IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT

IN AND FOR COLLIER COUNTY, FLORIDA

IN RE: THE MATTER OF:

NAME

 Petitioner,

vs. CASE NO.

 Domestic Relations

NAME

 Respondent

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**FINAL JUDGMENT OF PATERNITY**

**(Adopting Recommended Order Dated April 8, 2022)**

 THIS CAUSE came before the Court upon the Recommended Order of the Magistrate entered on {INSERT DATE}. The Court, having reviewed and considered the findings of the Report, it is:

ORDERED AND ADJUDGED:

1. The Recommended Order of the Magistrate dated {INSERT DATE} and attached hereto is hereby ratified and approved.
2. The Court adopts each and every finding and recommendation contained in the Recommended Order of the Magistrate as the Order and Judgment of this Court, as if fully set forth herein and made a part hereof.
3. FINAL JUDGMENT: Competent substantial evidence supports a determination that {FATHER} is the legal and biological father of {CHILD}. born on {DOB}.
4. BIRTH CERTIFICATE: The Bureau of Vital Statistics is directed to issue a new birth certificate showing \_\_\_\_\_\_ as the father of (name of child and DOB) and to remove any other name which may appear as the father's name.
5. NAME CHANGE: It is in the best interest of the child(ren) for his/her name to be changed to \_\_\_\_\_\_. The child(ren)’s name shall be changed from \_\_\_\_\_ to \_\_\_\_\_, by which he/she shall hereinafter be known.
6. Any Motion to Vacate must be filed in accordance with Rule 12.490(e), Florida Family Law Rules of Procedure.
7. The Court reserves jurisdiction to modify and enforce this Final Judgment.

DONE AND ORDERED at Naples, Collier County, Florida this \_\_\_\_\_\_\_ day of

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Circuit Court Judge

**Electronic Service per e-Portal Service List:**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been provided this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_, to the following:

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judicial Assistant

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT

IN AND FOR COLLIER COUNTY, FLORIDA

IN RE: THE MATTER OF:

{Name}

Petitioner,

vs. Case No.:

 Domestic Relations

{Name},

Respondent

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/

**RECOMMENDED ORDER OF THE MAGISTRATE ON FINAL JUDGMENT OF PATERNITY AND RELATED RELIEF**

ATTENDANCE:

 [ ]  Petitioner  [ ]  Attorney for Petitioner

 [ ]  Respondent [ ]  Attorney for Respondent

 [x]  Court Reporter: Court Smart [ ]  Clerk of Court

 **THIS CAUSE** came before this Honorable Court, the Magistrate {Insert Name} presiding, on {DATE}, for a final hearing on a Petition for Paternity and Related Relief. The Court, having reviewed the file and heard the testimony, makes these Findings of Fact and reaches the following Conclusions of Law:

1. **JURISDICTION**
2. The Court has jurisdiction over this case and proceeding pursuant to an Order of Referral to the Magistrate, dated {DATE}. No objections were filed in connection therewith within the time period allowed by Rule 12.490 of the Florida Family Law Rules of Procedure. The Magistrate has jurisdiction pursuant to *Florida Family Law Rule*, 12.490, *et seq*.
3. The Court has jurisdiction over the subject matter and the parties. The Petitioner was present in the Courtroom/via Zoom and was self-represented/represented by counsel. The Respondent was present in the Courtroom/via Zoom and was self-represented/represented by counsel. [OR] The Respondent filed an Answer on \_\_\_\_\_\_\_\_\_\_\_\_. [OR] The Respondent was served with the Summons on \_\_\_\_\_\_\_\_\_\_\_\_ in \_\_\_\_\_\_\_\_\_\_\_\_, FL. The Respondent did not file an Answer or other responsive pleading and a Default was entered against the Respondent on \_\_\_\_\_\_\_\_\_\_\_\_. The Order for Non-Jury Trial was mailed to the Respondent at the address where he/she was served.
4. The Court has jurisdiction over the child custody matters and the child pursuant to the *Uniform Custody Child Jurisdiction Enforcement Act* (“**UCCJEA**”) Affidavit filed in this matter on {DATE}.
5. Neither party is currently a member of any branch of the United States Armed Services nor were they 30 days prior to the filing of the Petition for Dissolution of Marriage.
6. **PATERNITY**
7. The minor child(ren) subject to this action is/are (Name of child) born on (DOB).
8. The Parties stipulated the Petitioner/Respondent is the legal and biological father of the child(ren) listed above.

OR

The Court finds the Petitioner/Respondent is the natural and biological father of the minor child(ren) listed above by operation of law (DOR case).

OR

The Court finds that Petitioner and Respondent engaged in sexual intercourse together during the period of conception (identify dates \_\_\_\_\_\_\_; range should be a three-month window to allow for differences in the period of gestation), as a result of which Petitioner/Respondent gave birth to the minor child(ren), listed above. The Parties testified the Petitioner/Respondent was not married at the time of the conception or birth of the minor child.

OR

The Petition in this matter has been filed as a Petition to Determine Paternity. However, The Court finds that Paternity has been established as a matter of law through the following:

1. Florida Department of Revenue Case No.\_\_\_\_\_\_\_\_\_\_.
2. Acknowledgment of Paternity/Birth Certificate.
3. DNA testing (results of DNA testing were filed with the Court on \_\_\_\_\_, docket number\_\_\_\_\_\_\_.

The Court finds that the Petition shall be treated by the Court as a Petition to Establish a Parenting Plan [and Child Support]

1. The Petition to Determine Paternity was filed on (Date of filing). Said Petition shall be GRANTED. Competent substantial evidence supports a determination that (Fathers full legal name) is the legal and biological father of (Child(ren)s names and DOB).
2. **SETTLEMENT AGREEMENT**
	1. The parties entered into a Settlement Agreement on \_\_\_\_\_\_\_\_\_\_\_\_ and it was filed with the Court on \_\_\_\_\_\_\_\_\_\_\_\_ (“the Agreement”). The Petitioner/Parties testified to the following:
		* + 1. The Agreement settles all of the issues in this case.
				2. The parties believe the Agreement is fair, with due regard to the circumstances and notwithstanding it may represent a compromise of previously disputed issues.
				3. The Agreement was signed freely and voluntarily.
	2. The Agreement should be ratified and made part of the Final Judgment. The Parties shall obey all of the provisions
3. **PARENTAL RESPONSIBILITY AND TIMESHARING**
4. **Parental Responsibility**:
	* + 1. The Parties agreed they will have shared parental responsibility of the minor child(ren) listed above.
			2. Shared parental responsibility is in the minor child(ren)’s best interest.
			3. Shared parental responsibility with the [Mother/Father] having ultimate decision-making authority.
			4. It is detrimental to the minor children for the parents to have shared parental responsibility. The [Mother/Father] shall have sole parental responsibility.
5. **Parenting Plan**: The Parties filed a Parenting Plan on {DATE}. The Parties testified the Parenting Plan is in the best interest of the child(ren) and allows for frequent and continuing contact with both parents.

OR

Findings \_\_\_\_\_\_\_\_\_\_\_\_\_\_

(include if making findings) In making this Report and Recommendation, the Court has considered all of the factors set forth in F.S. 61.13 (3). The Court finds, and the record will reflect, that the best interests of the child will be served as set forth herein. Further the Court must consider that it is the public policy of the State of Florida to assure that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved, and to encourage parents to share the rights and responsibilities, and the joys of child rearing. F.S. 61.13 (2) (b).

1. The Parenting Plan filed with the Court on {DATE} should be ratified and made part of the Final Judgment. The Parties shall obey all of the provisions.

OR

The Court prepared a Parenting Plan based on the testimony and evidence presented and the findings above. The Court finds the attached Parenting Plan is in the best interest of the minor children and allows for frequent and continuing contact with both parents. The Parenting Plan attached as Exhibit 1 should be ratified and made part of the Final Judgment. The Parties shall obey all of the provisions.

1. **CHILD SUPPORT AND OTHER CHILD RELATED FINANCIAL OBLIGATIONS**
2. Child support shall be paid as listed in the Settlement Agreement. {OR} The Court finds that there is a need for child support. The Court makes the following findings regarding the parties’ incomes:

**Petitioner’s Income**:

* + 1. The Court finds the Petitioner has gross monthly income of $$$ and net monthly income of $$$.
			1. **Respondent’s Income**:
1. The Court finds the Respondent has gross monthly income of $$$ and net monthly income of $$$.
	* + 1. **Child Care Costs**: The Petitioner/Respondent is paying $$$ per (month/week) for the child(ren).
			2. **Health/dental Costs**: The Petitioner/Respondent is paying $$$ per (month/week) for the child(ren).
	1. **Child Support Guidelines**: The Court prepared a Child Support Guideline Worksheet, attached as Exhibit \_\_\_, based on the testimony and evidence presented at the final hearing. The Court finds child support was calculated in conformity with Fla. Stat. §61.30.
	2. **Amount of Child Support:**
2. Child support is established at the rate of $$$$ per month for {# of children) child(ren). The Father/Mother shall pay $$$$ on the {day of payment} beginning on \_\_\_\_\_\_\_\_\_\_\_\_.
3. The Petitioner/Respondent shall continue payment of child support until the minor or dependent child(ren): (i) reaches the age of 18; (ii) becomes emancipated; (iii) marries; (iv) joins the armed services, (v) dies, or (vi) becomes self-supporting; or until modified by order of the Court or by written agreement of the parties approved by the Court. The child support obligation shall continue beyond the age of 18 and until high school graduation if the child is (a) dependent in fact; (b) between the ages of 18 and 19; and (c) still in high school, performing in good faith with a reasonable expectation of graduation before the age of 19. The party requesting the extension of child support to a child’s graduation will be required to file a motion to extend prior to the child turning 18 years old.
4. Upon the termination of the obligation of child support for the \_\_\_ children residing with \_\_\_\_\_\_, child support in the amount of $$$$ for the remaining \_\_\_\_ child shall be paid commencing \_\_\_\_ and terminating \_\_\_\_\_\_\_*.* This child support shall be paid in the amount of $$$$ per \_\_\_\_\_\_\_.
	1. **Arrearages/Retroactive Child Support:**
	2. **Payment of Child Support**:

All support payments shall be made directly to the Petitioner/Respondent based on the testimony presented at the hearing. The Court reserves jurisdiction to order payment through the State Disbursement Unit upon motion of either party.

OR

All support, including arrearage payments, shall be paid through the Clerk of Court Depository with all payments to be mailed to the State Disbursement Unit. The Collier County Clerk is directed to establish a family law case history, if one has not already been created, for the purpose of accepting and processing the monthly child support payments. The Clerk is authorized to charge any fees permitted by law and the payor of the payments shall pay same. The *Petitioner/Respondent* shall be responsible for the service charge and shall include this amount with each payment. The service charge is currently set at 4**%** of the payment amount(minimum $1.25 and maximum $5.25 per payment) as might be modified or amended by the Legislature from time to time. Each payment shall include: the County, the Court Case Number, and the names of each party. Each Party shall keep the Collier County Clerk of Court/Court Depository informed of their respective current addresses. Each Party shall notify the Clerk of Court **in writing** within 7 (seven) days of any change of address. The Parties’ current addresses are set forth in the Court file. The address for the Collier County Clerk of Court is: Clerk of Court Attn: Support Dept., 3315 Tamiami Trail East Suite 102, Naples, FL 34112 **(DO NOT MAIL PAYMENTS TO THE CLERK OF COURT**). The mailing address for support payments is (include Collier Clerk of Court Case Number on payment):

State Disbursement Unit

PO Box 8500

Tallahassee, FL 32314.

Payments may also be made online at [www.myfloridacounty.com](http://www.myfloridacounty.com)

* 1. **Child care, Insurance and other heath related costs**:
1. **Child care costs:** The Petitioner/Respondent is currently paying for child care costs for the minor child as listed above. This amount is included in the calculation of child support. The Party paying the child care cost shall immediately notify the other parent as to any changes in cost and/or when the costs are no longer being paid.
2. **Health/Dental insurance**: The Petitioner/Respondent shall be required to maintain health and or dental insurance for the parties’ minor child(ren) so long as reasonable in cost and accessible to the parent. The party providing insurance shall be required to convey insurance cards demonstrating said coverage to the other party. [OR] Health and/or dental insurance is not reasonably in cost or accessible to the Parties at this time.
3. The Parties shall share the reasonable and necessary health related expenses (medical/dental/prescription drug costs) not covered by insurance for a length of time as provided by law pursuant to their income percentages listed in the attached child support guidelines (Father, %%%, Mother %%%). The party who incurs the health-related expense shall remit proof of payment or charge to the other party within 30 days of receiving same. The other party shall remit payment to the incurring party if they paid the bill or remit payment to the provider if the bill is unpaid within 30 days.
	1. **Life Insurance**: Life insurance to secure the payment of child support was not requested by either party. [OR] The Partied failed to provide any evidence that life insurance is reasonably available to the payor. [OR] To secure the child support obligations in this judgment, Petitioner/Respondent/Each party shall maintain life insurance, in an amount of at least $$$$, on his/her life, naming  {# of children} minor child(ren) as the beneficiary(ies) **OR** naming the Petitioner/Respondent/Other party as Trustee for the minor child(ren), so long as reasonably available. The obligation to maintain the life insurance shall continue until the youngest child turns 18, becomes emancipated, marries, joins the armed services, dies, or becomes self-supporting.
	2. **IRS Income Tax Exemption**: The Petitioner/Respondent shall claim the tax exemption every year. [OR] The Petitioner shall claim the tax exemption in odd/even numbered years and the Respondent shall claim the tax exemption in odd/even numbered years. Each party shall execute any and all IRS forms necessary to effectuate the provisions of this paragraph.
4. **BIRTH CERTIFICATE AND NAME CHANGE**:
5. The Bureau of Vital Statistics is directed to issue a new birth certificate showing \_\_\_\_\_\_ as the father of each child and to remove any other name which may appear as the father's name.

OR

\_\_\_\_\_\_\_\_\_\_\_\_\_'s name already appears on the birth certificate as the father of each child and therefore a new birth certificate need not be issued by the Bureau of Vital Statistics.

1. It is in the best interest of the child(ren) for his/her name to be changed to \_\_\_\_\_\_. The child(ren)’s name shall be changed from \_\_\_\_\_ to \_\_\_\_\_, by which he/she shall hereinafter be known.

OR

There was no request to change the name(s) of the child(ren).

1. **ATTORNEY’S FEES AND COSTS**:
2. Attorney’s fees and costs are GRANTED/DENIED

Findings of Fact

OR

* 1. RESERVED: The Court reserves jurisdiction to determine entitlement and/or amount of attorney(s)’ fees and costs.
1. The Court reserves jurisdiction to modify and/or enforce this Final Judgment.

**DONE AND ORDERED** in Chambers at Naples, Collier County, Florida on this \_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2022.

 BY: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 {Name of Magistrate}

 Magistrate, Twentieth Judicial Circuit