

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

DEPARTMENT OF REVENUE O/B/O
JARENE MATHIAS,

Appellant,

v.

Case No. 5D19-1570

MATTHEW J. ROGERS,

Appellee.

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Opinion filed November 15, 2019

Appeal from the Circuit Court
for Lake County,
Mark J. Hill, Judge.

Ashley Moody, Attorney General, and Toni
C. Bernstein, Senior Assistant Attorney
General, Child Support Enforcement,
Tallahassee, for Appellant Department of
Revenue.

No Appearance for Appellee.

EVANDER, C.J.

The Department of Revenue (the Department) appeals an order denying a motion for contempt brought against Matthew J. Rogers ("Father"), for failure to pay child support arrearages. The sole basis for the denial of the motion was because the mother, Jarene

Mathias (“Mother”), was not present at the hearing. Because Mother’s presence was not necessary in this Title IV–D case, we reverse.

In Title IV–D of the Social Security Act, Congress required states choosing to participate in the Temporary Assistance for Needy Families (TANF) federal welfare block grant to provide assistance to custodial parents in obtaining and enforcing child support orders against noncustodial parents. 42 U.S.C. § 651–659 (2019); § 409.2563(1)(f), Fla. Stat. (2019); *Dep’t of Rev. ex rel. Gaines v. Curtis*, 247 So. 3d 715, 716 (Fla. 5th DCA 2018). Florida opted into TANF and designated the Department to provide assistance to custodial parents in obtaining and enforcing child support orders. *Id.*

This case became a Title IV–D case for which the Department had enforcement responsibilities because Father failed to make child support payments and the Department was requested by Mother to assist in enforcing a child support order. *Id.* (“A child support case becomes a Title IV–D case for which the Department has enforcement responsibilities . . . when the obligor has failed to make support payments and [the Department] is called upon by the custodial parent to assist in enforcing a child support order.”). As a result, the Department serves as Mother’s attorney-in-fact. *See id.*

Here, the underlying child support order required Father to pay child support to the State, which would then disburse the payment to Mother. Accordingly, the Department was not required to present Mother’s testimony. *Id.* at 717 (holding that where the Department collected child support directly from father, there “was no need for [mother’s] testimony in the enforcement action”).

Because it was error for the trial court to deny the Department's motion for contempt solely because Mother was not present at the hearing, we reverse and remand for further proceedings consistent with this opinion.

REVERSED and REMANDED.

WALLIS, J., and JACOBUS, B.W., Senior Judge, concur.