

IN THE SUPERIOR COURT OF LOWNDES COUNTY
STATE OF GEORGIA

TELVIN SMITH,

Plaintiff,

v.

Civil Action File No: 2018CVD0765

DACCHEI SIMMS,

Defendant.

**AMENDED PETITION FOR LEGITIMATION OF TELVIN TRISHAUN SMITH, II,
AND PETITION FOR ESTABLISHMENT OF CUSTODY, PARENTING TIME, AND
CHILD SUPPORT FOR TELVIN TRISHAUN SMITH, II
AND NAILAH ELYSE SMITH**

COMES NOW TELVIN SMITH, Plaintiff, and files this *Amended Petition for Legitimation of Telvin Trishaun Smith, II, and Petition for Establishment of Custody, Parenting Time, and Child Support for Telvin Trishaun Smith, II and Nailah Elyse Smith* and shows the Court as follows:

1.

Plaintiff strikes Paragraph 11 in its entirety as set forth in his *Petition for Legitimation of Telvin Trishaun Smith, II, and Petition for Establishment of Custody, Parenting Time, and Child Support for Telvin Trishaun Smith, II and Nailah Elyse Smith* and replaces it with the following:

Plaintiff shows the Court that an administrative proceeding for the purposes of establishing an Administrative Support Order was initiated by the Florida Department of Revenue (hereinafter, "FL DOR") upon the request of Defendant in the case styled *State of Florida Department of Revenue Child Support Program and Dacchei E Simms v. Telvin Trishaun Smith, Sr.* Depository Number: 16180001567FM and Child Support Case Number: 2001173716.

The FL DOR entered an Administrative support order on April 25, 2018, which the Plaintiff

appealed. By agreement between Plaintiff and the FL DOR, the Administrative support order dated April 25, 2018 was vacated on July 23, 2018. A true and correct copy of the final order vacating the support order is attached hereto as Exhibit "A", and the Settlement Agreement is attached as Exhibit "B". Therefore, Plaintiff shows this Court that it has jurisdiction to establish reasonable support for the Minor Children, pursuant to Georgia law.

2.

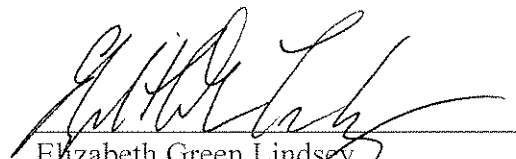
Plaintiff reasserts his request that the Superior Court of Lowndes County establish reasonable child support.

3.

All remaining claims, allegations, and prayers for relief contained in Plaintiff's *Petition for Legitimation of Telvin Trishaun Smith, II, and Petition for Establishment of Custody, Parenting Time, and Child Support for Telvin Trishaun Smith, II and Nailah Elyse Smith* remain intact as set forth therein.

This 21st day of August, 2018.

DAVIS, MATTHEWS & QUIGLEY, P.C.



Elizabeth Green Lindsey

Georgia Bar No. 453077

elindsey@dmqlaw.com

Matthew J. Johnson

Georgia Bar No. 434265

mjohnson@dmqlaw.com

Attorneys for Plaintiff

IN THE SUPERIOR COURT OF LOWNDES COUNTY
STATE OF GEORGIA

TELVIN SMITH,

Plaintiff,

v.

Civil Action File No: 2018CVD0765

DACCHEI SIMMS,

Defendant.

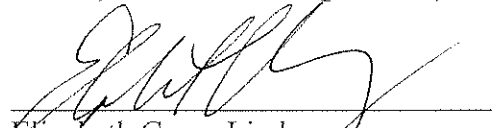
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing *Amended Petition for Legitimation of Telvin Trishaun Smith II, and Petition for Establishment of Custody, Parenting Time, and Child Support for Telvin Trishaun Smith, II and Nailah Elyse Smith* has been served on the Defendant by Statutory Electronic Service to:

B. Miles Hannan, Esq.
Smith, Hannan & Parker P.C.
610 Patterson Street
P.O. Box 5408
Valdosta, GA 31603
mhannan@shplaw.com

This 21st day of August, 2018.

DAVIS, MATTHEWS & QUIGLEY, P.C.


Elizabeth Green Lindsey
Georgia Bar No. 453077
elindsey@dmqlaw.com
Matthew J. Johnson
Georgia Bar No. 434265
mjohnson@dmqlaw.com
Attorneys for Plaintiff

Telvin Smith v. Dacchei Simms
Superior Court of Lowndes County
CAFN: 2018CVD0765

Amended Petition for Legitimation and Establishment of Custody, Parenting Time, and Child Support

STATE OF FLORIDA
DEPARTMENT OF REVENUE
CHILD SUPPORT PROGRAM

DEPARTMENT OF REVENUE, CHILD
SUPPORT PROGRAM,
and
Dacchei E Simms

Petitioners,

and

Telvin Trishaun Smith Sr

Respondent.

Depository No.: 16180001567FM

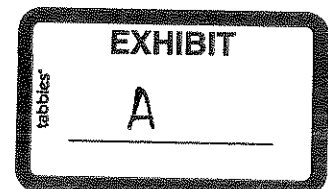
CSP Case No.: 2001173716

FINAL ORDER VACATING ADMINISTRATIVE SUPPORT ORDER

Upon review of this matter, the Department makes the following findings:

1. The Department served Respondent with a Notice of Proceeding to Establish Administrative Support on December 11, 2017.
2. The Department sent a Proposed Administrative Support Order (Proposed Order) to the parties on March 29, 2018.
3. After receiving no timely response requesting a hearing on the Proposed Order, the Department rendered a Final Administrative Support Order (Final Order) on April 25, 2018, a copy of which was sent to Respondent.
4. Respondent timely filed a Notice of Appeal with the Department and copied the First District Court of Appeal.
5. Through negotiated settlement, Respondent agreed to withdraw his appeal if the Department vacated its Final Administrative Support Order. The Department agreed.

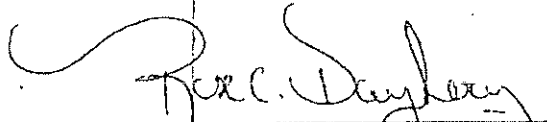
THEREFORE,



It is hereby ORDERED that:

1. The Department's April 25, 2018 Final Administrative Support Order and Income Deduction Order are vacated.

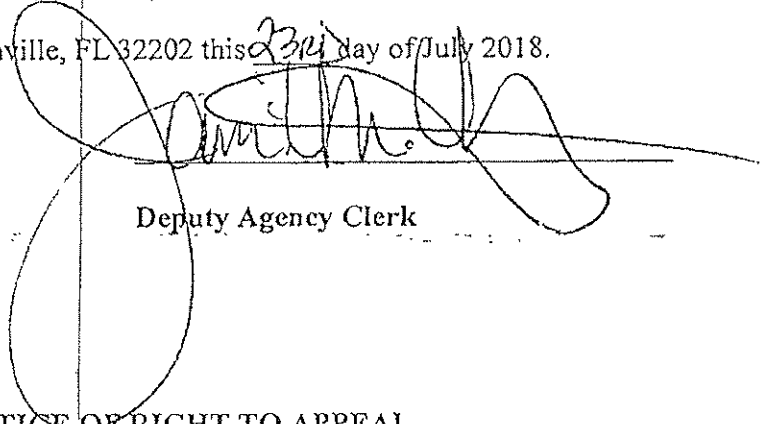
DONE and ORDERED in Jacksonville, Florida this 23rd day of July 2018.



Rose C. Daugherty
Service Center Manager
Authorized Designee for Ann Coffin
Director, Child Support Program
Florida Department of Revenue

CERTIFICATE OF RENDITION

I HEREBY CERTIFY that the foregoing Final Order has been filed in the official records of Department of Revenue and served by regular U.S. mail on the attorneys for Respondent, Michael J. Korn, 501 Riverside Ave., Ste. 903, Jacksonville, FL 32202 and Barry L. Zisser, 121 W. Forsyth St., Ste. 1000, Jacksonville, FL 32202 this 23rd day of July 2018.



Deputy Agency Clerk

Copies Furnished to:
Dacchei E Simms
Clerk of the Circuit Court

NOTICE OF RIGHT TO APPEAL

Any party who is adversely affected by this Final Order has the right to ask for judicial review (Section 120.68, Florida Statutes). If you want judicial review, you must complete the following steps:

1. File an original Notice of Appeal within 30 days of the rendition date on this Final Order as prescribed by the Florida Rules of Appellate Procedure, with the Deputy Agency Clerk of the Department of Revenue at the following address:

Department of Revenue
Child Support Program
Attention: Deputy Agency Clerk
P.O. Box 8030
Tallahassee, Florida 32314-8030

2. File a copy of the Notice of Appeal, and pay the required filing fee, to the Clerk of the First District Court of Appeal or the Clerk of the District Court of Appeal for the district where you live.

Filing with either the DOR Deputy Agency Clerk or the Clerk of a District Court of Appeal is effective when the Notice of Appeal is received, not when it is mailed.



State of Florida Department of Revenue:
The undersigned, a Deputy Agency Clerk
of the Florida Department of Revenue,
certifies that the document to which this is
affixed, consisting of 3 pages, is a true and correct
copy of the original appearing in the official records
of the Department, of which I am the custodian.

Date:

7-27-18

Carole Jenkins
Deputy Agency Clerk

Business Partner

BP Number 11148142
 First name TELVIN
 Last name SMITH

Acct Bal
 CSE Case # 2001173716

Cases
 Case # 2001173716 - CP# 15169324 DACCHEI SIMMS

Payments Receivables Payables **OPR** FM01/FM07 Other Credits

CSE Case #	Posting Date	Amount All Payee	Clearing Reason	Clear.val.date	Payment Method
		3,821.66-			
2001173716	07/18/2018	744.33- 6908454	Outgoing Paymen	07/19/2018	2
2001173716	07/18/2018	360.92- 6908454	Outgoing Paymen	07/19/2018	2
2001173716	06/01/2018	1,972.08- 6908454	Outgoing Paymen	06/04/2018	2
2001173716	05/21/2018	744.33- 6908454	Outgoing Paymen	05/22/2018	2

Alternative business partner for payments 1 Entry

BP/Partner	CSE Case Number (Contract Object #)	CAC	Cont. Account	Depository Number	Name I/Last name
6908454					DCSS GEORGIA CENTRAL REGISTRY

Payment Method 7 Entries

Country Key	US
P Name	
1 Checks	
2 EFT	

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

TELVIN T. SMITH,

CASE NO. 1D18-2182

Appellant,

v.

STATE OF FLORIDA, DEPARTMENT OF
REVENUE, CHILD SUPPORT PROGRAM
and DACCHEI E. SIMMS,

Appellees.

SETTLEMENT AGREEMENT

COME NOW Appellant/Respondent TELVIN T. SMITH, SR., and Appellee/Petitioner STATE OF FLORIDA, DEPARTMENT OF REVENUE, CHILD SUPPORT PROGRAM (hereinafter "DOR"), and hereby stipulate and agree as follows:

WHEREAS, on April 25, 2018, a "Final Administrative Support Order" (hereinafter the "Order") was entered by DOR against Appellant/ Respondent in Case No. 2001173716; in that case DOR was acting on behalf of Dacchei E. Simms, the mother of the children in question , who had requested Title IV-D child support services from Georgia and Georgia had referred the matter to Florida Department of Revenue; and

WHEREAS, Appellant/Respondent was ordered to make various payments to the Florida State Disbursement Unit for the two minor children identified in the Order, consisting of both ongoing child

EXHIBIT

B

tabbles

support and additional payments towards a retroactive support amount as determined by the Order; and

WHEREAS, litigation is currently pending between Appellant/Respondent Smith and Ms. Simms in the Superior Court of Lowndes County, Georgia, where the issue of child support owed by Mr. Smith, as well as other issues involving the children which could not be addressed by DOR in the subject Order, can be globally resolved; and

WHEREAS, Appellant/Respondent and Appellee/Petitioner DOR have determined that the Order be vacated and set aside, in consideration of the terms and conditions in this Agreement, and the future actions to be taken by these parties; and

WHEREAS, in consideration of this settlement, Appellant/Respondent will dismiss the instant pending appeal, and withdraw his previous challenges to the Order which he filed in the Circuit Court, Fourth Judicial Circuit, in and for Duval County, Florida; and

WHEREAS, Appellant/Respondent and Appellee DOR have been fully advised by counsel in this matter, are fully informed about the ramifications of this Agreement, and desire to enter into it.

NOW THEREFORE, the Appellant/Respondent and Appellee DOR hereby stipulate and agree as follows:

1. Upon the execution of this Agreement and the return of jurisdiction of the case to DOR, DOR shall file appropriate

documentation to vacate and set aside the April 25, 2018 Final Administrative Support Order, in all its respects.

2. As part of this resolution, the parties agree that DOR's companion agency in the State of Georgia that handles or administers Title IV child support claims will be permitted to intervene in the litigation now pending in the Supreme Court of Lowndes County, State of Georgia, styled as "Telvin Smith, Plaintiff v. Dacchei Simms, Defendant," Case Civil Action File Number 2018-CVD-0765 for all proper purposes. In that litigation, all issues relating to the children, including but not limited to the amount of child support to be paid by Appellant/Respondent Smith, and all issues related to timesharing and shared parental responsibility will be decided in that Georgia litigation.

3. In consideration of the Order being vacated and set aside, and the other provisions of this Agreement, Respondent/Appellant and Petitioner/Appellee DOR will submit a Stipulation for Dismissal of the currently pending appeal styled as "Telvin T. Smith, Sr., Appellant v. State of Florida, Department of Revenue, Child Support Program and Dacchei E. Simms, Appellees," Case Number 1D18-2182, in accordance with Rule 9.350(a), Florida Rules of Appellate Procedure.

4. At such time as the appellate court accepts the stipulation for dismissal and returns jurisdiction to DOR, DOR will

render an order vacating the final administrative support order substantially in the form attached as exhibit "A."

5. Appellant/Respondent shall also withdraw his May 10, 2018 Motion for Rehearing and his May 19, 2018 Supplement to his Motion for Rehearing which were filed in the Fourth Judicial Circuit, in and for Duval County, Florida, Case No. 2018-DR-1567.

6. Each party shall bear their own attorneys' fees and costs in connection with this matter.

7. The parties and counsel may sign this Settlement Agreement in counterpart documents, which may be transmitted via electronic mail, and which will be fully valid and enforceable.

AGREED TO this 10 day of July, 2018.


Telvin F. Smith, Sr.

KORN & ZEHMER, P.A.

by: Michael J. Korn
Florida Bar No. 296295
mkorn@kornzehmer.com
Secondary email for service:
lhatcher@kornzehmer.com
501 Riverside Avenue, Suite 903
Jacksonville, Florida 32202
(904) 356-5500 telephone
(904) 356-5502 facsimile
Counsel for Appellant
Telvin Trishaun Smith, Sr.

render an order vacating the final administrative support order substantially in the form attached as exhibit "A."

5. Appellant/Respondent shall also withdraw his May 10, 2018 Motion for Rehearing and his May 18, 2018 Supplement to his Motion for Rehearing which were filed in the Fourth Judicial Circuit, in and for Duval County, Florida, Case No. 2018-DR-1567.

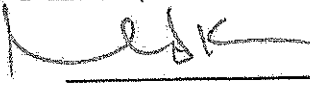
6. Each party shall bear their own attorneys' fees and costs in connection with this matter.

7. The parties and counsel may sign this Settlement Agreement in counterpart documents, which may be transmitted via electronic mail, and which will be fully valid and enforceable.

AGREED TO this 10th day of July, 2018.

Telvin T. Smith, Sr.

KORN & ZEHMER, P.A.



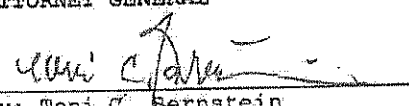
by: Michael J. Korn
Florida Bar No. 296295
mkorn@kornzehmer.com
Secondary email for service:
lhatcher@kornzehmer.com
501 Riverside Avenue, Suite 903
Jacksonville, Florida 32202
(904) 356-5500 telephone
(904) 356-5502 facsimile
Counsel for Appellant
Telvin Trishaun Smith, Sr.

Department of Revenue,
Child Support Program,

by: 

by: Joan Koch, Esq.
Chief Assistant General Counsel
Department of Revenue
Child Support Program
Post Office Box 8030
Tallahassee, FL 32314-8030

PAMELA JO BONDI
ATTORNEY GENERAL


by: Toni C. Bernstein
Senior Assistant
Attorney General
Bar No. 976903
Office of the Attorney General
Child Support Enforcement
The Capitol, Plaza 01
Tallahassee, Florida 32399-1050
(850) 414-3552 Office
(850) 922-9429 Fax
Counsel for Appellee
Department of Revenue, Child
Support Program

STATE OF FLORIDA
DEPARTMENT OF REVENUE
CHILD SUPPORT PROGRAM

DEPARTMENT OF REVENUE, CHILD
SUPPORT PROGRAM,
and
Dacchei E Simms

Petitioners,

and

Telvin Trishaum Smith Sr

Respondent.

Depository No.: 16180001567PM

CSP Case No.: 2001173716

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4. Respondent timely filed a Notice of Appeal with the Department and copied the First District Court of Appeal.
5. Through negotiated settlement, Respondent agreed to withdraw his appeal if the Department vacated its Final Administrative Support Order. The Department agreed.

THEREFORE,

It is hereby ORDERED that:

1. The Department's April 25, 2018 Final Administrative Support Order and Income Deduction Order are vacated.

DONE and ORDERED in Jacksonville, Florida this ____ day of June 2018.

Wanda Welch, Revenue Administrator I
Authorized Designee for Ann Coffin
Director, Child Support Program
Florida Department of Revenue

CERTIFICATE OF RENDITION

I HEREBY CERTIFY that the foregoing Final Order has been filed in the official records of Department of Revenue and served by regular U.S. mail on _____, attorney for Respondent at

this ____ day of July 2018.

Evelyn Mojica
Deputy Agency Clerk

Copies Furnished to:
Dacchei E Simms
Clerk of the Circuit Court

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