A RULE THAT WAS DESIGNED PRIMARILY TO ALLOW ATTORNEYS WHO WOULD OTHERWISE BE REPRESENTING THE CLIENT ON THE WHOLE, ALL THE ISSUES TO JUST BE REPRESENTING THEM IN A NARROW ISSUE AND MAKE SURE THE -- THE WORLD IS ON NOTICE WHAT THOSE NARROW ISSUES WERE AND YOUR ISSUE, HOW DO WE GET THE DEPARTMENT TO COME IN AND BE PART OF UNIFIED FAMILY COURT IS NOT ANYTHING WE CAN SOFTEN THE RULE AND YET THEY ARE -- SO THAT IS WHERE I'M HAVING A PROBLEM WITH MIXING AN OVERRIDING POLICY THING WITH A RULE THAT HAD A NARROW PURPOSE. SO, IF YOU COULD, JUST -- IN YOUR REBUTTAL, TELL ME WHAT I'M MISSING.

>> YOU ARE ABSOLUTELY RIGHT ABOUT THE PURPOSES OF THE UNBUNDLED RULE, YOU ARE RIGHT ABOUT THAT, OUR CONCERN AND FRUSTRATION WITH THE DEPARTMENT OF REVENUE IS THAT THESE CASES ARE PROCESSED UNLIKE ANY OTHER CASE. ORDINARILY, IF I AM A LAWYER AND FILE SUIT ON BEHALF OF SOMEBODY THE PERSON IS YOU A PARTY, I MAKE AN APPEARANCE FOR THEM AND IN A DEPARTMENT OF REVENUE CASE,

WE ARE SAYING THEY DON'T MAKE AN APPEARANCE FOR THEM.
AND IF YOU DON'T MAKE AN APPEARANCE FOR THEM AND THEY ARE A PARTY, IT CONFUSES THE WHOLE LITIGATION.
AND OUR DESIRE IS TO MAKE THE LITIGATION CLEAR, TO CLARIFY THIS.

>> ARE YOU SAYING THESE ARE CASES WHERE THEY COME INTO AN ALREADY EXISTING FAMILY CASE, THAT IS IN THE FAMILY COURT? OR CASE -- I THOUGHT IN THE -- IN THE IV-D CASES ARE THIS ONES BRINGING THE CASE AGAINST THE PERSON -- SEEKING TO GET CHILD SUPPORT, ON BEHALF OF THE MOTHER, USUALLY. BACK FROM THE FATHER. RIGHT?

>> THAT'S RIGHT.

>> THE ISSUES ARE DIFFERENT IF THEY INTERVENE, AND -- IN A REGULAR CASE BECAUSE THE PERSON IS ALREADY A PARTY TO THAT CASE AND THE PROBLEMS ARISE IN THE CASE THEY -- THE IV-D CASE THAT IS FILED TO ESTABLISH SUPPORT.

>> LET ME ASK YOU A HYPOTHETICAL SO I CAN -- AS THE SUGGESTION -- HAS THE SUGGESTION COME ABOUT BECAUSE THERE IS A LOT OF FRUSTRATION IN THE JUDICIARY THAT WHEN THE RESPONDENT TO THESE PROCEEDINGS COMES IN AND SAYS YES, I MAY BE BEHIND IN MY SUPPORT OR WHATEVER THE ISSUE MAY BE BUT THERE ARE ALL THESE OTHER ISSUES, THAT NEED TO BE RESOLVED, INCLUDING PARENTING TIME OR VISITATION OR WHATEVER. AND THE FRUSTRATION AMONGST THE JUDGES IS THEY HAVE TO SAY, I'M SORRY THAT WE CAN DEAL WITH THOSE ISSUES.

THAT THAT THE DEPARTMENT HAS THE PERFECT SCENARIO HERE AND THEY GET TO COME IN AND REPRESENT A PERSON THAT IS IN TITLED TO SUPPORT FROM THE STANDPOINT OF HOW MUCH IS OWED AND ENFORCING THAT, OR WHATEVER. BUT THEY DO NOT MAKE ANY

APPEARANCE FOR THAT PARTY IN TERMS OF SUBJECTING THEM TO ANY OF THESE PROBLEMS OR ISSUES. THAT YOU MAY HAVE THAT WILL CONTINUE TO BE A PROBLEM AND CAUSE THIS THING NOT TO BE FINALLY RESOLVED.

I MEAN, IS THAT -- A RESTATEMENT OF WHAT THE --

>> ONLY PART OF IT.

I THINK THE MANAGEMENT OF THE CASE FROM A JUDICIAL STANDPOINT IS A FRUSTRATION.

BECAUSE, THERE IS NO CLEAR LAW TO DEFINE HOW YOU MANAGE THAT CASE.

THE REAL FRUSTRATION COMES FROM THE BAR, THE LAWYERS WHO ARE PRACTICING AND REPRESENTING THESE RESPONDENTS, THEY DON'T KNOW WHETHER TO FILE YOU A FOR YOU CLAIM OR WHETHER TO FILE A THIRD-PARTY CLAIM OR DON'T KNOW WHETHER TO FILE A SEPARATE LAWSUIT.

>> THAT IS BECAUSE THE --

>> JUSTICE PARIENTE HAS LAID IT OUT, THERE IS JUST A --

JUSTICE PARIENTE HAS LAID IT OUT THERE IS A LIMITED

REPRESENTATION AND DOESN'T THE ANSWER OF THAT, NATURALLY FLOW THAT THEY DO HAVE TO FILE SOMETHING SEPARATE TO BRING THE PERSON IN -- THE PERSON IN PERSONALLY AND THE LAWYER FROM THE DEPARTMENT WITH THIS -- NARROW REPRESENTATION WHICH HAS BEEN GRANTED TO THEM IS ONLY THERE.

ON THAT LIMITED BASIS.

AND, THEREFORE, THE ANSWER IS, YES, YOU'VE GOT TO SERVE THE PERSON BY REGULAR COURT OF LAW

--

COURTS OF LAW EVEN IF THERE WAS NOT AN ENFORCEMENT PROCEEDING.

>> YES, SIR, IF THAT WAS THE COURT'S RULING WE'D BE SATISFIED AND IT WOULD CLARIFY THE QUESTIONS WE HAVE TRIED TO RESOLVE IN THE PROPOSED RULE.

>> BUT THE REAL PROBLEM IS IN THESE -- IN THE SUPPORT ARENA,

GENERALLY, HISTORICALLY IN FLORIDA LAW IT'S NOT JUST THE CLEAN, PRECISE ISSUE WRAPPED UP IN THESE DOMESTIC CASES AND THERE ARE OTHER THINGS THAT TOUCH UPON IT, ALMOST LIKE ASSIGNING THE BENEFIT OF THE CONTRACT BUT NOT THE OBLIGATION TO PERFORM AND THAT IS WHAT YOU ARE FACED WITH HERE AND CREATES THE FRUSTRATION AND ALMOST INHERENT IN THE WAY IT IS SET UP,.

>> YES, SIR.

>> REALLY WHERE IT TAKES US IS THESE OTHER THINGS, I DON'T KNOW

--

THEY ARE NOT USING THE MONEY FOR THE CHILD AND THIS AND THAT, AND AND BECAUSE YOU HAVE DEALT WITH IT IN AN EQUITABLE FASHION AND

--

>> WE'LL LET YOU HAVE TIME, BUT IS THAT REALLY WHAT IS PRODUCING ALL OF THESE CONCERNS?

>> YES, YES.

SIR.

THAT IS AT THIS CORE OF IT, BUT, REALLY, IT IS -- IT IS REALLY THE UNCERTAINTY AND -- IN THE STATE OF FLORIDA WE RECOGNIZE THERE ARE LAWS, AND THIS ISSUE MADE ITS WAY UP TO THE HIGHEST COURT IN OTHER STATES AND THEY'VE RESOLVED IT FOR THE CITIZENS SO THEY KNOW AND YOU CAN TELL FROM THE CASE LAW THAT HAS BEEN CITED, THAT THIS IS NOT AN UNUSUAL CONFLICT IN IV-D CASES AND WE HAVE NEVER RESOLVED IT IN THE STATE OF FLORIDA. THE RULE IT WAS AN ATTEMPT TO RESOLVE IT.

I THINK THE COURT COULD RESOLVE IT SIMPLY BY RULING THAT JUST LIKE I SAID, THAT THIS PERSON IS NOT THE PARTY AND THE STATE IS THIS PARTY, THE DEPARTMENT OF REVENUE ATTORNEY DOES NOT HAVE A LAWYER-CLIENT, NOT ANY LAWYER-CLIENT RELATIONSHIP WITH THE PERSON AND THE ONLY ISSUES THAT CAN BE ADDRESSED IS CHILD SUPPORT AND IF YOU DO THAT, THEN

THERE WILL BE NO NEED FOR THIS RULE.

>> AND PREVAILING RULE ON THE OTHER JURISDICTIONS, THAT YOU HAVE LOOKED AT.

THAT HAVE REACHED THE HIGHEST COURTS OF THE STATE.

>> HAVE THEY RULED THAT WAY.

>> RIGHT.

>> YES, SIR.

>> IT DOESN'T HELP THE -- THE SITUATION YOU TALKED ABOUT FOR THE CHILD.

THE UNIFIED FAMILY COURT CONCEPT.

IT WOULD SAY BRING IT INTO THE MIX AND DON'T BRING -- YOU A LITIGANT HAS TO BE INVOLVED, YOU WANT TO GO TO THIS YOU HAVE TO HAVE A SEPARATE PROCEEDINGS AND IT WILL NOT HAPPEN, NO MATTER HOW WE RESOLVE THE RULE.

>>NARY RIGHT.

AND WE RECOGNIZE THAT IN OUR -- IN OUR PETITION, WE HAVE SAID IT WON'T SOLVE ALL THE PROBLEMS.

IT WON'T SOFTEN IT BUT IT WILL CLARIFY THE PIECE OF IT AND IF WE CLARIFY THE PIECE OF IT THEN WE'LL KNOW THAT YOU NEED A SEPARATE LAWSUIT.

OR A THIRD-PARTY COMPLAIN AND THEN THE COURT CAN MANAGE THOSE CASES EITHER BY COMBINING THEM OR HOLDING HEARINGS ON THE SAME ISSUES AND CAN COORDINATE HEARINGS AND COORDINATE THE PROCEEDINGS AND WE'LL KNOW HOW TO DO IT AND RIGHT NOW THERE IS THIS -- IT -- THE LAW IS NOT CLEAR.

>> YOU ARE PRETTY MERCHANDISE IN AGREEMENT WITH THIS PROFILE THE DEPARTMENT OF REVENUE -- BECAUSE IT SEEMS TO ME IN THEIR PROPOSAL, THEY SAID -- THEY SAY THAT THEY ARE ONLY REPRESENTING THE STATE AND THAT THEY ARE NOT REPRESENTING THE RECIPIENT OF THESE BENEFITS.

>> I'M NOT -- WE'RE NOT IN FAVOR OF THEIR PROPOSAL.

ACTUALLY, IF YOU RULE, IF YOU AN CANS -- CAN ANSWER THESE

QUESTIONS, THOUGH IT IS IN THIS
CONTEXT I THINK THERE IS A WAY
TO DO IT.

APPROPRIATELY.

AND IF THESE QUESTIONS ARE
ANSWERED, THEN WE DON'T NEED
THEIR RULE, OUR RULE AND IT WILL
BE CLEAR THAT 12.040 DOES NOT
APPLY TO THEM, BECAUSE THEIR
SERVICE IS TO THE -- SERVICES TO
THE STATE OF FLORIDA ARE NOT
LIMITED.

>> BUT IF WE DON'T -- YOU DON'T
USE THEIR RULES OR YOUR RULES,
WHAT WILL WE SAY IN THIS CASE.

>> WE'RE GOING TO SAY THREE
THINGS.

ONE, THAT THERE IS NO
ATTORNEY-CLIENT RELATIONSHIP AT
ALL BETWEEN THE DEPARTMENT OF
REVENUE ATTORNEY AND THE PERSON
RECEIVING IV-D SERVICES.

>> IN THE RULES CASE.

>> IN THIS RULES CASE.

>> YOU KNOW AT LEAST I'M NOT
DOING THAT IN THIS CASE, I DON'T
KNOW, SOMEONE ELSE MAY WANT TO
DO THAT.

I MEAN, THIS IS -- I JUST THINK,
YOU KNOW, JUST -- I KNOW YOU ARE
WAY INTO -- OUT OF YOUR TIME.

THAT WHAT I SAID, AT THE
BEGINNING IS THAT WE HAD A RULE
THAT WAS GEARED TO PRIVATE
ATTORNEYS, NOW THE RULES
COMMITTEE FOR REASONS THAT I AM
SURE ARE WELL MOTIVATED ARE
TRYING TO TAKE THE RULE, FORCE
THE COURT INTO MAKING SOME
DECISIONS, THAT IS NOT SOMETHING
THAT IS BEFORE US AS A LITIGANT
-- LITIGATED MATTER AND I'M VERY
UNCOMFORTABLE WITH THAT.

>> OKAY.

I REALLY APPRECIATE THAT.

AND I -- HONESTLY TRUST THIS
COURT'S JUDGMENT.

REALLY, A TRUST IT.

I THINK THAT IF YOU -- YOU NEED
SAY IN THE CONTEXT OF DOING
THIS, EITHER THAT 12.040 DOES
NOT APPLY, THE DEPARTMENT OF
REVENUE, OR IT DOES.

AND THAT IS I THINK WHAT WE HAVE ASKED YOU TO DO -- CLEARLY WHAT WE HAVE ASKED YOU TO AND IF I GUESS, BY DENYING THE PROPOSED RULE YOU COULD -- SHOULD BE ABLE TO REACH THAT DECISION, AND AT LEAST CLARIFY THAT PROBLEM FOR THE DEPARTMENT OF REVENUE. WE'RE NOT SO MUCH AT ODDS HERE. THE CONFLICT IS CAUSED BY THE LACK OF LAW IN THE STATE OF FLORIDA, AND NOT SO MUCH BY ANY CONFLICT BETWEEN US AND THE DEPARTMENT.

>> OKAY.

.
JUST ABOUT DONE?

>> THANK YOU, MAY IT PLEASE THIS COURT.

I'M THOMAS MATO HERE FOR THE FLORIDA DEPARTMENT OF REVENUE, JOB SUPPORT ENFORCEMENT PROGRAM.

>> WE HAVEN'T ADDRESSED THE ISSUE OF -- YOU ALSO CAN FILE AN ACTION FOR PATERNITY, CORRECT. PATERNITY HAS NOT BEEN ESTABLISHED AND IS A MAJOR ISSUE.

SO WHAT THE JUDGE IS TALKING ABOUT IS A PRACTICAL PROBLEM WHEN THE DEPARTMENT OF PATERNITY HAS NOT BEEN DETERMINED AND THE DEPARTMENT COMES IN AND ON LISTING THE MOTHER OF THE CHILD OR THE CHILDREN, COMES IN, FILES A PATERNITY PETITION AND ONCE THAT PATERNITY PETITION IS DETERMINED, THEN SETS FORTH THE CHILD PAYMENT OBLIGATIONS. CORRECT?

>> YES, SIR.

>> AND THEN WHAT HAPPENS AS A PRACTICAL RUT, IS ONCE YOU FINALLY GET AND DETERMINE WHO THE FATHER OF THE CHILD IS, THEN THAT FATHER WILL START SAYING I WANT TO CONTEST CUSTODY AND HAVE TO PAY CHILD SUPPORT AND I WANT CUSTODY OF THE KIDS.

OR VISITATION.

OR WHO -- A WHOLE RANGE OF OTHER ISSUES SO THE PARTIES TEND TO GET CONFUSED IN THE PROCEEDINGS. IS THAT TRUE OR NOT TRUE.

>> WELL, SOMETIMES THAT DOES HAPPEN, JUDGE, YOU'RE RIGHT. ONCE PATERNITY IS ESTABLISHED, THAT THE LEGAL FATHER WILL THEN ATTEMPT TO ESTABLISH RIGHTS OF CONTACT WITH THE CHILD. MAYBE EVEN CUSTODY. SO THAT THEY CAN GET CHILD SUPPORT.

BUT, I MEAN, WHO THE PLAYERS ARE IS NOT IN QUESTION. WE'VE GOT A MOTHER, WE'VE GOT A FATHER, WE'VE GOT A CHILD, AND THE STATE CHILD SUPPORT ENFORCEMENT ENTITY. THE ROLE ASSUMES THAT THE PROGRAM ATTORNEY FOR THE DEPARTMENT OF REVENUE REPRESENTS THE INDIVIDUAL RECIPIENT OF SERVICES, AND WE JUST THINK THAT'S WRONG.

>> WELL, WHAT HAS HAPPENED, IF YOU TAKE BEFORE RULE 12.040 WAS ADOPTED IF YOU WERE TO, FOR EXAMPLE, INTERVENE, DOES DEPARTMENT OF REVENUE EVER INTERVENE IN ONGOING LITIGATION?

>> YES, WE DO.

>> OKAY.

WHEN YOU DO THAT, YOU FILE YOUR APPEARANCE TO THE DEPARTMENT OF REVENUE, IS IT BEFORE 12.040? DID YOU PUT ANY LIMIT COMING IN, AND DO YOU SAY WHAT THEY'RE COMING IN FOR ON THE NOTICE, OR IS THAT SET FORTH BY THE PLEADING?

>> ABSOLUTELY.

IN THE MOTION TO INTERVENE, IT WOULD BE CLEAR THAT AN ONGOING DISSOLUTION OF MARRIAGE ACTION BECAUSE THE MOTHER OF THE CHILD IS RECEIVING PUBLIC ASSISTANCE, SO HER RIGHTS ARE ASSIGNED TO THE STATE.

IT WOULD BE CLEAR FROM THE MOTION TO INTERVENE --

>> ALL RIGHT, AND NOW, AND WHEN AFTER 12.040 WAS ADOPTED, HAVE YOU -- WHAT HAS BEEN THE POLICY OF THE DEPARTMENT OF REVENUE AS FAR AS FILING THOSE NOTICES? HAVE YOU BEEN FILING THEM?

>> NO, MA'AM, WE HAVE NOT.

>> SO THIS IS SAYING YOU WOULD HAVE TO, NOW, IN EVERY SITUATION BECAUSE YOU'RE ALWAYS LIMITED, YOU'D HAVE TO FILE ONE OF THESE 12.040 NOTICES.

>> YEAH.

THAT'S AN ADDITIONAL PROBLEM FOR US WITH THE RULE.

>> SO YOU'RE SAYING THERE IS NO REASON, I MEAN, NOW, I WANT TO JUST TAKE THE OTHER SIDE OF WHAT MR. McNEAL IS SAYING.

ARE YOU FINDING THE DOR HAS BEEN DOING CHILD SUPPORT ENFORCEMENT FOR HOW LONG NOW?

>> SINCE 1975.

>> ALL RIGHT.

DO YOU HAVE RESPONDENTS, ATTORNEYS THAT ARE CONFUSED AS TO WHETHER THEY'RE SUPPOSED TO FILE A COUNTERCLAIM?

THE REASON I'M WONDERING IS THERE HASN'T BEEN ANY LITIGATION THAT'S GONE UP ON THIS ISSUE.

IS THERE CONFLICTING WAYS THIS IS GOING ON AROUND THE STATE WHEN THE DEPARTMENT OF REVENUE IS COMING IN AND FILING ITS OWN ACTION IN IV-D IN FRONT OF A CHILD SUPPORT HEARING OFFICER?

>> I'M SORRY, JUSTICE PARIENTE. THE DEPARTMENT OF REVENUE HAS BEEN THE AGENCY SINCE -- THE STATE SINCE 1975.

PRIOR IT WAS HRS.

>> HAVE YOU HAD DIFFERENT WAYS THAT SOME PEOPLE ARE FILING COUNTERCLAIMS AGAINST YOU?

OR, YOU KNOW, ON BEHALF OF THE -- AGAINST THE MOMS?

>> IT ABSOLUTELY IS A BIG STATE. WE'VE GOT 20 CIRCUITS IN 67 COUNTIES, AND THINGS CERTAINLY, THERE ARE VARIATIONS OUT THERE IN HOW THAT'S HANDLED.

BUT I DON'T HEAR THOSE COMPLAINTS OF GREAT CONFUSION OUT THERE, DIFFICULTY FOR THE PARTIES IN GETTING THEIR ISSUES RESOLVED.

>> I MEAN, WE WOULD HOPE -- HAS THERE EVER BEEN A SITUATION, I DON'T SEE HOW THIS RULE SOLVES IT, WHERE YOU HAVE THE

AUTHORITY, OR DO YOU?
BECAUSE YOU'RE COMING IN AS PART
OF THE FEDERAL GOVERNMENT,
REALLY, THE IV-D PROGRAM IS,
CORRECT?

>> THE CONGRESS ESTABLISHED THE
PROGRAM.

>> WHERE YOU SAY, YOU KNOW WHAT?
IN THIS CASE, MOM, I'M COMING IN
TO GET THIS, WE'RE GOING TO GET
THIS MONEY BACK, BUT WE'RE GOING
TO DO A MUCH BETTER JOB GETTING
THIS MONEY BACK IF WE CAN ALSO
WORK OUT VISITATION BECAUSE IT
JUST STANDS TO REASON THAT A
FATHER IS GOING TO BE MORE
LIKELY TO PAY CHILD SUPPORT IF
THEY HAVE A CHANCE TO HAVE A
RELATIONSHIP WITH THE CHILD, AND
THAT'S GOING TO BE BETTER FOR
THE CHILD.

DO YOU HAVE THAT ASSUMING, YOU
KNOW, WE SAID, LISTEN, THERE CAN
BE FLEXIBILITY?

DOES THE RESTRICTIONS ON THE
PROGRAM ALLOW YOU TO HAVE THAT
FLEXIBILITY TO SAY WE WILL COME
IN AND REPRESENT THE MOM IN THIS
PARTICULAR CASE?

BECAUSE WE KNOW IT'S GOING TO BE
BETTER FOR GETTING OUR MONEY
BACK AND BETTER FOR THE CHILD?

>> TO REPRESENT THE MOTHER?

>> CORRECT.

>> I DON'T, I DON'T BELIEVE
THAT'S PERMITTED BY CURRENT LAW,
AND THE DEPARTMENT HAS NOT
STRUCTURED ITS CONTRACTS WITH
THE ATTORNEY GENERAL, STATE
ATTORNEY'S OFFICE, AND PRIVATE
ATTORNEYS IN THAT FASHION.

>> I MEAN, BECAUSE WE HAD ALWAYS
HOPE THAT THAT MIGHT HAPPEN,
INSTEAD OF HAVING THESE SEPARATE
PROCEEDINGS, THAT WE COULD
ACTUALLY GET THE DEPARTMENT OF
REVENUE INSTEAD OF SEGMENTING
THESE ISSUES, BUT MY
UNDERSTANDING WAS THERE WERE
OTHER REASONS CONGRESSIONALLY
THAT THAT COULDN'T HAPPEN.

>> YOU'RE RIGHT.

I MEAN, THE TITLE IV-D PROGRAM

ADOPTED BY CONGRESS PROVIDES
MATCHING FUNDS FOR ESTABLISHING,
MODIFYING, AND ENFORCING SUPPORT
OBLIGATIONS.

VISITATION AND CUSTODY MATTERS
NOT WITHIN THE JURISDICTION,
IV-D ATTORNEYS ARE NOT PERMITTED
BY FLORIDA LAW TO ADDRESS THOSE
ISSUES, AND THAT'S UNDER --
>> SO WHAT IS YOUR POSITION?
YOU OFFERED AN ALTERNATIVE.
DO YOU THINK YOUR ALTERNATIVE
WOULD BE HELPFUL?

>> BASED ON THE COMMENTS OF THE
COMMITTEE, WE THINK IT WOULD
ALTHOUGH WE CERTAINLY DON'T WANT
TO HAVE TO HAVE THE PROGRAM
ATTORNEY FILE A SEPARATE NOTICE.

>> NO, I THINK YOUR PROPOSAL
SAYS IT CAN BE INCLUDED IN ANY
COMPLETING NOTICE OTHERWISE, AND
YOU ALREADY HAVE DIFFERENT
NOTICES ALREADY IN THOSE FORMS.

>> THAT'S YOUR PRIMARY --
>> EXACTLY.

>> IS YOUR PRIMARY POSITION
DON'T DO ANYTHING?

>> WE WOULD BE HAPPY WITH THE
STATUS QUO MAINTAINED, JUSTICE
WELSH, BUT WE HAVE NEVER --
INCORPORATING THEM WITHIN AN
EXISTING PLEADING, SO THAT WOULD
BE OUR PREFERRED APPROACH.
WE FILED 120,000 ACTIONS IN
CIRCUIT COURT LAST YEAR.
PATERNITY ESTABLISHMENTS,
MODIFICATION, AND ENFORCEMENT.
PARDON ME.

>> AS LONG AS YOU JUST ADD THAT
TO YOUR CURRENT NOTICE TOP OF
THE PLEADING, BOTTOM OF THE
PLEADING OR SOMEWHERE IN THERE,
FROM WHAT YOU'RE READING OF THE
COMMITTEE'S CONCERN, THAT WOULD
MAKE IT CLEAR, AND YOU AND THE
JUDGE OR THE MAGISTRATE COULD
POINT TO THE PARTY PROCEEDING,
SAY, YOU KNOW, READ THIS.
THEY HAVE A LIMITED PURPOSE AND
FOCUS.

IF YOU WANT TO DO SOMETHING
ELSE, GET SOMEBODY TO REPRESENT
YOU.

>> YES.

THAT IS STANDARD PRACTICE IN FLORIDA COURTS.

>> AND THE PARTIES CAN, I MEAN, THE RECIPIENT CAN, IN FACT, IN THESE PROCEEDINGS, AND TELL ME IF I'M WRONG, IF THERE IS AN ISSUE THAT COMES UP, AND THE RESPONSIBILITY SAYS, LOOK, I HAVE NOT SEEN MY CHILD IN HOWEVER MANY MONTHS. SHE'S REFUSING TO DO WHATEVER, THEY CAN, IN FACT, INTERVENE IN THAT PROCEEDING?

THE RECIPIENT?

TO DISCUSS THE WHOLE ISSUE OF VISITATION?

>> THOSE ISSUES DON'T COME UP IN THE CONTEXT OF THE CHILD SUPPORT ENFORCEMENT HEARINGS.

SOMETIMES THE COURT WILL BIFURCATE THOSE ISSUES.

A PERSON MAY FILE AN INDEPENDENT ACTION TO DO THAT.

>> I MEAN, UNFORTUNATELY, THAT'S THE WHOLE PROBLEM.

AND I'VE BEEN IN COURTROOMS AND SEEN THIS.

>> YES.

>> THE JUDGE SAYS, WELL, WE CAN'T DEAL WITH THAT.

YOU'VE GOT TO GO ACROSS TOWN, AND FIVE YEARS LATER MAYBE YOU'LL GET YOUR CHILD -- THEY ARE FRAGMENTED.

>> YES.

>> AND THEY CAN'T, YOU CANNOT, A IV-D OFFICER CANNOT HEAR THE VISITATION, AND THAT'S A PROBLEM, AGAIN, THAT THIS RULE CANNOT -- IS WHAT I, YOU KNOW, CAN'T SOLVE.

WE CAN'T CREATE AN ATTORNEY/CLIENT RELATIONSHIP THAT IS PROHIBITED ESSENTIALLY BY CONGRESS.

>> WELL, AND THE LEGISLATURE SAID IN THAT STATUTE THAT I CITED THAT THE IV-D PROGRAM ATTORNEY MAY ONLY REPRESENT THE DEPARTMENT OF REVENUE ON THOSE ISSUES FOR WHICH FEDERAL REIMBURSEMENT IS ALLOWED.

SO THAT IS FORECLOSED.

THE DEPARTMENT'S NOT FUNDED TO DO THAT, WE'RE NOT FUNDED TO, YOU KNOW, TO FURNISH LAWYERS FOR INDIVIDUALS IN THESE CASES.

THESE ARE THE GOVERNMENT'S LAWYERS, AND WE THINK THAT IS THE MAJORITY RULE.

THAT QUESTION WAS ASKED EARLIER IN STATES AROUND THE COUNTRY.

MANY STATES HAVE STATUTES LIKE FLORIDA'S THAT SAYS THE PROGRAM ATTORNEY REPRESENTS ONLY THE IV-D AGENCY, AND WHERE THAT ISSUE HAS BEEN LITIGATED, COURTS IN OTHER STATES, INCLUDING STATE SUPREME COURTS IN TWO STATES, HAVE HELD THAT THE TITLE IV-D ATTORNEY REPRESENTS ONLY THE IV-D AGENCY, AND THERE IS NO RELATIONSHIP BETWEEN --

>> I WOULD STILL SAY THIS SINCE THIS IS PUBLIC, THE DEPARTMENT OF REVENUE IS LISTENING, I THOUGHT AT ONE TIME THEY WERE GOING TO TRY TO GET A WAIVER BECAUSE IN A PENNY WISE POUND FOOLISH WAY WE KNOW THAT THE DEPARTMENT IS GOING TO BE MORE SUCCESSFUL IN GETTING MONEY BACK IF THERE IS AN ESTABLISHED RELATIONSHIP AND VISITATION, AND WE KNOW THERE ARE BUREAUCRATIC THINGS THAT GO ON AROUND THE COUNTRY WHICH IS AS LONG AS THEY GET THAT JUDGMENT, THEY GET CREDIT FOR IT EVEN IF THEY DON'T GET MONEY ACTUALLY ENFORCED. SO I WOULD HOPE AT SOME POINT MAYBE THERE'D BE SOME BUREAUCRAT OUT THERE THAT MIGHT THINK THERE STILL IS KIND OF AN INSANE WAY TO DO IT.

MAYBE WE OUGHT TO BE LOOKING TO GET THE VISITATION DONE IN THE SAME PROCEEDING, AND IT'S NOT GOING TO COST THE GOVERNMENT ANY MORE TO DO THAT.

>> WE HAVE SOUGHT CLARIFICATION FROM THE FEDERAL OFFICE OF CHILD SUPPORT ENFORCEMENT ON THAT QUESTION, AND THEY HAVE CONFIRMED THAT CUSTODY AND VISITATION ARE NOT WITHIN THE

SCOPE OF TITLE IV-D.

SO, YOU KNOW, A REGULATION CAN BE WAIVED A STATUTE IN AN APPROPRIATION BY CONGRESS ESTABLISHING WHAT WILL BE FUNDED AND WHAT WILL NOT CANNOT BE WAIVED BY FEDERAL REGULATORS. THAT WOULD REQUIRE A CHANGE IN FEDERAL LAW.

>> ONE OF THE PROBLEMS THAT SEEMS TO BE RAISED BY THE COMMITTEE RAISING THIS ISSUE IS THE FACT THAT FOR YEARS THIS COURT HAS BEEN MOVING IN THE DIRECTION OF HAVING UNIFIED FAMILY COURTS THROUGHOUT THE STATE.

THE VERY SIMPLE THEORY BEING THAT A SINGLE JUDGE SHOULD HAVE ALL OF THESE FAMILY LAW ISSUES BEFORE THEM AT A SINGLE TIME BECAUSE INEVITABLY THEY'RE ALL INTERRELATED.

AND THAT THE ONLY WAY THAT SOLUTIONS ARE GOING TO BE REACHED IS IF THEY'RE LOOKED AT COMPREHENSIVELY INsofar AS SOME SCHEME TO ADDRESS THEM.

AND THIS SEEMS TO BE AN EXCEPTION, THAT IS THAT IT'S A FLAW IN OUR THEORY, AND A THORN IN OUR SIDE WITH REFERENCE TO DOING THIS.

BECAUSE WHEN ATTORNEYS COME IN FOR THE RESPONSIBILITY AND SAY HERE ARE ALL THESE OTHER ISSUES AND THAT YOU CAN'T JUST LOOK AT THE MONEY ISSUE OR WHATEVER WITHOUT LOOKING AT THESE OTHER ISSUES OR ELSE YOU'RE JUST SHOOTING YOURSELF IN THE FOOT AS FAR AS THE WAY THINGS, YOU KNOW, ARE GOING TO GO ON.

DOES THE DEPARTMENT HAVE ANY SUGGESTIONS AS TO HOW TO BETTER INTEGRATE THIS PARTICULAR PROBLEM IN OUR CONCEPT OF THE UNIFIED FAMILY COURT IN TRYING TO WORK THESE THINGS OUT IN THE MANNER THAT I'VE JUST DESCRIBED?

>> IT IS A DIFFICULT ISSUE, JUSTICE ANSTEAD, WHEN THOSE RELATED ISSUES COME UP, THE

CUSTODY AND VISITATION ISSUES.
AND SOME COURTS, I THINK, SOME
CIRCUITS HAVE DONE THAT
SUCCESSFULLY, AND THEY'VE PUT
THEM ON A UNIFIED FAMILY COURT
DOCKET.

OF COURSE, ONE PERSON'S
CONVENIENCE IS ANOTHER PERSON'S
INCONVENIENCE, SO THE PROGRAM
ATTORNEY WHO IS IN DAYTONA DOING
HIS 50 CHILD SUPPORT ENFORCEMENT
CASES IN AN AFTERNOON, YOU KNOW,
HAS TO ESCAPE SOMEHOW AND GO TO
THE LAND ACROSS COUNTY FOR A
UNIFIED FAMILY COURT DOCKET TO
HEAR MAYBE ONE CASE.

RATHER THAN JUST GETTING TO THE
CHILD SUPPORT ISSUE, YOU KNOW,
THEY'RE AWAITING RESOLUTION ON
CUSTODY.

YEAH.

IT IS DIFFICULT TO PUT IN
PRACTICE.

WE'VE TRIED IN PLACES AND HAVE
DONE THE BEST WE CAN WITH IT.

IN MANY OF THESE CHILD SUPPORT
CASES, THE RELATED ISSUES DON'T
COME UP.

IN MANY CASES THE RESPONSIBILITY
DOES NOT EVEN APPEAR, AND SO IT
DOES HAPPEN.

THERE IS A NEED IN SOME CASES TO
TREAT THAT CASE HOLISTICALLY,
BUT THE SYSTEM DOES FUNCTION, I
BELIEVE, FOR THE RUN-OF-THE-MILL
CASE WHERE THOSE ISSUES DO NOT
COME UP.

PARTIES DON'T FILE PLEADINGS.

>> WHICH OF THE CASES WOULD YOU
SAY DON'T HAVE THESE RELATED
ISSUES?

ARE THE MAJORITY OF THE CASES,
AS YOU CALL IT, THE
RUN-OF-THE-MILL CASE WHERE YOU
DON'T HAVE A RELATED ISSUE?
OR JUST THE OPPOSITE?

>> I'D HATE TO GUESS ON THAT
ISSUE.

I MEAN, IT'S GOT TO BE MORE THAN
HALF OF THEM, THOUGH, IN MY
EXPERIENCE WHERE IT'S JUST THE
CHILD SUPPORT ISSUE THAT'S
THERE, OR YOU'RE IN A CONTEXT

ALREADY WHERE THE PARTIES ARE ACTIVELY LITIGATING THAT OTHER ISSUE, AND THE DEPARTMENT IS IN THERE INTERVENING IN THAT DISSOLUTION ACTION BECAUSE THE OBLIGOR HAS STOPPED PAYING. BUT THE CASE IS STILL BEFORE ONE JUDGE, THEY'RE AWARE OF ALL THE ISSUES, AND THERE'S NOT SOMETHING HAPPENING OFF TO THE SIDE THAT THE COURT IS NOT AWARE OF.

IT'S BEING HANDLED OUTSIDE THE KNOWLEDGE OF THE JUDGE WHO HAS THE CASE.

>> WITH THAT, OUR QUESTIONS, YOU'VE USED UP ALL OF YOUR TIME. IF YOU WANT TO MAKE A CONCLUDING REMARK, PLEASE DO SO.

>> ONLY THAT WE WOULD AGREE WITH JUSTICE BELL'S SUMMARY OF OUR POSITION, THAT IF OUR PROPOSAL WAS ADOPTED, THAT WOULD PUT THE DEPARTMENT IN GOOD STEAD AND CLARIFY SOME OF THESE ISSUES THAT I THINK JUDGE McNEAL WOULD LIKE TO SEE CLARIFIED ALSO.

>> ALL RIGHT, THANK YOU.

>> THANK YOU VERY MUCH.

>> YOU'VE USED UP YOUR TIME, BUT YOU HAVE A COUPLE MINUTES, DO YOU WANT TO --

>> NO, SIR, I THINK THE COURT HAS A FIRM GRASP ON THIS CASE, AND UNLESS YOU HAVE ANY QUESTIONS --

>> WE THANK YOU BOTH.

WE'LL TAKE THE CASE UNDER ADVISEMENT.

THE COURT WILL TAKE A SHORT MORNING RECESS BEFORE THE FINAL CASE.