

# **CHILD SUPPORT ENFORCEMENT: Policy, Practice and Procedures**

## **SYLLABUS**

Law 6936-69ST-25049

SPRING 2020

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Wed. 6-8:00: PM= 11E1

O/H's: Tues/Thurs

Anderson Hall, Rm 230

6-8:30 PM

Classroom: HOL 350

**Course Description/Objective:** This seminar course addresses the systemic and pragmatic operation of Title IV-D child support establishment in the State of Florida. As this is an upper/high level information, knowledge and skills-based course, it is hoped that students will both learn and appreciate the interconnecting responsibilities, public policy and crucial importance that the Courts, public as well as various State and Federal agencies perform to insure that all children receive dignity, support and a fair chance for success in life. After learning about the broad framework of the Title IV-D System, we will delve into and fully explore several troublesome public policy and socio-economic considerations that continue to plague the efficient operation of the child support and paternity establishment and enforcement components of this necessary but misunderstood social system mandated by the Federal Government. Students should anticipate spending approximately 2 hours-out-of-class observing/reading and/or preparing for in-class work discussions/assignments/etc., for every 1 hour in class.

Be prepared to seek and implement pragmatic exploration of solutions to systemic challenges in this and associated social systems, since each of you will be encouraged and afforded a semester-long opportunity to choose a problem area, perform in depth legal research and formulate a series of sound solutions that you will present to the class. Hopefully, your problem areas and proposed solutions will be critiqued in order to forge the best approach for improving policy & practice in this crucial yet constantly evolving societal endeavor. The resulting final research papers will serve to enhance each students' understanding and appreciation of the interconnectedness of public policy and less-than-perfect human efforts to provide for those who can not, or will not care for their own.

**Attendance:** Regular attendance is mandatory and required. Students who miss more than three, unexcused classes will be asked to drop the class. There will be a Class Attendance Sheet for you to sign as you enter the classroom; and as you sign/initial this Sheet you are affirming that you attended the full class on that date, including arriving and leaving on time. This affirmation will be given under the College of Law's Honor Code.

**Accommodations:**

Students requesting accommodation for disabilities must first register with the Disability Resource Center (<http://www.dso.ufl.edu/drc/>). Once registered, students will receive an accommodation letter which must be presented to the Assistant Dean for Student Affairs (Dean Mitchell) when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

**Academic Honesty/Misconduct:** Academic honesty and integrity are key fundamental values of the University and ABA community. Students must be aware of, abide by and fully understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>

**NOTE:** Use of Electronic Devices not for note-taking: ALL must be turned off, once class begins, unless a pager/phone is needed to alert the student in case of a family emergency. All computers may only be used to take notes during class. No TWEN postings or other 'postings or 'searches of any kind will be permitted during class.

**Student Learning Outcomes:** Upon completing this course, provided each student has diligently applied themselves to the material at hand, each student should be able to:

1. Explain the evolution of various common and historical law doctrines of family/paternity/child support, and apply them to the real world;
2. Demonstrate an understanding of the procedural rules and statutes that control the process of paternity and child support establishment in the Florida courts;
3. Provide sound, basic advice to future clients about select Florida DOR/CSE policy and procedures covered in this class; and
4. Apply efficient strategic and practical policy considerations to navigating cases involving filing and enforcement of Department of Revenue Child Support Program actions in Florida.

**Accommodations and Religious Holidays:** Students requesting examination or class room accommodations relating to special needs must first register with the Dean of Students Office. The Dean of Students Office will provide appropriate documentation to the student who must then provide it to the Instructor when requesting accommodations. Students seeking excused absences for religious holidays, or documented illnesses should contact Faculty and Academic Support at 352-273-0660 well before the event, or if the subject of an accident or illness, as soon as possible thereafter, with documentation. Any additional contact should be made at: [ssmith@law.ufl.edu](mailto:ssmith@law.ufl.edu).

**Required Textbooks:** 1.) Unmarried Parents' Rights, Jacqueline D. Stanley, Esq. 2<sup>nd</sup> Edition, SPINX Publishing (2003). [3<sup>rd</sup> Edition is also acceptable]; 2.) Father's Rights, James J. Gross, Esq., 2<sup>nd</sup> Edition, SPINX Publishing; 3.) ABA Guide to Marriage, Divorce & Families, ABA, (2006).

**Readings:** Florida Statutes, various other State statutes, photocopied materials, and various State of Florida Administrative Rules, Florida Family Law Rules, as well as Rules of Civil Procedure, among other works and sources.



**Methods for evaluating/grading students:** All students will be graded on the following production of work and class/course participation:

Court observations and Journal	20%
Major Research/Policy Paper	45%
Class Participation/Projects	35%

*Court Observations and Journal*

During the course of the semester, each student is required to visit the Family & Civil Justice Courthouse in downtown Gainesville [201 E. University Ave.], in order to thoroughly observe and record the procedures, policy/philosophy, efficiency, outcomes and operation of various court events addressing the following minimum activity areas: paternity establishment; child support/other benefit establishment; modification (increase/and/decrease) of support and/or benefits; disestablishment of paternity and/or support; enforcement via civil contempt; and civil arrest first appearance (after arrest on WBA's) hearings. During the semester, each student will have the responsibility to formulate relevant questions or observations of interest gleaned from their courthouse observations, and to facilitate brief class discussions about the best-&-worst 'practices that were observed, and whether these 'practices should be sustained or eliminated. Moreover, all student journal entries may be submitted to the Professor for review during the semester. Please avoid merely "describing" the court events that you observe. This crucial aspect of attending court requires that you exercise reasoned judgment and exhibit an evaluative reaction to the various mandatory court events assigned for the semester. Fortunately, there is no required page limit, however you should bear in mind that these observations will sometimes form the basis for our brief, class discussions that will comprise another mode of sharing in our collaborative approach to learning.

*Major Research/Policy Paper*

Given the pragmatic importance of this research paper as a central mechanism for assessment and improvement in the substantive arena of child support, each student must carefully plumb and choose an area of interest that will yield not only a pragmatic resolution of actual challenges in policy and/or procedure, but also endeavor to fashion a major legal work of no more than 18 pages that will add to the field of research in this evolving area of family law. Therefore, each student must prepare a cogent proposal, along with a broad preliminary bibliography that explores an area of interest directly related to the tenets of this seminar. As is apparently the practice at the College of Law, you may join with one other student in this seminar to address the same topic, **HOWEVER each student must individually research and submit a separate, independently researched paper on their own**, in order to fulfill the major research/policy paper requirement of the seminar.

[March 11, 2020]= Topic selection/preliminary bibliography (in class, for subsequent assessment/feasibility testing).// **DUE DATE**= [April 28, 2020] [UF Law, Division of Student Services Office], by 4: PM.

### *Class Participation/Projects*

Since this is a seminar class, discussions only work if everyone participates. It is required/expected that each student come to class prepared and ready to respectfully engage in critical discussions about the subjects at hand, as well as any presentations during the course of the semester. To that end, each student must be prepared to lead-&-present their journal/court observations and experiences for the educational benefit of the entire class. During these question/answer sessions and presentations, each student will be expected to offer constructive feedback and to add to the pragmatic content of the class. All comments or observations will be done in a respectful manner, and serve to broaden and enhance the process of learning in our classroom.

**{On those occasions where Guest Speakers appear, all students must attend.}**

### *Grading*

The following chart describes the specific letter grade/grade point equivalent in place:

Letter Grade	Point Equivalent
A (Excellent)	4.0
A-	3.67
B+	3.33
B	3.0
B-	2.67
C+	2.33
C (Satisfactory)	2.0
C-	1.67
D+	1.33
D (Poor)	1.0
D-	0.67
E (Failure)	0.0

The law school grading policy is available at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>.

**NOTE:** The subject matter of this class will be unvarnished, disturbing and may create a variety of responses from individual students. As we will address hot-button issues of socio-economic status, race, culture and additional/related social topics, I require that we all comport ourselves in a polite/professional manner, and refrain from subjective/personal attacks/assessments. Moreover, if a student finds any covered topic sufficiently disturbing or sensitive that you prefer not to be called-upon or to participate, please speak with me before class, or during the 'break.// Thank you.

**FIRST DAY/CLASS ASSIGNMENT: NONE**

Child Support Enforcement: Policy, Practice and Procedures  
[Proposed/Projected Approach]

Broad/General Topic Outline {NOTE: Topic sequences will be adjusted,  
shift-and-change during the semester}

Part I. Basic Public Policy: Child Support, Paternity, etc.

Part II. Florida Judicial Hearing/CSE Officer Program

Part III. Federal and State Government Regulations of Child Support

Part IV. Participants/Parties in a Title IV-D CSE Action

Part V. Four (4) Main Areas of JHO Program

Part VI. General Legitimacy

Part VII. Paternity Establishment/Disestablishment

Part VIII. Child Support (C/\$) Establishment

Part XI. Modification

Part X. Enforcement

Part XI. Public Policy/Challenges; Other: TBA

Part XII. {Open/Assessment/Discussion/Speaker}