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COMMITTEE REPORT

SENATE

FURTHER: Judiciary

2/16/81

Date: _____

Mr. President:

The Committee on HEALTH, EDUCATION & SOCIAL SERVICES has had SB 181 child support

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for SB 181 same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

[Signature]

[Signature]

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

CHAIRMAN

April 8, 1981

To Whom This May Concern:

I am unable to attend this Child Support Enforcement Public Hearing today, however I would like to submit this written testimony:

My name is Wanda J. Culp, I was born and raised in Juneau, Alaska. I am the mother of two daughters and have been supporting them by myself for six years now.

The divorce settlement between my ex-husband and I stipulates that I maintain custody of our children and he would provide \$300 a month in child support (\$150 per child per month). This is an obligation that the father has chose not to take seriously. Any child support I have successfully received from my ex-husband was only as a result of desperate insistance on my part.

When I first heard of the State's Child Support Enforcement Agency I went through their application procedure--providing information on my ex-husband, i.e. home and mailing address (Juneau), social security number, employment, etc. On June 22, 1978, the Agency filed a petition with the Superior Court for the State of Alaska to enforce payment of child support from the father of my children. This resulted in not more than four steady months of child support payments and the beginning of several severe arguments between the father and I because I dared to go through the authorities for enforcement.

In August of 1979, I made an appointment to see the Child Support Enforcement Field Representative when she was in Juneau. The representative was very helpful and seemed determined to provide assistance to me. The following month I again went to discuss enforcement assistance with the representative during the next scheduled visit to

Juneau--only to find a different representative. This gentleman advised me that, due to lack of funding, the Agency prioritized to assist those who are on public assistance or welfare, since I was employed I was determined to be low priority and he could not help me.

This past fall I had the misfortune to being unemployed for four months. Unless one has gone through it, one cannot imagine the nightmare of worrying about how the bills are going to be paid when you have two children, a trailer with no land, a car to support and no income. Going through the employment office to collect unemployment and seek a job through the current system is the most dehumanizing experience I've had to go through since being married. If anyone ever tells you lawmakers that there is no descrimination against the hiring of women in this state--don't believe them because there is.

The last thing I ever want to do is have to rely on welfare to enable me to provide for my children. My ex-husband did not feel even compelled to make an effort to provide child support during the time I was unemployed. Yet, the only way I can receive assistance on this is to be on welfare! Hasn't this state's government ever heard of "Prevention"? Women should not have to be faced with alternatives such as this. I know many single women with children to support who are barely making ends meet on an income designed only for a woman--this has gotten to be part of the system. Child support could make a marked difference in the kind of mother a single woman is, and her attitude about life. The way the law is allowed to be so lax make it easy for a man to walk away from his responsibilities.

My ex-husband can afford to supply child support for his children, every year he treats himself to a vacation anywhere from the Bahamas to Hawaii. I feel guilty if I need a new pair of shoes and my children do too. It is a law, signed so by a judge, that my children's father provide child support for them until they reach adulthood. I strongly urge the state lawmakers to take a serious look at the problems the women of Alaska are facing being a single parent. This is now a social problem that Alaska should feel an obligation to correct.

I thank you for the opportunity of being heard. I truly wish all the single parents faced with the hardships nonpayment of child support would come forth to testify on this most important issue. I know many such parents myself and could recite many, many more stories, however that would be second-hand information. In reality, money is only half of the problem. Emotional problems caused because the father can literally "walk away" from all his responsibilities as a father without a thought to his child's emotional need for him also should be against the law--because that too is so damaging.

Thank you again.

Wanda J. Culp
6590 Glacier Highway, #217
Juneau, Alaska 99801
(907) 789-2942

Phone message from Louetta Ward of Juneau received 4/8/81.

She supports SB 181, and would like to see some further changes:

- 1) Budget increase for CSEA to increase staff and collection ability.
- 2) Thinks the agency should have more lawyers available for their cases.

TO: Members of the Senate Health and Social Services Committee

RE: SB 181

Fr: Janet Lumiansky
325 3rd Street
Juneau, Alaska 99801
586-2324

Margo Melnicove
435 Kennedy Street
Juneau, Alaska 99801
586-6417

We are very concerned over the issue of child support in the state of Alaska. Out of approximately 400,000 men, women and children in the state of Alaska, 30,000 of those are children being supported by a single parent, which in 90% of the cases is a woman. Since women earn only 59 cents to the dollar earned by men nationwide, we need to act immediately on the problem of child care support.

Due to interpersonal relationships, the courts, the structure of the helping agencies, the issues are admittedly complex. S.B. 181 begins to look at some of the problems and should be passed while an interim committee is appointed between this legislative session and the next to research and provide better solutions.

Some glaring facts:

- of the 17,000 cases registered with the child support enforcement agency (CSEA) 10,000 inactive cases are not being enforced at all.
- of the 7,000 active cases, 60% have payments overdue for 3 months or more while 41% are overdue one year.
- The inactive cases with no court orders are mainly welfare families. CSEA has the authority to administratively establish support orders which it could then begin to enforce, insufficient funding has kept the agency from doing so.
- with a caseload of 1,800 clients per enforcement officer, it is not difficult to understand why there is little pursuit for more court orders. It is imperative to increase the budget for that agency. It is also crucial to consider what has been implemented and proven effective in other states such as the "income withholding system", explained in detail by the Leg. House Research Agency.

Since the people of this state and its Legislative representatives have not made affordable and accessible child care a priority, holding a full time job for a single parent is extremely difficult. The issue of child support looms larger.

We urge you to consider:

- 1) passage of SB 181
- 2) increase the budget of the Alaska Child Support Enforcement agency
- 3) appoint a task force to research the problem before the 1982 session in order to provide better solutions
- 4) consider the "withholding income system"

Thank you for your time and concern.

Janet Lumiansky

Margo Melnicove

League of Women Voters of Alaska

8926 Birch Lane
Juneau, AK 99801
April 8, 1981

The Hon. Charles Parr, Chairman
Senate Committee on Health, Education
and Social Services
Alaska Legislature
Pouch V, State Capitol
Juneau, AK 99811

Re: SB 181: Child Support Enforcement

Dear Senator Parr and Committee Members:

The League of Women Voters of Alaska supports enactment of legislation to improve the effectiveness of the child support enforcement system in Alaska.

Senate Bill 181 contains many of the needed improvements. We think, however, that the Committee should invite testimony by Ms. Christine Johnson, author of the House Research Agency Report 80-7, "Child Support Enforcement: Alaska's Program in Perspective." Ms. Johnson, as a result of her study, has many specific ideas (many of which are not in her report) on how to streamline the paperwork and improve the system markedly.

The statistics on arrearages, under existing court orders that are not being complied with by absent parents, show that much improvement in the present system is needed. Behind these dry statistics lie human suffering by all those children who must endure substandard housing, limited medical and dental care and an overstressed home life because of the irresponsible evasions of the absent parent.

Some specific measures your Committee might consider include: (1) automatic reduction of arrears to judgment (this is routine in many states); (2) court ratification of administrative orders; (3) provisions allowing for voluntary wage withholding at the obligor's option; (4) provisions for entry of an income assignment order, triggered by a specified arrearage (e.g., 30 or 60 days) coupled with a request by the obligee and opportunity for hearing; (5) a "child support revolving fund" by which State monies could be temporarily used to make the current payments an obligor is failing to make, and the resulting debt of the obligor would be to the State.

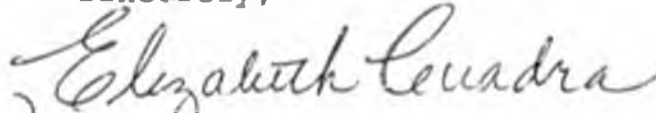
The Child Support Enforcement Agency (CSEA) could also be directed (by a statement in the legislative history) to make

more aggressive use of the powers already available (see, e.g., Alaska's criminal nonsupport statute and compare Michigan's program, p. 77 of C. Johnson report).

Above all, the State should not be charging for the CSEA's services. The CSEA should be prohibited from (rather than required or allowed to) charge fees to the obligee (custodial parent) and thus, indirectly, to the children to whom the absent parent owes the duty of (shared) support.

Our support is based on a principle of the League of Women Voters of the United States (to which we subscribe) which advocates supportive services (specifically including legal services) for women and children, and particularly those with marginal earnings. Most obligees are in that situation.

Sincerely,



for) Margaret E. Holland
Action Chair

League of Women Voters of Alaska



Official Business

Alaska State Legislature

House of Representatives

Office of the Speaker

Pouch V
State Capitol
Juneau, Alaska 99811

M E M O R A N D U M

TO: Representative Charles Parr
FROM: Hugh Malone
DATE: March 30, 1978

Enclosed is the agency response to Ms. Wolfe. In my opinion it is totally unsatisfactory.

I believe that the subject should be addressed on the floor tomorrow. I'll be glad to do that, but you might want to.

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HM:ef

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF REVENUE

CHILD SUPPORT ENFORCEMENT AGENCY

201 E. 9TH AVENUE -- SUITE 202
ANCHORAGE, ALASKA 99501

March 28, 1978

Ms. Margaret Wolfe, ACS.
President
Alaska Chapter
National Association of Social Workers, Inc.

Dear Ms. Wolfe;

Please be advised that the paternity questionnaire attached to your letter of March 20 to the Honorable Governor Hammond is in the process of being replaced with the letter and questionnaire a copy of which is attached hereto. You will note that while most of the questions are identical, the format is being revised both for clarity and the elimination of repetitious questions.

Title IV-D of the Social Security Act, as amended by Public Law 93-647, provides in Section 454 that the State child support enforcement agency will undertake to establish paternity and secure support for children born out of wedlock. That section provides that those services must be available both for non-welfare custodians and for recipients of Aid to Families with Dependant Children. The implementing regulations contained in 45 CFR 305.24, 305.26, and 305.50 provide for a minimum penalty of a reduction of the federal portion of the AFDC grant by 5% where a state is determined to have failed to have effectively implemented the requirements of that act.

Requests for services in establishing paternity and securing support are received by this agency directly from non-welfare custodians by formal application, and from the Division of Public Assistance, Department of Health and Social Services, in the form of an assignment from recipients of AFDC. We are presently attempting to process 9 non-welfare requests and 1 835 AFDC cases, and both AFDC custodians and non-AFDC custodians receive the same questionnaire.

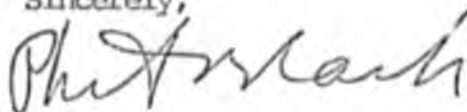
The paternity questionnaire was developed from a questionnaire previously used by the Attorney General's office here and in Texas. Its purpose is for the agency to determine whether sufficient evidence exists for a Judge or Jury to make the finding that a particular person is the father of a child. If from the answers to the questions it appears that there is not sufficient evidence, the agency will not proceed with the case. If, however, the answers appear to develop a conclusive case, the agency contacts the alleged father and requests

that he execute a formal acknowledgment. If he does not, the questionnaire and the case file are transmitted to the Attorney General to initiate the appropriate court action.

The primary reason for using the questionnaire is the convenience to the custodial parent. By using a mailable questionnaire, the custodian may supply the answers in the privacy of her own home, rather than answering the questions directly.

The process of establishing paternity is serious. Children have a fundamental right to know who their parents are, and women have a right to receive financial assistance in raising a child from its father. At the same time, however, this agency has a duty to screen allegations of paternity to ensure that they are fair and reasonable. The agency also has a duty to ensure that the process is approached in the most effective and efficient manner. We would appreciate the suggestions of your organization in developing a paternity determination process that includes all of the above issues of concern.

Sincerely,



Phil N. Nash
Administrator
Child Support Enforcement Agency

PN/jc

cc: Honorable Governor Hammond
✓ Representative Hugh Malone
Commissioner Helen Beirne
Representative Lisa Rudd

Senator John Rader
Commissioner Sterling Gallagher
Alaska Chapter NOW
Alaska Legal Services

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF REVENUE

CHILD SUPPORT ENFORCEMENT AGENCY

201 E. 9TH AVENUE — SUITE 202
ANCHORAGE, ALASKA 99501

Date: _____
Control # _____
Paternity Questionnaire

RE: _____

Dear Custodian:

Our records indicate that paternity has not been established for the above-named child. The establishment (or proof) of paternity (or parenthood) is generally a complicated matter if the alleged father denies that he is the parent, and forces us to prove the matter in court. There are, however, many cases referred to this office as paternity matters which are not paternity matters at all, or which are cases in which the other parent will admit to being the father.

The four questions on the reverse side of this letter are intended as a means of determining if this is a paternity matter, and if so, how difficult a case it will be. If your answer to any of those questions is yes, please return this letter and the requested documents to our office within twenty days. (You will not need to complete or return the enclosed Affidavit).

If, however, your answer to all four of the following questions is no, please complete the enclosed Affidavit and return it to our office within twenty days.

Thank you very much for your cooperation in this matter.

CHILD SUPPORT ENFORCEMENT AGENCY

1. Were the mother and father of the child _____
ever married.

_____ Yes _____ No

(If divorced please provide a copy of the Divorce
Decree.)

2. Does the birth certificate of the child _____
list the name of the child's father?

_____ Yes _____ No

(If so, please provide a copy of the birth certificate.)

3. Did the father of the child ever sign an acknowledgment
of Paternity, or other acknowledgment that he was the
father, or did a court determine he was the father?

_____ Yes _____ No

(If so, please provide a copy of the acknowledgment or
court order.)

4. If paternity of the child has not been acknowledged by
the father, or determined by the court, do you believe
the father will admit in writing that he is the father
of the child?

_____ Yes _____ No

Custodial Parent's Signature

Date of signing

1 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

2 JUDICIAL DISTRICT AT _____

3 State of Alaska Child Support)
4 Enforcement Agency ex rel.)

5 Plaintiff,)

6 vs.)

7 Defendant.)
8)

9 No. _____

10 AFFIDAVIT TO ESTABLISH PATERNITY

11 State of Alaska)
12) ss.
13 _____ Judicial District)

14 The subscribing affiant hereby provides true answers to
15 the stated questions under oath as follows:

16 PART A. INTRODUCTORY INFORMATION

17 1. My full name is _____.

18 2. My social security number is _____.

19 3. My address : _____
20 _____
21 _____, AK. Zip _____

22 4. The full name of the child who is the subject of this
23 action is _____.

24 5. Said child's social security number is _____
25 _____.

26 6. Said child's date of birth is _____.

27 7. My relationship to said child is:
28 _____ m' r _____ non-parent custodian.

29 a) If you are a non-parent custodian, please complete
30 Part A of this form and return it.

31 8. The father of the said child is named _____
32 _____
33 _____

DEPARTMENT OF REVENUE
CHILD SUPPORT ENFORCEMENT AGENCY
201 EAST NINTH AVENUE, SUITE 102
ANCHORAGE, ALASKA 99501
PHONE (907) 276-3441

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9. The father's birth date is _____

10. The father's social security number is _____

11. The father's address is:

a) For mail: _____
_____, _____ Zip _____

b) Residence address _____
_____, _____ Zip _____

PART B. MARITAL INFORMATION

1. Were you married to the child's father during the time you became pregnant? _____

2. Were you married to the child's father when the child was born? _____

3. Were you married to any person other than the child's father when you became pregnant or when the child was born?

IF SO, STATE:

a) The date of marriage _____

b) The name and address of the person to whom you were married: _____

c) The date you first lived with the person as man and wife. _____

d) The name and address of the person who performed the ceremony. _____

e) Whether you are still married to the person, and if not, the date and means by which the marriage was ended.

f) Why do you believe that the person you were married to at the time the child was conceived was not the father of

DEPARTMENT OF REVENUE
CIVIL SUPPORT ENFORCEMENT AGENCY
201 EAST NINTH AVENUE, SUITE 102
ANCHORAGE, ALASKA 99501
PHONE 1007/270-3441

1 the child? _____

2
3 PART C FINANCIAL INFORMATION

4 1. Did anyone make payments directly or through medical
5 insurance for your medical care during or after your pregnancy?
6

7 IF SO, STATE FOR EACH PAYMENT:

8 a) The name and address of the person who made the payment
9 or payed the insurance premiums: _____

10
11 b) The date of the payment. _____

12 c) The amount of the payment. _____

13 d) The reason the payment was made. _____

14
15 e) Name and policy number of insurance company making pay-
16 ments. _____

17 2. Did any other person help you financially during the
18 time you were pregnant with this child? _____ No

19 IF SO, STATE NAME AND ADDRESS _____

20
21 3. Are you now being helped financially by anyone?

22 Yes _____ No _____ IF SO, STATE NAME AND ADDRESS _____

23
24 4. Has anyone made any payments for the support of this
25 child Yes _____ No _____ IF SO, FOR EACH PAYMENT, STATE:

26 a) The name and address of the person who made the payment.
27 _____

28 b) The date of the payment _____

29 c) The amount of the payment _____

30 d) The reason the payment was made _____
31 _____

DEPARTMENT OF REVENUE
CHILD SUPPORT ENFORCEMENT AGENCY
301 EAST NORTH AVENUE SUITE 102
ANNAPOLIS, ALABAMA 36801
PHONE (807) 278-3441

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PART D INFORMATION CONCERNING PUBLIC KNOWLEDGE OF THE CHILD'S BIRTHRIGHT

1. Where was the child born? If it was at a hospital, give it's name _____

2. Who was present when child was born? Include name of physician, etc. _____

3. Was there a birth certificate issued for this child?
____ Yes ____ No How long after the birth was this issued?

IF SO, STATE:

a) Date issued _____

b) Name and address of the person who supplied the information for the certificate _____

c) Name and address of the person who prepared the certificate _____

d) Name and address of the office that issued the certificate _____

e) Did the certificate contain the name of the child's father, and, if so, the source of such information _____

f) Did the father agree to having his named entered on the birth certificate? ____ Yes ____ No When? _____

g) Whether the certificate shows if the child was full term and, if so, the source of such information _____

h) Name and address of the office where the certificate is on file _____

4. Is there a family Bible in which the date of birth, the child's name, and the names of the parents were written?

DEPARTMENT OF REVENUE
CHILD SUPPORT ENFORCEMENT AGENCY
201 EAST BLOOR AVENUE, 8th Fl., 102
ANN ARBOR, ALABAMA 36801
Phone (205) 274-3441

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_____ Yes _____ No IF SO STATE:

a) The name of the person who wrote the information _____

b) The date on which the information was written _____

c) The name and address of any prson who observed the writing _____

d) The name and address of any other persons who know of the writing _____

5. Has the child been baptized, confirmed, or otherwise received into membership of any church or synagogue?

_____ Yes _____ No IF SO, STATE:

a) The name and adress of the church or synagogue _____

b) The manner in which the child was received into membership _____

c) The name and address of the minister, priest, o. rabbi who received the child _____

d) The name and address of the person who registered the child on the church roll _____

e) The name and address of the person who supplied the vital statistics information _____

f) The name and address of the person who has custody or control of such record _____

6. By what family name is the child known? _____

DEPARTMENT OF REVENUE
CHILD SUPPORT ENFORCEMENT AGENCY
301 EAST BERRY AVENUE, SUITE 102
ANCHORAGE, ALASKA 99501
Phone 1907/276-2441

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7. Has the child ever been known by any other family name?

Yes _____ No _____ IF SO, STATE:

a) The family name _____

b) The times when such name was used _____

c) The reason such name was used _____

8. Did the child's father ever admit to being the father of the child? _____ Yes _____ No IF SO, STATE

a) The dates he admitted such _____

b) The name and address of each person to whom he admitted it _____

c) The way in which he admitted it _____

d) If he said it, what words did he use? _____

9. Did you ever inform the father of the child that he was in fact the child's father? _____ Yes _____ No

IF SO, STATE:

a) Date you informed him _____

b) Place where this information was given _____

c) The words used in giving this information _____

d) Name and address of each person who was present when the information was given _____

e) The father's words or reaction when you gave him that information _____

1 IF YOU DID NOT TELL HIM, state why he was not told _____

2 _____
3 _____
4 10. Did you tell anyone else when you became pregnant that
5 the person you feel is the child's father was the father of your
6 child _____ Yes _____ No IF SO, for each statement, indicate:

7 a) The date of the statement _____

8 b) The name and address of the person you told _____

9 _____
10 c) The name and address of the person you stated was the
11 father _____

12 11. Did you ever say to anyone when you became pregnant that
13 you did not know who the father of the child was? _____ Yes

14 _____ No IF SO, for each statement, indicate:

15 a) The date of the statement _____

16 b) The name and address of the person you said this to

17 _____
18 _____
19 c) The reason why you said that the father of the child was
20 unknown _____

21 _____
22 PART E PHYSICAL CHARACTERISTICS AND BLOOD "

23 1. The distinguishing physical characteristics of the
24 father of the child are:

25 a) Race _____ Hair _____

26 Eyes _____ Height _____

27 Weight _____

28 b) The father is _____ right-handed _____ left-handed.

29 2. The distinguishing physical characteristics of the child

30 are: a) Race _____ Hair _____

31 Eyes _____

32 b) The child is _____ right-handed _____ left-handed.

DEPARTMENT OF REVENUE
CHILD SUPPORT ENFORCEMENT AGENCY
201 EAST NINTH AVENUE, SUITE 102
ANCHORAGE, ALASKA 99501
PHONE 19071 276-3441

1 3. The mother, the father, and/or the child have the
2 following traits:

	<u>mother</u>	<u>father</u>	<u>child</u>
3			
4	a) Polydactylism (having more than the normal		
5	amount of fingers and/or toes on both hands		
	and/or both feet)		
6	b) Claw Hand		
7	c) Supernumerary fingers or toes (having more		
8	than the normal amount of fingers and/or		
	toes)		
9	d) Hemophilia		
10	e) Webbed Toes		
11	f) Brachyphalangy (short fingers)		
12	g) Albinism (condition where there is milky		
13	color skin, white or colorless hair, and		
	eyes with pink or blue iris)		
14	h) Spider Markings		
15	i) Kinky hair		
16	j) Supernumerary Breasts (having more than		
	the normal number of breasts)		
17	k) Missing Incisors		
18	l) Black Teeth		
19	m) Oval Blood Cells		

20 4. List and describe the location, size and color of each
21 of the child's birthmarks, moles, or skin blemishes which you feel
22 the child received from the father _____
23 _____

24 5. Do you feel that there is a physical resemblance between
25 the child and this person you believe is the father of the child?
26 _____ Yes _____ No IF SO, describe in detail the similarities
27 _____
28 _____

29 6. Are you aware of any personal or abnormal traits or
30 physical features of the child's father? _____ Yes _____ No
31 IF SO, list them and describe each in detail _____
32 _____

1 7. Do you believe any of these personal or abnormal traits
2 or physical features could be hereditary? _____ Yes _____ No

3 IF SO, list and describe each in detail _____
4 _____

5 8. Did you have a blood test to determine the blood group
6 and type of this child? _____ Yes _____ No IF SO, state:

7 a) The date of the test _____

8 b) The name and address of the person who conducted the
9 test, including his qualifications _____
10 _____

11 c) The reason for the test _____

12 d) The blood group to which the child belongs _____

13 e) The blood type of the child _____

14 9. Did you have a blood test to determine the blood group
15 and type of yourself? _____ Yes _____ No IF SO, state:

16 a) The date of the test _____

17 b) The name, address and qualifications of the person who
18 conducted the test _____
19 _____

20 c) The reason for the test _____

21 d) The blood group to which you belong _____

22 e) Your blood type _____

23 PART E INFORMATION CONCERNING CONCEPTION OF THE CHILD

24 1. Did you share a motel or hotel room with the child's
25 father during the 10-month period prior to the birth of the child?

26 _____ Yes _____ No IF SO, state:

27 a) Name and address of each motel/hotel _____
28 _____

29 b) Dates you spent at the motel/hotel _____
30 _____

31 c) Were you registered as husband and wife? _____ Yes _____ No

32 2. Did you ever regist at a hotel or motel with any person

1 other than the child's father during the 10-month period prior to
2 the birth of the child? _____ Yes _____ No IF SO, for each
3 occasion state:

4 a) The name and address of each motel/hotel _____
5 _____

6 b) The dates on which you registered there _____
7 _____

8 c) Whether you registered as husband and wife _____
9 _____

10 d) Whether you stayed in the same room _____
11 _____

12 3. Did you live with any other person during this 10-month
13 period? _____ Yes _____ No IF SO, for each person, state:

14 a) The name and address of the person _____
15 _____

16 b) The dates on which you lived together _____
17 _____

18 c) The address at which you lived together _____
19 _____

20 d) The name and address of each person who knew such facts.
21 _____
22 _____

23 4. Did you ever have sexual intercourse with a person other
24 than the child's father during the 10-month period prior to the
25 birth of the child? _____ Yes _____ No IF SO, state:

26 a) Dates and location _____
27 _____

28 b) State why you feel the other person(s) is not the father
29 of the child _____
30 _____

31 5. Were you living with the child's father anytime during
32 the 10-month period prior to the birth of the child?

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Yes _____ No _____ IF SO, state:

- a) When _____
- b) Where _____
- c) Name and address of each person who was aware of this

fact _____

6. During the 10-month period prior to the birth of the child did you have sexual intercourse with the child's father:

- a) Only one time _____ or
- b) infrequently _____, or
- c) frequently _____?

7. What was the date of your first incident of sexual intercourse with the child's father during the 10-month period prior to the birth of the child? _____, 19____; and what was the date of your last incident of sexual intercourse with him _____, 19____.

8. During the 10-month period prior to the birth of the child, please state:

- a) The date of sexual intercourse in which you believe conception took place _____
- b) The location _____
- c) The name(s) and address(es) of any other person(s) present at that time _____

9. State the reasons you believe the child was conceived on the date listed above _____

10. Name and address of each person who knew or may have

DEPARTMENT OF REVENUE
CHILD SUPPORT ENFORCEMENT AGENCY
501 EAST NINTH AVENUE, SUITE 102
ANCHORAGE, ALASKA 99501
PHONE 18071 276-3441

known to your presence together with the child's father at each
time _____

11. If the child was conceived on the date listed above, was
the child premature? _____ Yes _____ No IS SO, state:

a) Each fact why you believe this _____

b) The number of days the child was premature and a des-
cription of the method by which you reached this conclusion _____

12. If the child was conceived on the date listed above,
was the child born over-term? _____ Yes _____ No IF SO, state:

a) Each fact why you believe this _____

b) The number of days the child was over-term and a des-
cription of the method by which you reached this conclusion _____

13. State any other reasons why you believe this person to
be the child's father _____

14. Have you ever filed action against any other person to
establish paternity of this child? _____ Yes _____ No
IF SO, for each action, state:

a) The date the action was filed _____

b) The name and address of the person against whom the
action was filed _____

c) The title and address of the court where the trial was
held _____

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301 EAST NORTH AVENUE, SUITE 102
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PHONE 1907: 271-3641

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d) The file and docket number of the action _____

e) The outcome of the action _____

FURTHER AFFIANT SAYETH NOT

I hereby certify that the above knowledge is true and correct to the best of my knowledge and belief.

Signature

SUBSCRIBED AND SWORN to before me this _____ day
of _____, 19_____.

Notary Public in and for Alaska
My commission expires: _____

DEPARTMENT OF REVENUE
CHILD SUPPORT ENFORCEMENT AGENCY
201 EAST NORTH AVENUE, SUITE 102
ANCHORAGE, ALASKA 99501
PHONE (907) 276-3441



Official Business

Alaska State Legislature

Senate
Office of the Secretary

Pouch V
State Capitol
Juneau, Alaska 99811

M E M O R A N D U M

February 3, 1981

TO: Senator Parr, Chairman
Health, Education and
Social Services Committee

FROM:  Peggy Mulligan
Secretary of the Senate

The attached report on the Status of Child Support Agency Fee Development submitted by Thomas K. Williams, Commissioner of Revenue, has been referred to your committee.

Attachment

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

POUCH 5
JUNEAU, ALASKA 99811
PHONE: (907) 465-2300

JAN 29 1981

January 27, 1981

The Honorable Jalmar Kerttula
President, Alaska State Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Subject: Status of Child Support Agency Fee Development

Dear Mr. President:

Since 1975 the Federal Government has provided 75% of the funds to operate each state's child support enforcement program. This federal funding was unlimited as long as the state provided the matching 25% and all program activities were directly related to child support enforcement. The funding covered both the Aid to Families with Dependent Children (AFDC) and non-AFDC child support cases. However, on March 31, 1980 the federal funding for the non-AFDC caseload terminated and reinstatement of this funding did not appear possible in FY 82.

When this problem was brought to the attention of the legislature by the department and concerned obligees, immediate action was taken. The Budget Free Conference Committee added \$300,900 to the Child Support Enforcement Agency (CSEA) FY 82 budget to specifically fund staff to handle the non-AFDC caseload. The committee also added the following intent language to the budget:

"The Department of Revenue will establish a sliding scale collection fee schedule for the non-AFDC caseload based upon an individual's economic ability to pay. The amount of the General Fund appropriation is to be reduced by the amount of those non-AFDC case collection fee receipts."

In June of 1980, Congress unexpectedly passed legislation which reinstated the federal funding for the non-AFDC caseload. As a result of this legislation, all of the additional \$300,900 will be returned to the General Fund at the end of the fiscal year. In my letter of October 13, 1980 to each member of the legislature, the funding situation was explained in detail.

Even though all the additional funds provided will be returned to the General Fund, the Department has proceeded to implement the intent language. In reviewing the intent language the question is raised as to which party, the obligor, as the absent parent, or the obligee, as the child's custodial parent, should pay the fees. The Alaska Statutes address this issue directly by stating that the obligee may be assessed a fee. AS 47.23.100 states in part:

"If the agency determines that the obligee is financially able to pay, costs shall be assessed according to regulations adopted by the department."

Consideration has also been given to charging fees to the obligor. In this regard, our initial review indicated clearly that charging the obligor a fee, in most cases, would simply deprive the children of some part of those funds which are currently being collected because of the detrimental effect the fee had on overall collections.

Based on their experiences prior to the creation of the Child Support Enforcement Agency, the Alaska Court System has advised against charging the obligor a fee for services. The Court system dealt with charging the obligor for a number of years. Initially they did not provide for a charge, this was followed by a change to charging the obligor and then they changed back to not charging either party. Prior to March 1, 1965, a 3% collection fee was deducted from the money sent to the obligee on cases where the State of Alaska provided reciprocal action. After that, from March 1, 1965 to June 30, 1974 a 3% collection fee was added to the required payment from the obligor. On July 1, 1974 the courts abolished all fees to either party. The fees were dropped for the following reasons:

1. The 3% level was too low to make the fee administratively effective.
2. Collecting the fee from the obligor had a strong tendency to discourage payment altogether.
3. Collecting the fee from either party had a tendency to encourage people to not use the system at first. In most cases the people returned to the system because of subsequent collection problems. The cases were then far more difficult to handle and required substantial work to collect all of the information for the periods the system was not used.
4. In view of the generally high payment delinquency, it was determined that all money collected should be used to provide the needed support of the children.

As an additional preparatory step in establishing a sliding scale fee schedule, in July 1980 the agency completed a study of the thirty states in the nation which charge a fee of any type for child support services. The two main conclusions which resulted from doing this study are as follows:

1. When a fee is collected in sufficient amount to have any significant financial impact on the agency, the fee acts as a deterrent to the non-AFDC client seeking services.
2. When the ability to pay determinations are made with a formal screening process, that process itself takes substantial effort. For example, the necessity to update the ability to pay determination periodically throughout the eighteen year emancipation period would be very time consuming.

The directors of each state's child support program hold an annual meeting to discuss national legislation and exchange views on various issues such as Alaska's fee program. In the September 1980 meeting, the two conclusions developed in the Fee study and the court system's experiences were analyzed further. The other directors concurred with the conclusions we had reached.

Proposed regulations as required by AS 47.23.100 were then prepared for public hearing. The regulations were drafted to make administration of the program as simple as possible. However, the requirement to initially determine and periodically review the obligees ability to pay the fee will require four full time positions. These positions would either have to come from our present enforcement staff or would need to be authorized as additional positions if the current staff assignments are to remain unchanged. The fee program is projected to collect \$321,600 annually and the direct personnel cost will be \$102,330 annually. It is impossible to measure the effect of the reduction in collection effort if the four positions were taken from current staff.

Public hearings on the proposed regulations were conducted in December, 1980, in Anchorage, Fairbanks, Juneau and teleconferenced to Sitka. Comments were received from obligors, obligees, interested individuals and organizations. The following organizations provided both written and oral comment; Alaska Legal Services, Aiding Women from Abuse and Rape Emergencies, Advocates for Child Support, Alaska Commission of the Status of Women, Women in Crisis, Coalition

for Economic Justice, National Organization for Women, Federally Employed Women, Radical Women's Group, Women's Resource Center, Valley Women's Group, Fairbanks Child Protection Task Force, and the Alaska Court System.

All of the testimony either generally opposed the imposition of a fee on either party or made salient points about the operation or funding of the agency. In the operational area it was pointed out that the agency should not attempt to replace the Courts in deciding ability to pay, parental responsibility, or the amount of money due from the obligor. It was also stated that when the obligee approaches the agency, they are not requesting a service, but are filing a complaint of noncompliance with an established court order. With regard to the general funding of the agency several people pointed out that the state is only required to fund 25% of the agency's costs and these costs to the state were reduced even further by one half of the AFDC collections. The apparent abundance in the state Treasury and the state's limited funding requirement made most people suggest a change in the law to delete the imposition of fee on either party.

In regard to the issue of funding, it should be noted that the state's 25% funding requirement for the CSEA FY 82 budget is \$655,300 of General Fund matching funds. The projection for the collection of AFDC by the agency for FY 82 is \$1,250,000. This will return \$625,000 directly to the General Fund. In addition to this, our projection is that we will collect \$75,000 in program receipts which all go into the General Fund. Thus, at this level of collection, even without the fee program, CSEA will actually produce receipts in excess of the state's appropriation and will return to the General Fund in FY 82 \$44,700 more than the amount required to operate the program.

In conclusion, the primary testimony from all parties was in opposition to the fee program. The following were the main points of objection:

1. The terminated federal funding which created the agency's financial need for the fee program has been reinstated.
2. Administering a fee schedule will either take people away from the current enforcement effort and thereby reduce the current collection potential or will require additional staff.
3. All money collected should be used for the child, not to pay the state which is already receiving more funds from the collection efforts than the general fund appropriation.

January 27, 1981

4. AS 47.23.100 should be amended to eliminate the requirement to assess fees for child support services.

After our public hearings were concluded, we received several inquiries from individuals who were unable to come and testify either; (1) due to the extreme weather during the week of the hearings; (2) because the hearings were held during working hours and they could not get away from work in order to provide their testimony; or (3) because the majority of the obligees were not aware that the fee schedule was being considered. As a result of these inquiries, additional hearings are scheduled for March 2, 3, 4, 1981. These hearings will be conducted at 7:00 p.m. rather than 1:00 p.m., which will allow the working parents to attend. Also, all obligees who are currently receiving payments will be notified of the hearings to enable them to attend and express their concerns. The proposed effective date of the regulation has been extended to April 15, 1981.

Upon conclusion of this next group of hearings, careful consideration will be given to all the input we have received and a determination will be made as to whether to proceed with charging fees, and if so, who should pay the fees and how much should be charged.

Sincerely,



Thomas K. Williams
Commissioner

cc: Senator Don Bennett
Co-Chairman Senate Finance Committee

Senator M. E. Dankworth
Co-Chairman Senate Finance Committee

A REVIEW OF THE
DEPARTMENT OF REVENUE,
CHILD SUPPORT
ENFORCEMENT DIVISION

For the Fiscal Year Ended June 30, 1981

Audit Control Number
04-111-1050-S

Commissioner, Department of Revenue

Thomas K. Williams

Deputy Commissioners, Department
of Revenue:

Taxation

Joseph K. Donohue

Treasury

Pete Bushra

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PURPOSE OF THE REVIEW

In accordance with the provisions of Title 24 of the Alaska Statutes, a review of the Department of Revenue, Child Support Enforcement Division was conducted to determine if:

1. The agency trust fund financial statements for the fiscal year ended June 30, 1981 are fairly presented.
2. The Division complied with applicable State statutes and regulations governing agency trust fund fiscal activities.
3. The performance of the Division is acceptable in terms of economy, efficiency and effectiveness.

The performance section more specifically evaluated:

- a. Enforcement using the team concept.
- b. General management techniques.
- c. Organization structure.
- d. Activity and transaction processing time.
- e. Use of statutory resources.
- f. Management of computerized information system design contracts.

ORGANIZATION AND FUNCTION

Pursuant to a federal mandate contained in an amendment to the Social Security Act, Public Law 93-647, the 1976 Alaska Legislature created the Child Support Enforcement Agency. On October 1, 1976 all child support enforcement activity, which had previously been the responsibility of the Attorney General and the Alaska Court System, was transferred to the Agency. Originally established within the Department of Health and Social Services, the Agency has functioned within the Department of Revenue since Fiscal Year 1978.

The Child Support Enforcement Agency became the Child Support Enforcement Division (CSED) on April 1, 1981. CSED operates under Alaska statutes 47.23, 25.25, 12.62 and 11.35. In addition, it is affected by federal laws and regulations.

The CSED enforcement operation is divided between two sections:

1. Establishment and Modification

This unit establishes child support orders or modifies existing orders to enable support payments to be made to CSED. Orders may be established using the courts or by CSED's statutory administrative powers. Administrative establishment of orders when there is no pending marriage dissolution is faster and more efficient. It bypasses the court system, yet provides judicial recourse to safeguard due process. CSED used administrative order establishment for the first time in 1981.

2. Delinquent Accounts

This is the unit which performs the collection and enforcement functions after support orders are established or modified.

CSED enforces unpaid support obligations using telephone calls, night letters, and administrative and judicial process. Administrative enforcement is emphasized by CSED management. CSED has the power to attach assets or garnish 50% of an obligor's wages until arrearages are satisfied without going through the courts. However, judicial enforcement is also available to CSED.

Team Concept

CSED has divided its enforcement personnel into eight teams. Teams contain a professional, paraprofessional and several clerks. Many functions that were formerly centralized within the agency have become decentralized within the teams to avoid bottlenecks. The Team Concept was not fully operative until April 1, 1981 and it is too soon to evaluate the effects. CSED employees endorse the idea and other states have reported success with it.

Funding

Seventy-five percent of CSED's operations are federally funded; twenty-five percent are State funded.

The State receives 50% of collections where the custodial parent is receiving AFDC (Aid to Families With Dependent Children). The Federal Government receives the other 50%.

The Federal share may be distributed further. If the support payment was received through the assistance of another state, 15% of the AFDC recovery is deducted from the Federal share and sent to the assisting agency as an incentive.

In addition, if a child is a ward of the State, the State can retain the support payment up to the cost of caring for the child.

According to a Federal report, during Federal Fiscal Year 1980 the State of Alaska spent \$286,967 more on child support enforcement than it recovered from the Federal government.

FINDINGS AND RECOMMENDATIONS

Recommendations No. 1-4 and No. 6 are directed to the Department of Revenue. Recommendation No. 5 and Prior Audit Recommendation No. 1 are directed to the Department of Administration:

Recommendation No. 1

Legal issues surrounding investment and banking of child support collections should be resolved. Investment income should be disclosed as such in the budget documents, accounting records, and financial statements.

Since 1979 CSED has been using "float", which depends on the timing difference between the issuance and clearing of checks, to purchase time certificates of deposit with child support collections.

Three-fourths of the average daily cash balance of \$400,000 is invested and the remainder is a minimum compensating balance for which the bank pays no interest in exchange for services. CSED records show approximately \$60,000 earned since 1979.

While this may be efficient cash management, which we support and encourage, neither the Department of Revenue nor the CSED statutes authorize such investment activity. Furthermore, CSED does not have the statutory authority to use an outside bank account for child support collections. Alaska Statute 47.23.030 establishes a fund within the General Fund for this purpose, and AS 47.23.095 provides that Fund with protection from garnishment which does not extend to the outside bank account. If, as CSED management has stated, increased efficiency in processing child support collections has resulted from the use of the outside bank account, the Department of Revenue should seek statutory changes to allow use of the account.

The Department of Revenue has authorized the bank account under AS 37.10.050 which gives Revenue authority over money belonging to the State. The majority of child support collections do not belong to the State, but to obligees, and it is questionable whether Revenue's authority in AS 37.10.050 applies. It is also unclear whether a fiduciary can use the funds of a beneficiary to earn interest income for the fiduciary.

CSED uses the interest income to fund its operations. However, the budget documents do not identify the interest income as such, but as "incentive payments received from other states pursuant to federal regulations". CSED records the interest income as incentives receivable, and transfers it into the General Fund as "receipts for services".

Recommendation No. 2

CSED should review its caseload every 30 days.

Thirty-seven percent of the 67 active cases we reviewed in the Delinquent Accounts section and 50% of the 20 cases we reviewed in the Establishment and Modification section had not received adequate attention.

Inadequate attention is defined as follows: no attempt to locate an absent parent; incorrect addresses; arrearages on support amounts; or no review for three months or more in 1981.

CSED's priority is to enforce cases with 0-3 months delinquency and work on the easier cases with the higher collection potential.

CSED's policy is to work the rest of its caseload as time permits. Apparently, time does not permit CSED to work these cases, however, because most of the cases we reviewed had little or no activity since inception.

CSED management could improve case review by:

1. Using staff time more effectively. During our review we observed that some employees in two of the five enforcement teams did not spend their time productively. Communications with these employees indicated a morale problem which had a high correlation with the errors noted during testing.
2. Reviewing the existing caseload and suspending those cases which cannot be worked. Although CSED recently suspended over 7,000 such cases, more old cases need to be reviewed. Letters should be sent to obligees asking if CSED's services are still desired. If not, the cases should be removed from the active caseload in order to make it more manageable. Presently, each CSED officer has an inventory of approximately 1,300 cases. Federal auditors from the Office of Child Support Enforcement stated to us that in the State of Oregon each officer's caseload numbers 500 and each case is reviewed every 30 days.

If CSED still experiences difficulty finding time for case review, management should evaluate staffing levels relative to caseload.

Recommendation No. 3

CSED should use the Alaska Justice Information System (AJIS) to locate absent parents.

To permit CSED access to AJIS, the 1977 Legislature passed an amendment to AS 12.62, the statute governing the use of AJIS.

CSED management assured us they had made arrangements to use AJIS and provided us with a 1979 memorandum to that effect. We contacted AJIS personnel who stated to us that CSED had made no such arrangement and was not an authorized AJIS user.

An AJIS terminal would cost approximately \$500 per month, could be properly secured within the agency, and would be a valuable resource in locating absent parents. The State of Oregon reports great success using a system similar to AJIS.

Recommendation No. 4

Professional service contracts should reflect the services to be performed.

By executing six contracts and eight amendments, CSED has employed a data processing consultant since 1978. Originally, the consultant was hired to improve the existing information system and in 1979 CSED contracted with him to design a new system. The contractor produced the general system design required by contract, but was unable to provide us with the detailed system design required by two of the contracts. In 1980 CSED management decided to change the software design to ADABAS. This decision resulted in extensive revision to the original general system design. The consultant stated that, at that point, he did not attempt a detailed design and began programming for ADABAS. CSED stated they did not receive the detailed system design.

Two contracts for installation of the system and two amendments have resulted in the installation of only a small part of the system.

There were hardware problems beyond the control of CSED management and the contractor last year. However, since that time CSED has paid over \$16,000 in hardware rental charges to IBM for equipment that has not been uncrated because CSED believed system installation was imminent. On June 26, 1981 the contractor indicated that the accounting and case tracking modules had not even been developed and "it will be impossible to accomplish this under the current contract".

The Child Support Enforcement Division needs a new information system. The State has paid a consultant more than \$85,000 since 1979 for such a system. However, only a small part of the system is operating to date.

By making verbal rather than written changes to the contracts, the control provided by the review and approval function of the Department of Administration on contracts of this nature was bypassed by CSED management.

Recommendation No. 5

The Department of Administration should monitor system design work performed by data processing consultants for State agencies.

This recommendation is made as a result of the problem described in Recommendation No. 4. In order to prevent this problem from occurring again, we believe it would be appropriate for the Department of Administration to review and monitor these contracts, perhaps through the Office of Information Management or the Division of Data Processing.

Recommendation No. 6

Internal controls should be strengthened.

We noted the following areas of weakness in the system of internal controls:

1. Receipts were issued in non-sequential order, and some could not be properly accounted for. Receipts were not inventoried and accounted for as "on hand", "issued", or "voided".
2. Some child support payments are not deposited immediately after receipt. Pending research, the cashier may hold payments which cannot be matched to a particular case.
3. The Division's procedures manual does not reflect current policies and practices. We noted revisions are not dated and have not been made in a timely manner. This includes the new computer system as well as procedures in effect in the other sections.
4. Officers who travel to areas outside Anchorage have not been required to submit reports of work performed during their trips.

In order to safeguard its assets, check the accuracy and reliability of its accounting records, ensure operational efficiency and effectiveness, and promote adherence to managerial policy, the Division should review and improve its system of internal controls.

PRIOR AUDIT RECOMMENDATIONS

Disposition of recommendations presented to the Child Support Enforcement Division (CSED) in a previous audit report dated October 12, 1979: Two of the three prior recommendations have been fully implemented. Disposition of the remaining recommendation follows:

Prior Audit Recommendation No. 1

The Child Support Enforcement Agency trust account should be properly maintained and controlled. Trust fund operations and balances should be reported.

During our prior review, we found the trust account was not reconciled and trust fund operations and balances were not reported in the State's Annual Financial Report.

Legislative Audit's Current Position

CSED reconciles the trust account; however, the Department of Administration, Division of Finance, does not report its operations and balances in the State's Annual Financial Report. Generally accepted accounting principles require full disclosure of the State's fiduciary activities by reporting this fund in the State's Annual Financial Report.

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION
POUCH W—ALASKA OFFICE BUILDING

FINANCE DIVISION
POUCH WF—STATE CAPITOL

JUNEAU, ALASKA 99811

August 27, 1981

Members of the
Legislative Budget and Audit Committee:

We have examined the Balance Sheet as of June 30, 1981, and the Statement of Changes in Assets and Liabilities of the State of Alaska, Department of Revenue, Child Support Enforcement Division, for the fiscal year ended June 30, 1981. Our examination was made in accordance with generally accepted auditing standards and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

In our opinion, the financial statements referred to above present fairly the assets, liabilities, and changes thereto, of the State of Alaska, Department of Revenue, Child Support Enforcement Division, for the fiscal year ended June 30, 1981.



Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit

STATE OF ALASKA
DEPARTMENT OF REVENUE
CHILD SUPPORT ENFORCEMENT DIVISION
BALANCE SHEET
June 30, 1981

Assets

Cash	\$ 22,105
Time Certificates of Deposit	<u>300,000</u>
<u>Total Assets</u>	<u>\$322,105</u>

Liabilities

Child Support Payable	<u>\$322,105</u>
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See accompanying Notes to the Financial Statements.

STATE OF ALASKA
DEPARTMENT OF REVENUE
CHILD SUPPORT ENFORCEMENT DIVISION
STATEMENT OF CHANGES IN ASSETS
AND LIABILITIES
For the Fiscal Year Ended June 30, 1981

	<u>Balance</u> <u>07/01/80</u>	<u>Additions</u>	<u>Deductions</u>	<u>Balance</u> <u>06/30/81</u>
<u>Assets</u>				
Cash	\$ 34,764	\$6,821,115	\$6,833,774	\$ 22,105
Time Certificates of Deposit (Note 2)	<u>200,000</u>	<u> </u>	<u>(100,000)</u>	<u>300,000</u>
<u>Total Assets</u>	<u>\$234,764</u>	<u>\$6,821,115</u>	<u>\$6,733,774</u>	<u>\$322,105</u>
 <u>Liabilities</u>				
Child Support Payable	<u>\$234,764</u>	<u>\$6,821,115</u>	<u>\$6,733,774</u>	<u>\$322,105</u>
<u>Total Liabilities</u>	<u>\$234,764</u>	<u>\$6,821,115</u>	<u>\$6,733,774</u>	<u>\$322,105</u>

See accompanying Notes to the Financial Statements.

STATE OF ALASKA
DEPARTMENT OF REVENUE
CHILD SUPPORT ENFORCEMENT DIVISION
NOTES TO THE FINANCIAL STATEMENTS

Note 1 - Significant Accounting Policies

The accounting policies of the State of Alaska conform to generally accepted accounting principles applicable to governmental units.

The Child Support Agency Trust Fund is a fiduciary fund which is reported on the modified accrual basis of accounting. Revenues and governmental fund financial resource increments (e.g., child support collections) are recognized in the accounting period in which they become measurable and available to finance expenditures of the fiscal year. Expenditures are recorded when the related liability is incurred.

Agency trust funds are custodial in nature (assets equal liabilities) and do not involve measurement of the results of operations.

Note 2

Time certificates of deposit additions are reported as a negative deduction as the net result of the following investment activity during Fiscal Year 1981: Time certificates of deposit purchases of \$2,050,000.00 and expirations of \$1,950,000.00. CSED cash deductions included \$100,000.00 which was converted to time certificates of deposit and which did not represent an asset deduction. To fully disclose the nature of this recorded cash deduction, we have reported it as a negative deduction, which subtracts from cash deductions and adds to time certificates of deposit.

DEPARTMENT OF ADMINISTRATION

OFFICE OF THE COMMISSIONER

POUCH C

JUNEAU, ALASKA 99811

465-2200

October 26, 1981

Mr. Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit
Pouch W
Juneau, Alaska 99811



Dear Mr. Wilkerson:

This is in response to portions of your preliminary audit report entitled: "A Review of the Department of Revenue, Child Support Enforcement Division, for the Fiscal Year Ended June 30, 1981" as they pertain to the Department of Administration. You will receive a separate response from the Department of Revenue addressing the recommendations affecting that department.

Recommendation No. 4

Professional services contracts should reflect the services to be performed.

The Department of Administration concurs with this recommendation. Contracts in their original form and in any amended form should reflect the services to be performed.

As the contracting officer of the State, there are several possible actions which could be taken by the Department of Administration to strengthen and clarify the contracting process. These include providing guidelines and/or specific terms and conditions for inclusion in data processing professional services contracts, publication of special instructions relating to establishing or amending such contracts, and monitoring contractors for compliance with standard terms and conditions (this later action would require additional personal services resources on a permanent basis).

October 26, 1981

Recommendation No. 5

The Department of Administration should monitor system design work performed by data processing consultants for State agencies.

The Department of Administration concurs in principle with this recommendation. System design work, whether performed by data processing consultants or by State staff should be monitored with the following issues in mind:

1. Assurance of the feasibility of automating a given application.
2. Assurance of a positive return on investment in developing and operating a system.
3. Assurance of successful management of a system development project.
4. Maintenance of proper and prudent relations between the State and private systems development contractors.
5. Verification of the functional accuracy of a system design.
6. Verification of the operational efficiency of a system design.
7. Reconciliation of actual system costs and performance to previous projections and expectations.

All of these issues fall under the purview of the agency involved and the Department of Administration, through, primarily, the Office of Information Management and the Data Processing Advisory Council. Implementation of corrective measures will, however, require substantial commitment, agreement between agencies concerning the importance and value of such actions, and personal services resources.

Mr. Gerald L. Wilkerson, CPA
Legislative Auditor
Page 3

October 26, 1981

Prior Audit Recommendation No. 1

The Child Support Enforcement Agency trust account should be properly maintained and controlled. Trust fund operations and balances should be reported.

We agree with your recommendation. The Division of Finance has obtained the necessary information and is reflecting this trust fund in the State's Annual Financial Report as of June 30, 1981.

We appreciate the efforts and the objective analyses put forth by your staff in this audit. While we are in agreement with your recommendations, and are constantly seeking to improve contract negotiations, monitoring, and fund reporting, we are governed by budgetary constraints. Nevertheless, we will endeavor to implement these improved procedures to the best of our ability in a timely fashion.

Respectfully,



W. R. Hudson
Commissioner

WHL/mjc
cc: Department of Revenue

STATE OF ALASKA

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH 5
JUNEAU, ALASKA 99811

November 6, 1981

Mr. Gerald L. Wilkerson, CPA
Legislative Auditor
Legislative Audit Division
Pouch W
Juneau, AK 99811

RECEIVED
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LEGISLATIVE
AUDIT

RE: Preliminary Audit Report
Child Support Enforcement Division (CSED)

Dear Mr. Wilkerson:

In light of the Legislative Audit Division's general policy to report and comment upon only negative findings, I am submitting copies of the annual reports for FY 79, 80, and 81 as a major part of the Division's response. Reading each of these reports in sequence will point out the substantial improvements and corrections as required by the previous legislative audit. Many of the items covered in the FY 81 annual report address the recommendations in this audit report. Should you have any questions about any part of the annual report, please do let us know and we will gladly respond to them.

In addition, we would like to offer specific responses to the five recommendations as follows:

Recommendation No. 1

"Legal issues surrounding investment and banking of child support collections should be resolved. Investment income should be disclosed as such in the budget documents, accounting records, and financial statements."

The Department of Revenue will consider seeking a statutory change to allow CSED to maintain a bank account outside of the general fund with protection from garnishment and specific approval for investment activity. In the meantime the Department will ask for a formal opinion from the Attorney General's office as to how the investment proceeds should be handled. Complete disclosure of the interest will be included in future budget documents, accounting records and financial statements.

Mr. Gerald L. Wilkerson
November 6, 1981
Page 2

Recommendation No. 2

"CSED should review its caseload every 30 days"

CSED management could improve case review by:

1. Using staff time more effectively. During our review we observed that some employees in two of the five enforcement teams did not spend their time productively. Communications with these employees indicated a morale problem which had a high correlation with the errors noted during testing.

Using staff time more effectively is a recommendation that all organizations should pursue at all times. CSED is and will continue to do just that. During both the audit and the exit conference CSED pointed out that there was a productivity problem located very specifically in two of the five collection teams. In February 1981, this was discussed in the Divisions's monthly report. For several months thereafter the changes and progress in those two teams were monitored and discussed further. As the reports indicate, CSED Management was clearly aware of the problem and steps to correct the productivity deficiencies were taken.

The low morale centered in the two teams was a direct response to the low performance as indicated by each team's monthly collection and activity reports. Each team's standing and collection reports are discussed agency wide. The peer status and pressure of being at the top or the bottom is a critical factor in supplementing the states "reward system" for the employees.

In late June one of the officers running one of these two teams resigned. Replacement came from within the ranks of one of the top collection teams. The other collection team has now moved up to third place. It is felt that the problems with the two teams is now nearly resolved.

Discussion between the CSED Director and Mr. Harris, the Audit Manager, indicate that the recommendation was basically aimed at these two particular teams. Other teams where collection percentages are up and backlog of pending actions are down indicate generally high morale and good performance.

2. Reviewing the existing caseload and suspending those cases which cannot be worked. Although CSED recently suspended over 7,000 such cases, more old cases need to be reviewed. Letters should be sent to obligees inquiring whether CSED's services are still desired. If not, the cases should be removed from the active caseload in order to make it more manageable. Presently each CSED officer has an inventory of approximately 1,300 cases. Federal auditors from the Office of Child Support Enforcement stated to us that, in the State of Oregon, each officer's caseload numbers 500 and each case is reviewed every 30 days.

Mr. Gerald L. Wilkerson
November 6, 1981
Page 3

Discussions throughout the annual report respond to this recommendation. The expanded team concept and reorganization will make the 30-day case review a clear possibility in the near future. Additional staff has also been requested to reduce the officer to case ratio.

Recommendation No. 3

"CSED should use the Alaska Justice Information System (AJIS) to locate absent parents."

When the 1977 Legislature passed the amendment which allowed Child Support access to the AJIS, the files and records as maintained by CSED were not reliable enough to use AJIS. Subsequent to 1977 the files have been cleaned up and corrected as indicated in the annual report. This now makes it possible to consider the use of AJIS. Plans are already in process to restructure the teams to include an investigator position in each team and bring the AJIS network into the Division.

Recommendation No. 4

"Professional service contracts should reflect the services to be performed."

When the data processing batch system originally started it was a Fortran based system created by the Anchorage Court System to receipt and disburse payments. No other features had been considered and when CSED started their operations in 1976, this was the only system available.

By August 1978 program additions to the Fortran system were partially completed then converted to Cobol. During the conversion, major problems occurred. Several System Analysts started work and quit as they felt the job was "too big".

In November of 1978, the current data processing consultant was hired to clean up the problems and make the batch processing system useable. In December 1978, the current Division Director was hired to deal with the organization as a whole. They assessed the batch system which was receipting all funds as deposited and writing all checks. Although the basic daily functions were being accomplished, no control totals of any reliable nature were being produced to accompany the daily activity. As an example, the system did not produce a book cash balance which could be used to reconcile the bank account. This caused the previous management to contract with Price Waterhouse & Co., a national certified accountant firm, to reconcile the bank account for one month. The reconciliation, which was accomplished with extreme difficulty, was not an acceptable reconciliation but it was all there was at that time.

It was thought that by doing some clean-up work and reprogramming on the batch system, control totals could be produced. As it turned out, the magnitude of the computer program deficiencies were far greater than considered possible. There were several distinctly different times in 1979

Mr. Gerald L. Wilkerson
November 6, 1981
Page 4

and 1980 when there were all indications that the batch system was working properly. Because of the size of the system and the overly complicated technical nature it was extremely difficult to tell when it was in a reliable state of operation. The absolute immediate need to receipt and disburse checks did not allow CSED to let the consultant ignore the batch system when it failed.

In 1979, CSED first came to the incorrect conclusion that the batch system was near enough to completion to start work on the new online system. As indicated in the audit findings, the consultant did produce a general system design. While doing the system design he also was involved keeping the batch system from failing totally.

During the general design phase discussions were held with the Division of Data Processing as to whether or not CSED should get their own computer or use the facilities as provided by Data Processing. Ample computer capacity was guaranteed by Data Processing starting 3/1/80 and thus the decision was made to use their facilities. This, in fact, did not happen and throughout 1980 the additional capacity needed to develop the on line system stayed within two months of being available.

Lingering delays by Data Processing and a batch system that continued to surprise management with system failure made a clear decision difficult to reach. CSED management continued to keep the batch system running and began adding features which could be converted to the new system. As the delays continued, the work on the batch system began to reach a satisfactory point. Through the process CSED management got a better idea as to what the new system should include and how much of the old system could be used in the new system. Data Processing had indicated that a data base management system "ADABAS" would be available with the additional computer capacity. CSED management decided to use ADABAS to considerably expand the on line system. This increased the capacity to retrieve and store detailed information for online users. All indications point to this being an excellent idea.

During FY 81, CSED did pay a total of \$16,000 in hardware rental for equipment which was not uncrated. When advised of this, the Division of Data Processing agreed not to charge CSED for the balance of the RSA for services in FY 81. The total RSA for the year was \$70,000 and CSED paid only \$51,554.

Data Processing set up their new equipment in June 1981 and it became stable enough to use in early August. It then became possible for CSED to begin implementation of the new information system. In September a large part of the new system was installed and it appears that what was envisioned in the original general design will be complete by the last part of October. This will include using the accounting module from the batch system and the case tracking or suspense system as designed later for the batch system. The end product will be a new information system which CSED will want to improve on an ongoing basis. An equally important achievement of the contractual arrangements with the Data Processing consultant was the end of a major crisis period of computer system failure.

Mr. Gerald L. Wilkerson
November 6, 1981
Page 5

Any verbal change which may have resulted in bypassing the Department of Administration review and approval functions were attempts to resolve the immediate unforeseeable problems which kept reoccurring. The current management of CSED absolutely will not let the situation get anywhere near the immediate crisis stages of 1979 and prior. All indications are that it would have been unreasonable to assume that a system that could receipt and disburse money as this one did, could also not be modified to add the appropriate internal controls with reasonable effort.

At this point, I would like to add that CSED's Director has just returned from the annual national child support director's meeting. At this meeting he discussed computer systems development and cost with the other state directors. The only director who was satisfied with their new on line system was John Abbott of Utah. Mr. Abbott indicated that Utah has spent \$145,000 in systems development and implementation.

Recommendation No. 5

"The Department of Administration should monitor system design work performed by data processing consultants for state agencies."

One of the reasons, this particular consultant was selected and then hired was the good working relationship which he maintained with the Division of Data Processing. Informal but reasonably regular meetings were held with the Anchorage Deputy Director of Data Processing, the consultant and the CSED Director. This helped CSED and the consultant in understanding the current status of the data processing hardware and software. This also kept the data processing people generally aware of the current status of the work progress on the CSED system.

In the future CSED is considering going to a formal review and reporting process which would include the Division of Data Processing.

Recommendation No. 6

"Internal controls should be strengthened."

We noted the following areas of weakness in the system of internal controls:

- "1. Receipts were issued in non-sequential order, and some could not be properly accounted for. Receipts were not inventoried and accounted for as "on hand," "issued," or "voided".

This is not a common occurrence at all, but was a violation of CSED procedure. Discussions have been held with the supervisors involved and steps have been taken to ensure that this does not happen again.

- "2. Some child support payments are not deposited immediately after receipt. Pending research, the cashier may hold payments which cannot be matched to a particular case."

Mr. Gerald L. Wilkerson
November 6, 1981
Page 6

This is not a common occurrence at all, but was a violation of CSED procedure. Discussions have been held with the supervisors involved and steps have been taken to ensure that this does not happen again.

- "3. The Division's procedures manual does not reflect current policies and practices. Revisions are not dated, and have not been made in a timely manner."

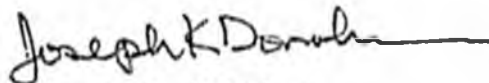
The procedure manual is in the process of being updated to include all changes as brought about by the organizational changes and implementation of the online computer system. Particular emphasis will be placed on the cash control area immediately. All future revisions shall be dated and made in a timely manner. In the very near future, all procedures and their updating requirements will be accomplished with on line computer system.

- "4. Officers who travel to areas outside Anchorage have not been required to submit reports of work performance during their trips."

This point is an excellent idea and will be implemented immediately.

In order to ensure operational efficiency and effectiveness while promoting adherence to managerial policy the Division will continue to review and improve their system of internal control.

Sincerely,



for Thomas K. Williams
Commissioner of Revenue

DRC:TKW:jas

Attachments

cc: Dan R Copeland
Director - CSED

The 1981 Annual Performance Report for the Child Support Enforcement Agency was attached to the Department of Revenue response to the review. The Performance Report is available from the Department of Revenue.

~~§~~ 09.65.132 (h)
income assignment order:
Court costs and attorney fees.

(b) amt. sufficient to meet the
support payments and
Arrearages

(b) payable to the obligee or person
or agency designated to receive
support payment [USED]

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END REQ#8256
RR. J. B.
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MAR 15 1981

could include garnisheeing or assigning wages or attaching property. In addition, under certain circumstances, support payments may be collected through the Internal Revenue Service.

U.S. Department of Health, Education, and Welfare
Office of Child Support Enforcement
Washington, D.C. 20201

(SSA) 77-02054

U.S. GPO: 1977-0-411-171



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Office of Child Support Enforcement

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Child support enforcement
United States . Office of Child Support Enforcement
(Washington) Dept. of Health, Education, and Welfare,
(Social Security Administration). Office of Child Support
Enforcement 1978
Folder (4 p.) : 21 x 9 cm.
DHEW publication ; no. (SSA) 77-02054
Geographic Location: UNITED STATES
Descriptors: Child welfare ; Support (Domestic relations ;
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OFFICE OF CHILD SUPPORT ENFORCEMENT 1978

VER: DHEW PUBLICATION NUMBER-SSA 77-02054
END REQ#8256

Nancy -
pls hang on
to this - your
project. Look
at bill already
introduced -
2-27-81 c

Charlie

Yesterday I attended a meeting re: Child Support Enforcement to hear from a lawyer who worked with the AG's office in Washington state on this issue.

Some points which she made:

- 1) The law is not enforceable when placed in the jurisdiction of an Administrative Agency, as proposed, but needs to be placed with the Dept. of Law
- 2) Alaska doesn't have a clear understanding of URESA (collecting support between states) and continually errs in providing info to requesting states - that the State of Wash. has frequently considered suits against AK over this.
- 3) non-support needs to be classed a felony rather than a misdemeanor to make the "contempt" issue serious. Support cases generally are brought before a master rather than a judge, frequently receiving no penalty.
- 4) enforcement personnel have caseloads averaging 1500 - an unmanageable number.

Much of the information was quite legal

and needs more attention to understand it.
The meetings will continue & there is a
teleconference scheduled in House HESS
March 5 - 7:00 pm. I would like to
continue working on this if it's okay
with you.

Nancy

****PLEASE NOTE****

A MICROFICHE

THE ORIGINAL FILE CONTAINS ~~AN OVERSIZED~~ DOCUMENT THAT IS UNSUITABLE FOR FILMING. PLEASE REFER TO THE ALASKA STATE ARCHIVES TO VIEW THE ORIGINAL.

- 1) OFFICE OF CHILD SUPPORT ENFORCEMENT
AUDITOR'S MANUAL (2 MICROFICHE)
- 2) STAFF DATA AND MATERIALS ON CHILD
SUPPORT

among various age groups, as indicated in the following tabulation. Relatively more beneficiaries aged 60 and over used direct deposit than those under age 60. Beneficiaries aged 65-71 and those aged 72 and over used direct deposit most often (28 percent and 25 percent, respectively). Only 12 percent of those under age 22 were direct depositors.

Age, race, and sex	OASDI beneficiaries using direct deposit	
	Number	Percent
Age:		
21 and under.....	538,325	11.9
22-59.....	380,674	16.7
60-64.....	947,989	23.6
65-71.....	2,780,570	27.5
72 and over.....	3,099,867	24.9
Race:		
White.....	7,582,828	24.8
Black.....	302,350	8.6
Other.....	62,247	11.8
Sex (adult beneficiaries)		
Men.....	2,985,137	24.9
Women.....	4,177,047	24.8

The direct-deposit option was chosen by a considerably higher proportion of white beneficiaries (25 percent) than of black beneficiaries (9 percent) and of those of other minority races (12 percent). About equal proportions of men and women beneficiaries used direct deposit.

Amount of Monthly Benefits Deposited

In December 1978, social security cash benefits payable to beneficiaries using direct deposit amounted to \$2 billion or 26 percent of all benefits payable, as table 1 shows. This proportion was somewhat higher than that for the number of beneficiaries using direct deposit (23 percent). Monthly benefit amounts thus averaged higher for direct depositors. Among retired workers, the average monthly benefit amount was \$282.26 for users of the direct deposit procedure, compared with \$256.30 for nonusers. For disabled workers the corresponding average amounts were \$308.49 and \$282.94, respectively. Comparable differences were found among the other benefit categories.

State Variations

The proportion of beneficiaries using direct deposit ranged from 12 percent in Louisiana to 40 percent in Florida (table 2). The percentages of direct depositors were, in general, highest in the Mountain, Pacific, and West North central States and lowest in the Southern States except Florida. In eight States—Arizona, Washington, Oregon, Idaho, Kansas, Montana, Utah, and Wyoming—from 33 percent to 39 percent used direct deposit. In eight other States, 14-17 percent of the beneficiaries chose the direct-deposit option. North Carolina, South Carolina, Ken-

tucky, Tennessee, West Virginia, Alabama, Georgia and Virginia.²

In almost all the States, the percentages of black beneficiaries and of those of other minority races who used direct deposit were considerably below that for white beneficiaries. In five States, less than 5 percent of the black beneficiaries chose the option—Louisiana, South Carolina, Alabama, Arkansas, and Mississippi. The percentages of white direct-depositor beneficiaries in these States ranged from 15 percent in Louisiana to 24 percent in Mississippi. In five additional States—Alaska, Oklahoma, New Mexico, North Dakota, and Arizona—7 percent or less of the beneficiaries of minority races other than black chose direct deposit. The proportion of white beneficiaries in these States who used the direct deposit procedure ranged from 23 percent in North Dakota to 41 percent in Arizona.

In all States, average benefits were higher for retired workers who chose direct deposit than for those who did not choose the option (table 3). The disparity between the benefit amounts was largest in the Southern States. In 13 of the 16 Southern States, the average benefit for retired workers who did not use direct deposit was less than 90 percent of the average amount for those who did choose the option. The disparity was this great in only one of the other 34 States—New Mexico.

² For information about the use of direct deposit in specific metropolitan areas, see Barbara A. Long, *Social Security Beneficiaries in Metropolitan Areas, 1978*, Office of Research and Statistics, Social Security Administration, 1980.

Child Support Enforcement Program*

The child support enforcement (CSE) program was established in 1975 by the Secretary as directed in title IV-D of the Social Security Act. The program collects money on behalf of families to compensate the Federal, State, and local governments for payments made under the aid to families with dependent children (AFDC) program by seeking remuneration from absent parents according to their ability to pay.

Applicants to the AFDC program, directed by the Office of Family Assistance of the Social Security Administration, are required to assign support rights to the State, empowering it to seek to establish paternity, when necessary, and to act as a collection vehicle for funds obtained from absent parents. The applicant must also help as much as possible in identifying the absent parent except when there is "good

* Prepared by Kurt Beron. Based on unpublished data from the 1977 AFDC Study and from the 1975 and 1973 studies made by the Office of Research and Statistics, Social Security Administration. Dennis Corrigan, Acting Chief of the Planning and Evaluation Branch, Office of Child Support Enforcement, provided invaluable assistance, and Patricia Grandy also helped in the preparation of the note.

cause" not to. The CSE program also is empowered to aid in the collection of child-support payments for persons not receiving AFDC benefits but who request the service.

The Office of Research and Statistics conducts biennially a nationwide sample survey of the AFDC caseload. The most recent survey covered the study month of March 1977 and included questions relating to the CSE program. Before enactment of title IV-D the survey questionnaires did not focus on child support. Portions of the 1973 and 1975 surveys are relevant to the program and provide useful comparison data, however.

Approximately 7,835,800 children in 3,523,300 families were receiving AFDC payments in 1977 (table 1). The corresponding figures in 1975 were 8,120,700 recipient children and 3,419,700 families; in 1973, 6,396,400 children and 2,989,000 families were receiving AFDC payments. In 1977 the majority (85 percent) of these children were eligible because their father was absent from the home. The mother's absence accounted for the child's eligibility in less than 2 percent of the eligible cases (table 1).

The major reasons for the father's absence were the non-married status of the child's parent (34 percent), nonlegal separation (22 percent), or divorce (21 percent). The first and third of these reasons have increased in importance since 1975; divorce as a factor has risen steadily since 1973. All these reasons have contributed to the continually rising significance of the father's absence as a determinant of AFDC eligibility—up more than four percentage points since 1973. In particular, the large proportion of fathers absent because they are not married to the child's mother or are nonlegally separated from her points to the wide range of circumstances that require establishing a child support obligation.

"Good cause" refers generally to the situation that exists when documented evidence shows that the pursuit of the absent parent might cause physical and/or psychological damage to either the parent or the home of the child.

Table 1.—Number and percentage distribution of AFDC recipient children, by reason deprived of support or care from parent, 1973-77

Reason for eligibility	1977	1975	1973
Total number	7,835,803	8,120,732	6,396,439
Total percent	100.0	100.0	100.0
Father:			
Deceased	2.6	3.7	4.0
Physically or mentally incapacitated	5.9	7.7	10.2
Unemployed	5.1	3.7	4.1
Absent:			
In Armed Forces	2	1	2
Parents divorced	21.4	19.4	17.7
Parents legally separated	3.2	3.6	4.0
Not legally separated	22.3	25.0	24.8
Not married to mother	11.8	11.0	11.5
Other	3.8	4.0	3.2
Mother absent from home	1.6	1.6	1.2

¹ Natural, adoptive, or legal stepfather.

Table 2.—Number and percentage distribution of AFDC recipient children, by location of father, 1973-77

Location of father	1977	1975	1973
Total number	7,835,803	8,120,732	6,396,439
Total percent	100.0	100.0	100.0
Deceased	2.6	3.7	4.0
In the home	13.0	13.0	15.2
In institution:			
Correctional	2.1	1.9	2.1
Other	.3	.2	.5
Same county as family	21.9	20.6	19.5
Different county, but same State as family	6.9	6.3	5.9
Different State than family	10.2	9.5	9.1
In foreign country	1.2	1.0	1.2
Whereabouts unknown	41.8	43.8	42.6

The whereabouts of two-fifths of all fathers was unknown in 1977—a situation that obviously hindered attempts to establish the obligation of these individuals for providing child support (table 2). Another two-fifths of the fathers were also absent from the home but with their address known; slightly more than half of these fathers were living in the same county as their families. These proportions are higher than those for 1975 and about the same as those in 1973. If the remaining one-fifth of the fathers—those not expected to contribute child support because of institutionalization or death and those living in the home—are excluded, then a picture of the CSE population is formed.

The general location of half of the absent fathers was known to CSE agencies in the various States. About one-fourth were within the same county and more than one-third were within the same State. Paternity/child-support proceedings for the local fathers, then, becomes a matter of pinpointing their exact location and employing the existing intrastate/intracounty procedures. For absent fathers outside the original State of residence or in a different country, the importance of increasing interstate and international communication and cooperation becomes clearly evident.

Of the fathers who were absent in 1977 and not in the Armed Forces, 33 percent were located (table 3). Thirty percent of the absent fathers were not located or were still being searched for. For 37 percent, no attempt was made to locate the father.

Table 3.—Number and percentage distribution of AFDC recipient children with fathers absent from the home, by attempt to locate father, 1977

Attempt to locate father	Child recipients	
	Number	Percent
Total	6,625,067	100.0
Located	2,181,183	32.9
Not located	2,005,365	30.1
No attempt to locate	2,438,519	36.8

¹ Excludes those in the Armed Forces.

Table 4.—Number and percentage distribution of AFDC recipient children with fathers absent from the home, by months since father left home, 1977

Months since father left home	Child recipients	
	Number	Percent
Total ¹	3,445,695	100.0
1-6	251,877	7.3
7-12	409,366	11.9
13-18	144,251	4.2
19-24	344,156	10.0
25-36	449,257	13.0
37-48	360,396	10.5
49-60	314,064	9.1
61-120	882,119	25.6
120 or more	290,209	8.4

¹ Excludes those who never lived in the home and number of months unknown.

For fathers whose departure date from home was known (excluding those who have never been in the home) the data show that about 19 percent of the fathers of recipient children left home within the year before the survey (table 4). A third of these fathers had left within the past 2 years, and more than half left within the past 4 years. Throughout the United States the average time away from home for these fathers was 7 1/3 years.

Paternity had been established for 2,244,500 or 27 percent of the children (table 5). Paternity was not in question or no proceedings had been started for 46 percent of the children. For about 12 percent of the children, paternity proceedings had begun but paternity was not established.

Court orders and obligations for child support, since the opening of the AFDC cases, had been established for 26 percent of all children by 1977, compared with 25 percent and 21 percent in 1973 and 1975, respectively (table 6). Much of this increase, however, seems to reflect the replacement of voluntary agreements by court orders. In 1973, voluntary agreements alone accounted for 6 percent of all support going to recipients; in 1975 this proportion had changed to 7 percent of the total. By 1977, all support obligations other than court orders (including voluntary agreements) had declined to 3 percent.

In both 1973 and 1977, the monthly amounts most often ordered by the court were within the range of \$100-\$149. An

Table 5.—Number and percentage distribution of AFDC recipient children, by paternity status, 1977

Paternity status	Child recipients	
	Number	Percent
Total	7,835,801	100.0
Paternity known or no proceedings started to establish paternity	3,639,534	46.4
Paternity proceedings started and paternity established	2,244,451	28.6
Paternity proceedings started but paternity not established	919,179	11.7
Unknown	1,032,637	13.2

Table 6.—Number and percentage distribution of AFDC families, by child support obligation, 1973-77

Child support obligation	1977	1975	1973
Total number	3,523,294	3,419,671	2,989,891
Total percent	100.0	100.0	100.0
No court order or agreement	71.9	68.7	73.6
Court order	25.9	24.9	21.2
Other ¹	2.8	6.8	5.6
Unknown	1.1	.7	0

¹ Includes voluntary agreements.

amount in this range was prescribed in both years for about 23 percent of all cases with awards (table 7). An amount from \$50 to \$74 was prescribed in about 19 percent of the cases in each of those years. These two ranges of awards were also the highest and second highest in 1975. The average obligation in 1973 was \$111.67; by 1977, the average had risen to \$128.50.

A comparison of actual payments ordered and payments made is presented in table 8 for 1977. Child support from \$100 to \$149 had the greatest likelihood of being met or exceeded. No support was paid for about half the court orders or other support obligations.

In 1977, actions taken to enforce a support obligation were successful in about 15 percent of all cases. They were not successful or were still in progress in 20 percent of the cases.

Expectation of the future demand for CSE program services in association with AFDC depend directly on future projections of the AFDC family caseload. If the near future can be expected to resemble the recent past, then the CSE program caseload will range from 80 percent to 85 percent of the AFDC caseload, as shown in table 1. The Urban Institute, using its dynamic simulation of income model, which incorporates a microanalytic approach to forecasting, has projected the size of the AFDC caseload on the basis of a combination of behavioral assumptions about individuals and historical data.² Removal of an admitted 2-percent bias because their model is an annual one and cannot capture part-year participants, provides these benchmark calendar-year projections: for 1977, 3,292,000; for 1980, 3,523,000; and for 1984, 3,914,000.

The actual caseload for calendar year 1977 was 3,588,000, a difference of about 9 percent from the projection. The Urban Institute prefaces its forecast by saying that, because of the offsetting influences of births, marriages, and divorces, the first 5 projected years show no clear trend but that beginning in 1980, the caseload begins to rise. They attribute

² The birth, marriage, and divorce rates were assumed to remain constant in 1977, with unemployment and inflation reduced to 5 percent and 4 percent, respectively, the labor force participation of women rising from 46.9 million to 61.2 million by 1984, and all economic parameters rising with the rate of inflation. See Richard F. Wetheimer II and Sheila R. Zerlewski, *The Impact of Demographic Change on the Distribution of Earned Income and the AFDC Program*, The Urban Institute, Washington, D. C., December 1976.

Table 7.—Number and percent of AFDC families with child support ordered by the court, by monthly amount of child support, 1973—

Amount of child support	1977	1975	1973
Total number ¹	847,145	813,973	626,689
Total percent.....	100.0	100.0	100.0
\$1-24.....	4.5	4.7	5.0
25-49.....	12.9	14.6	15.6
50-74.....	18.4	16.5	18.9
75-99.....	14.7	13.3	14.3
100-149.....	23.0	23.8	23.2
150-199.....	12.9	13.1	12.2
200-249.....	6.9	7.0	6.6
250-299.....	2.9	2.4	2.0
300 or more.....	3.8	4.6	2.1

¹ Excludes those with amount unknown.

this growth to the increasing number of divorces expected as a result of a previously rising number of marriages, as well as to a steady increase in births. Their estimate for 1980 is within 1.2 percent of the 1980 estimate of 3,565,000 families, made by the Social Security Administration. For 1984 the Urban Institute projected a caseload of 3,914,000 families (adjusted to the Social Security Administration estimate for 1980)—13 percent above the expected trend estimate of 3,465,000 and 11 percent different from the unadjusted figure of 3,837,000. The longer-term general trend implicit in these numbers seems to show that the CSE program caseload will remain relatively unchanged for the next 5 years or may rise slightly—by 200,000–400,000 families, perhaps (with the highest projection used).

Factors Affecting Total Caseload

About 5,709,000 families were in the general population in 1977 with a woman as household head, no spouse present, and one or more related children¹ under age 18. The median

¹ "Related children" refer to the parent's own children and all other children in the household related by blood, marriage, or adoption.

Table 8.—Number and percentage distribution of AFDC families with support obligations, by monthly amount of support from parents and payments status, 1977

Amount of support	Total number of families receiving support	Percentage distribution by support status					
		Total	No support paid	Actual payments			Unknown
				Equals court order or agreement	Below court order or agreement	Exceeds court order or agreement	
\$1-24.....	45,277	100.0	56.0	19.4	6.4	18.2	
25-49.....	17,750	100.0	54.6	16.9	3.4	17.2	
50-74.....	66,753	100.0	56.1	19.0	5.3	14.9	
75-99.....	148,619	100.0	56.3	17.3	6.5	13.9	
100-149.....	304,210	100.0	57.1	21.6	8.5	11.6	
150-199.....	114,248	100.0	49.9	19.6	13.6	12.4	
200-249.....	62,197	100.0	57.4	6.3	11.6	15.9	
250 or more.....	59,636	100.0	49.6	22.1	12.7	15.4	
Unknown.....	172,667	100.0	71.0		11.1	16.9	

annual income of this group was \$6,500.⁴ In that year, 644,000 men were in the same position but earning a median annual income of \$13,368. About 2,384,000 (42 percent) of the women were below the poverty level with a median annual income of \$3,369 and a mean annual income of \$3,404. Approximately 95,000 men (15 percent) were similarly situated, in relation to the poverty level. Sixty-nine percent of the women household heads under age 25 and with related children were below the poverty level. The AFDC study showed that, in 1977, about 1,002,200 (28.4 percent) of the actual AFDC caseload were women of this description.

If past trends continue into the near future, the CSE program will spend an increasing amount of its time in establishing paternity. "The number of one-parent families maintained by a woman increased tremendously—by 55 percent during the 1960's and 78 percent . . . from 1970 to 1978."⁵ The proportion of families with women at the head who have never been married is 2 percent. The important role of child-support payments obtained through all sources—that is, not only that obtained as a result of the CSE program, can be seen from the fact that the poverty rate for women not receiving child support declines from 19 percent to 12 percent when child support payments are added in.⁶

If the current movement toward more frequent custody of their children by their fathers continues, and fathers such as those described above maintain their income level, it seems likely that fewer families will need to receive AFDC payments. Another AFDC reduction factor that appears to be growing is the widespread use of contraception to dimin-

Continued on page 27.

⁴ Income figures in this section include earned and unearned income, social security benefits, SSI payments, and public assistance payments, including AFDC. Bureau of Census, "Money Income in 1977 of Families and Persons in the U.S.," *Current Population Reports: Special Studies* (Series P-60, No. 119).

⁵ Bureau of the Census, "Divorce, Child Custody, and Child Support," *Special Studies* (Series P-23, No. 84), page 1.

⁶ Bureau of the Census, "Characteristics of the Population Below the Poverty Level, 1971," *Current Population Reports* (No. 119), 1979.

Table M-2.—Public income-maintenance programs: Hospital and medical care payments, 1940-79

[In millions]

Period	Total	OASDI (health insurance) ¹			Other programs			
		Total	Hospital insurance ²	Medical insurance	Veterans	Temporary disability ³	Workmen's compensation ⁴	Public assistance ⁵
1940	5165				570		595	
1945	222				97		125	
1950	832				573	57	200	552
1955	1265				608	20	325	232
1960	1836				848	41	435	522
1961	2093				899	46	440	608
1962	2306				940	46	495	925
1963	2611				971	50	525	1,065
1964	2890				1,019	51	565	1,255
1965	3204				1,072	52	600	1,400
1966	4098	51,019	\$891	\$120	1,137	54	600	2,000
1967	9554	4,549	3,353	1,197	1,320	53	750	2,873
1968	12,107	5,697	4,179	1,518	1,429	55	830	4,096
1969	13,637	6,603	4,739	1,865	1,573	59	920	4,681
1970	15,634	7,099	5,124	1,975	1,793	66	1,050	5,606
1971	18,109	7,666	5,751	2,117	2,007	71	1,130	6,953
1972	21,133	8,644	6,319	2,325	2,409	65	1,250	8,805
1973	23,732	9,584	7,057	2,526	2,601	69	1,400	9,919
1974	29,108	12,419	9,101	3,318	3,076	71	1,760	11,782
1975	35,803	15,991	11,310	4,273	3,551	74	2,030	14,555
1976	41,267	18,423	13,343	5,080	4,422	71	2,300	15,941
1977	46,839	22,781	15,743	6,038	4,865	74	2,740	17,739
1978	(*)	24,940	17,600	7,252	5,257	7	3,230	(*)
1979								
October		2,241	1,563	678	445			1,660
November		2,211	1,540	653	436			(*)
December		2,136	1,517	619	419			(*)
1979								
January		2,329	1,639	690	450			(*)
February		2,210	1,580	631	403			(*)
March		2,452	1,763	709	444			(*)
April		2,336	1,636	700	412			(*)
May		2,453	1,734	719	457			(*)
June		2,402	1,725	677	420			(*)
July		2,474	1,720	696	447			(*)
August		2,637	1,836	801	467			(*)
September		2,254	1,570	684	445			(*)
October		2,650	1,826	824	499			(*)

¹ Benefits expenditures from the Federal hospital insurance and supplementary medical insurance trust funds, as reported by the U.S. Treasury.

² Includes payments by Federal Government Hospital for Beneficiaries of United States hospitals.

³ Benefits in California and New York from 1950, including payments under private plans. Monthly data not available.

⁴ Benefits under Federal workmen's compensation laws and under State laws.

paid by private insurance carriers, State funds, and self-insurers. Beginning 1959 includes data for Alaska and Hawaii. Monthly data not available.

⁵ Federal matching for medical vendor payments and public assistance began October 1950.

⁶ Data not available.

Source: U.S. Treasury, and unpublished data from administrative agencies.

Child Support Enforcement Programs

Continued from page 23

with the chance of unintended pregnancies. Similarly, the less restrictive atmosphere for obtaining abortions, following the 1973 Supreme Court decisions, has probably lowered the AFDC population. Legislation that would permit the

use of Federal Government funds for abortions for poor women could directly affect this outcome in the future. Though most of the societal and economic parameters are unclear for even the near future, at this time it can be expected that the caseload for the CSE program will remain at least at the current levels for the next few years.

0876322

HF 33: 44/1

Child support enforcement program.

Soc. Sec. Bull. 43 20(5) March 1980
table

JURISDICTION: United States

DESCRIPTORS: child welfare-statistics; United States. Social
Security Administration-statistics

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1 9 CHILD(W)SUPPORT? AND ENFORCEMEN

Print 1/5/1-9

Search Time: 0.036 Prints: 9 Descs.: 3

EJ206121 CG516635

The Economic Consequences of Divorce.

Espenshade, Thomas J.

Journal of Marriage and the Family, v41 n3 p615-25 Aug 1979

Reprint: UMI

Language: ENGLISH

Document Type: JOURNAL ARTICLE (080); REVIEW LITERATURE (C70)

Examines the economic hardship that divorce entails. Wives are usually awarded custody of children without commensurate financial help from fathers and face other impediments in the labor market to higher pay and adequate employment opportunities. Policies dealing with these problems often center on income transfers and enforcement of child support. (Author)

Descriptors: Children/ Divorce/ Economic Status/ Economically Disadvantaged/ Quality of Life/ Spouses/ Welfare
Identifiers: Child Support

ED184659 PS010933

Aid to Families with Dependent Children 1975 Recipient Characteristics Study: Part 3. Financial Circumstances.

Oberheu, Howard D.

Social Security Administration (DHEW), Washington, D.C. Office of Research and Statistics.

Aug 1978 60p.; For other parts in this series, see PS 010 729 and PS 010 931-932.

Report No.: DHEW-SSA-78-11777

EDRS Price - MF01/PC03 Plus Postage.

Language: English

Document Type: STATISTICAL MATERIAL (110)

Geographic Source: U.S./ District of Columbia

Journal Announcement: RIEAUG80

Government: Federal

This report on the financial circumstances of Aid to Families with Dependent Children (AFDC) recipients in May, 1975, is Part III of a three-part broad study of recipient characteristics. Part I provides demographic and program statistics, and Part II provides data on child support enforcement. The data were derived from a sample survey which included all states and jurisdictions except Guam. The minimum sample required from each state was one-half of one percent, but states were given the option to submit larger samples computed by specified formulas. Twenty-nine states provided samples large enough for reliable state data to be included in the tabulations. Data are also shown for all 10 Health, Education and Welfare (HEW) regions. Sample data are inflated to represent all families receiving money payments during the study month. Therefore, the data are subject to sampling variability and, as in all surveys, the figures are subject to errors of response. A brief overview of the financial circumstances of AFDC families in 1975 prefaces the 26 tables

included in the report. Appendices provide a glossary of selected terms and a discussion of sample design and of data accuracy. (Author/RH)

Descriptors: Demography/ Differences/ Family Characteristics/ Family Income/ Federal Aid/ Federal Programs/ Low Income Groups/ National Surveys/ Poverty/ Regional Characteristics/ Tables (Data)

Identifiers: Aid to Families with Dependent Children

ED184658 PS010932

Aid to Families with Dependent Children 1975 Recipient Characteristics Study: Part 2. Child Support Enforcement.

Oberheu, Howard D.

Social Security Administration (DHEW), Washington, D.C. Office of Research and Statistics.

Jan 1978 29p.; For other parts in this series, see PS 010 729 and PS 010 931-933.

Report No.: DHEW-SSA-78-11777

EDRS Price - MF01/PC02 Plus Postage.

Language: English

Document Type: STATISTICAL MATERIAL (110)

Geographic Source: U.S./ District of Columbia

Journal Announcement: RIEAUG80

Government: Federal

This report on child support enforcement among Aid to Families with Dependent Children (AFDC) recipients in May, 1975, is Part II of a three-part broad study of recipient characteristics. Part I provides demographic and program statistics; Part III offers data on the financial circumstances of AFDC families. The data were derived from a sample survey which included all states and jurisdictions except Guam. The minimum sample required from each state was one-half of one percent, but states were given the option to submit larger samples computed by specified formulas. Twenty-nine states provided samples large enough for reliable state data to be included in the tabulations. Data are also shown for all 10 Health, Education and Welfare (HEW) regions. Sample data are inflated to represent all families receiving money payments during the study month. Therefore, the data are subject to sampling variability and, as in all surveys, the figures are subject to errors of response. A brief overview of child support enforcement in 1975 prefaces the 10 tables included in the report. Appendices provide a glossary of selected terms and a discussion of sample design and of data accuracy. (Author/RH)

Descriptors: Demography/ Differences/ Family Characteristics/ Federal Aid/ Federal Programs/ Financial Support/ Law Enforcement/ Low Income Groups/ National Surveys/ Parent Responsibility/ Poverty/ Regional Characteristics/ Tables (Data)

Identifiers: Aid to Families with Dependent Children/ Child Support

ED178194 PS010977

Staff Data and Materials on Child Support.

Congress of the U.S., Washington, D.C. Senate Committee on Finance.

19 Mar 1979 80p.; Committee Print, 96th Congress, 1st Session

Available from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (CP 96-7, No price quoted)

EDRS Price - MF01/PC04 Plus Postage.

Language: English

Document Type: PROJECT DESCRIPTION (141); STATISTICAL MATERIAL (110); LEGAL MATERIAL (090)

Geographic Source: U.S./ District of Columbia

Journal Announcement: RIEMARBO

Government: Federal

The purpose of Part D of Title IV of the Social Security Act is to enforce the support obligations owed by absent parents to their children, locate absent parents, establish paternity and obtain child support from parents. This Senate report provides an overview of the child support enforcement program and 23 tables of statistical data. Many of the tables contain data from all states and territories for the years 1976 through 1978. Tables present information related to Aid to Families with Dependent Children (AFDC) and non-AFDC expenditures and populations. Part D of Title IV of the Social Security Act is appended. (RH)

Descriptors: *Child Welfare/ Fatherless Family/ *Federal Aid / Federal Legislation/ *Financial Support/ Legislation/ *Parent Responsibility/ Public Support/ Statistical Data/ *Welfare Services

Identifiers: *Aid to Families with Dependent Children/ *Social Security Act Title IV

Specific actions for program improvement are indicated. Chapter 4 identifies seven welfare program options chosen by Wisconsin which tend to expand the size and/or cost of its AFDC program. Options chosen which lower costs and increase efficiency are pointed out. Chapter 5 discusses the effectiveness of the AFDC program income disregard provisions and reviews current pending legislation designed to change the income disregard provisions. Supporting data and studies are provided in nine appendices. (Author/RH)

Descriptors: *Child Welfare/ Efficiency/ Federal Programs/ Motivation/ Program Administration/ *Program Costs/ *Program Effectiveness/ Program Evaluation/ *Program Improvement/ *State Federal Aid/ *State Programs

Identifiers: *Aid to Families with Dependent Children/ *Wisconsin

ED171383 PS010572

Wisconsin's Aid to Families with Dependent Children and Child Support Enforcement Programs Could Be Improved.

General Accounting Office, Washington, D.C.

22 Jun 1978 100p.; Filmed from best available copy

Report No.: HRD-78-130

EDRS Price - MF01/PC04 Plus Postage.

Language: English

Document Type: EVALUATIVE REPORT (142)

Geographic Source: U.S./ District of Columbia

Journal Announcement: RIEOCI79

Government: Federal

This report from the General Accounting Office reviews selected aspects of Wisconsin's Aid to Families with Dependent Children (AFDC) program. Chapter 1 describes AFDC and specifies the scope of the program review. In Chapter 2 the potential for increasing child support collections from parents is explored. Actions which could increase collections are suggested. Chapter 3 explores what Wisconsin could do to reduce errors, detect fraud and recover erroneous payments.

ED170079 RCO11279

Women in Rural America.

Rural America, Inc., Washington, D.C.

Dec 1977 10p.; Working paper prepared for "Strategies for Rural America", National Conference on Rural America (3rd, Washington, D. C., 5-7 December 1977)

EDRS Price - MF01/PC01 Plus Postage.

Language: English

Document Type: POSITION PAPER (120); CONFERENCE PAPER (150)

Geographic Source: U.S./ District of Columbia

Journal Announcement: RIESEP79

In rural America 34 million culturally and economically diverse women share the common problem of unfair treatment based on sex. Although in recent years women have begun to question the social attitudes limiting their aspirations, a formidable gap exists between their expectations and the archaic legal, social, and economic policies that continue to discriminate against women. These problems are compounded when placed in a rural setting. A substantial number of rural women, particularly black and those of other minorities, are engaged in a desperate struggle for economic survival. A comprehensive federal effort is needed to provide them entry and mobility into the nation's labor market. Adjustable working conditions, recognition of the special physical and emotional pressures working women are under, and day care facilities are also considerations policymakers must address. Rural women also need help in expanding beyond the traditional stereotyped women's roles into entry into traditional male occupations. Special health care services should go beyond programs associated with pregnancy to include general gynecological and internal care for women of all ages. Changes should be made in such discriminatory legal practices as the inheritance tax structure and lenient enforcement of child support and alimony payments. Special attention should be focused on the plight of the elderly, black, native American and hispanic women, especially those whose lives are tied to migrant farmwork and domestic services. Above all, rural women must become involved in the government and community planning process and work to bring about the needed changes. (Author/DS)

Descriptors: Adult Education/ Employed Women/ *Females/ Feminism/ *Legal Problems/ *Needs Assessment/ Poverty/ *Rural Areas/ *Social Bias/ Vocational Education/ *Womens Education

Under P.L. 93-647 major changes in the child support enforcement system were mandated. The law became Part D of Title IV of the Social Security Act, thus, the child support enforcement program is commonly referred to as the IV-D program. This comprehensive measure brought into existence a major federal agency to correct the problem of desertion and nonsupport of children: the Office of Child Support Enforcement (OCSE). The goals of this office are to assist the states in obtaining child support owed by absent parents to the children, in locating absent parents, in establishing paternity, and in enforcing support obligations of absent parents. The purpose of this manual is to prepare OCSE auditors to conduct the first annual audit of child support enforcement programs required under the law. The independent audits provide key verification of state compliance with federal standards and with federally approved state IV-D plans. The manual serves as the focus and central resource of an intensive training course for OCSE auditors and becomes a reference document and guidebook for performance of the annual audits. (Author/M.F)

Descriptors: Accountability/ *Child Neglect/ *Children/ *Child Welfare/ Federal Aid/ Federal Legislation/ Federal Programs/ Federal Regulation/ *Federal State Relationship/ *Financial Support/ Guides/ Parent Responsibility/ State Agencies/ Units of Study

Identifiers: *Child Support Enforcement/ *Social Security Act Title IV D/ Social Services Act 1974

ED147986 EAO10184

Office of Child Support Enforcement Auditor's Manual.

Office of Child Support Enforcement (DHEW/SSA), Washington, D.C.

1977 156p.; Some parts may be marginally legible due to small type

EDRS Price - MF01/PC07 Plus Postage.

Language: ENGLISH

Document Type: CLASSROOM MATERIAL (050)

Journal Announcement: RIEMAY78

*Nancy Distard
for Charles Parr
-4907*

ED146308 UDO17523

Child Support Enforcement: Supplemental Report to the Congress for the Period Ending September 30, 1976.

Social and Rehabilitation Service (DHEW), Washington, D.C. Office of Child Support Enforcement.

30 Jun 1977 167p.; Tables are in small type

EDRS Price - MF01/PC07 Plus Postage.

Language: ENGLISH

Document Type: RESEARCH REPORT (143)

Journal Announcement: RIEMAR78

The major features of the Child Support Enforcement program as prescribed by Federal statute and regulation are outlined. Also described are significant accomplishments and problems encountered in the administration of the program, in the development of policy, in the provision of technical assistance to the States, and in the provision of direct service through the Federal Parent Locator Service (PLA). The research undertaken and the services rendered by organizations outside of the government are also described. The research projects discussed are: (1) Comparative Study of Procedures and Systems to Establish Paternity; (2) Using Blood Tests to Establish Paternity; (3) Development of an Operational Handbook and Procedures for Establishment of Paternity; (4) IV-D Technology Transfer Model; and (5) Guide for Determining Child Support Payments from an Absent Parent. There is a chapter devoted to state IV-D programs and it includes a statistical and program characteristics profile for each state as of September 30, 1976. Information, in tabular form, concerning the impact of the Child Support Enforcement program is also provided. (Author/AM)

Descriptors: *Cooperative Programs/ *Coordination/ *Program Content/ *Program Costs/ *Program Descriptions/ *Program Effectiveness/ Research Projects/ State Action/ *Tables (Data)

Identifiers: *Child Support Enforcement

ED086758 UDO14004

Studies in Public Welfare. Paper No. 12 (Part II): The Family, Poverty, and Welfare Programs--Household Patterns and Government Policies.

Joint Economic Committee, Washington, D.C.

3 Dec 1973 176p.; Joint Committee Print, Joint Economic Committee

Available from: Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 (\$1.35)

EDRS Price - MF01/PC08 Plus Postage.

Language: ENGLISH

Journal Announcement: RIEMAY74

The papers in this volume deal with patterns of household composition and income sharing among low-income families as well as current and proposed Government policies directly related to family structure. Government policies relevant to family structure make up one set of topics. Irene Cox describes how public income transfer benefits and eligibility conditions vary for different family types and household

units. Leo Rainwater, and Carol Stack and Herbert Semmel, recommend changes aimed at improving these Government policies. Harry Krause and Stack and Semmel discuss the Government role in determining paternity and in obtaining child support payments from absent fathers of children on welfare. Krause argues for increased vigor by Government in these two areas while Stack and Semmel content that such stricter enforcement would be self-defeating. The other major topics concern how low-income persons combine to form households and to share income. Marc Fried and Ellen Fitzgerald, Andrew Billingsley, Rainwater, and Stack and Semmel report findings on these patterns based on participant-observer studies of low-income families. They describe actual patterns of illegitimacy, marital instability, and household formation and dissolution. Billingsley also discusses some evidence from case studies dealing with the effects of family breakdown on the behavior and development of children. (Author/JM)

Descriptors: Black Community/ Child Welfare/ *Family Characteristics/ Family Income/ Family Problems/ *Family Structure/ *Government Role/ Living Standards/ Low Income/ Parent Responsibility/ Poverty/ *Welfare Recipients/ *Welfare Services

User 2908 Date:23feb81 Time:12:13:43 File: 6

Set Items Description

1 3 CHILD(W)SUPPGRT? AND ENFORCEMEN

Print 1/5/1-3

Search Time: 0.025 Prints: 3 Descs.: 3

Child Support Enforcement and Welfare Dependency

Massachusetts Inst. of Tech., Cambridge, Dept. of Urban Studies and Planning, *Employment and Training Administration, Washington, DC, Office of Research and Development. (001450232)

Final rept. Sep 78-Feb 79

AUTHOR: Loneragan, Janet M.

GO072G1 Fld: 5K, 92C, 91K GRA18001

May 79 366p

Grant: DL-91-25-78-49

Monitor: DLETA-91-25-78-49-1

Abstract: The research examines the impact of child support enforcement on the welfare dependency of female-headed families in the low-income, high unemployment region of New Bedford, Massachusetts. Very few absent fathers were able to pay support in excess of their families AFDC grant level, thereby forcing their ineligibility for continued assistance. Support levels are also dependent upon paternal willingness-to-pay.

Descriptors: *Children, *Social welfare, Unemployment, Family relations, Low income groups, Earnings, Federal assistance, Law(Jurisprudence), Surveys, Massachusetts

Identifiers: New Bedford(Massachusetts), NTISLABPEI
NTISLABEIA

PB80-101587 NTIS Prices: PC A16/MF A01

Wisconsin's Aid to Families with Dependent Children and Child Support Enforcement Programs Could Be Improved

General Accounting Office, Washington, D.C. Health Resources Div.

E2365K3 Fld: 5K, 92C, 91K GRA17822

22 Jun 78 100p

Rept No: HRD-78-130

Monitor: 18

Abstract: Between 1966 and 1976, Wisconsin's Aid to Families with Dependent Children caseload growth rate more than doubled that of the Nation as a whole. Legislative, social, and economic changes over these years caused the increase, both nationwide and in Wisconsin. Wisconsin has taken and is taking steps to improve the management and operation of its Aid to Families with Dependent Children program, but more could be done in the areas of error reduction, detection and prosecution of fraud, and collection of overpayments. Milwaukee County could do more to improve its child Support Enforcement program in the areas of organization, duty

reassignments, and collection activity.

Descriptors: *Children, *Social welfare, *Wisconsin, Payment, Court of law, Errors, Counties, Efficiency, Program effectiveness, Recommendations

Identifiers: Aid to Families with Dependent Children, Milwaukee County(Wisconsin), NTISGAO

PB-283 297/OST NTIS Prices: PC A05/MF A01

Two Demonstration Workshops on Paternity and Child Support Programs

Young (Arthur) and Co., Washington, D.C. *Social and Rehabilitation Service, Washington, D.C.

Final rept.

D3304B1 Fld: 5K, 92C GRA17721

1975 134p

Contract: SRS-74-62

Monitor: SRS-07462-001

Abstract: Two demonstration workshops on effective techniques for collecting child support were held in 1975 to aid state efforts to fulfill their responsibility for child support programs and paternity determination. Arthur Young and Company planned the programs, conducted the workshops in Chicago and San Francisco, and evaluated them. The processes involved in selecting model state programs, selecting faculty, and developing materials are described. The workshop agendas are presented, along with evaluation forms and analysis. Suggestions for future workshops are included.

Descriptors: *Social welfare, *Children, *Financial support, *Meetings, Parent child relations, State government, State action, Courts of law, Law enforcement

Identifiers: Workshops, NTISHEWUSA

PB-269 590/6ST NTIS Prices: PC A07/MF A01

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1 2 CHILD(W)SUPPORT AND ENFORCEMENT

Print 1/5/1-2

Search Time: 0.016 Prints: 2 Descs.: 3

270010 81040487

What really happens in child support cases:

an empirical study of establishment and enforcement of child support orders in the Denver District Court (Jan. 1, 1977-Sept. 30, 1978).

Yee, Lucy Marsh.

Denver Law J., 57:21-68 Issue 1 '79, tables

Languages: Engl

Doc Type: P

Descriptors: *Support (domestic relations)

249722 792023930

Aid to families with dependent children: 1975 recipient characteristics study: pt. 2,

Child support enforcement.

Oberheu, Howard D.

United States. Social security admin. Office of research and statis.

Washington, DC 20009

Ja '78, 11+24p tables

Series: Dept. of health, educ. and welfare. HEW pubn. no. (SSA) 78-11777

Languages: Engl

Doc Type: M

Descriptors: *Family allowances-- Statistics; *Support (domestic relations)

User 2908 Date:23feb81 Time:12:15:26 File: 66

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1 5 CHILD(W)SUPPORT? AND ENFORCEMEN

Print /5/1-5

Search Time: 0.015 Prints: 5 Descs.: 3

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1983
2108*

7906009 HE 3.502-C 43
 Child support enforcement
 United States . Office of Child Support Enforcement
 (Washington) Dept. of Health, Education, and Welfare,
 (Social Security Administration), Office of Child Support
 Enforcement 1978
 folder (4 p.) ; 21 x 9 cm.
 DHEW publication ; no. (SSA) 77-02054
 Geographic Location: UNITED STATES
 Descriptors: Child welfare ; Support (Domestic relations ;
 United States . Office of Child Support Enforcement ;

7602483 GA 1.13-MWD-76-63
 New child support legislation--its potential impact and how
 to improve it : Office of Child Support Enforcement,
 Department of Health, Education, and Welfare
 United States . General Accounting Office
 (Washington) U.S. General Accounting Office 1976
 (3), iii, 55 p. ; 27 cm.
 Cover title
 Geographic Location: UNITED STATES
 Descriptors: Support (Domestic relations ; United States
 Office of Child Support Enforcement ;

7823651 GA 1.13-HRD-78-130
 Wisconsin's aid to families with dependent children and
 child support enforcement programs could be improved
 United States . General Accounting Office
 (Washington) General Accounting Office 1978
 viii, 86 p. ; 27 cm.
 "HRD-78-130.
 Descriptors: Child welfare--Wisconsin ; Public
 welfare--Wisconsin ;

7821106 HE 1.53-976/supp.
 Child support enforcement
 United States . Office of Child Support Enforcement
 (Washington) Dept. of Health, Education, and Welfare,
 Office of Child Support Enforcement 1977
 iii, 160 p. ; 27 cm.
 LCCN 77604069
 LC: HV741.U5257 1977 DEWEY: 346/.73/017
 "June 30, 1977.
 Geographic Location: UNITED STATES
 Descriptors: Support (Domestic relations --United States ;

7708113 HE 1.53-976
 Annual report to the Congress on the Child Support
 Enforcement program
 United States . Office of Child Support Enforcement
 (Washington) Dept. of Health, Education, and Welfare, Office
 of Child Support Enforcement 1st-1976-
 Child Support Enforcement program - annual report to the
 Congress
 Annual report to the Congress on the Child Support
 Enforcement Program 27 cm.
 Cover title
 Report covers fiscal year.
 Geographic Location: UNITED STATES
 Descriptors: Child welfare--United States--Periodicals ;
 United States . Office of Child Support Enforcement ;

User 2908 Date:23feb81 Time:12:17:02 File:150

2494

Set	Items	Description
1	15	CHILD(W)SUPPORT7
2	205	ENFORCEMENT
3	4	1 AND 2

Print 3/5/1-4

Search Time: 0.028 Prints: 4 Descs.: 3

1103451

Enforcement of child support.

Wade, Jeannie

Am. J. Trial Advocacy 4 212-213 Summ 1980

JURISDICTION: New York

Gallo, In re, 48 U.S.L.W. 2253

DESCRIPTORS: support (domestic relations)-law and legislation

IDENTIFIERS: visitation rights (domestic relations)-law and legislation

*Nancy Dietrich
for Charles Parr
- 4907
- 210 Behrens*

0918429

Enforcement of unpaid child support payments against a decedent's estate.

Trimbie, Dale Lee

Baylor L. Rev. 32 269-278 Spr 1980

JURISDICTION: Texas

Smith v. Bramhall, 556 S.W.2d 112 (Tex. 1977); Adair v. Martin, 582 S.W.2d 547 (Tex. 1979)

DESCRIPTORS: support (domestic relations)-law and legislation; parent and child (law)-law and legislation; claims against decedents' estates-law and legislation

0876322

Child support enforcement program.

Soc. Sec. Bull. 43 20(5) March 1980

table

JURISDICTION: United States

DESCRIPTORS: child welfare-statistics; United States. Social Security Administration-statistics

0753212

Issues in the determination and enforcement of child support orders.

Burch, Brian E.; Pitcher-LePrainie, Carol; Wachtel, Andy

Can. J. Fam. L. 3 5-26 Jan 1980

table

JURISDICTION: Canada

DESCRIPTORS: support (domestic relations)-law and legislation; custody of children-law and legislation

User 2908 Date:23feb81 Time:12:18:22 File: 47

2496

Set	Items	Description
1	3	CHILD(W)SUPPORT
2	161	ENFORCEMENT
3	1	1 AND 2

Print 1/5/1

Search Time: 0.024 Prints: 1 Descs.: 3

Print 1/5/1

DIALOG File47: Magazine Index - 77-81/Jan (Copr. IAC) (Item 1 of 1) User 2908 23feb81

2497

1393760

Black mothers receive least child support: census study.

Jet v57 p36(1) Oct 18 1979 CODEN: JETCA

DESCRIPTORS: mothers-economic aspects

ROBISON, McCASKEY & FRANKEL

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

921 WEST SIXTH AVENUE

ANCHORAGE, ALASKA 99501

TELEPHONE

AREA CODE 907

279-7431

PAUL F. ROBISON
KENNETH McCASKEY
MARVIN S. FRANKEL

February 18, 1981

Senator Charlie Parr
Senator Ed Dankworth
Senator Robert Ziegler
Representative Sam Cotten
Representative Don Clocksin
Representative Joe Hayes
Representative Mitch Abood
Representative Dave Cuddy

TO EACH OF THE ABOVE NAMED Honorable Representatives
and Friends:

I enclose a packet of information concerning proposed fees to be charged by the Child Support Enforcement Agency which were brought to my attention by a client in need of help from the Agency who was furnished a statement that there would be a fee and that there will be hearings on the proposed charges.

I can accept the fact that at some time in the past the Legislature determined that the State should recover a portion of its costs in enforcing Child Support Payments. Whether this remains an appropriate financial need of the State I am uncertain. If it is, I believe that the burden is placed on the wrong party.

In the great majority of cases the person entitled to the contribution to child support is the mother. In most cases the mother maintaining the children is not employed at high levels of salary or wages and in most cases the amount of child support set by the court at some previous date is unrealistically low considering the current cost of living.

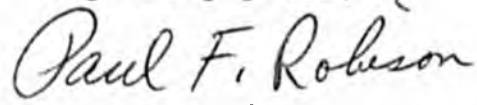
In most cases the defaulting parent who should be making the child support payments is a father who is not fulfilling his financial responsibilities in support of his children.

Page Two

February 18, 1981

My suggestion is that the Legislature either repeal AS 47.15.010 or re-enact it to provide that the defaulting parent shall be liable for the costs of the services of the Agency enforcing the support.

Very truly yours,

A handwritten signature in cursive script that reads "Paul F. Robison".

Paul F. Robison

vrr
enc.

Tax refunds, child support may be linked

WASHINGTON (AP) — The Reagan administration, over the protests of civil libertarians, is proposing to withhold federal income tax refunds from parents who fail to make court-ordered child support payments.

This proposal, called "Project Intercept," would be a major expansion of the government's efforts to enforce payment of child support by errant parents. The underlying purpose is to save the costs of welfare benefits for children who are denied child support.

Critics say the program poses a threat to the privacy and rights of taxpayers and represents misuse of the Internal Revenue Service.

"The IRS has enormous powers to gather information from people who are required to give it, without the right to protection from self-incrimination," said John Shattuck, national legislative director for the American Civil Liberties Union.

"The powers of the IRS should be limited to the very important purpose of tax collection," he said.

The Project Intercept proposal surfaced in budget director David A. Stockman's working papers on federal spending cuts which have been widely available in advance of President Reagan's announcement Wednesday night of his tax and budget cut plans.

Officials at Stockman's Office of Management and Budget and at the Department of Health and Human Services, which administers the child support enforcement program, refused direct comment.

A key element of the program, according to the Stockman documents, is taxpayer fear of the IRS.

"The IRS would be required to halt and collect from an absent parent's federal income tax refunds the amounts owed for child support arrearages," the working papers say.



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

February 5, 1981

MEMORANDUM

TO: All Members of the Legislature
FROM: Susan Brody, Acting Director *SB*
RE: Report on Child Support Enforcement

The attached report, Child Support Enforcement: Alaska's Program in Perspective, is designed to provide an overview of the support enforcement program in Alaska and an analysis of its effectiveness.

A draft report was circulated to the Director and staff of the Child Support Enforcement Agency and their comments and suggestions have been incorporated into the text.

Please call on us if we can be of further assistance in providing information about child support enforcement.

SB/dp

Attachment

Familial Law Reporter - Child Support Issues

March 6 - 5:00

Child Support

Telena, Yvonne, Muel 5

7:00 - 9:00

Anna Hess

Maximum Franchise Order cannot be enforced if Civil Order
since only a Court can order enforcement

Paternity Statute

1. HLR Blood Testing Provisions (Cost \$380⁰⁰)

Rate of Blood group - can provide

rule "not paters" (99.9 percent)

Enforcement by Adm. Agency different Superior
Courts have decided this paternity cannot be
determined by Adm. Agency.

Criminal non-support statute - criminal intent

A good parameter for non-payment. Only a
fraudulent in etc.

Non-payment under HESS for another

state. Give 60 day notice of change of party
and return to former state

5. The names and addresses of the parents and/or parties to this action:

Mother:

Father:

Custodian (if not a parent):

6. The name and address of the employer of the obligor is:

7. The obligor is hereby notified that:

- (a) Child support payments must be made to the Child Support Enforcement Agency as ordered herein and credit will not be given for payments made directly to the custodian or the child(ren) unless specifically credited by the Court.
- (b) Payment of child support must be made as ordered herein, and the giving of gifts, clothing, or other in kind payments will not fulfill the obligation.
- (c) The child support obligation ordered herein will be credited by the agency for any period of time in which the residence of a child changes to that of the Obligor for more than thirty days, provided the Obligor notifies the agency in writing within twenty days from the date of said change, and provided further that said child(ren) is not a recipient of assistance granted under AS 47.23.310 - AS 47.25.420.
- (d) Payment of support must be made as it becomes due, and failure to secure or denial of rights of visitation is not an excuse for nonpayment, but the aggrieved party must seek relief from the Court as otherwise provided by law.
- (e) The payment of support takes priority over payment of debts and other obligations.
- (f) A party who marries or otherwise accepts additional obligations of support does so with the full knowledge of his prior obligations under this proceeding, and will be given no consideration for those additional obligations in subsequent proceedings for alleged failure to make the payments as ordered herein.
- (g) Child support is based on annual income, and it is the responsibility of a person with seasonal employment to budget his income so that payments are made regularly throughout the year as ordered.

8. The Clerk of Superior Court shall, by certified mail or other process, serve a copy of this order upon the plaintiff and defendant at their address of record.

9: The Child Support Enforcement Agency shall maintain a record of support payments. Upon failure to make payments, the Child Support Enforcement Agency shall take whatever enforcement action deemed legally proper, including recommending contempt proceedings, against the party ordered to pay child support. (FAILURE TO PAY SUPPORT AS ORDERED MAY RESULT IN EXECUTION AGAINST THE PROPERTY OF OR THE ARREST OF THE OFFENDING PARTY.)

DATE

JUDGE

Recommended for Approval,

Master

Date

APPLICATION FOR SERVICES

I hereby certify that I am the custodian of the above named child(ren), and I hereby make Application for administrative and enforcement services of the Child Support Enforcement Agency.

DATE

CUSTODIAN - OBLIGEE

STATE OF ALASKA

DEPARTMENT OF REVENUE

CHILD SUPPORT ENFORCEMENT AGENCY

JAY S. HAMMOND, GOVERNOR

201 E. 9TH AVENUE — SUITE 202

ANCHORAGE, ALASKA 99501

Dear Oblige,

The Child Support Enforcement Agency is proposing regulations under Title 15 of the Alaska Administrative Code. These regulations may become effective April 15, 1981 and will deal with establishing fees based upon your ability to pay for services provided to you by this agency. Payment of these fees will be made by the parent who has custody of the child and is receiving services from the agency.

Current State Law, AS 47.23.100 states in part:

"If the agency determines that the obligee is financially able to pay, costs shall be assessed according to regulations adopted by the department."

In the interest of obtaining the broadest public comment on this issue, the agency has scheduled public hearings in Anchorage and Juneau, with teleconference to Fairbanks, Sitka, Haines, and Ketchikan. In addition to the public hearings, written responses to the proposed regulations are being encouraged by newspaper and radio ads throughout the state.

Detailed comments and opinions about the regulations are requested, but even the briefest statement dealing with the concept will be given due consideration. I encourage you to attend one of the hearings or to submit your written comments prior to March 6, 1981. The dates, locations, and times of the hearings are listed on the back of this letter.

Sincerely,
Dan R Copeland
Administrator, CSEA

NOTICE OF PROPOSED CHANGES
IN THE REGULATIONS OF
DEPARTMENT OF REVENUE
STATE OF ALASKA

Notice is hereby given that the Department of Revenue, under authority vested by AS 47.15.010, proposes to adopt regulations in Title 15 of the Alaska Administrative Code, to implement AS 47.23.100 as follows:

Title 15 Alaska Administrative Code
Chapter 147 entitled Child Support
Enforcement Agency is amended.

Artice 2, entitled General Provisions, with sections dealing with the following subjects: The implementation of an obligee application fee based upon an obligee's ability to pay; the implementation of a processing fee based upon an obligee's ability to pay; implementation of a projected cost of service fee based upon an obligee's ability to pay; amending definitions of "application"; including definitions of "consumer price index", "gross annual income", "obligee", "poverty level", and "size of family unit".

Notice is also given that any person interested may present written statement relevant to the Action proposed by presenting written comments to Department of Revenue, Child Support Enforcement Agency, 201 E. 9th Ave. #202, Anchorage, Alaska, 99501, by March 6, 1981.

Notice is also given that any person interested may present oral or written statement relevant to the Action proposed at public hearings to be held as follows:

March 2, 1981, at 7:00 P.M. Alaskan Standard Time, Legislative Affairs Office, 1024 West 6th Avenue, Anchorage, Alaska, 99501.

March 3, 1981, at 7:00 P.M. Pacific Standard Time, Butrovich Room, State Capitol Building, Juneau, Alaska. This hearing will include teleconference via Legislative Teleconference Network to the following locations: Fairbanks, at Suite 101, 315 Barnette Street, contact: Maxine Walton; Haines, at City Council Chambers, Municipal Building, contact: Marjorie Ward; Ketchikan, at 415 Main Street, Room 301, contact: Sandy Wendte; Sitka, at 210 Lake Street, contact: Charles Bickenheuser.

Copies of the proposed regulations are available at the offices of Child Support Enforcement Agency, 201 E. 9th Avenue, Suite 202, Anchorage, Alaska 99501. Call Zenith 3300 toll free or 276-3441.

The Department of Revenue, upon its own motion or at the instance of any interested person, may thereafter adopt the proposals substantially as described above without further notice or may decide to take no action on them.

CHAPTER 147

CHILD SUPPORT ENFORCEMENT AGENCY

15 AAC 147.120 is amended by adding a new section to read:

15 AAC 147.120 FEES FOR AGENCY SERVICES. (a) Fees shall be charged in all cases where a written application for agency services has been executed pursuant to section 110 (a)(1) of these regulations but will not apply to applications executed pursuant to section 110 (a)(2) and (3) of these regulations.

(b) An application fee shall be computed and if applicable shall be paid by the obligee at the time of initial application for agency services on all cases opened or reopened after January 1, 1981. The application fee will be computed and paid as follows:

(1) The agency will determine the obligee's ability to pay by requiring a notarized statement of the obligee's gross annual income and the size of the family unit.

(2) There is no application fee when the obligee's gross annual income is 125% of the poverty level or lower. The application fee is \$10.00 when the obligee's gross annual income is above 125% of the poverty level and up to 200% of the poverty level. The application fee is \$20.00 when the obligee's gross annual income is more than 200% of the poverty level. For computation purposes the obligee's annual income may be reduced by any extra ordinary mandatory expenses which will be continuous and are not payment for consumer goods or services.

AN APPLICATION FEE SCHEDULE BASED UPON AN OBLIGEE'S ABILITY TO PAY USING THE 1980 POVERTY LEVEL IS ATTACHED AS EXAMPLE No. 1.

(3) After a written withdrawal of services has been submitted by the obligee, any re-application for services will require a new application fee.

(c) A service fee based on the cost of the total expected child support enforcement services shall be computed and if applicable a percentage of this cost shall be paid by the obligee with the application fee. The percentage of the service fee shall be paid prior to the start of each new service required or requested after January 1, 1981. The agency shall notify the obligee when an additional service is required and obtain payment of the additional fee before the agency will provide the new service. The total service fee and the percentage to be paid shall be computed as follows:

(1) Agency services and the related service fees after January 1, 1981 are as follows:

(A) Location	\$ 25.00
(B) Establishment of paternity	960.00
(C) Establishment of support obligation	510.00
(D) Modifying a support obligation	80.00
(E) Collection of delinquent support obligation on an annual basis	120.00

The agency will annually adjust the fee for each service according to the change in the consumer price index, rounded to the nearest \$5.00 increment.

(2) Prior to charging the service fee the agency will determine the obligee's ability to pay and the related percentage of the service fee to be paid. To make this determination the agency will require a notarized statement of the obligee's gross annual income and the size of the family unit.

(3) The percentage of the total service fee to be paid is 0% when the obligee's gross annual income is 125% of the poverty level or lower. The percentage of the total service fee to be paid is 50% when the obligee's gross annual income is above 125% of the poverty level and up to 200% of the poverty level. The percentage of the total service fee to be paid is 100% when the obligee's gross annual income is more than 200% of the poverty level. For computation purposes the obligee's gross annual income may be reduced by any extra ordinary mandatory expenses which will be continuous and are not payment for consumer goods or services.

A PROJECTED COST SCHEDULE BASED UPON AN OBLIGEE'S ABILITY TO PAY USING THE 1980 POVERTY LEVEL IS ATTACHED AS EXAMPLE No. 2.

(d) If an obligee presents a check to the agency in payment of the application or service fee which is backed by insufficient funds, the agency will:

(1) Notify the obligee of the bad check and,
(2) Administratively suspend all work on the case and hold all monies received pending resolution of the bad check.

(3) If no resolution occurs within 60 days the case will be closed. Any monies collected will be returned to the obligor.

(e) An ongoing processing fee shall be computed and if applicable be collected as a percentage of each payment. The fee shall be deducted from each incoming payment and the remainder forwarded to the obligee with an accounting. The processing percentage shall be computed as follows:

(1) Prior to collecting and retaining the processing fee the agency will determine the obligee's ability to pay by requesting a notarized statement of the obligee's gross annual income and the size of the family unit.

(2) The percentage of the collections to be retained is 0% when the obligee's gross annual income is 125% of the poverty level or lower. The percentage of the collections to be retained is 5% when the obligee's gross annual income is above 125% of the poverty level and up to 200% of the poverty level. The percentage of collections to be retained is 10% when the obligee's gross annual income is above 200% of the poverty level. For computation purposes the obligee's annual income may be reduced by any extra ordinary mandatory expenses which will be continuous and are not payment for consumer goods or services.

(3) The processing fee percentage may be redetermined based upon a change in circumstances of the obligee. This redetermination will be done upon submission of a new notarized statement of the obligee's gross annual income and the size of the family unit.

Authority: AS 47.23.100

A PROCESSING FEE SCHEDULE BASED UPON AN OBLIGEE'S ABILITY TO PAY USING THE 1980 POVERTY LEVEL IS ATTACHED AS EXAMPLE NO. 3.

15 AAC 147.160(3) is amended to read:

(3) "application" means a signed request for child support enforcement and when applicable includes a complete notarized statement of the obligee's gross annual income and the size of the family unit.

15 AAC 147.160 is amended by adding new sub-sections (6), (7), (8), (9), and (10)

(6) "consumer price index" means the All Urban Consumer Price Index (CPIU) as compiled by the United States Department of Labor, Bureau of Labor Statistics, for Anchorage, Alaska.

(7) "gross annual income" means gross income from all sources of an individual as defined in Section 61 of the 1954 Internal Revenue Code as amended.

(8) "obligee" means the custodial parent or person who has physical custody and responsibility for the dependent or minor child to whom a duty of support is owed.

(9) "poverty level" means the poverty level guideline as annually established by the United States Office of Management and Budget for the State of Alaska.

(10) "size of the family unit" means the obligee and all dependents living with the obligee for which the obligee is legally responsible.

Example No. 1

Application Fee
Based on 1980
Poverty Level

Application Fee	None	\$10.00		\$20.00
	Annual Income Not more than	Annual Income More Than	But Not More Than	Annual Income More Than
Size of the family unit*				
2	7,850	7,850	12,560	12,560
3	9,750	9,750	15,600	15,600
4	11,650	11,650	18,640	18,640
5	13,550	13,550	21,680	21,680
6**	15,450	15,450	24,720	24,720

* includes the obligee

** for larger families add \$1,520 to the annual income for each additional dependent.

Example No. 2

Projected Cost Fee
Based on 1980
Poverty Level

% of Fee to be Paid	0%	50%		100%
	Annual Income Not more than	Annual Income More Than	But Not More Than	Annual Income More Than
Size of the family unit*				
2	7,850	7,850	12,560	12,560
3	9,750	9,750	15,600	15,600
4	11,650	11,650	18,640	18,640
5	13,550	13,550	21,680	21,680
6**	15,450	15,450	24,720	24,720

* includes the obligee

** for larger families add \$1,520 to the annual income for each additional dependent.

Example No. 3

Processing Fee
Based on 1980
Poverty Level

% of Collection to be Retained	0%	5%		10%
	Annual Income Not More Than	Annual Income More Than	But Not More Than	Annual Income More Than
Size of the family unit*				
2	7,850	7,850	12,560	12,560
3	9,750	9,750	15,600	15,600
4	11,650	11,650	18,640	18,640
5	13,550	13,550	21,680	21,680
6**	15,450	15,450	24,720	24,720

* includes the obligee

** for larger families add \$1,520 to the annual income for each additional dependent.

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT

Charlie -

Ms. Brakel would
like you to look this
over and she'll call
back later and make
an appt. to see you -

6-6561 - home
6-3456 - office

SJS 187 file

December 22, 1980

The Honorable Charles Parr
Alaska State Senate
Pouch V
Juneau, Alaska 99801

Dear Senator Parr:

Enclosed is a copy of proposed legislation drafted by the Child Support Enforcement Agency which, it is our understanding, the Administration intends to introduce. We support this legislation. However, we understand that two sections, Section 47.23.092 Reducing Arrears to Judgement, and Section 47.23.182 Ratification by Court of Administrative Orders, have been deleted. The purpose for the deletion appears to be to make the legislation more palatable to the Legislature.

The Child Support Enforcement Agency and the Office of the Attorney General would be saved both time and money by the inclusion of these two sections and it is, therefore, our feeling that they should be a part of new legislation. Change in the law demanded by Section 47.23.092 is long overdue. Once a payment is missed it should become a debt owed.

The proposed legislation would amend Section 47.23.100 to say that costs may be assessed the obligee according to regulations adopted by the Department, whereas the existing statute makes it mandatory to levy a fee against the obligee (and hence the child). The monetary support due the obligee (custodial parent) is for the care of the child. Therefore, it seems cruel to further penalize the child by assessing a fee against the support legally due the child. The cause of the work of the Child Support Enforcement Agency is the obligor, not the obligee or the child. All concepts of basic justice point toward levying these fees on the delinquent obligor rather than on the obligee (and hence the child).

The proposed legislation does an admirable job in the areas it addresses. It is not enough. Areas of concern to us are listed below:

Inflationary Adjustment

Divorce decrees make no provision for the monetary support obligation of the non-custodial parent to be increased through the years. What may have been a sufficient amount for a child's support five or ten years ago is totally inadequate today. Court orders presently processed through the Child Support Enforcement Agency average less than \$100 per month per child. A statute building in an inflationary (cost of living) adjustment

Page Two

is necessary at this time. An example might be an increase each year according to the Anchorage C P I. This statutory provision would keep existing support orders from falling beneath the buying power they presently have. However, there must be a method for raising the long outdated support orders to the level of current inflation. This could be done by the Agency under present statutory authority if the Agency were properly funded and directed for this purpose by the Legislature.

Currently custodial parents are prevented from seeking amended support orders through private court action because the cost to them (and hence to the child) is normally several thousand dollars. Further, if all the custodial parents in Alaska who should have their orders raised were to privately go to the court to do so, the courts would be swamped.

Unreliable Support Income

The awesome responsibilities of the single parent are too often greatly increased by the unreliability of receiving child support income. For instance a family on AFDC may receive child support for several months in a row, long enough for them to lose their eligibility for AFDC. Then no child support may be received for months, but there is a time lag in getting back on to the AFDC rolls. During this time the family has had no or greatly reduced income. Children should not be subjected to the terror of knowing there is nothing with which to pay the rent or purchase the essential boots.

Families who do manage to stay off AFDC are often severely affected by the instability of child support income. Families who have entered into contractual agreements to purchase, such as a house or a car, have lost these purchases when child support income has not been paid, as ordered by the Court. Two concepts of dealing with this subject of undependable child support income have thus far been suggested.

A. The State of Alaska would establish a Child Support Payment Pool or Loan Fund. Currently the State of Alaska provides financial assistance to various segments of our State through loan funds to aid historical district restoration, commercial fishing, small businesses, fisheries enhancement, child care facilities, mining, residential care facilities, to name a few. A revolving fund or payment pool to benefit children in single-parent families would be an enlightened step a State, concerned about the welfare of a major portion of its people, could take.

The pool would operate under a revolving loan fund concept. Child Support payments registered through the Child Support Enforcement Agency would be made regularly from the Child

Page Three

Support Payment Pool/Revolving Fund. The children affected would no longer be subjected to the vagaries of unreliable income. The obligor, or noncustodial parent, would then owe the Child Support Payment Pool/Revolving Fund. A debt against this Pool/Fund, being a debt against the State, would be collected by the State. The State is empowered to zealously pursue and effectively collect its debts.

B. A selfactivating enforcement mechanism such as that used in many of Michigan's counties. All child support orders are registered with the County's Friends of the Court. A child support payment which is late by a determined number of days evokes a computer signal. The Friends of the Court make a telephone call to the obligor. Letters of warning are also sent. The Friends of the Court may begin enforcement procedures as soon as a payment is late. Unlike the Alaska agency, they do not have to wait for the obligee to come to the agency and make a complaint. This procedure combined with Michigan's practice of jailing for nonsupport has made it the most effective state in the nation in collecting child support.

Additionally legislation should be enacted to provide that automatic wage assignments can be made in cases whenever practical. One obligor has stated that this method of meeting his child support obligation is the best for him because it is so "painless," he never sees it. The wage assignment would create a bookkeeping burden for employers. There would have to be a way to provide some type of reimbursement to employers who must bear this added bookkeeping expense. This cost cannot be borne by the child.

Studies show that throughout the nation the amount of child support dollars collected is in direct proportion to the amount of child support agency budget dollars appropriated. The Legislature should increase the Child Support Enforcement Agency budget substantially in order to adequately pursue the task of providing for the needs of a great percentage of Alaska's child population.

We are grateful for your willingness to obtain solutions for these children.

Sincerely,

ADVOCATES FOR CHILD SUPPORT

Judy Brakel
Kathy Schenker

Enclosures

FACT SHEET

A substantial portion of the child population of Alaska, at least 30,000 children, are not receiving child support payments from the absent parent. These children are being supported by one parent alone (usually at or near poverty level) or by welfare.

Enforcement of child support orders through private attorneys is impractical for families in this predicament. The State of Alaska is doing little to enforce payments. Alaska, like the other states, has an agency whose charge is to enforce child support payments, and has authority to work through the interstate enforcement arrangements which now exist.

Here are some statistics on the Alaska Child Support Enforcement Agency (CSEA) which is located in the Department of Revenue.

Agency Caseload

Active cases (with court orders)	7,000
Inactive cases (with no support orders)	10,000
Total	17,000

Caseload per Enforcement Officer 1,800

On the average there are two children per case, so this represents approximately 34,000 children.

The inactive cases with no court orders are mainly families on welfare. CSEA has authority to administratively establish support orders, which it could then begin to enforce.

Insufficient funding has kept the agency from doing so. All families on AFDC (welfare) are required to register their cases with CSEA. For other families registration with the agency is optional. The number of cases not registered with the agency is not known, but is certainly in the thousands. Many parents do not file their cases with the agency because of the agency's poor track record.

Of the 17,000 cases registered with the agency, 10,000 inactive cases are not being enforced at all. 60% of the 7,000 active cases are overdue 3 months or more. 41% of the 7,000 are overdue 1 year or more.

Arrearages on the 7,000 active cases totaled \$27.8 million as of September 31, 1980. The collection rate on the active cases is 30%.

Agency Budget

Last year Alaska spent \$560,000 to support the agency. The Federal Government contributed another \$2 million. The State recovered approximately \$300,000 of its expenditures. This is because when a family is on welfare the child support collected is retained by the State and Federal Governments to reimburse welfare costs.

NOTE: Some states with effective enforcement agencies therefore net a great deal of money through child support collections.

A small part of the budget goes for actual collection activities for nonwelfare families. When Federal funding for that portion of the program was temporarily terminated in 1979 the Alaska agency, for lack of \$260,000, virtually ceased enforcement for nonwelfare families for one year.

Do the families need child support money?

The United States Census Bureau shows that nationally 15.7% of children live with a single parent as the result of a divorce or because parents never married. This statistic may be higher in Alaska because we have one of the highest divorce rates.

Nationally 95% of these children lived with their mothers. Incomes of these families have been shown to drop drastically as the result of divorce.

1975 poverty rate for women who were divorced, separated, never married or remarried (U. S. Census Bureau):

At or below poverty level	44%
Up to 125% of poverty level	34%
Total	78%

The majority of these families received little child support.

For the subgroup that received no child support at all in 1975, 93% were at or just above the poverty level.

At the Fourth Quarter Regional Council Meeting of the CETA Region I Advisory Council held in Juneau on September 5, 1980 the Council discussed various groups in greatest need of CETA services. The group determined "most needy" is the Displaced Homemaker/Single Parent group registering greater need than the handicapped, the veteran, the elderly.

Inflation

Court support orders are typically set at no more than half the cost of raising a child. At current inflation rates the buying power of the set amount can be eroded 50% in four years. An average monthly support order currently registered with the Alaska enforcement agency is \$150. This amount covers on the average two children, or less than \$100 per month per child. The agency is in fact collecting only 30% of the court ordered amount. Thus less than \$25 per month per child, averaged over all "active" cases, is being collected.

Few families get their support orders adjusted upward to compensate for inflation. CSEA has not functioned to do this. Through a private attorney the cost is usually near \$2,000.

Legislative Report

At the request of members of the State House of Representatives, the Legislative House Research Agency is preparing a study of child support enforcement in Alaska. This study, which will be available soon, verifies the statistics quoted above. It provides an in-depth analysis of the situation and describes successful programs which some other states have.

Poverty not the only problem

Children who receive no child support often suffer from inadequate parenting as well, despite the best efforts of the custodial parent. The single parent has to work full time. Usually a woman, her earnings are normally low. At the same time this person has to cope with housing problems, with maintenance work on what is probably substandard housing, car repairs, and housekeeping chores.

There are also the hassles of the Alaskan winter to cope with. Little time and energy remain to devote to the children's psychological needs. Taking care of children is a larger job than many recognize. Single parents may do the best they possibly can and still be inadequate. These families can be healthy if they are not so overstressed.

An ongoing study of 18,000 school children (throughout the United States, conducted by Charles P. Kettering Foundation and the National Association of Elementary School Principals) shows that the school drop-out rate of children from single-parent families compared to other children is 9 to 5, while for expulsions, the rate is 8 to 1. School achievement levels are also lower.

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE - FIRST SESSION
A BILL

For an Act entitled: "An Act relating to the enforcement of child support."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 25.25.010 (1), (6) and (11) are amended to read:

(1) "state" includes the State of Alaska and a state, territory or possession of the United States and the District of Columbia and foreign countries in which this or a substantially similar reciprocal law has been enacted;

(6) "duty of support" includes a duty of support imposed or imposable by law, or by a court order, decree or judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, legal separation, separate maintenance or otherwise, and includes the duty to pay arrearages of support past due and unpaid; plus overdue payment fees and interest.

(11) "interest" means post judgment interest accrued on a judgment of arrears, and the rate shall be 10 percent or the rate established according to regulations adopted by the department whichever is higher.

* Section 2. AS 25.25.258 is amended by adding a new sub-section to read:

(d) Registration of a foreign support order does not subject the obligee to the general jurisdiction of the courts of this state unless the obligee is a resident of this state. The jurisdiction of the superior court over a non-resident obligee and the duty of the child support enforcement agency to represent any obligee are confined to those matters identified in (a) and (c) of this section, and collateral matters such as custody and visitation may not be addressed in proceedings under this chapter.

* Section 3. AS 47.23.020 (2)(A) and (C) are amended to read:

(A) Schedules for determining the amount an obligor is liable to contribute toward the support of a minor child (AN OBLIGEE) under this chapter and under Title IV-D, Social Security Act; and

(C) a uniform schedule of fees which may be charged to the obligor upon notice if the child support payments are 10 or more days overdue or if payment is made by a check backed by insufficient funds. Notice means at a minimum mailing by first class mail a copy of the document or documents to the last known address of the obligor available to the agency.

* Section 4. AS 47.23.045 is amended to read:

Section 47.23.045. AGENCY RIGHT TO INTERVENE (DETERMINATION OF SUPPORT OBLIGATIONS) The agency may appear in an action seeking an award of support in behalf of a child owed a duty of support, and may also appear in an action seeking modification of a support order, decree or judgment already entered. Action under this section may be undertaken upon application of an obligee, or at the agency's own discretion if the obligor is liable to the state under Sec. 120(a) or (b) of this chapter.

* Section 5. AS 47.23 is amended by adding new sections to read:

Sec. 47.23.048. STANDARDS OF PROOF FOR MODIFICATIONS. In any proceeding to modify the obligation to pay future support, a change of 20 percent or more in the consumer price index since the establishment or subsequent modification of judicial or administrative support order for future support payments shall be prima facie evidence of a change in circumstances.

Sec. 47.23.092. REDUCING ARREARS TO JUDGMENT. The agency may submit to the superior court, with notice to the obligor, a certified statement of arrears. Notice means at a minimum mailing by first class mail a copy of the document or documents to the last known address of the obligor available to the agency. The court shall treat the certified statement of arrears as a motion for judgment on the pleadings under the Civil Rules of Court. After due consideration, the court may enter judgment for the amount of support which is due and owing, including overdue payment fees.

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off*

* Section 6. AS 47.23.100 is amended to read:

Sec. 47.23.100. ALL PERSONS MAY USE THE AGENCY. The agency shall provide aid to any person due child support under the laws of this state upon application. If the obligee is indigent or otherwise unable to pay for these services, the agency shall act without charge to the obligee. The agency may impose fees for services provided under this chapter. If the agency decides to establish fees for services (IF THE AGENCY DETERMINES THAT THE OBLIGEE IS FINANCIALLY ABLE TO PAY) costs shall be assessed according to regulations adopted by the department and be paid into the fund established in Sec. 30 of this chapter.

* Section 7. AS 47.23.110(3) and (4) are amended to read:

(3) "duty of support" includes a duty of child support imposed or imposable by law, by a court order, decree or judgment, or by finding or decision rendered under this chapter whether interlocutory or final, whether incidental to a proceeding for divorce, legal separation, separate maintenance, or otherwise, and includes the duty to pay arrearages of support past due and unpaid, plus overdue payment fees and interest;

(4) "obligee" means the custodial parent or person who has physical custody and responsibility for the minor child to whom a duty of support is owed; (A PERSON TO WHOM A DUTY OF SUPPORT IS OWED;)

* Section 8. AS 47.23.110 is amended by adding new paragraphs to read:

(7) "consumer price index" means the All Urban Consumer Price Index (CPIU) as compiled by the United States Department of Labor, Bureau of Labor Statistics, for Anchorage, Alaska or, if the obligor and obligee live in the same judicial district the index for a municipality within a judicial district if the United States Department of Labor compiles an index.

(8) "interest" means post judgment interest accrued on a judgment of arrears, and the rate shall be 10 percent or the rate established according to regulations adopted by the department whichever is higher.

* Section 9. AS 47.23.130 is amended to read:

If the obligor is liable to the state under AS 47.23.120(a) or (b), the state is subrogated to the rights of the obligee to either bring an action seeking a support order or to proceed under AS 47.23.160 - 47.23.270 to establish and enforce a duty of support and further to enforce by execution, in accordance with AS 47.23.230 - 47.23.270 or otherwise, any support order already entered in favor of the obligee. The recovery of any amount for which the obligor is liable in excess of (, UP TO) the amount (FOR WHICH THE OBLIGOR IS LIABLE TO THE STATE UNDER AS 47.23.120 (a) AND (b)) of the total assistance granted under AS 47.25.310 - 47.25.420 shall be given to obligee.

Section 10. AS 47.23.150 is amended by adding a new sub-section to read:

(c) refusal by the obligor to accept the notice shall be considered service as of the time of refusal.

* Section 11. AS 47.23.160 (b) is amended to read:

(b) The notice and finding of financial responsibility served under (a) of this section shall state (1) the sum or periodic payments for which the alleged obligor is found to be responsible, calculated by taking into consideration the need of the minor child, (THE ALLEGED OBLIGEE) the alleged obligor's liability to the state under Sec. 130 of this chapter, if any, and his duty of support under the law;

(2) the name of the alleged obligee and minor child; (HIS CUSTODIAN)

(3) that the alleged obligor may appear and show cause in a hearing held by the agency why the finding is incorrect, should not be finally ordered, and should be modified or rescinded, because (a) no duty of support is owed, or (B) the amount of support found to be owed is incorrect;

(4) that if the person served with the notice and finding of financial responsibility does not request a hearing within 30 days, the property of the person will be subject to execution in accordance with Sec. 230 - 270 of this chapter in the amounts stated in the finding without further notice or hearing.

* Section 12. AS 47.23.160 is amended by adding a new sub-section to read:

(c) Refusal by the obligor to accept the notice shall be considered service as of the time of refusal.

* Section 13. AS 47.23.170(e) and (f) are amended to read:

(e) The hearing officer shall consider the following in making his determination under (d) of this section:

(1) the needs of the minor child, (ALLEGED OBLIGEE) disregarding the income or assets (OF THE CUSTODIAN) of the alleged obligee;

(2) the amount of the alleged obligor's liability to the state under Sec. 125 of this chapter if any;

(3) the intent of the legislature that children be supported as much as possible by their natural parents;

(4) the ability of the alleged obligor to pay.

(f) If the alleged obligor requesting the hearing fails to appear at the hearing, the hearing officer shall enter a decision declaring the property of the alleged obligor subject to execution in accordance with section 230 - 270 of this chapter in the amounts stated in the notice and finding (FILING) of financial responsibility.

* Section 14. AS 47.23 is amended by adding a new section to read:

Sec. AS 47.23.182 RATIFICATION BY COURT OF ADMINISTRATIVE ORDERS. An administrative support order issued under Secs. 160(4), 170(f) and 180(a) of this chapter may be forwarded to the superior court. Unless a notice of appeal under AS 47.23.210 is filed within thirty (30) days of the administrative support order the court may enter an order confirming the administrative support order.

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by
Gov
off.*

* Section 15. AS 47.23.190(a) and (c) are amended to read:

(a) Unless a support order has been entered, the obligor, or the obligee, (OR HIS CUSTODIAN) may petition the agency or its designee for a modification of the finding or decision of responsibility previously entered with regard to future periodic support payments.

(c) If a hearing is granted, the agency shall serve a notice of hearing together with a copy of the petition and affidavits submitted on the obligee (OR HIS CUSTODIAN) and the obligor personally or by registered, certified, or insured mail, return receipt requested for restricted delivery only to the person to whom the notice is directed or to the person authorized under federal regulations to receive his restricted delivery mail.

* Section 16. AS 47.23.250 is amended by changing sub-section designators as follows:

Present sub-sections F, G, H, & I shall be changed to sub-sections H, I, J, & K, respectively.

* Section 17. AS 47.23.250 is amended by adding new sub-sections to read:

(f) A person, political subdivision, or department of the state which regularly incurs additional indebtedness to the obligor shall continue to withhold and deliver money as it comes due and owing until the liability of the obligor under AS 47.23.150 has been satisfied.

(g) An order to withhold and deliver issued to the Department of Revenue will be effective within one (1) day after service and effective throughout that calendar year. It shall be sufficient to subject any tax refund or other disbursements due to be issued to the obligor in that year to the provisions of this section even though the tax refund or disbursement may be issued more than thirty (30) days after the order.

PLEASE NOTE: THE PRECEDING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.

Enfin, la situation actuelle de violence dans la société peut s'expliquer en partie par notre attitude de tolérance et par le fait que nous enseignons la violence au sein même de la famille. Les lois canadiennes devraient contribuer à amoindrir, non pas à augmenter les malheureux effets de la violence.

Elizabeth Anne Sheffield

ISSUES IN THE DETERMINATION AND ENFORCEMENT OF CHILD SUPPORT ORDERS

Brian Burtch, Carol Pitcher-LaPrairie and Andy Wachtel*

The problem of non-support of children after marital separation has been widely recognised in many jurisdictions. It has attracted a considerable body of applied research and programme development, but fundamental issues are largely unresolved. Such questions as support guidelines, adequacy of awards, motives of defaulters and the efficacy of Court enforcement procedures are briefly reviewed. The authors propose that further programme development be undertaken in tandem with basic research on maintenance-related issues.†

INTRODUCTION

She sits alone most every
night

He doesn't phone, he doesn't
write

He says he's "busy" but she
says "is he?"

He's making whoopee!

He doesn't make much money
only five thousand per

Some judge who thinks he is funny
says "You'll pay six to her"

He says, "Now judge, suppose I fail"

The judge says "Budge, right into jail
You better keep her, I think its

cheaper

Than making whoopee!"

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† Après la séparation des parents, il arrive souvent que le parent auquel incombe la responsabilité financière de l'enfant, manque à ses devoirs. Ce problème a été reconnu par les tribunaux dans de nombreuses juridictions. Il a aussi fait l'objet d'un nombre considérable de recherches appliquées et de programmes de développement. Pour la plupart cependant, les questions fondamentales demeurent sans solution. Dans cet article, l'auteur passe en revue les questions de critères pour ce qui concerne le support financier, la suffisance des sommes d'argent accordées par le juge, les motifs du parent qui cesse de payer pour l'entretien de son enfant et l'efficacité des procédures juridiques lorsqu'il s'agit de forcer le parent à pourvoir aux besoins financiers de son enfant. Les auteurs proposent aussi la mise sur pied d'autres programmes de développement, en même temps que se poursuit la recherche de base sur les problèmes liés au soutien financier. (Traduit par Hélène Barbès.)

1. Gus Kahn and Walter Donaldson: "Makin' Whoopee", Copyright Donaldson, Douglas and Gamble, Inc. (1928).

Whatever the reality of the situation, people tend to look back at days past with great "nostalgia" for the sense of certainty they seem to have possessed.⁷ Oh, for the days when the law was a bulwark in defence of parental responsibility, a role clearly set out by the Supreme Court of Canada in 1938:⁸

[This legislation] recognizes, first, the obligation of the community to protect women and children afflicted by misfortune through the default of their natural protector to discharge his natural obligations and, as one means of securing that end, it imposes upon the defaulting father and husband the legal duty enforceable by summary proceedings to support his children and his wife. The statute places the obligation of care for the deserted wife and children on the shoulders of that member of the community whose duty it is to the community as well as to his family to bear the burden.

Today, when the family is in "transition", things are no longer clear and the law fails. The Law Reform Commission of Canada concluded that:⁹

... a closer examination of the law respecting the enforcement of maintenance obligations has confirmed the fact that, taken together, the rules, practices and procedures that exist in Canada today for ensuring that support obligations are met following a marriage breakdown or divorce are the weakest links in the legal chain that comprises family law...

The sky-rocketing divorce rate following the reforms introduced by the *Divorce Act* in 1968 continually forces attention on the problem of widespread default of support orders¹⁰ as well as the adequacy of support awards. Proposed remedies point up controversies at two levels: the narrow pragmatics of programme effectiveness and costs; and the broader issues of the purposes of maintenance awards and the appropriateness of state intervention.

2. Historical material on the extent of default is not fully gathered, although one researcher indicated that maintenance-related difficulties were not uncommon two decades ago. See Karl J. Parrish: "The Problem of Nonsupport - An Opportunity for Social Work Service" (1959), 4(4) *Social Work* 72 at 75.
3. *Reference re The Adoption Act*, [1938] S.C.R. 398 at 419-420, [1938] 3 D.L.R. 497 at 513, 71 C.C.C. 110 at 129, per Duff, C.J.C.
4. Law Reform Commission of Canada: *Study Paper - Family Law: Enforcement of Maintenance Obligations*, prepared by Edward F. Ryan (Ottawa: Information Canada, 1976).
5. See, for example:
 - (a) (Alberta) Institute of Law Research and Reform: *Working Paper - Matrimonial Support* (Edmonton: University of Alberta, 1974);
 - (b) (Alberta) Institute of Law Research and Reform: *Report No. 27 - Matrimonial Support* (Edmonton: University of Alberta, 1978);
 - (c) Law Reform Commission of Saskatchewan: *Background Paper - Children's Maintenance* (Saskatoon, 1976);

1: THE HISTORICAL CONTEXT

At common law, there was a paternal presumption in child a lineal notion that stressed the natural pre-eminence of a father in his heirs and dependants.⁶ This notion of *puissance paternelle* the reality of women's inferior social and economic industrialisation, however, changed the economic functions and the family.⁷ A new emphasis was placed on the unique natural and the nurturant role of the parents.⁸ These changes eroded for a paternal presumption and placed increasing emphasis on the interests of the child doctrine. Mother love was recognised especially for children of "tender years"; older children benefited from father's guidance.

Legal expression of these psychologistic notions was reinforced in the nineteenth century by the resurgence of the *paterfamilias* in a romantic guise. This was the "housewife marriage family"⁹ where the proper place for wife and mother was the domestic sphere. Children and children nor women were entirely eliminated from the work force involvement in the paid work force was peripheral,¹⁰ and the principal bread-winner was reinforced.

- (d) Law Reform Commission of Saskatchewan: *Background Paper - Maintenance between Husband and Wife* (Saskatoon, 1975);
- (e) Manitoba Law Reform Commission: *Report on Family Law: Parental Obligation* (Winnipeg, 1976);
- (f) Mcher K. Master: *Report of Research in Canadian Family Law: Enforcement of Maintenance Orders Act* (Winnipeg, 1970);
- (g) Ontario Law Reform Commission: *Report on Family Law: Parental Obligations* (Toronto: Ministry of the Attorney General, 1975);
- (h) Sally Palmer: "Divorcing Families - A Case Study in Southwestern Ontario" in *The Changing Family - A Book of Reviews*, rev. ed. by K. Ishwaran, Holl, Rinehart & Winston, 1976), 614 at 626-627.
6. Morris Finer and Oliver Ross McGregor: "The History of the Obligations of Support" in *Report of the Committee on One-Parent Families - Volume II*, by the Health and Social Security (London: Her Majesty's Stationery Office, 1971), 10-11.
7. Wanda Minge-Kalman: "The Industrial Revolution and the European Institutionalization of 'Childhood' as a Market for Family Labor" in *Comparative Studies in Society and History* 454.
8. See Philippe Ariès: *Centuries of Childhood - A Social History of the Child* (New York: Vintage, 1962).
9. Cathy J. Jones: "The Tender Years Doctrine - Survey and Analysis" in *Journal of Family Law* 1, 695.
10. Mary Ann Glendon: "Power and Authority in the Family - New Reflections of Changing Ideologies" (1975), 23 *Am. J. Comp. L.* 1.
11. Albie Sachs: "The Myth of Male Protectiveness and the Legal Status of Women" in *Women, Sexuality and Social Control*, edited by Carol Smart (London: Routledge and K. Paul, 1978), at 27-40.

Another feature of nineteenth century legal thinking was its resistance to alter an acknowledged legal anomaly: that is, the curious status of the marriage couple, their merged legal personality. Then, as now, separation and divorce reflected real conflicts of interests, but attempts by spouses to work out custody arrangements or separation agreements of any kind foundered on the rock of legal myth.¹²

In the nineteenth century, the situation tipped in the other direction. Grounding the best interests of the child doctrine in an enlarged notion of *parens patriae* (whose ultimate expression is the welfare state), Courts virtually institutionalised a maternal presumption in custody cases. The problem this represented shortly became clear.¹³

The case against the present economic system as it affects wives and mothers ... is concerned mainly with those anomalies in the married woman's lot which depend neither on the law nor on husbands but upon the failure of the machinery of distribution to adapt itself to the conditions brought about partly by the industrial revolution and partly by our modern conception of what is due to a child — conditions which have changed his and her children from producers into dependants without making any provision for their maintenance except through the imperfectly realised theory of the family living wage.

If these problems went far beyond the law, failure to address them placed an impossible burden on the law. The situation that resulted was predictable. The roles of mother as nurturer and father as bread-winner were entrenched. Mothers continued to seek and to get custody. In 1973 to 1974, for example, mothers received custody of dependent children in about 84 percent of divorce cases registered by Statistics Canada.¹⁴ Fathers continued to be charged with the obligation for support. The greater financial responsibility still generally fell to them because of the structure of the labour market that has featured a slowly widening wage differential between men and women.¹⁵ To the extent that men could not — or could not be made to — pay maintenance, the burden of supporting their dependants came to rest on the state. In Ontario alone, it is estimated that separated, divorced, widowed, and deserted mothers collect approximately 190 million dollars annually in provincial aid.¹⁶

12. Albert V. Dicey: *Lectures on the Relation between Law and Public Opinion in England during the Nineteenth Century*, 2d ed. (London: MacMillan, 1962).

13. Attributed to Eleanor Rathbone by Finer and McGregor, *supra* fn. 6, at 136.

14. Statistics Canada: *Perspective Canada II* (Ottawa, 1977), at 29. See also: Palmer, *supra* fn. 5, at 629; and Kenneth R. White and R. Thomas Stone: "A Study of Alimony and Child Support Rulings with Some Recommendations" (1976), 10 *Fam. L.Q.* 75 at 82.

15. M. Patricia Marchak: *Ideological Perspectives on Canada* (Toronto: McGraw-Hill Ryerson, 1973).

16. See the editorial, "For Runaway Fathers", *Toronto Globe and Mail*, 13 June 1979.

Contemporary re-evaluation of the roles of father and mother, which argues for no presumption, paternal or maternal, in custody disputes in order best to serve the interests of the child as well as related experiments with forms of joint custody, has not yet altered the situation substantially. True, spousal support (popularly known as "alimony") is being viewed differently in law; the ideal has shifted towards self-sufficiency of wives whenever and as soon as possible.¹⁷ These changes, however, merely intensify pressure on the state to clarify its position on maintenance and its enforcement. Some of that pressure is being relieved by programme initiatives, of which "automatic enforcement" in British Columbia is a good example. Nevertheless, a re-thinking of the issues involved remains a necessity.

2: ADEQUACY AND COMPUTATION OF AWARDS

The most obvious test — one liable to bring out problems of pragmatics and philosophy — is that of Court practice with respect to determining awards. That is, if maintenance is truly intended to serve the best interests of the child, then one might expect that awards would provide a sufficient measure of financial security. A recent estimate by the Social Planning Council of Metropolitan Toronto¹⁸ was that a working single parent with two dependent children, one school-aged and one pre-schooler, needs an annual income of \$16,182; a full-time housewife requires \$11,714. By comparison, the few published studies of maintenance quantum have indicated meagre awards. In his discussion of Canadian social welfare policy, Calgary professor Andrew Armitage¹⁹ compared social assistance levels

17. See, for example:

(a) Gene Colman: "Summary Maintenance Hearings — Factors to Be Considered" (1978), 1 *Can. J. Fam. L.* 181 at 186-187;

(b) Monroe L. Inker, Joseph H. Walsh and Paul P. Perocchi: "Alimony Orders Following Short-Term Marriage" (1978), 12 *Fam. L.Q.* 91;

(c) Elizabeth M. Landes: "Economics of Alimony" (1978), 7 *J. Legal Studies* 35 at 61;

(d) Rachel Lurie: "Who Gets What in a Divorce?" (1978), 7(4) *Money* 66 at 67.

18. Social Planning Council of Metropolitan Toronto: *Newsletter*, June-July 1979.

19. See, for example:

(a) Mary Jo Kane: *Here to Stay — American Families in the Twentieth Century* (New York: Basic Books, 1976), at 132-133.

(b) John G. Branca: "Dischargeability of Financial Obligations in Divorce — The Support Obligation and the Division of Marital Property" (1979), 9 *Fam. L.Q.* 403 at 428.

(c) Benjamin Schlegel: *The One-Parent Family — Perspectives and Annotated Bibliography*, 3d ed. (Toronto: University of Toronto Press, 1975), at 14.

20. Andrew Armitage: *Social Welfare in Canada — Ideals and Realities* (Toronto: M. Clelland and Stewart, 1975), at 135.

favourably to the levels set in child support awards. Also in this respect, the Manitoba Law Reform Commission commented:²¹

We think that sometimes the payment of child support is assessed and awarded at unrealistically low amounts. People, including the father who is paying court awarded child maintenance, complained to us that in some areas of the province child maintenance is being fixed by the court as low as \$25 per month.

A pilot study of active cases in the British Columbia Provincial Court at Vancouver,²² using the files of the enforcement section, yielded an average award (for awards between 1976 and 1978) of approximately \$71 monthly per child. A look at older awards in the files suggested that this level, which is inflated by a minority of large awards, has apparently remained constant in the seventies; that is, it has not kept pace with rises in the general wage structure or the cost of living. Moreover, expressing awards in constant dollar terms shows that there has been little apparent fluctuation since 1961, the earliest year for which data are available.

More telling perhaps is that the median aggregate award (*i.e.*, support for dependent children, or for children and spouse) was \$100 per month in recent years. It is probably no accident that this is the amount of additional income a welfare recipient with dependants can "earn" under incentive clauses without reduction in benefits.

The statement that award levels in British Columbia (and indeed generally in Canadian jurisdictions) are low is a relative one. They are inadequate to meet normal needs and in many cases appear merely to mesh with the welfare system. But surely, it is only fair to examine how they are set first of all on the technical level. The available literature on award-setting is not very detailed; this is clearly an area in which research would prove fruitful.

The calculation can clearly become complex. Quanta ideally reflect the incomes (and other assets) and offsetting liabilities of both parents on the one hand, and the number, age, and special needs of their children on the other.²³ This requires both an actuarial capacity and good investigative procedures, although these calculations are no more difficult in these regards than questions about division of property at divorce. And if that comparison is extended, the obvious problems surrounding division of property have led to the substitution of clear guidelines (with residual

Court discretion in the interests of equity). That solution suggests itself for determination of child support awards as well.

Indeed, some American states do have such guidelines. In Michigan, for example, the "one-third rule" seems to be applied;²⁴ that is, one-third of the exigible spouse's net income is regarded as the ceiling for support payments. To take the matter still further towards an administrative style solution, some notion of "need" is included in a sliding scale approach, like that developed in California.²⁵ Reference is made to a standard table to promote consistency.²⁶ A much more complex guide is in unofficial use by the Provincial Courts (Family Division) of Ontario. (See Appendix.)

3: AIMS IN AWARDING SUPPORT

The authors have been working with the assumption that the aim of support awards is to assure that financial needs of children are met by their parents to whatever extent possible. In an intact marriage, a Court, as a matter of public policy, does not ordinarily intervene to require that the level of maintenance supplied is generous, or indeed anything but absolutely minimal.²⁷ If the family unit ruptures, however, a Court can work with a notion of need tied to community standards and has an obligation to place the primary responsibility for maintenance on parents.

This implies, of course, that the means of the non-custodial parent — typically the father — are of central concern. The reported mean size of awards, however, is so meagre as to arouse suspicion that the focus is much more on the needs of the non-custodial parent than on his obligations. The limited literature on this subject makes it impossible to choose among various hypotheses.

The first, which the authors suspect to be unlikely, is that the judiciary feels current award levels in fact meet financial needs. The second

24. David L. Chambers: "Men Who Know They Are Watched — Some Benefits and Costs of Jailing for Nonpayment of Support" (1977), 75 Mich. L. Rev. 900 at 912.

25. See:

(a) Philip Eden: *Estimating Child and Spousal Support — Economic Guidelines for Judges and Attorneys* (San Mateo, Calif., 1977);

(b) John W. Schmehl: "Calculation of Child Support in Pennsylvania" (1977), 81 Dickinson L. Rev. 793 at 798;

(c) White and Stone, *supra* (n. 14), at 83-84.

The need for guidelines in support cases is very clear, since factors such as increased income of the father, advancing age of the children and inflation do not necessarily offer grounds for increases in support levels. See Susan K. Vanderlinde: "Domestic Relations — Separation Agreement Provision for Child's College Education Held Binding in an Action for Child Support — *Boden v. Boden*" (1978), 27 Buffalo L. Rev. 411 at 415.

26. Lavoie, *supra* (n. 17), at 69.

27. Glendon, *supra* (n. 10).

21. Manitoba Law Reform Commission, *supra* (n. 5), at 10.

22. Andy Wachtel et al.: *Provisional Analyses — Descriptive Data on Maintenance Awards Monitored by the Enforcement Section of the Vancouver Family Court*, unpublished study (Vancouver, April, 1979).

23. Riane Tenenhaus Eisler: *Dissolution — No-Fault Divorce, Marriage and the Future of Women* (New York: McGraw Hill, 1977), at 53.

hypothesis, which is more likely, is that the judiciary feels that, although awards are often small, they are realistic in terms of ability to pay. As supplementary income, they are to be welcomed. The third is a departure from a welfare-administrative model back towards a justice system concern: that awards are set low to try to encourage payment²⁸ and to short-circuit enforcement difficulties. The fourth is pragmatic too but, at another level, is one of morals and psychological values. Financial considerations are thus not always paramount: since maintenance awards serve other functions. To be precise, they express the continuing relationship and responsibilities between parent and child.

As in so many areas of the justice system, clues are sought because public policy is ambiguous. It is likely that the judiciary is also unclear about the weight to assign to each of the functions that maintenance can serve and thus, at some level, they are unclear as to which Court model to apply. At the risk of muddying the waters further, this paper will turn its attention to enforcement because it gives Courts another opportunity to affirm and clarify policy.

4: DEFAULT LEVELS

The authors have already suggested that default is sufficiently high to keep the issue of child support a perennial problem. Then too, the level of default makes it difficult to deal with the various hypotheses outlined above because it undermines all of them. If people ignore or evade judgments, it is hard for the judiciary to make any of these assumptions about the aims of maintenance. It should be recognised that default may be a relative term, varying in degree; it may include partial payments, sporadic payments and total non-payment. That re-opens the question somewhat.

A study of single mothers in Scotland²⁹ revealed that only one-quarter of the men against whom orders had been made paid regularly. Another study³⁰ reported that a great number of maintenance awards in Britain were

28. See, for example, Penelope Jahn and Charles Campbell: *The Self-Help Guide to Divorce, Children, Welfare* (Toronto: Anansi, 1976), where at 28, the authors stated:

It's good general advice to settle for less money than you need if the person making the payments is honestly willing to pay the lower amount. In the long run, you will collect more money.

29. Angela Hopkinson: *Single Mothers: The First Year — A Scottish Study of Mothers Bringing up Their Children on Their Own* (Edinburgh: Scottish Council for Single Parents, 1976), at 57.

30. Oliver Ross McGregor, Louis Blom-Cooper and Colin Gibson: *A Study of the Matrimonial Jurisdiction of Magistrates' Courts* (London: Duckworth, 1970), at 93.

in arrears one year later. Similar findings of either sporadic or non-existent support were made in Australia and Ireland.³¹

The problem of default has been particularly well documented in the United States. In his major contribution, University of Michigan law professor David L. Chambers³² showed that nearly a third of men paid less than 80 percent of sums awarded. A study of maintenance orders in Wisconsin revealed that 60 percent of spouses did not meet their obligations in full, with 42 percent making no payment whatsoever.³³ Finally, records from a family Court in Delaware established that only 51 percent of voluntary support arrangements and 33 percent of involuntary orders were paid regularly.³⁴

As noted in the introduction, maintenance default has also been a long-standing problem in Canada. The Alberta Family Court at Calgary reported that 85 percent of support payments were in default, half of these "substantially in arrears", and research in the Ontario Provincial Courts (Family Division) showed that only 55 percent of support arrangements had been fully discharged.³⁵ More recent figures suggest that 70 percent of men ordered to pay support in Ontario default at some point.³⁶

The authors' preliminary research in the British Columbia Provincial Court at Vancouver found that two-thirds of the active cases that they sampled were in arrears in June 1978. Among those currently in default, the median debt stood at \$900 and arrears averaged a staggering \$2,360. For the whole of the sample, the debt position averaged out at just over 11 months in arrears.

5: THEORIES ABOUT DEFAULT

Enforcement decisions are necessarily tied not only to policy considerations about support but also to assumptions about the reasons for default. Not unexpectedly, there are several competing (better seen as partial) explanations for non-compliance. These include:

31. Schlesinger, *supra* fn. 19, at 34; Ireland (Eire) — Committee on Court Practice and Procedure: *Debtors and Maintenance — Nineteenth Interim Report of the Committee on Court Practice and Procedure* (Dublin: Stationery Office, 1974).

32. Chambers, *supra* fn. 24, at 908.

33. See Kenneth W. Eckhardt: "Deviancy, Viability and Legal Action — The Limits to Support" in *Deviancy and the Family*, edited by Clifton D. Bryan and J. Gibson with (Philadelphia: F. A. Davis Co., 1973), at 58.

34. Parrish, *supra* fn. 2, at 75.

35. Law Reform Commission of Canada, *supra* fn. 4, at 21.

36. *Supra* fn. 16.

37. Ben Victoria Bureau: "Bill Puts the Child First in Custody, Access Cases", *Vancouver Sun*, 22 June 1978, at A10.

1. That the defaulter simply lacks the financial means to honour the order;
2. That non-payment is a gambit in a continuing battle between estranged spouses;
3. That non-compliance is a symbol of general defiance; and
4. That default is a rational strategy because enforcement is lax.

5.1 Limited Resources

The notion that the defaulter simply does not have the resources is the most appealing of explanations. After all, marital breakup is strongly associated with failure to bring in an adequate and especially a sustained income.³⁸ Then too, divorce is traumatic and may tend to exacerbate work-related problems in certain cases. And, simplest of all, there is the truism that two cannot live as cheaply as one; the severing of the household means a net loss in terms of possible economies (such as in rent, food and services).

The Court seems to offer support for this explanation in that show cause hearings often result in very modest orders and applications for variation (often prompted by a notification of a show cause proceeding) are granted more often than not. In roughly two out of three cases studied by the authors, original awards had been lowered or some portion of arrears was forgiven. More of this will be said shortly but the very success of defaulters' applications for variation is suggestive. Why would defaulters build up a history of non-payment if their reasons for default are legitimate and a simple legal remedy is available? Some plausible reasons suggest themselves: that of simple ignorance or real reluctance to go before the Courts, for example, but each of these merely raises further questions about the role of the Courts. These must await further research, however, and are set aside for an evaluation of the counter-argument.

There is a body of literature that suggests that many defaulters (just what proportion has not been established) have the means to pay. Some research that uncovered instances of successful professionals who contributed nothing to child support³⁹ and similar cases of prosperous non-professionals⁴⁰ reflected the fact that wealthy fathers may likewise withhold

38. Heather L. Ross and Isabel V. Sawhill: *Time of Transition — The Growth of Families Headed by Women* (Washington: Urban Institute, 1973).

39. Eisler, *supra* fn. 23, at 48.

40. See, for example, Stuart Morrison: *Victoria Family Court Maintenance Project*, unpublished report (Victoria, 1977); and Victor Malarek: "Norris Says He'd Jail Child-Support Evaders", *Toronto Globe and Mail*, 29 May 1979.

maintenance payments. Some commentators were explicit in maintaining that most fathers have resources.⁴¹

A subsidiary explanation that comes into play is that many defaulters who would otherwise have the resources, fail to pay because they have re-directed their funds to the support of a new family.⁴² The law is thereby faced with a clear-cut but apparently unpalatable situation for which, unlike King Solomon, it has no stomach. One Canadian lawyer expressed it thus:⁴³

The traditional view has always been that an obligor's first responsibility was to his first family and that he ought not to be allowed to evade that duty by substituting new dependents of his own choosing and fancy over those specifically named in the court order. More recent judicial thinking has mellowed.

In short, the explanation of limited means seems to lead to other, less attractive ones.

5.2: Default as a Gambit

Several writers would have it that default is often an expression of continuing difficulties in the post-separation relationship. Chambers⁴⁴ suggested that it is an attempt to retaliate against the custodial parent who is seen as denying free access to the children. A broader explanation of this type was invoked by one American writer:⁴⁵

We have tried to emphasize that the problem of support, although a legal entity of itself, is usually a complex problem in terms of the emotional feelings of the client.

The defendant complains the children are neglected, that he is denied visitation, that his ex-wife has forfeited her right to support through her moral actions, that the children are not his in the first place. The intake worker must help to bring other charges if they are justified. He must also help the defendant to accept the fact that very likely neglect would be lessened by adequate support. The complainant, on the other hand, is asking that her husband be forced to stop drinking, or states that the defendant has a paramour, or maintains that the right to visitation is forfeited by a long history of assaults and batteries.

41. United States — Congress — House of Representatives — Committee on the Judiciary — Subcommittee on Claims and Governmental Relations: *Enforcement of Support Orders in State and Federal Courts* (Washington: U.S. Government Printing Office, 1973). At 75, Robert Dixon's testimony before the Subcommittee was that:

... in the vast majority of cases where the father is absent from the home, there does appear to be a prospect that the father could provide some support for his children.

42. Bane, *supra* fn. 19, at 133; and Eisler, *supra* fn. 23, at 239.

43. Colman, *supra* fn. 17, at 186.

44. Chambers, *supra* fn. 24, at 933.

45. Parrish, *supra* fn. 2, at 75.

The authors have no estimates of numbers in this category. Clearly, however, this psychological explanation presents several difficult options for the Court, were it to try to enforce its orders. It has to pin its hopes on the negotiating skills of its field staff (Family Court counsellors and the like) or itself make clear the legal independence of questions of support from other issues such as access. The authors' pilot study turned up examples of both approaches. Failure in these regards arguably does not leave the situation as is but worsens it in that the defaulter is pushed towards general defiance.

5.3: Default as Rebellion

Some proportion of defaulters are particularly recalcitrant or "hard core". They go underground, hide their assets, leave the jurisdiction, quit jobs to counter garnishment orders and some prefer gaol to paying maintenance.⁴⁶ That is, they take (and claim to be quite willing to suffer) pains to avoid payment. While the relative size of this grouping has not been established, an idea of magnitude of this problem may be suggested by the Victoria pilot project observation that 12 percent of the caseload need skip-tracing services.⁴⁷

However difficult, this category is arguably only different in degree from the fourth one. More precisely, it differs in that rebellion is more or less irrational whereas the fourth category has a measure of logic.

5.4: "I Have Better Things to Do with My Money"

The defaulter who chooses to support new dependants, and the defiant one would both join the calculating defaulter in the sentiment that they have other and worthier calls on their resources. The latter should represent the easiest problem because the justice system is built around the notion of the rational man. The legal position that the support obligation should have first call on "discretionary income" has been affirmed repeatedly.⁴⁸ In one case, an Ontario Court declared:⁴⁹

Where a respondent persists in living in his old life style, incurring debts and obligations which are, in the circumstances, unreasonable, he cannot be heard to say that he suffers from "an inability to pay" support. The statutory obligation of support, as put into effect by an order of a Court, takes precedence over a respondent's liberty to choose his own life-style.

46. Pauline Morris: *Prisoners and Their Families* (London: Allen & Unwin, 1965), at 291.

47. Morrison, *supra* fn. 40, at 8.

48. *Gallivan v. Gallivan* (1978), 1 Can. J. Fam. L. 300, 26 Chitty's L.J. 67 (Ont. Prov. Ct. Fam. Div.); *Zilman v. Zilman* (1978), 1 Can. J. Fam. L. 163 (Alta. Fam. Ct.).

49. *Cassata v. Cassata* (1978), 1 Can. J. Fam. L. 296 (Ont. Prov. Ct. Fam. Div.).

The Law Reform Commission of British Columbia has, however, argued that the priority of support obligations has not been established. The Commission noted:⁵⁰

There is some indication in the *Family Relations Act* that the legislature intended to give to such persons priority over other creditors since it gave to them collection remedies not given to other creditors. If this is the intended policy, it is far from realized in the present legislation.

Therefore, if default is due in any significant measure to this type of person, a critical look at Court enforcement is warranted⁵¹ because it is clear that the Court's aims in respect of support are not being met.

6: ENFORCEMENT STRATEGIES

It is clear that each of the explanations for default has implications for enforcement strategy. For example, dealing with genuine lack of means required a dependable test. This is precisely why an administrative procedure is a tempting alternative.⁵² Indeed, an administrative approach seems appropriate to the second explanation as well.

The benefits that its proponents claim for the administrative approach are substantial. Reduction in Court time is one, but perhaps more significant are the "public relations" effects. That is, the routine nature of an administrative approach reinforces a social sentiment that non-custodial parents must expect to pay support in accordance with their means. If this bureaucratic (or better, tax-like) approach devalues the psychological benefit of freely given support, the higher rate of compliance reported in California, Michigan, and Washington⁵³ fulfills the utilitarian goal with the greatest good for the greatest number. As well, the assumption is that men would be less prone to blame their ex-spouse and would instead displace their resentment onto an inexorable and relatively thick-skinned administration; the same logic applies to any sort of "automatic en-

50. Law Reform Commission of British Columbia: *Report No. 42: Report on Creditor's Relief Legislation — A New Approach* (Vancouver, 1977), at 108-111.

51. See Roman N. Komar: "The 'Show Cause' Enforcement of Maintenance Orders" (1978), 1 Can. J. Fam. L., 511.

52. See, for example:

(a) Washington (State) — Department of Social and Health Services — Office of Support Enforcement: *Office of Support Enforcement Manual* (Olympia, Wash., no date);

(b) United States — Department of Health, Education and Welfare — Office of Child Support Enforcement: *(First) Annual Report to the Congress on the Child Support Enforcement Program* (Washington, 1975);

(c) Richard L. Mull: "Administrative Adjudication of Child Support in Washington" (1977), 12 Gonzaga L. Rev. 518.

53. Dixon, *supra* fn. 41, at 70.

forcement". And, as implied above, even this resentment is minimised by the recognition that every non-custodial parent is in the same situation. That is, the programme conforms to the common sentiment that equality is justice.⁵⁴

The administrative approach also responds in some degree to the challenge of the calculating defaulter, but he and the defiant defaulter offer a further argument for enhanced monitoring capacity. In the first place, it is difficult in many cases to track down the defaulter within a province or in other jurisdictions. This has led not only to the use of skip-tracing units with access to the usual sources of information but also to calls for additional access:⁵⁵

I am in favour of the disclosure of a person's address from government records in order to enforce an obligation to support family members. Access would not be given to all the information contained in government records about an individual. All that would be disclosed would be the individual's address for purpose of tracing in order to enforce a support obligation against him or her.

Even if a defaulter's whereabouts are known, it is widely recognised that the existence of bilateral agreements in the form of reciprocal enforcement of maintenance orders legislation is in itself virtually useless. One study reported:⁵⁶

In the great majority of cases . . . the husband had defaulted in the payment of maintenance. The wife sought to enforce payment by invoking [The Reciprocal Enforcement of Maintenance Orders Act] but after a waiting period of anywhere up to four years, in the majority of cases under study, the wife did not succeed in recovering any money; the cases were either adjourned *sine die* where a provisional order was confirmed or varied, or the husband was threatened with a jail sentence, but payments continued to remain in arrears and the erring husbands continued to default.

What this argues for is more aggressive enforcement. Even "show cause" — the most common enforcement tool currently — can be made more

probing.⁵⁷ Certainly, Court schedules could stand to be tightened up⁵⁸ to avoid interminable delays due to adjournments and because warrants are not served. Moreover, there is greater scope for the use of attachment and (now fairly simple) garnishment orders.⁵⁹

Research into the effectiveness of any of these strategies is sadly lacking. Nevertheless, the logic of the situation suggests to some that the Court must have the option of incarceration as an ultimate backup.⁶⁰ The calculating defaulter is likely to pay when it secures his freedom from imprisonment.

Although Chambers⁶¹ maintained that most American citizens endorse gaol sanctions for maintenance defaulters, there is no research that reveals such a consensus in Canada. The authors suspect that the public, as well as the Courts, are reluctant to imprison men for default on maintenance. This reluctance may be reflected in the fact that less than one percent of persons adjudged to be in default of a support order were imprisoned.⁶² The argument is simply that a man in prison is precisely in the wrong situation to generate support monies. Moreover, it becomes essential to distinguish the calculating defaulter from the defiant one for the latter may strengthen his resolve in "martyrdom". But this distinction is alien to the intent of the law.

The experience in jurisdictions that do gaol defaulters in numbers suggests that, on balance, a punitive stance bears fruit, not least in that, even among those men gaoled, there is a fair proportion who contrive to make their payments and secure an early release.

7: THE PROPRIETY OF ENFORCEMENT MEASURES

This paper's analysis of enforcement strategies by its inquiry into explanations of default may be controversial. An administrative system of enforcement, enhanced by appropriate monitoring and tracing abilities and a range of sanctions backed by the threat of imprisonment may indeed be

57. Komar, *supra* fn. 51.

58. See, for example:

(a) Family Court Monitoring Project: *Second Report* (New York, 1978);

(b) Joseph G. Lawler: "Delay in Civil Cases" (1978), 62 *Judicature* 414;

(c) Cornelia Schuh: "The Validity of Interim Orders under Summary Maintenance Legislation" (1977), 23 *Chitty's L.J.* 95.

59. For an outline of difficulties encountered in garnishment proceedings, see Michael Andrew Heedy: "Child Support — Remedies — Domestic Relations: Garnishment for Child Support" (1978), 36 *North Carolina L. Rev.* 169.

60. See Chambers, *supra* fn. 24, and Norman Lipton: *Guide to Marriage, Divorce and Family Law in Canada* (Toronto: Culet Pub., 1976), at 81.

61. Chambers, *supra* fn. 24, at 929.

62. See John Hagan: *The Disreputable Pleasures — Crime and Deviance in Canada* (Toronto: McGraw-Hill Ryerson, 1977), at 132.

54. Austin Sarat: "Studying American Legal Culture — An Assessment of Survey Evidence" (1977), 11 *Law & Society Rev.* 427.

55. R. Roy McMurtry: "Family Law Reform in Ontario" (1976), 10 *Law Society of Upper Canada Gazette* 145 at 152.

Three provinces have now promulgated legislation specifically directed to the securing of information about the defaulter's whereabouts. Orders of disclosure of this information can even be made against provincial government agencies. See:

Manitoba: subsections 31.1(6), 31.1(7) and 31.1(8) of *The Family Maintenance Act*, 1978, c. 23, as amended by 1979, c. 38;

Ontario: section 26 of *The Family Law Reform Act*, 1978, c. 2;

Prince Edward Island: section 26 of the *Family Law Reform Act*, 1978, c. 6.

56. Master, *supra* fn. 5.

cost-effective, may answer most support cases and may preserve the Court's dignity and its intent. Each of these elements is in place somewhere and therefore research could address these points.

Because this approach is not generally invoked in Canada, it may be that there are significant objections to administrative-style responses in support cases. Without doubt, it is a very active approach, under which the state assumes the role of a full party to the dispute. This represents a sort of conservative statism reminiscent of the *Poor Laws* in that the state purports to protect the disadvantaged grouping, the moral fibre of the nation, and not least the public purse. The point is that some people apparently find it too active or intrusive an approach; even if default has implications for Court and state, they see it, at root, as a private wrong and therefore, deem it inappropriate to mobilise the whole machinery of the state to redress it.

It would appear that the enforcement procedures in British Columbia display great ambivalence and thus, it is difficult to isolate a clear reading of goals and overall policy. Even recent initiatives in the Unified Family Court pilot project and in the current "automatic enforcement" (actually, active monitoring) initiatives preserve the contradictions.

The Unified Family Court project tried to circumvent enforcement problems by encouraging (voluntary) consent agreements on the assumption that a contract freely entered into would promote compliance.⁶³ By contrast, the automatic enforcement projects function primarily at the enforcement end; the Court itself enforces on behalf of the custodial parent. While monitoring and a broad mix of enforcement procedures are routine, the setting of quanta apparently lacks such guidelines and the Court's position on gaoling as a sanction also remains ambivalent. However prudent such an enforcement programme may be, its principles are ambiguous and, at this point, clarification should be sought in future studies.⁶⁴

CONCLUSION

Pervasive default on child support awards is a social problem in its own right and one that presents several difficulties to the legal system. Interestingly enough, the precise nature of these difficulties and what is to be done about them are themselves unresolved issues. It is not clear that Courts work with a model of what maintenance awards are supposed to achieve. In parallel, it is difficult to decide what sort of enforcement is appropriate.

63. Bergen Amrem and Flora MacLeod: *Courting Families — Evaluation Study of the British Columbia Unified Family Court Project*, unpublished report to the Ministry of the Solicitor-General (Vancouver, 1979). See also Joseph Goldstein, Anna Freud and Albert J. Solnit: *Beyond the Best Interests of the Child* (New York: Free Press, 1973), at 15.

64. These figures refer to those found on the 1974 form. In the printed form (October, 1979), the figures have risen to "31/81".

This is an example of a messy social situation apparently met by an equally messy legal response. The authors do not pretend to offer anything to the solution but instead call for further debate and, not without self-interest, for some rather straight-forward research to fuel it.

APPENDIX

The following maintenance guide was prepared for use in the Provincial Courts (Family Division) of Ontario by Ms. D. Prosser, Executive Assistant to Chief Judge H.T.G. Andrews of the Provincial Courts (Family Division). The DIRECTIONS for the form were issued at the end of 1974.

The form accompanying the DIRECTIONS is updated semi-annually to reflect the latest changes in the cost of living, based on figures supplied by Statistics Canada. Scale factors, while varying from city to city, have been averaged for the province of Ontario. The form (front and reverse) printed at pages 25 and 26 is the form currently in force, adjusted to the October 1979 cost-of-living figures.

DIRECTIONS FOR USING THE MAINTENANCE ASSESSMENT FORM

All families, *regardless of income*, require a basically similar stock of goods and services for their physical and social functioning.

What people think they have and what they strive for blend together to become the societal norm.

The "Maintenance Assessment Form" encompasses the range of goods and services that experts consider fundamental to the sound functioning of the family and the individuals who comprise that unit.

The form is designed to be used by Judges, Social Workers, Court Administrators and other designated staff members to assist the public in:

- (a) clarifying the economic basis of parties to a maintenance dispute;
- (b) expediting matters before the Court;
- (c) preparing *realistic* budgets for family members; and
- (d) verifying statements made with respect to needs.

Your attention is drawn to the fact that age and occupation occasion significant variations in costs for food and clothing.

1. You will note that there are vertical columns headed "Food", "Clothing", "Accommodation", "Medical" and "Utilities".
2. The broad black band divides the form into two horizontal sections. The upper section records information on the wife and children; the lower section refers to identical information on the husband/father.
3. Under each main topic heading, "Food", "Clothing", etc., there are three or four columns:

Column 1 is headed by a description of the category;

Column 2 is headed by the word "Scale";

Column 3 may be headed by the word "Week", "Month" or "Year".

4. Under the heading of "Food" and "Clothing", you will find an age breakdown for children and an activity breakdown for adults. (For description of "activity", see bottom of form.)
5. The "Scale" figures have been obtained from qualified experts in each of the respective areas; for example, Ontario Hydro, Ontario Health Insurance Plan. They establish a guide to adequate living standards. Adequate standards will mean those that are somewhat above subsistence and slightly below average. Established costs will provide basic necessities only; absolutely no luxury goods or services have been included.
6. There is one area that does not contain a scale and that is accommodation. There are entirely too many variables in this area throughout the Province to make it possible to arrive at
 - (a) average costs, or
 - (b) adequate standards.
7. In the "Scale" section of utilities on the right-hand side of the form, "15/43" represents \$15 for electricity usage for one month, not including electric heat, while \$43 represents both heat and all other forms of electrical usage. These figures are based on requirements for heating a six-room house and should be adjusted where appropriate.
8. The remaining column is headed by "Week", "Month" or "Year". That is the column in which you will indicate the need of each family member, using the scale figures as a guide if you so desire and making adjustments where necessary.
9. The reason for the range of calendaring is that the chart is designed to accept information in the manner in which it is most easily elicited during an interview or in Court. For example, no one conceptualizes clothing purchases on a weekly basis. When one is forced to do so, a risk is run of inaccuracies.
10. Because there is a variation in the calendaring throughout the form, a simple "Conversion" section is available immediately below the word "Total".

When you have completed the form, you should have the amount of money under "Week", "Month" or "Year" on the lines marked "Total".

Example:

Total		\$ 25.00	(per week)
Conversion	X		

You will now wish to convert these various totals into units of money that are "calendered" in the same way, by either week, month or year.

If the Judge, for instance, is going to make an order in weekly amounts, he will wish to convert the yearly clothing figures to weekly units for this purpose.

Immediately to the right of the word "Conversion", you will find a symbol for either multiplying or dividing. This is merely a reminder of the possible calculations that you can make.

For example, to convert a weekly amount to a monthly amount, you will put "4.3" beside the multiplication sign, complete the calculation and insert the result directly below the total at which you arrived initially.

Example:

Total		\$ 25.00	(per week)
Conversion	X	4.3	\$107.50 (per month)

When you have completed all totals, and if needed, all conversions, you will place them in the centre of the form under the headings "Wife/Children" and "Husband". The two totals will be carried over to the reverse side of the form and placed opposite the line, "Expenditures from Page ...".

The balance of the form is self-explanatory.

A sample of a completed form is enclosed for your reference."

Office of Chief Judge Andrews
December 31, 1974

65. The 1974 sample completed form has not been reproduced here. Instead, a blank form prepared from statistics available in October 1979 is printed on the following two pages.

Family Name: Husband: Wife:
 CHILDREN: Name: Age: Name: Age: Name: Age:
 MAINTENANCE ASSESSMENT FORM:

Food	Scale	Week	Year	Accommodat.	Scale	Week	Month	Medical	Scale	Month	Utilities	Scale	Month
6 Min-1 Yr.	12.46		1-2	Single Occup.	108.94		20.00	OHIP-Sgl.	20.00		Hyd-Elec	31.81	
1-3	10.66		2-4	Room	142.64		40.00	OHIP-Fam.	40.00		Hyd-Wat + 3	32.27	
4-6	12.60		Boy 5-7	Apt.	133.86		3.75	Drugs-Sgl.	3.75		Heat-Gas	46.40	
7-9	14.80		8-11	House	156.33		7.88	Drugs-2	7.88		Heat-Oil	65.11	
10-12	17.41		12-14	Two or More	194.44		9.82	Drugs-3 +	9.82		Heat-Coal	74.25	
Boy 13-15	20.50		15-	Room	329.70		6.73	Dent.-Sgl.	6.73		Total		
16-19	23.07		Girl 5-11	Apt.	198.35		13.43	Dent.-2	13.43		Conversion		
Girl 13-15	18.04		12-14	House	254.92		16.81	Dent.-3 +	16.81				
16-19	17.26		15-	Total	417.71			Total					
Adult-Frm.			Adult-Frm.	Conversion	X			Conversion					
Light	14.86		H-waker	Room	308.13								
Moderate	16.10		Employed	Apt.	435.50								
Heavy	18.38		Elderly-Ret.	House	242.02								
Prepays	19.46		Total	Conversion	X								
Laundry	22.07		Adult-Frm.	Conversion									
Total			Adult-Frm.	Conversion									
Conversion	X		WIFE/CHILDREN:										
			Food	Food									
			Clothing	Clothing									
			Accommodation	Accommodation									
			Medical	Medical									
			Utilities	Utilities									
			TOTAL	TOTAL									
			Per	Per									
			Adult-Male	Adult-Male									
Light	16.99		Wt. Collar	Room	392.89								
Moderate	19.17		Blow Collar	Apt.	344.19								
Heavy	22.47		Elderly-Ret.	House	123.51								
Total			Total	Total									
Conversion	X		Conversion	Conversion	X								
			Adult-Male	Adult-Male									
			Hyd-Elec	Hyd-Elec									
			Hyd-Wat + 3	Hyd-Wat + 3									
			Heat-Gas	Heat-Gas									
			Heat-Oil	Heat-Oil									
			Heat-Coal	Heat-Coal									
			Total	Total									
			Conversion	Conversion									

ACTIVITY DESCRIPTIONS:
 LIGHT: Little Exercise, Light Movements, Desk-work, Supervising, Driving Car, ...
 MODERATE: Nursing, Housework, Sales Clerk, ...
 HEAVY: Scrubbing, Moving Heavy Objects, Mail ...

MEMORANDUM

State of Alaska

TO File

DATE: March 3, 1981

FILE NO:

TELEPHONE NO:

FROM: Dan Copeland
Director

SUBJECT: HB 167 "An Act relating to the
Enforcement of Child Support"

This bill makes a number of legal terms clarification which will help all parties. Other states have adopted measures similar to those proposed in this bill with great benefit to all parties. From our perspective the charges, clarifications and improvements most notable would be the following:

1. A change in the consumer price index of 20% or more could be used by either party to support a change in circumstances when modifying an existing order.
2. The absolute mandate to charge fees for service provided by the agency would be changed to allow the agency the discretion to charge reasonable fees if needed. Those individuals who could not afford to pay a fee would still receive the services for free.
3. The agency could proceed to establish a child support order for an AFDC recipient obligee for the full amount of the obligors ability to pay rather than limiting the order to the amount of AFDC granted to the obligee.
4. When the agency attaches an obligors wages, 50% of the income would be exempt from attachment.
5. The agency would not be required to reserve withhold and deliver attachments every 30 days to people that have already been formally notified of the unpaid obligation.

All of the points discussed will aid the agency in its effort to collect child support. Collection of child support on a regular basis has the direct effect of reducing the possibility that the single parent family will want financial assistance in the form of AFDC and Medicaid. No part of this bill requires the obligors to do anything that they have not already promised that they would do in the first place.

MEMORANDUM

State of Alaska

TO: File

DATE: March 3, 1981

FILE NO:

TELEPHONE NO:

FROM: Dan Copeland
Director

SUBJECT: House Bill 167

The following is a detailed commentary on HB 167.

Section: 1 AS 25.25.010(1)

Adding new language to AS 25.25.010(1) will allow the agency to enter into reciprocal agreements with foreign countries that have a similar Uniform Reciprocal Enforcement of Support Act. This would include such countries as Federal Republic of Germany (West Germany), Great Britain, Canada, and other commonwealth countries. This would allow the agency to obtain a child support order when the absent parent is located or resides in a foreign country.

Section: 2 AS 47.23.020(2)(A)

The additions and deletions to AS 47.23.020(2)(A) will correct the existing language. There will be no change in the meaning of the section, only a clarification in the use of the terms "minor child" and "obligee".

Section: 3 AS 47.23.060

Adding a new subsection to AS 47.23.060 will make it easier to modify an existing child support order. Allowing a change of 20% or more to be used as evidence of a change of circumstance relieves both parties and the court system of some of the clerical burdens in requesting a modification. Allowing the change to be used in this manner does not lead either party to believe that the increase or decrease they are seeking will be automatic.

Section: 4 AS 47.23.100

The additions and deletions to AS 47.23.100 will correct the current language to allow the Department of Revenue the discretion as to whether or not the agency should charge fees. The current language does not allow the department to make this decision. The agency is now required to determine each obligee's ability to pay and then assess costs or fees accordingly. The statute change will allow the agency to charge fees when funding or other requirements dictate it, but will not require the agency to maintain fee regulations unless those regulations are to be utilized.

Section: 5 AS 47.23.110(4)

The additions and deletions to AS 47.23.110(4) will correct the existing language. There will be no change in the meaning of the section, only a clarification in the use of the terms "minor child" and "custodial parent".

Section: 6 AS 47.23.110 (7),(8) and (9)

Adding new sections AS 47.23.110 (7),(8) and (9) will provide a definition for the "consumer price index", "interest" and "disposable earnings".

Section: 7 AS 47.23.130

The additions and deletions to AS 47.23.130 will allow the agency to establish child support orders based upon an obligor's full ability to pay rather than limiting the order to the public assistance issued. Making regular collections for orders established based on an obligor's full ability to pay will in some cases take the obligee off of the AFDC roles. Any collections over the assistance granted will be given to the obligee for the care of the child.

Section: 8 AS 47.23.150

Adding a new subsection AS 47.23.150(C) will eliminate part of the obligor's option to simply ignore the child support obligation.

Section: 9 AS 47.23.160(b)

The additions and deletions to AS 47.23.160(b) will correct the existing language. There will be no change in the meaning of the section, only a clarification in the use of the terms "minor child", "obligee" and "custodian".

Section: 10 AS 47.23.160(C)

Adding a new subsection AS 47.23.160(c) will eliminate part of the obligor's option to simply ignore the child support obligation.

Section: 11 AS 47.23.170(e)

The additions and deletions to AS 47.23.170(e) will correct the existing language. There will be no change in the meaning of the section, only a clarification in the use of terms "minor child" and "obligee".

Section: 12 AS 47.23.170(F)

The additions and deletions to AS 47.23.170(F) will correct the existing language. There will be no change in the meaning of the section, only a clarification in the use of terms "finding" and "filing".

Section: 13 AS 47.23.190(a)

The deletions to AS 47.23.190(a) will correct the existing language. There will be no change in the meaning of the section, only a clarification in the use of the terms "obligee" and "custodian".

Section: 14 AS 47.23.190(c)

The deletions to AS 47.23.190(c) will correct the existing language. There will be no change in the meaning of the section, only a clarification in the use of the terms "obligee" and "custodian".

Section: 15 AS 47.23.255

Adding a section to AS 47.23 will make an order to withhold and deliver more efficient by requiring less repetitive paperwork. This subsection will allow a third party to continue holding 50% of wages or earnings as it becomes due to the delinquent obligor until the total arrearage stated in the notice of the delinquent obligor's liability has been satisfied. Prior to issuing a withhold and deliver attachment the obligor is formally notified of the delinquency and is given 30 days to make arrangements with the agency to satisfy the delinquency. The agency and the third party will only have to serve and receive the order to withhold and deliver once in those cases where the obligor has not made the payments as required by court order.

Adding a new section will also allow the agency to attach any tax refunds or any other distributions made by the state to delinquent obligors up to the amount of arrearage stated in the order to withhold and deliver.



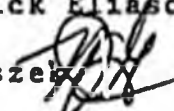
Alaska State Legislature

Senate Committee on State Affairs

Vic Fischer, Chairman • Pouch V • Juneau, Alaska 99811 • (907) 465-4954

Official Business

M E M O R A N D U M

TO: Senator Dick Eliason
FROM: Nancy Groszelski 
DATE: April 24, 1981
RE: Child Support Enforcement Agency

The following is the information I gleaned from Dan Copeland, Division Director of the Child Support Enforcement Agency (CSEA).

The current budget request is \$2.7 million. Copeland feels that he needs an additional \$1.8 million in order for his agency to completely carry out their statutory purpose.

Prior to April 1, 1981 Copeland had 55 employees. As of April 1, 1981 there were 67 employees. Copeland states that he needs an additional 40 employees in order to accomplish the goals of his agency.

CSEA has an active caseload of approximately 7,000. There are between 10,000 and 12,000 C-cases. These C cases are the agency's responsibility, but are currently inactive. A lot of these 10-12,000 cases are dead weight; either the parties have moved from the state or they cannot be found. Copeland intends to sort through these cases on a periodic basis. CSEA gets between 50 and 60 new cases per month. The Attorney General's office, which does the court work on these cases, has approximately 4,500 cases.

The following are approximate collections by CSEA:

FY '80	\$4.3 million
FY '81	\$6.7 million
FY '82	the goal is between \$7.7 and \$8 million

Copeland also stated that in order for his agency to have full computer access the Data Processing division of the Department of Administration needs \$3.2 million to upgrade their facility, i.e. buy additional hardware.

Senator Eliason

4-24-81

page 2

My Personal Comments:

I would suggest that you request Budget and Audit to conduct a legislative audit of this agency. This agency has been in existence since 1976 and to my knowledge no audit has ever been conducted.

I would suggest also a letter to Chief Justice Rabinowitz and to Art Snowden of the Court system suggesting that the judges use some of the statutory authority that they have (see AS 47.23.060 and AS 47.23.070). This letter would have to be worded very carefully in order to maintain the separation of powers. Furthermore, I would suggest a letter be written to William Condon, Attorney General and Dan Hickey, Chief Prosecutor of the State asking why there have been no prosecutions under AS 11.51.120 entitled "Criminal Non-Support."

Good Luck and thank you!

/sq

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF REVENUE

STATE OFFICE BUILDING POUCH SA - JUNEAU 99811

CHILD SUPPORT ENFORCEMENT
AGENCY
201 E 9th Avenue, Suite 202
Anchorage, Alaska 99501

April 30, 1981


The Honorable Patrick Rodey
Alaska State Senate
Pouch V
Juneau, AK 99811

Dear Senator Rodey:

During the Senate HESS hearings regarding child support and SB 181, requests were made for language to facilitate an automatic income assignment and a way to resolve some of the obligor's visitation problems.

The attached drafts are the agency's suggestions to deal with these issues. Both drafts were prepared by attorneys within the Attorney General's Office (Pat Kennedy and Bruce Botelho) who work child support cases daily.

If you may have any questions, please do let me know.

Sincerely yours,

Dan R. Copeland
Director

Enclosures

DRC:cb

1 SUGGESTED WAGE ASSIGNMENT LANGUAGE

2
3 Section ____ AS 09.65 is amended by adding a new section to read:

4 Sec. 09.65.132. INCOME ASSIGNMENT ORDER FOR CHILD SUPPORT.

5 (a) A judgment, court order, or order of the child support
6 enforcement agency (AS 47.23) providing for the support of a minor child
7 shall contain an income assignment order.

8 (b) An income assignment order shall direct the obligor, his
9 employer, future employer, and any person, political subdivision or
10 department of the state to assign money due or to be due the obligor to
11 the child support enforcement agency (AS 47.23) in an amount sufficient
12 to meet the support payments imposed by the court.

13 (c) The income assignment shall not take effect, unless
14 ordered by the court at the time of its entry, until the obligor fails
15 to make support payments. The obligee may make an application to the
16 public agency designated to collect child support for the purpose of
17 enforcing the income assignment. Such application shall include a
18 sworn statement that the obligor has failed to make a support payment in
19 full within 30 days of the date payment is due.

20 (d) At the time of receipt of an application for enforcement
21 of the income assignment, or, where the agency is already acting for the
22 obligee, at the time agency records show the obligor has failed to make
23 a support payment in full within 30 days of the date payment is due,
24 the agency shall send notice of intent to enforce the income assignment
25 to the last address of the obligor by certified mail. The notice shall
26 be postmarked no later than 10 days after the date on which the
27 application was filed and shall inform the obligor that the income
28 assignment will take effect 15 days after the date on which the notice
29 was sent. The notice shall also state that the obligor may request a
30 hearing within the 15 days after the notice was sent. If the obligor
31 requests a hearing, an income assignment may not take effect until the

1 conclusion of the hearing. The agency shall schedule a requested
2 hearing with the court within 15 days after the date the obligor
3 requests the hearing.

4 (e) If the obligor does not request a hearing, or following
5 an order of the court authorizing the use of the income assignment, the
6 agency shall immediately send a copy of the income assignment order by
7 certified mail to persons identified by the obligee, the obligor or the
8 agency as owing money to the obligor. An income assignment made under
9 this section is binding upon a person, employer, political subdivision,
10 or department of the state immediately upon receipt of a copy of the
11 assignment from the court.

12 (f) An employer may not discharge an obligor on the basis of
13 an assignment under this section.

14 (g) An income assignment under this section has priority over
15 all other attachments, executions, garnishments, or other assignments
16 unless otherwise ordered by the court. An income assignment is not
17 limited to the wages of an obligor but may include all money owed to the
18 obligor. The exemptions from execution by judgment debtors under
19 AS 09.35.080(a) and the restrictions from execution by judgment debtors
20 under AS 09.35.080(b) (1) do not apply to income assignments under this
21 section.

22 (h) An obligor, if not the prevailing party, shall pay all
23 court costs involving an income assignment proceeding under this
24 section.

25 Section ____ . AS 47.23.140 is amended by adding a new subsection to
26 read:

27 (c) A decision of the agency determining a duty of support
28 shall include an income assignment order as provided under AS 09.65.132.

29 Section ____ . AS 47.23 is amended by adding new sections to read:

30 Section 47.23.2.3. INCOME ASSIGNMENT ORDERS.

31 (a) The agency shall pay the obligee all money recovered by

1 the agency under an income assignment order except for costs which are
2 recovered from the obligor or amounts withheld under AS 47.23.255(c).

3 (b) Notwithstanding AS 47.23.250, an income assignment order
4 contained in a decision of the agency which has not been set aside by
5 the superior court under AS 47.23.220 shall be enforced under the
6 procedure established in AS 09.65.132.

7 Section ____ AS 47.23.260 is amended to read:

8 Section 47.23.260. CIVIL LIABILITY UPON FAILURE TO COMPLY
9 WITH AN ORDER OR LIEN. If any person, political subdivision, or
10 department of the state (1) fails to make answer to an order to
11 withhold and deliver within the time prescribed in AS 47.23.250;
12 (2) fails or refuses to deliver property in accordance with an order
13 issued under AS 47.23.250; (3) pays over, releases, sells, transfers, or
14 conveys real property subject to a lien filed under AS 47.23.230 to or
15 for the benefit of the obligor or any other person; (4) fails or
16 refuses to honor an assignment of wages or income presented by the
17 agency, the person, political subdivision, or department of the state
18 is liable to the agency in an amount equal to 100 per cent of the amount
19 constituting the basis of the lien, order to withhold and deliver,
20 attachment, or assignment of wages or income, together with costs,
21 interest, and reasonable attorney fees.

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SUGGESTED RESOLUTION FOR VISITATION PROBLEMS

Section _____. AS 47.23.080(c) is amended.

47.23.080(c). The determination of enforcement of a duty of support is unaffected by any interference by the custodian of the child with rights of custody or visitation granted by a court. However, the court may direct the agency to release the name and address of the custodian of the child upon the request of an obligor and for good cause shown and after affording the custodian an opportunity to oppose the obligor's request.



Copy to Parr & Fil

Note to Charley:
I agree that the forms
are an invasion of
privacy. I am sure
they are in violation
of Art 1, Sec 22
of the state
constitution.

Hugh

ALASKA CHAPTER
NATIONAL ASSOCIATION OF SOCIAL WORKERS, INC.
P. O. Box 3-3794
Anchorage, Alaska 99501

March 20, 1978

Governor Jay Hammond
Pouch V
Juneau, Alaska 99801

Dear Governor Hammond:

Attached is a copy of a form apparently in use by Alaska's Child Support Enforcement Agency in connection with the establishment of paternity for children whose needs are being met through the Aid to Families with Dependent Children Program.

The Alaska Chapter, National Association of Social Workers is writing to state its strong objections to this form as it constitutes a violation of personal privacy and individual civil rights.

We respectfully request that you take whatever action necessary to discontinue its use immediately and that you take steps to render an official apology to those Alaskan citizens who were insulted by being asked to complete it.

Please advise us as soon as possible of actions taken relative to this form.

Very truly yours,

Margaret Wolfe
Margaret Wolfe, ACSW
President
Alaska Chapter
National Association of Social Workers, Inc.

MW/lw - Atch.

cc: Rep. Hugh Malone
Comm. Helen Beirne
Alaska Legal Services

Sen. John Rader
Comm. Sterling Gallagher
Alaska Chapter NASW

Rep. Lisa Rudd
Mr. Phil Losh

THE FOLLOWING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

All questions should be answered as truthfully and completely as possible. If necessary, use reverse side of pages to provide additional information or more completely answer any of the questions. Complete a separate questionnaire for each child.

Date _____ File Control Number _____

1. Your name (Print) _____
 Year address _____
 Telephone # (home) _____ (work) _____
2. Your date of birth _____
3. What was the date of birth of the child _____
4. Name of the child _____
5. Where was the child born? If it was at a hospital, give its name.

6. Who was present when child was born? Include name of physician, etc.

7. Was there a birth certificate issued for this child?
 Yes _____ No _____ How long after the birth was this issued?
 If so, state: _____
 (a) Date issued _____
 (b) Name and address of the person who supplied the information for the certificate.

 (c) Name and address of the person who prepared the certificate.

 (d) Name and address of the office that issued the certificate.

 (e) Did the certificate contain the name of the child's father, and, if so, the source of such information.

 (e-1) Did the father agree to having his name entered in the birth certificate? _____ yes _____ no.
 When? _____

3/19/77

(f) Whether the certificate shows if the child was full term, and, if so, the source of such information.

(g) Name and address of the office where the certificate is on file.

8. If possible, attach a copy of the birth certificate to this questionnaire.

9. Were you living together with the child's father during the 10-month period prior to the birth of the child? Yes _____ No _____. If so, where? _____

10. Name and address of each person who was aware of this fact.

11. The estimated number of nights you spent together at the above listed address(es).

12. Number of times you had sexual intercourse with the child's father within the 10-month period prior to the birth of the child.

13. Location(s) where the sexual intercourse occurred.

14. During which incident do you believe the child was conceived? (Give date and place.)

For what reason(s) do you believe this to be true?

15. Did you ever inform the child's father of your condition during the time you were pregnant? Yes _____ No _____

If so, state:

(a) Date you informed him of your condition. _____

(b) Place where this information was given. _____

(c) The words used in giving this information. _____

(d) Name and address of each person who was present when the information was given.

If not, state why he was not told. _____

16. Did you have sexual intercourse with any other person during this 10-month period? Yes _____ No _____
If so, for each person, state:

(a) The name and address of the person. _____

(b) The dates on which intercourse occurred. _____

(c) The address and description of the place at which the intercourse occurred.

17. Did you live with any other person during this 10-month period? Yes _____ No _____

If so, for each person state:

(a) The name and address of the person. _____

(b) The dates on which you lived together. _____

(c) The address at which you lived together. _____

(d) The name and address of each person who knew such facts.

18. Do you have other children born out of wedlock? Yes _____ No _____

If so, state the name and address of each child.

19. Are you now keeping company with anyone with whom you are having sexual relations? Yes _____ No _____

20. Did any other man help you financially during the time you were pregnant with this child? Yes _____ No _____

21. Are you now being helped financially by any man? Yes _____ No _____

22. Did you tell anyone when you became pregnant that the person you feel is the child's father is the father of your child? Yes _____ No _____

If so, for each statement, indicate:

(a) The date of the statement. _____

(b) The name and address of the person you told. _____

(c) The name and address of the person you said is the father. _____

23. Did you ever say to anyone when you became pregnant that you did not know who the father of the child was? Yes _____ No _____

If so, for each statement, indicate:

(a) The date of the statement. _____

(b) The name and address of the person said this to. _____

(c) The reason why you said that the father of the child was unknown. _____

24. Have you ever filed action against any other person to establish paternity of the child? Yes _____ No _____

If so, for each action, state:

(a) The date the action was filed. _____

(b) The name and address of the person against whom the action was filed. _____

(c) The title and address of the court where the trial was held. _____

(d) The file and docket number of the action. _____

(e) The outcome of the action. _____

25. Were you married to the child's father during the time you became pregnant?

26. Were you married to the child's father when the child was born?

27. Was there a common-law marriage between you and the child's father at the time you became pregnant?

28. Was there a common-law marriage between you and the child's father when the child was born?

29. Were you married to any other person when you became pregnant or when the child was born?

If so, state:

(a) The date of marriage. _____

(b) The name and address of the person to whom you were married.

(c) The date you first lived with the person as man and wife.

(d) The name and address of the person who performed the ceremony.

(e) Whether you are still married to the person, and if not, the date and means by which the marriage was ended.

30. If you were married to another, why do you believe that he is not the father of your child?

31. Do you believe the child's father ever admitted to being the father of the child?

If so, state:

(a) The date he admitted such. _____

(b) The name and address of each person to whom he admitted it.

(c) The way in which he admitted it.

(d) If he said it, what words did he use?

If so, state for each payment:

(a) The name and address of the person who made the payment(s)

(b) The date of the payment.

(c) The amount of the payment.

(d) The reason the payment was made.

33. Has anyone made any payments for the support of this child? Yes _____ No _____

If so, for each payment, state:

(a) The name and address of the person who made the payment.

(b) The date of the payment.

(c) The amount of the payment.

(d) The reason the payment was made.

34. Is the child recognized to be that of the person who you claim to be the child's father by the members of your community? Yes _____ No _____

35. Do members of your family recognize the child to be that of the person who you claim to be the child's father? Yes _____ No _____

I hereby certify that the above information is true and correct to the best of my knowledge and belief, and I hereby make voluntary application for the Court to determine the paternity of said child.

Signature _____

SUBSCRIBED AND SWORN to before me this _____ day of _____ 19____.

Notary Public In and for Alaska
My commission expires: _____

THE PRECEDING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

Nancy - Pls call

Kathy Schenker REVENUE
at 2365

ref child protection
legislation

10 am
Thurs

W. Kenner SB 16.
in "Finance"

3-5-81

Child Support Enforcement - House HESS

HB 167, request of Gov

HB 75 Clockwise

Don Cipolandi - Ad. Child Support Enforced. Agency

- sec 6 - use of consumer price index to modify support order
- sec 4 - eliminates mandate to charge fee for non-AFDC file; allows discretion to charge a fee.
- sec 7 - Changes procedure to let. court order for AFDC assessment
- sec 15 - limit attachment to 5% of obligor's income
- sec 1 - URESA act added together ^{include} consumer.
- sec 8 - Eliminates option of obligor to deal w/ child support enforcement by ignoring registered mail notices.

12

Federal Register

**Friday
June 19, 1981**

Part V

**Department of
Health and Human
Services**

Office of Child Support Enforcement

**Child Support Enforcement Research—
Demonstration Grants; Notice of
Availability of FY '81 Funds**

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Child Support Enforcement

Child Support Enforcement Research Demonstration Grants; Notice of Availability of FY '81 Funds

The Director of the Office of Child Support Enforcement gives notice of the availability of fiscal year 1981 funds for child support enforcement research and demonstration (R&D) grants. Also, this provides advance notice of child support enforcement priority research and demonstration projects proposed for funding in Fiscal Year 1982. Funding for grants is authorized under Section 1110 of the Social Security Act.

Closing dates and times for submission requests for grants are presented in a separate section at the end of this notice.

Program Purpose

Grants funded by OCSE are for research or demonstration projects which will add to existing knowledge and improvements of new methods and techniques for the planning, management, coordination and delivery child support enforcement activities related to the eligible population.

Program Goals

In general, the Office of Child Support Enforcement (OCSE) intends to support the following types of projects.

(1) Those which develop and demonstrate new financing mechanisms, administrative procedures, and technological innovations for improving the effectiveness and efficiency of child support enforcement programs at the State and local levels.

(2) Those which develop more knowledge on the characteristics and financial needs of a target group.

(3) Those which develop and implement analytical models for comparing the relative merits of alternative methods for carrying out the child support enforcement programs.

Program Priorities for Research and Demonstration Funding

Research and demonstration projects will be directed toward priorities derived from State administration and program issues. OCSE has identified certain specific priority projects which reflect these administrative and program issues, and which are described in more detail in the Application Kit.

Applicants may also submit proposals for projects not specifically identified in this announcement but which are relevant to the SSA and OCSE program goals. These proposals will be

designated as nonpriority but will also be subject to the panel review process. A limited number of projects may be approved pending available funds and will compete with other nonpriority projects.

Priority Projects

Fiscal Year 1981 Projects

Identification of Information and Methods to Encourage the Establishment of Uniform Support Obligations—OCSE-81-1

States are required by Title IV-D of the Social Security Act to establish and to enforce child support obligations of absent parents of recipients of Aid to Families with Dependent Children (AFDC) and non-AFDC recipients. The amounts of the obligation that are being established, however, vary widely not only from jurisdiction to jurisdiction, but also within jurisdictions. Even when comparing cases with similar circumstances, these variations persist.

The purpose of this project is to identify and demonstrate the most effective and efficient method for States to obtain and verify information needed for the use in a standard formula for establishing child support obligation amounts, and to arrive at a recommendation for alternative obligation amounts for the consideration of judiciary or administrative hearings officers.

The first year of this project will be to develop in one or more local child support enforcement agencies alternative methods for identifying, obtaining and verifying the required financial and case characteristics information. It will also develop best methods for using this information to recommend and establish obligation orders. Several methods must be compared with well defined criteria for measuring the effectiveness of information collection and the cost of each method. The study should compare optional methods within one or more jurisdictions. Rigorous research and statistical methods must be used to segregate and compare cases that are processed by the various methods. Prestudy planning must include a site selection process that insures a sufficient variation in methods to be observed.

The second year of the project will involve a demonstration of the method(s) identified as being the most effective and efficient for identifying, obtaining, and verifying the necessary information and presenting recommendations to arrive at an obligation amount or alternative amounts. This project should also be

evaluated by an independent party to determine the effectiveness, desirability, cost and benefit, and ultimate success of various methods demonstrated. The successful methods will then be put into handbook format so that other jurisdictions can use the results.

It is anticipated that SSA will fund one grant for this project for 2 years. It is anticipated that up to \$125,000 in Federal funds will be made available in both FY '81 and FY '82 to do this project.

Demonstration of Administrative Improvements in Child Support Enforcement—OCSE-81-2

The Child Support Enforcement program (Title IV-D of the Social Security Act) is a recently established program. There is considerable emphasis on enlarging the support payments and support obligations of AFDC absent fathers and non-AFDC absent fathers of low income families. Since this is a relatively new program, States have been requesting aid in trying out new pilot projects to improve administration techniques which will aid in improving the program.

This is a series of projects to allow States or localities to try out and test new administrative operational and management concepts that will increase collections and/or contain costs. Such projects can address any of the major Title IV-D functional areas. It is anticipated that eight projects will be funded for this priority up to \$25,000 per project for one year.

Analysis of Child Support Data—OCSE-81-3

This study will examine factors affecting the receipt of child support payments from absent parents. Several data sources are available to study this issue. National data on the status and extent of child support obligations and receipt by AFDC and other mothers were obtained by the Bureau of Census in a supplement to the April 1979 Current Population Survey (CPS) and can be linked to the 1979 CPS which were collected from 1979 CPS. Also, The Social Security Administration, Office of Research and Statistics, coordinated an AFL-CIO case record check by local AFDC caseworkers. This study, the 1979 AFDC Recipient Characteristics Study, has recently been released. Data tapes of these surveys are to be analyzed separately and not merged. The CPS surveys and the 1979 AFDC Survey will be used to examine the patterns of child support receipt in terms of demographic, economic and legal status of recipients.

The results of this research will assist the States' administrators in approving program effectiveness, forecasting, and targeting administrative efforts.

It is anticipated that SSA will fund one grant for this project for one year. It is anticipated that up to \$80,000 will be made available in FY '81.

State Study of Absent Parent's Ability to Pay Child Support—OCSE-81-4

The Child Support Enforcement program is designed to collect support payments from absent parents. At present, the collection process collects only a fraction of potential payments. For example, 1977 figures suggest that over half of the non-custodial parents with a support order did not contribute support, and that only about one fourth of all AFDC cases had a court order or agreement.

One of the important questions involving child support enforcement is whether the absent parent has the ability to pay. This project looks at the issue, focusing on AFDC cases handled by the IV-D agency. It will determine income levels, the number of dependents, and other readily available data concerning the absent parent. It will also compare the ability to pay of absent parents who regularly contribute support to the ability of those who pay sporadically or not at all. In addition, in at least one site, it will look at the availability of other income in the form of State income tax refunds. Controls for the nature of the support order will be used as well.

This project can be conducted in at least two manners. It is possible for the State IV-D agency to use the Internal Revenue's Project 419 in order to obtain information on income levels and dependents. Alternately, States may use their own completed income tax forms. In either case, income levels and dependents can be matched with the same variables in the case records and the extent to which data concerning income can be found will be recorded. At least one State should use the Federal (419) method for obtaining information.

It is anticipated that SSA will fund three grants to States for this project. It is anticipated that up to \$50,000 per State will be made available in FY '81.

FY '82 Projects

The following project is anticipated to be a research priority for FY '82. The amount of funds in support of this project is contingent upon the availability of FY '82 appropriations. However, based on the proposed FY '82 budget it is anticipated that there will be

sufficient funds to finance the project below.

Survey of Non-AFDC Cases Which Receive Child Support Enforcement Services—OCSE-82-1

Child Support Enforcement agencies are reimbursed for enforcement activities on behalf of non-AFDC as well as AFDC recipients. This project involves the study of a stratified sample of closed, new, and continuing non-AFDC Child Support Enforcement program clients involving the demographic, economic, and sociological characteristics of the population. One aspect of this study will be to indicate the extent to which program coverage of this population avoids welfare eligibility.

It is anticipated that the agency will fund one grant for this project for one year. It is anticipated that up to \$400,000 in Federal funds will be made available in FY '82.

Eligible Applicants

Section 1110 Grants. Any State, public, or nonprofit organization or agency may apply for a grant under the Section 1110 authority.

Availability of Funds

It is anticipated that approximately 13 new grant awards will be made pursuant to this announcement in FY '81. Anticipated amounts are:

FY '81 Projects

OCSE-81-1 (Identification of Information and Methods to Enable the Establishment of Uniform Support Obligations). It is anticipated that a total of up to \$125,000 will be available for this grant for one project.

OCSE-81-2 (Demonstration of Administrative Improvements in Child Support Enforcement). It is anticipated that eight grants will be awarded at up to \$25,000 per project.

OCSE-81-3 (Analysis of Child Support Data). It is anticipated that one grant of up to \$80,000 will be awarded.

OCSE-81-4 (State Study of Absent Parent's Ability to Pay Child Support). It is anticipated that three grants of up to \$50,000 each will be awarded.

FY '82 Projects (Funds not yet appropriated)

It is anticipated that this project will be funded in FY '82.

OCSE-82-1 (Survey of Non-AFDC Cases Which Receive Child Support Enforcement Services). It is anticipated that one grant of up to \$400,000 will be awarded.

Recipient Share of the Project Costs

Applicants for grants are expected to contribute some portion of the total cost of the activity in order to receive consideration for funding. Generally 5 percent is considered acceptable. No grant will be awarded which will cover 100 percent of project costs.

The Application Process

1. Availability of application forms. Application Kits which contain the prescribed application forms and supplemental descriptive information on the priority projects of the Office of Child Support Enforcement are available from: Social Security Administration, Division of Contracts and Grants Management, OMBP, Grants Management Branch, Room 1209, Annex, 6401 Security Boulevard, Baltimore, Maryland 21235. Telephone: (301) 594-0284, Lawrence H. Pulen, Chief, Grants Management Branch.

2. Application submission. To be considered for a grant award, all applications must be submitted on standard forms provided by the Division of Contracts and Grants Management. The application shall be executed by an individual authorized to act for the applicant agency or organization and to assume for the agency or organization the obligations imposed by the terms and conditions of the grant.

As part of the project title (page 1 of the application Form SSA-90, item 7) the applicant must clearly indicate whether the application submitted is in response to a priority project identified in this announcement and must reference the unique project identifier (OCSE-81-1, etc.) for which the application is to compete.

3. Application consideration. Applications are initially screened for relevance to the interests of OCSE. Irrelevant applications are returned to the applicant. Relevant applications are reviewed and evaluated by a review panel of not less than three experts. Written assessment of each application is made.

4. Application approval. Following approval of the applications selected for funding, financial assistance awards will be issued within limits of Federal funds available. The FY '81 grant awards will be issued in September 1981. The official award document is the Notice of Grant Award. It provides the amount of funds awarded, the purpose of the award, the terms and conditions of the award, the budget period for which support is given, the total project period for which support is

contemplated, and the total grantee participation.

Criteria for Review and Evaluation of Applications

Competing applications will be reviewed and evaluated against the following criteria.

1. *Research or Demonstration Design.* Understanding the scope of the work statement and the proposed technical approach to the requirement. This includes clarity of goals and objectives. (30 points)

2. *Knowledge.* Knowledge of the field, literature, and background presentation material. Assurance of timely and acceptable performance. (10 points)

3. *Reasonableness.* Reasonableness of the proposal. Does it make sense? Can it be done? Is the man-hour effort and propriety of types of manpower reasonable? (15 points)

4. *Experience.* Prior experience and/or new approaches or ideas in the branch of the technology or field involved. (10 points)

5. *Relevance.* Relevance of proposal to IHS priorities and goals; to OCSE Work Plan; and to grants advertised in the Federal Register. (25 points)

6. *Personnel, Budget, and Facilities.* Availability and competence of specific kinds and numbers of experienced personnel. (5 points)

Specificity and adequacy of the budget. Are costs reasonable considering the anticipated results?

Availability of necessary facilities, equipment, convenient location, etc.

7. *Utilization.* Provision of progress and final reports. Quality of evaluation effort. Probability of implementation possibilities (National, State, etc.) (5 points)

Closing Dates and Times

For fiscal year 1981 projects, the closing date will be Friday, July 31, 1981. For fiscal year 1982 projects the closing date will be Tuesday, December 1, 1981.

Applications may be mailed or hand delivered to: Social Security Administration, Division of Contracts and Grants Management, OMBP, Grants

Management Branch, Room 1206, Annex, 6401 Security Boulevard, Baltimore, Maryland 21235.

Applications must be received by the Division of Contracts and Grants Management, Grants Management Branch, by the above closing date. Hand delivered applications are accepted during normal working hours of 8:30 a.m. to 5:00 p.m., Monday through Friday.

An application will be considered to be received, on time, if the application is sent by registered or certified mail not later than the closing date, as evidenced by the U.S. Postal Service stamp.

A-95 Notification Process. This program is not covered by the requirements of OMB Circular A-95.

(Catalog of Federal Domestic Assistance Program No. 13.812—Assistance Payments—Research)

Dated: June 12, 1981.

John A. Svahn,
Director, Office of Child Support Enforcement.

[FR Doc. 81-18418 Filed 6-18-81; 8:45 am]
BILLING CODE 4110-07-M

324 Willoughby
Juneau, Alaska 99801
March 30, 1981

Senators Ray and Rodey
Senate Judiciary Committee
Alaska State Senate
Pouch V
Juneau, Alaska 99811

SB 181
Sen. FARR

Dear Senators:

This letter refers to SB 181, relating to child support, which was sponsored by Senators Ray and Rodey, and proposes that you offer a substitute in light of the following facts and arguments:

1. Re-define "obligor" to include only those who were/are married to the other parent at the time of conception or who have subsequently signed a voluntary support agreement.

WHY: As the person who assisted H&SS in drawing up the first budget for the initial Child Support Enforcement Agency (CSEA), I learned from a case worker, during my budget research, that there are "a number of unmarried mothers who will not assist the state in finding fathers delinquent in paying child support because they do not want the fathers to know that there even is a child." (Italics added.)

That is, there are in this world some number of women--not all, but some--who want children for themselves alone. Men may be used by such women to start children, but those women do not want the fathers to be able in any way to share in the life and affections of the child. Holding fathers financially responsible for the decisions of such women flouts justice and reason....and is practically difficult when those mothers do not assist in finding the fathers.

Furthermore, this is an age in which the decision as to whether or not there shall be a child is exclusively that of the mother alone. Yes, it still takes two to start a child (artificial insemination aside), and yes, contraceptives are available to both partners (though no method is 100% effective).

However, in an age of legal, relatively inexpensive abortions, it is the woman's choice alone as to whether a pregnancy, accidental or intended, shall result in a child. And since it is the woman's choice alone, fathers of children born out of wedlock cannot properly be held accountable for the choices of the mothers.

The children naturally must be taken care of somehow, since they are unable to take care of themselves. That much is obvious. But children are taken care of, through the Aid to Families with Dependent Children (AFDC) program, even when parental child support is not available.

The State and Federal governments which fund AFDC have an understandable interest in reducing AFDC payments by transferring this financial responsibility to the natural parents....but it is the point of this letter to show that the financial burden cannot be transferred to the father with justice or common sense, because it is the mother who alone ultimately decides whether or not there shall be a child. Nature determines that it is the mother's choice alone.

This argument applies even when the unmarried mother may have conceived accidentally and finds the option of abortion morally repugnant to her. It is still not reasonable or just to hold one person responsible for the moral tastes of another, so fathers should not be financially responsible for the decisions of expectant unmarried women--not responsible for 18 years of child support, that is; you may decide they are indeed responsible for half of the costs of an abortion.

Naturally, all of the forgoing applies only to unmarried parents who have not signed voluntary child support agreements. Marriage implies an agreement for child support and voluntary child support agreements are available to those unmarried parents who really do both want children (i.e.; make a joint decision for which it is proper to hold both parties accountable).

2. Leave the jurisdiction of superior courts unrestricted and allow related and collateral matters such as custody and visitation to be considered by courts (Sec. 4 of SB 181 would restrict courts).

WHY: It is unwise, as a general rule, to excessively narrow the view of the courts if overall justice is sought in a situation. Since courts often award dual/joint/partial custody and/or visitation rights to a parent who begins paying child support, it is doubtful that the legislature should interfere with this re-building of the family. That a father should have to pay child support and not be allowed any parental rights may be appropriate in some cases, as a court may decide, but can hardly be set forth with justice as a blanket rule as the unamended bill would do.

3. Require all notices to obligors (and others) to be made by certified mail, return receipt requested, to ensure actual delivery and actual receipt of notice.

WHY: The bill as proposed has different notice requirements for different types of notice, but all notices carry certain legal consequences if not received. It is hardly wise or fair to

March 30, 1981

the intended recipients to trust consequential matters to ordinary first class mail, some portion of which becomes lost by the Postal Service, despite the best efforts of that Service. Certified mail is treated with greater attention by the Service and is received with greater interest by the recipients, making compliance with CSEA requests more likely while preserving the legal rights of all parties involved. The current bill would allow too much to agency convenience and too greatly encourage the agency to seize property and income without following fair procedures. This simple change to certified mail will heighten the fairness of procedures, particularly when any time periods (such as the period for requesting a hearing) begin after receipt of the certified mail, not after the mailing of it).

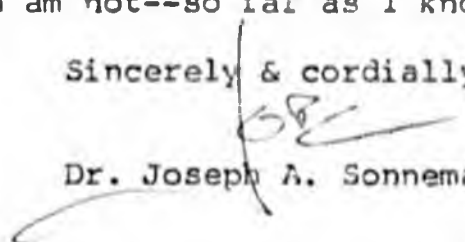
4. Ensure that hearing officers consider the needs of the child(ren), whether or not both parents are "obligors", and the income of obligor parents.

WHY: This would bring the bill into consonance and agreement with the changes following upon the redefinition of "obligor", as outlined in point 1 of this letter, and would insure that the total income from one or both obligated parents would be considered. (The current language of Sec. 19 prohibits the hearing officer from considering the assets of "the alleged obligee"--usually the mother--in making a decision.) Again, this change is one towards greater justice, since all income and assets properly obligated to child support will be considered, rather than only some, and the question of proper obligation will also be considered.

Thank you for your kind consideration of these few, but important, points regarding child support.

Some of these points have also been made to the Senate HESS committee in person; please accept this letter as my testimony to you and your committee. I am making this information available to you as a private person having appropriate background experience in the subject area; I am also a registered lobbyist for Five Star Consulting and Research and am not--so far as I know---a father.

Sincerely & cordially,


Dr. Joseph A. Sonneman

cc: House Judiciary (HB 167)

324 Willoughby
Juneau, Alaska 99801
March 30, 1981

Senator Vic Fischer
Alaska State Senate
Pouch V
Juneau, Alaska 99811

SEN. FISCHER

Dear Senator Fischer:

Enclosed please find a courtesy copy of my further statements to Legislative Committees on SB 1 .

I am sending you a copy of this letter to let you know that I have accepted some of the points you raised in the Senate HESS hearing on this bill. Specifically, in regard to contraceptive your remarks helped me realize that this is essentially a moot question for two reasons: 1) no form of contraception is completely effective, and, more importantly, 2) the option of abortion postdates conception. In other words, the mother alone has the final option--an option that continues to exist for quite a number of months--on whether or not there shall be a child. This order of choice points is determined by Nature.

So I appreciate your remarks as having made me realize that the issue of contraception is a red herring and apologize for any confusion my raising that issue may have created. Clearly, since the choice of whether or not there shall be a child is that of the married or unmarried mother alone, unmarried fathers should not be held financially responsible for the choices made by unmarried mothers.

Thanks again for helping to set me straight on that.

Sincerely & cordially,

JAC
Dr. Joseph A. Sonneman

cc: Senator Grosek

Box 422
Fairbanks, Alaska 99707

February 20, 1981

Governor Jay Hammond
Pouch A
Juneau, Alaska 99811

Re: Charging of Fees for Collection of Child Support

Dear Governor Hammond:

I am contacting you today to plea with you to please do what you can to see that the proposal to subtract fees from child support payments never comes about.

The Department of Revenue, Child Support Division, has contacted me, as one of their cases (copy enclosed), to explain to me that all along there has been, on the books, a requirement of their agency to collect a service charge from the recipient of the child support payments, for that agency's services.

When I first contacted this agency for assistance in the enforcement of my divorce decree which allotted my child-support payments, there was never mention of any fees at any time, with the exception of a \$50.00 filing fee. At the time I contacted them I did so because I was bringing home \$625.00 per month and could not afford \$75.00 per hour for an attorney. I have no idea of the figures, of course, but I know that probably the majority of the families collecting the child support are poor, probably on welfare and need that money desperately or they wouldn't have gone through all the trouble to collect in the first place.

I furnished that agency with every single bit of information that they used to secure a judgement against my ex-husband. He is in the military in another state (Washington), I had been receiving an allotment which he stopped, and I needed that support badly to raise two teen-age children. As I mentioned before, I had a divorce decree which required him to pay the child support, all I needed was someone to help me get that court order enforced. They (the agency) did not have to spend months and months trying to locate him, garnish his wages, or anything else. All that was involved was maybe a few phone calls to Washington, or a minimum of paperwork to set up a court date.

Governor Jay Hammond
Page 2

As it is now, with all the bureaucratic hoopla that is involved I never see that check until 20 days after the day that my ex-husband pays it in Washington State.

My contention is, if my ex-husband had been obeying the court in the first place I never would have had to ask the Child Support Division for help. Now I am being penalized for having to beg for what is lawfully and morally mine. If anyone should be paying, it should be the person who is disobeying the law. Where is the justice in this legislation?

Please, please Governor Hammond, see what you can do to get this outrageous and unfair legislation changed.

In my opinion, this is a classic case of the rich getting richer and the poor getting poorer. Where will it stop?

Respectfully,

Patricia L. Wightman

cc Bob Bettisworth
Sally Smith
Ken Fanning
Jack Randolph
Brian Rogers
Fied Brown
Charlie Parr
Bettye Fahrenkamp
Don Bennett

DETACH THIS PORTION BEFORE DEPOSITING.

DO NOT CHANGE OR ALTER

WHEN PAID THE ABOVE CHECK BECOMES A RECEIPT IN FULL
PAYMENT OF THE FOLLOWING ACCOUNT. NO OTHER RECEIPT NECESSARY.

MO. | HI. | DAY | YEAR

C1 | 13 | 81

STATE OF ALASKA
CHILD SUPPORT ENFORCEMENT AGENCY

No. 37476

CASE NO.	COURT	R. S. CASE or CAUSE DESCRIPTION	YEAR TO DATE	ARREARS	CODE	AMOUNT
BAN 79- 2621 WIPA	ANCHORAGE	CB70201 PAYOR-NIGHTMAN, DWAYNE HAROLD PAYEE-NIGHTMAN, PATRICIA	275.00	2,625.00		275.00
<p>IMPORTANT INFORMATION ABOUT YOUR MONEY</p> <p>YOUR CHECK MAY BE LESS IN APRIL MAKE YOUR POSITION KNOWN ON THIS</p> <p>THE AGENCY IS REQUIRED BY CURRENT STATE LAW TO CHARGE A FEE TO YOU FOR SERVICES. STATEWIDE PUBLIC HEARINGS ABOUT THIS FEE WILL BE HELD IN EARLY MARCH. CALL ZENITH 3300 (276-3441 IN ANCHORAGE)</p>						

Income Withholding for Child Support Enforcement

Income withholding in a variety of forms is currently being used by Utah, Wisconsin, New Jersey, New York, Maine, Rhode Island, California, Oregon and Washington. It is also being considered on the Federal level since it has been proven to be a highly effective technique for collection.

Voluntary Income Assignment

The person owing support agrees to an assignment of a portion of his/her wages to be withheld and transferred to the person to whom the support is owed. This is agreed to at the time the new support order is established in the court.

Involuntary Income Withholding

If the person owing support should be late for a payment, the CSEA will send written notice by registered mail following a 20 day default accompanied by a sworn statement of arrears from the person to whom the money is owed. Following receipt of notice, there will be a 15 day period when the person owing support can file for a hearing. If the notice by mail is refused, or a motion for a court date is not filed, there will be an automatic income assignment made. Every new order for support will have a mandatory income assignment clause activated by default of payment as outlined above.

The income assignment is made from any employer, government agency, public trust or corporation, pension or retirement fund, worker's compensation fund, death or disability fund and annuity.

An income assignment is binding and applies to any current or future employer.

An employer may not dismiss an employee because of income withholding.

The employer will be liable for the child support payments if he/she refuses to comply with income withholding.

The employer may deduct \$2.00 per pay period for administering the withholding order.

The due date for support payments will be the date specified in the court order, if no date is specified the due date will be the last day of the month.

The employer will continue to withhold and deliver the payments until notice is received from CSEA to discontinue payment.

An assignment order will become effective 10 days after notice is given to the employer by registered mail by the CSEA.

Support obligations have first priority over all other voluntary deductions.

The person owing support must notify the CSEA of termination of employment and the place of future employment.

Under the petition of the obligated parent, the assignment order may be quashed to prove full payment of the order.

A person entitled to support payments under a pre-existing order may apply to modify the order to include a mandatory assignment under the default regulations listed above.

Both parties involved in a child support enforcement case must notify the CSEA of a new address in a reasonable time following a change of address.

Definitions:

"income" includes wages, salaries, income, commissions, interest from any source and all monies payable as an annuity, retirement, disability, death or other benefit.

"employer" includes employers, trustees, and the federal, state and local government.

In some states the willful or negligent failure to make child support payments ordered by the court is a special kind of contempt which can lead to a jail sentence of up to one year. Defendants can obtain an early release by paying arrearages or working out a payment schedule satisfactory to the court. Many states have a self initiated warning system and a high incidence of jail sentences--THESE STATES HAVE THE HIGHEST PERCENTAGE OF COLLECTION RATES.

AT LAST! HELP IN COLLECTING CHILD SUPPORT

Susan Gray



For the millions of mothers who receive little or nothing in child support from their ex-husbands, here's expert advice on how to collect.

By KATHRYN B. STECHERT

• Between 1966, when Louise Unger was divorced, and 1980, she didn't receive one dollar of the \$105 a month child support the court had ordered her husband to pay for their three children.

• When Barbara Geary was divorced in 1974, her husband was ordered to pay \$350 a month support for their four teenagers. He paid only intermittently and within four years was \$7,000 behind.

These mothers are not unusual. A recent Census Bureau study found that only 2.5 million of the nation's 7.1 million custody mothers were receiving child support—and only half of those were receiving the full court-ordered amount.

Today, however, a new federal program and new state laws are streamlining the often costly and time-consuming task of making fathers meet their child-support obligations. Thanks to the work of support enforcement officials, Louise got her first child-support check in January 1980 and has been paid regularly since. Barbara is getting \$250 a month—\$100 for current child support (only one child is still under eighteen) and \$150 toward the past-due amount.

In similar cases all over the country a total of \$1.47 billion was collected in 1980 on behalf of custody

parents by the Office of Child Support Enforcement (OCSE). That was more than double the amount collected in 1976. The OCSE, which requires that states try to locate and collect from absent parents, grew out of 1975 legislation designed to trim the cost of welfare programs by getting fathers to assume more responsibility. The same services are available to families *not* on welfare.

The system can help divorced mothers who aren't receiving court-ordered support, women who've been abandoned and need help getting a court order, and even those whose divorce decrees included little or no child support. About half of the states charge nonwelfare women a fee for the service, but it's seldom more than \$20. (The program is available to any custody parent, but it's almost always the mother.)

Many custody mothers still aren't getting the support they are due, however, because they either don't know their rights or are reluctant to press for them. A woman might be so glad to have her ex-husband out of her life that she's loath to stir up trouble or afraid he'll try to get custody if provoked. She may feel intimidated by legal proceedings or embarrassed to admit she can't support her family on her own.

The OCSE (continued on page 44)

Now! Fast-Working Rheaban Tablets for Diarrhea.

NO CHALKY TASTE
NO LARGE DOSES
NO PRESCRIPTION NEEDED



And almost before you know it,
RELIEF FROM DIARRHEA!

Also available in pleasant-tasting liquid concentrate.
Use only as directed. © Pfizer Inc. 1980.

HELP IN COLLECTING CHILD SUPPORT *continued*

cannot solve all support problems or guarantee success, but it has provided significant help with two major obstacles: inability to afford or find an attorney and inability to locate the father. In most states the OCSE helps pay the salaries of public attorneys who do only support-enforcement work. The government also operates a computerized service that helps find absent parents' addresses from records kept by the Internal Revenue Service, social security and the military. The Uniform Reciprocal Enforcement of Support Act, which calls for cooperation between states, also makes it harder for fathers to escape payment by moving to another state.

Since the actual collection work is left up to the states, the effectiveness varies. But many now have laws allowing the garnishment of wages and seizure of property to meet child-support obligations, plus stiffer penalties—even jail—for noncompliance. Louis B. Hays, deputy director of the OCSE, estimates that the overall success rate is about 90 percent—including cases in which the father is unemployed or in jail or paternity can't be established. The success rate is much better for women whose ex-husbands are employed.

The first step for a custody mother is to find the local agency that handles child support enforcement. In most states application can be made through the welfare, human services or district attorney's office. She can also write to the federal Office of Child Support Enforcement, 6110 Execu-

tive Blvd., Rm. 900, Rockville, Md. 20852.

Lawyers and others involved in support enforcement offer the following advice to parents seeking child support:

- **Get help immediately.** "Women wait too long—often six months or more—to enforce a court order," says North Carolina District Court Judge John Hill Parker. "By then the father is really behind and getting used to not paying. It's a lot harder to collect \$2,000 than \$200."

All is not lost, however, even if many years have passed. It was ten years after her divorce that Louise Singer first sought aid. It took four more years for Iowa officials to find her ex-husband—he was moving from state to state to elude the authorities—but once they got him into court, he began making regular payments.

- **Play an active role.** "Women are often afraid to take the initiative to corner delinquent fathers and enforce payments," says Judge Parker. "But if they don't, nothing happens." The woman's cooperation is often crucial to the agency's success. Details of past attempts to collect support and clues to where the absent father lives or works are very helpful.

A woman's most important action, however, is getting her case opened. Carolyn Sutton, an attorney with The Women's Legal Center in San Diego, suggests clients take a day off from work, if necessary, to make a personal visit to the district attorney or enforcement office; that usually insures more immediate and effective attention than a telephone call. "I always tell women to be polite but firm," she says. "It's the most expedient way to get results."

- **Have patience.** The enforcement process can be long and arduous. Many court dockets are crowded and social service agencies are often busy; sometimes the father is hard to find. But patience can pay off, as one California mother found out. Divorced in 1973 after thirteen years of marriage, she was awarded custody of her three children and \$180 a month for child support. Over the next five years her ex-husband paid occasionally but was soon several thousand dollars behind. The mother got a local court to attach the father's wages; he then left his job and the state. California authorities traced him to Oregon, but the situation looked hopeless: he had no income (his new wife was supporting him) and no money. The local district attorney persisted, however, and discovered the man had property for sale in Oregon. When it sold, the amount he owed his ex-wife—nearly \$6,000—was given to her. Since then he's found a job and has been making steady monthly payments.

- **Be persistent.** "The father needs to know that if he doesn't pay, he'll be taken to court again," Judge Parker says. Sometimes a phone call or letter from the enforcement officer is all it takes to get a father to pay. In other cases, the mother can go to the courthouse and fill out the proper forms herself as soon as a payment is late. The county then notifies the father to appear for contempt of court or face the possibility of being jailed—and that usually brings the check.

- **Don't assume you can't be helped.** Many women who tried to get help in the past and failed have given up the fight, but the chances are much better today. As Oregon district attorney Earl Woods says, "Before the federal office was created, we weren't very effective, but we're ten times more efficient now."

Woods recommends that a custody mother initiate a case even if she thinks her ex-husband is out of work, has no money or is hiding to avoid payment. "If she opens up a file," he says, "we can put the information in our computer and monitor his activities. Once he does have an income—and most eventually do—we'll get him."

- **Recognize the limitations of lawyers.** It is often difficult to find a private attorney willing to take an ordinary support case. And it can be expensive. As one attorney says, "It doesn't make much sense for a woman to spend \$5,000 to collect \$20 a week." Although low-cost legal help is often available through a women's center or legal aid society, trained support-recovery officers and prosecuting attorneys may be more effective. One such officer, Renee Cameron of Davenport, Iowa, says her office can do more than most private lawyers. "We have the facilities for locating absent parents and can monitor payments," she explains. "Those are the keys to effective support enforcement."

- **Know the law.** There is no reason to feel embarrassed or hesitant about forcing a father to meet his child-support obligations. After all, the money is for the children. Moral and legal rights are on the side of a mother struggling to provide for children who have a father capable of contributing to their support. "We're not talking about a missed car payment," says Renee Cameron. "We're talking about feeding and clothing human beings." **WD**

Testimony on SB 181
(child support enforcement)
Phoned in 4/8/81

by Gail Bills
536 Park St. Apt. A
Juneau, AK 99801

- (1) Supports bill for purpose of larger budget so Child Support Enforcement can handle other than AFDC cases
- (2) Would like to see study of child support laws - especially as they relate to inter-state coordination
- (3) Would like to see automatic withholding system option (income assignment)

Reason: knows of cases of court settlements made and no money ever received



This testimony was taken over the telephone by Laura Fleming of Senator Fischer's staff.

1733 Crosson Avenue
Fairbanks, AK 99701
4 March 1981

Charlie Parr
Pouch V
Juneau AK 99811

Dear Charlie:

I have attached a copy of a letter I sent to the Administrator of the Child Support Enforcement Agency. It is my feelings on the Department of Revenue's proposal to amend 15 AAC 147.120 to now add fees for agency services.

Being the custody parent of my children has increased my parental responsibility more than two-fold. Now being concerned regarding an additional monetary drain certainly doesn't make things any easier.

Would appreciate any help you could give in this matter.

Sincerely,



TULA G. BELTON

1732 Crosson Avenue
Fairbanks, AK 99701
4 March 1981

Mr. Dan Copeland
Administrator, CSEA
201 E. 9th Avenue--Suite 202
Anchorage, AK 99501

Dear Mr. Copeland:

I recently have been made aware of the proposed regulations under Title 15 of the Alaska Administrative Code which deal with establishing fees based upon my ability to pay for services provided to me by the Child Support Enforcement Agency. Furthermore, these fees are based on whatever status I am above "poverty level."

In this day and age in the State of Alaska where there is so much state money and our legislators are looking for ways to distribute the money equitably, it doesn't seem logical for the Department of Revenue proposing to get more money from individuals like me through the Child Support Enforcement Agency because I am the parent who requested and was granted custody of my children at the time of my divorce.

I may not be considered at poverty level and because of my many years of working are a little above that level, but I do have to account for every penny in order to make ends meet. There have been numerous occasions where my children have asked for a small luxury which they were accustomed to having when there were two salaries providing the income but now, due to financial circumstances I have to tell them "sorry, I cannot afford it." I have learned to live within my means, barely, and my children are realizing what is happening, but how can I explain to them that our budget may be somewhat less in the future because of the fee imposed on the child support checks.

I am grateful for the service that is provided by this agency and, fortunately, am receiving my monthly support checks. If a fee is imposed, I am sure there will be many custody parents that will take the chance that their checks will arrive monthly through the good conscious of the other parent rather than have to pay the proposed fees. They really are in double jeopardy making this decision but feeling this monetary burden leaves them no alternative.

I sincerely feel that this proposed regulation is unfair to not only the custody parent but the children involved. Consideration should be given to the fact that in a great state such as ours, poverty level is no level for proposing an additional monetary drain on the parent who is struggling to provide a comfortable, loving and peaceful way of life for their children.

Please, Department of Revenue, reconsider your proposal.

Sincerely,

TULA G. BELTO.

STATE OF ALASKA

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH 5
JUNEAU, ALASKA 99811

March 19, 1981

The Honorable Charles Parr
Chairman
Senate Health, Education and Social
Services Committee
Room 209 - Capitol Building
Juneau, Alaska

Dear Senator Parr:

Re: Senate Bill No. 181

Senate Bill No. 181, an Act relating to child support and changing Rule 56 of the Alaska Rules of Civil Procedure, was introduced in the Senate on February 16, 1981 and was referred to the Senate Health, Education and Social Services and Judiciary Committees.

For the consideration of the Senate Health, Education and Social Services Committee, I am enclosing a copy of a Fiscal Note prepared by Mr. Gary L. Jenkins, Director, Audit Division, Department of Revenue concerning the proposed legislation.

Sincerely,



R. D. Stevenson
Special Assistant

RDS/rdh

cc: The Honorable Patrick M. Rodey
Chairman
Senate Judiciary Committee

Joseph K. Donohue
Deputy Commissioner
Department of Revenue

Gary L. Jenkins, Director
Audit Division
Department of Revenue

MEMORANDUM


State of Alaska

TO: File

DATE: March 3, 1981

FILE NO:

TELEPHONE NO:

FROM:  Dan Cleveland
Director

SUBJECT: HB 167 vs SB 181 on all points
HB 167 vs HB 175 on the fee issue

The two bills are very similar in nature, both making identical technical changes to clarify legal terms. Each bill then goes on to deal with four common points, with HB 167 providing language which provides a better overall approach and technical applicability.

HB 167 includes a good clarification of an income exemption for the obligor. This point is critical as the obligor's gainfull employment as well as the reasons to stay that way are most important for continued collections.

SB 181 makes four additional changes which are not of great importance to the operation of the agency. The first change requires changing civil procedure rules and the second may require a rule change. This makes final passage into law more difficult. The agency does not feel the changes which can be accomplished by operational shifts are worth the increased difficulty in getting final approval. The third change is to cover a potential problem if the agency starts to have trouble registering foreign orders. The fourth is a title change in a section which is not critical in any way.

The current statute mandates the agency to charge reasonable fees to those that can afford to pay for the services. HB 175 takes the opposite approach and mandates providing the services to everyone regardless of conditions. HB 167 provides the Department of Revenue the discretion to charge fees to those that could afford it, if financial or other requirements mandated it.

My opinion as the State of Alaska, Child Support Director is that HB 167 rather than HB 175 or SB 181 would be of considerable benefit to the State of Alaska.

MEMORANDUM

State of Alaska

TO: File

DATE: March 3, 1981

FILE NO:

TELEPHONE NO:

FROM: Dan R. Copeland
Director

SUBJECT: Senate Bill 181

The following is a detailed commentary on SB 181.

Section: 1 AS 09.55.220 The new subsection to be added to AS 09.55.220 will be used in the effort to modify an existing child support order. Allowing the change in consumer price index to be used as prima facie evidence of a change in circumstances will cut the handling time required by the court system and reduce the contact required from both parties. Each side will have a better idea as to when a modification may be requested. The index will be used as one of the burdens of proof but can not be used to require automatic modifications. All child support orders and subsequent modifications are based upon two factors; ability of the obligor to pay and the needs of the child. This change appears to be aimed at automatic modification upon a 20% change in the index. Actually both parties may use the change to support an increase or decrease. Section 3 of HB 167 accomplishes much the same thing without clouding the issue.

Section: 2 AS 25.55.010(1) Adding new language to AS 25.55.010(1) will allow the agency to enter into reciprocal agreements with foreign countries that have a similar Uniform Reciprocal Enforcement of Support Act. This would include such countries as Federal Republic of Germany (West Germany), Great Britain, Canada, and other commonwealth countries. This would allow the agency to obtain child support order when the absent parent is located or resides in a foreign country.

Section: 3 AS 25.25.010(6) Adding new language to AS 25.25.010(6) will provide the obligor in URESA cases with an incentive to make payments on a current basis. The overdue fee will be charged and subsequently collected or reduced to judgment. This additional charge will make the delinquent obligor, who in fact creates the need for the agency, pay for a portion of the agency cost.

Section: 4 AS 25.15.010(11) Adding new language to AS 25.25.010(11) will simply provide an explanation as to what interest means. This amendment should be changed to read "or at the rate established by the Department of Revenue (not the Department of Health and Social Service)

Section: 5 AS 25.25.258 Adding a new sub-section to AS 25.25.258 will allow the agency to register a support order from another state when the obligee is not a resident of Alaska and the obligor is a resident of

Alaska without opening the matter of custody and visitation. This will simplify obtaining an Alaska order by reducing handling; legal processing, and court time when the obligee has already obtained a child support order in another state. Some states do request the State of Alaska to register their orders under the current statute. No problems have been noted to date in this matter of reopening custody or visitation. This statute change would ensure that it stays this way.

Section: 6 AS 47.23.020(2)(A) The additions and deletions to AS 47.23.020(2)(A) will correct the existing language. There will be no change in the meaning of the section, only a clarification in the use of the terms "minor child" and "obligee".

Section: 7 AS 47.23.020(2)(C) Adding new language to AS 47.23.020(C) requires the agency to notify the obligor as to when an overdue or insufficient funds fee is assessed.

Section: 8 AS 47.23.020(b) Adding a new subsection to AS 47.23.020 will clarify when notification is required in section 7 above. Notification in this case requires mailing by first class mail a copy of the appropriate documents to the last known address of the obligor available to the agency. All court orders currently require the obligor to notify the agency of any change in address.

Section: 9 AS 47.23.045 The additions and deletions to AS 47.23.045 corrects the existing title. Currently the title implies that this section deals with the determination of support obligations. The section actually deals with the agency right to intervene in support obligation cases.

Section: 10 AS 47.23.092 Adding a new section as 47.23.092 will allow the agency to obtain a judgment on court ordered support payments that are past due and unpaid by the obligor. This change will allow the agency to submit a certified statement of such arrearages to the Superior Court, and at the same time notify the obligor of the arrears and the agency's request for a judgment. If the obligor does not present a defense, the Superior Court may then reduce the arrearages to judgment and include any overdue charges and interest due. This would simplify the obtaining of judgment by reducing handling, legal processing and court time when the obligor has failed to comply with a court order. This is a change in the Alaska rules of Civil Procedure.

Section: 11 AS 47.23.100 The additions and deletions to AS 23.100 will correct the current language to allow the Department of Revenue the discretion as to whether or not the agency should charge fees. The current language does not allow the department to make this decision. The agency is now required to determine each obligor's ability to pay and then assess costs or fees accordingly. The statute change will allow the agency to charge fees when funding or other requirements dictate it, but will not require the agency to maintain fee regulations unless those regulations are to be utilized.

Section: 12 AS 47.23.110(3) Adding new language to AS 46.23.110(3) will provide the obligor with an incentive to make payments on a current basis. The overdue fee will be charged and subsequently collected or reduced to judgment. This additional charge will make the delinquent obligor, who in fact creates the need for the agency, pay for a portion of the agency cost.

Section: 13 AS 47.23.110(4) The additions and deletions to AS 47.23.110(4) will correct the existing language. There will be no change in the meaning of the section, only a clarification in the use of the terms "minor child" and "custodial parent".

Section: 14 AS 47.23.110(7) Adding new language to AS 47.23.110(7) will simply provide an explanation as to what interest means. This amendment should be changed to read "or at the rate established by the Department of Revenue".

Section: 15 AS 47.23.130 The additions and deletions to AS 47.23.130 will allow the agency to establish child support orders based upon an obligor's full ability to pay rather than limiting the order to the public assistance issued. Making regular collections for orders established based on an obligor's full ability to pay will in some cases take the obligee off of the AFDC roles. Any collections over the assistance granted will be given to the obligee for the care of the child.

Section 7 of HB 167 accomplishes the same thing but with more direct language which clearly explains the entire process.

Section: 16 AS 47.23.150 Adding a new subsection AS 47.23.150(C) will eliminate part of the obligor's option to simply ignore the child support obligation.

Section: 17 AS 47.23.160(b) The additions and deletions to AS 47.23.160(b) will correct the existing language. There will be no change in the meaning of the section, only a clarification in the use of the terms "minor child", "obligee" and "custodian".

Section: 18 AS 47.23.160(c) Adding a new subsection AS 47.23.160(c) will eliminate part of the obligor's option to simply ignore the child support obligation.

Section: 19 AS 47.23.170(e) The additions and deletions to AS 47.23.170(e) will correct the existing language. There will be no change in the meaning of the section, only a clarification in the use of terms "minor child" and "obligee".

Section 20 AS 47.23.170(f) will correct the existing language. There will be no change in the meaning of the section, only a clarification in the use of terms "finding" and "filing".

Section 21 AS 47.23.182

Adding a new section AS 47.23.182 will allow the agency to file all administratively established child support obligations with the Superior Court. The Superior Court will review the determination and allow the obligor a thirty day appeal period. Upon completion of the review and the appeal period, the Superior Court may issue a court order confirming the entire process and making the order enforceable through either the courts or administrative means. This may be a change in the Alaska Rules of Civil Procedures.

Section 22: AS 47.23.190(a)

The deletions to AS 47.23.190(a) will correct the existing language. There will be no change in the meaning of the section, only a clarification in the use of the terms "obligee" and "custodian".

Section 23: AS 47.23.190(c)

The deletions to AS 47.23.190(c) will correct the existing language. There will be no change in the meaning of the section, only a clarification of the use of the terms "obligee" and "custodian".

Section 24: AS 47.23.250

Rewriting AS 47.23.250 will make an order to withhold and deliver more efficient by requiring less repetitive paperwork. This new section will allow a third party to continue holding fifty percent of wages or earnings as it becomes due to the delinquent obligor, until the total arrearages stated in the notice of the delinquent obligor liability has been satisfied. Prior to issuing a withhold and deliver attachment, the obligor is formally notified of the delinquency and is given thirty days to make arrangements with the agency to satisfy the delinquency. The agency and the third party will only have to serve and receive the order to withhold and deliver once in those cases where the obligor has not made payments as required by court order.

Rewriting the section will also allow the agency to attach any tax refunds or any other distributions made by the state to delinquent obligors, up to the amount of arrearage stated in the order to withhold and deliver. Section 15 of House Bill 167 accomplishes the same thing, but more clearly in language, which clearly explains the entire process. Several terms are also defined in House Bill 167 which further explain the working process of withhold and deliver attachments.

Section 25: AS 47.23.092

This section simply points out that this act has the effect of changing Civil Procedure rules. This will require a larger majority in each house of the legislature for the act to become a potential law available for the Governor's signature.

TESTIMONY OF FRANCES A. WOODBURY
ON
SB.181, "AN ACT RELATING TO CHILD SUPPORT AND CHANGING
RULE 56 OF THE ALASKA RULES OF CIVIL PROCEDURE"

(Presented at the Senate Health,
Education. & Social Services Com-
mittee meeting on March 25, 1981)

Honorable Chairman Parr and Committee Members - Good Afternoon. My name is Frances A. Woodbury, originally from Juneau, a working woman, and the mother of four sons. They are the reason I am here today to express my concerns about the Child Support Enforcement Agency. I know your Committee will be considering pieces of legislation affecting the Agency and ultimately my children, as well as many others. I hope that you will take a serious look at the testimony offered by custodial parents as they are the ones that can best describe the treatment they have received from that Agency.

In May of 1980, I was granted a Dissolution of Marriage by the Superior Court of the State of Alaska. Since that time, I have had an on-going dialogue with the Child Support Enforcement Agency without positive results. I have not received one payment through their efforts. In fact, I have on a number of occasions even told them where my ex-husband was reported to have been working and this did not help.

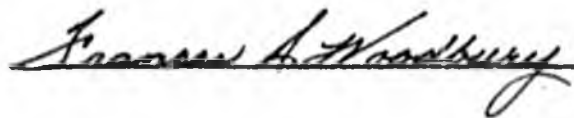
I realize that the Agency, like many others, may have been underfunded and that they were not given a strong enough enforcement capability, but it is still disheartening to go to them thinking that they could do more that I could do - only to be told they cannot! In fact, in one of my initial meetings with an Agency Representative, my files could not be found. As it turned out it had been put in the file that they had on my now ex-husband's first wife. I know things like

this can happen in even the most effective agencies, but in listening to some of the problems friends in similar circumstances have had, I begin to wonder whether the Child Support Enforcement Agency is doing anything. This sounds drastic, but when contacts with the Agency result in only negative feelings what can the legislative expect?

Upon approaching the Agency, we are told things such as: Due to limited resources, we have to act on cases on a priority basis, so it may be a while before we can get to yours; or we are going to have to take a certain percentage of the payment as a service charge. Why must the children pay for a service which is mandated by the Legislature? Shouldn't the Legislature appropriate enough money to cover administrative and program costs?

I am in favor of anything which will benefit my children or that will not unduly penalize them. I would like to urge you at this time to do everything in your power to assure that the children and the custodial parents are not placed under any undue hardship while the Agency carries out it's mandate.

Thank you.

A handwritten signature in cursive script, reading "Frances A. Woodbury". The signature is written in dark ink and is positioned to the right of the "Thank you." text.

Contact: Frances A. Woodbury
(907) 586-1432, Ext. 241 (Business Phone)

POSITION PAPER

ON

Senate Bill No. 181

"An Act relating to child support and changing rule 56 of the alaska rules of civil procedure."

Among numerous other changes, this bill would expand the Department of Revenue's authority to adjust child support payment amounts to keep pace with inflation, and to more easily obtain on absent parents' money and property in order to satisfy an obligation to support.

This Department is aware that other states have adopted measures similar to those proposed in this bill, with strikingly effective results. We have no doubt that these changes would increase the effectiveness of Alaska's Child Support Enforcement Agency. From our perspective, improvements would be most noticeable in the following ways:

1. Court-ordered child support payment amounts in our Aid to Families with Dependent Children (AFDC) recipients' cases tend to be inadequate when the court order is new. With the effects of years of increases in living costs, they get more and more inadequate. Even if child support is being collected it is not likely to be in an amount sufficient to enable the children to go off of assistance and live in dignity and independence.

There would undoubtedly be at least two beneficial effects from promoting revision of ordered amounts to keep pace with the actual costs of raising children: (a) single-parent families now able to exist without public assistance payments will be less likely to come on the AFDC rolls if the cost of living would no longer erode the purchasing power of their child support payments; and (b) Those families now receiving AFDC assistance on whose behalf the Agency is collecting child support are more likely to reach a level of child support collections which will eventually exceed the AFDC qualifying income standards. They would therefore leave the AFDC program and be able to live independently.

2. Similarly, the expanded ability of the Child Support Enforcement Agency to establish and adjust child support obligations, with its expanded ability to more easily compel withholding and delivery of the absent parents' earnings, will have positive preventive and corrective effects. Efficiency in these areas help insure that modest-income single parent families will be less likely to need or want financial assistance of all types, including AFDC and Medicaid. Similarly, improving the capability of CSEA to collect substantial child support will be reflected by a decrease in the total amount of public funds paid to recipients, and by an increase in the number of families who are able to leave the assistance rolls.

It is our understanding that House Bill No. 167 contains many of the changes proposed in SB No. 181, but that there are some differences between the two bills. We lack the technical expertise to comment on those differences. However, this Department believes passage of either measure would be beneficial to child support enforcement activities and would therefore benefit the AFDC program and its recipients.

Recommended By: Rod Betit

Rod Betit, Director
Division of Public Assistance

Date: 2-28-81

Approved By: Helen D. Beirne

Helen D. Beirne
Commissioner

Date: 2-25-81

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill No. 181
 Title An Act relating to child support and changing rule 76.
 Requested by Ray and Rodey Date 2/27/81

II. FISCAL DETAIL

Agency Affected Health & Social Services
 Program Category Affected Social & Economic Assistance for the General Population
 BRU, Program, or Subprogram(s) Affected Assistance Payments, AFDC

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		0	0	0	0	0
TOTAL		0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		0	0	0	0	0
PART TIME		0	0	0	0	0
TEMPORARY		0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The Department believes that passage of SB No. 181 may well result in an eventual small reduction in the rate of growth of AFDC expenditures. However, the amount of any such reduction would be contingent upon so many factors that its actual amount cannot be estimated.

IV. DATE 2/27/81 PREPARED BY [Signature]
 AGENCY 1205 13th Avenue Anchorage
 PHONE 116 3147
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) J. Hubbard M&B Approval [Signature] Date 3/2/81

WITNESSES FOR
SENATE H.E.S.S. MEETINGS

4-8-81

SB 237
SB 238
SB 181

Name	Address/Phone	Representing
Ken Lephorn	7743 Clidstone Dr Tucson 99101 789-9243	Self
Lisa Lephorn	"	"
Don Hardison	PO Box 2222 Tucson	Self
Cheryl Hardison	"	"
Herb Sattler	372 S. Franklin Tucson	"
Barbara A. Dale - SB 181	9511 Spaul Way Tucson 85711	Commission on the Status of Women
Keesha Sanchez SB 181	465-2365 601 Wilcox Ave	Advocates for Child Support
Lisa McLaren SB 181	110 Edward Km. 6 586-2977	Tucson Women's Resource Center & Self
Dorothy E. [unclear]	2000 Glacier 586-2022	Self
Dan R Copeland	465-2320 - Tucson 276-8148 - Anch	CS&A.
Joanne M. Brown SB 181	506 Park St. Tucson 6-6623 (w)	TWARE Inc.
Cathy Blue SB 181	325 5th St #3 Tucson 6-2324	Self
Esther B. Clark	364-2441	Self
Judith Brakel	586-6561	Advocates for Child Support
Christine [unclear]	364-2308	Self (SB 181)
Judith F. [unclear]	2471 21st St Tucson 48 186-2925	Advocate for Child Support
Christine [unclear]	5035th	Tucson

Revised Position Paper

On

House Bill No. 175

"An Act relating to the enforcement of child support."

This measure would amend AS 47.23.100 by preventing the Child Support Enforcement Agency from charging reasonable fees for providing services to those able to pay for child support collection activities. AS 47.23.100 currently mandates fees be charged to obligees who are able to pay.

After reviewing testimony presented in a House HESS Committee hearing on HB 175, the Department wishes to clarify its initial position on this bill. From that testimony, the Department gained a clear understanding that:

- (1) The Child Support Enforcement Agency did not wish to be compelled to collect fees, and if it were compelled to collect them, it would find it more equitable to be free to charge either the obligor or the obligee, depending upon which one was best able to pay fees.
- (2) The collection of fees from obligees could work a hardship on some dependent children and their caretaker relatives, but the fees would not provide CSEA with funds sufficient to expand and improve its services to non-welfare families.

In addition, the Department has just seen documents indicating that the Reagan Administration will attempt to amend federal law to require child support agencies to collect fees from non-welfare clients. We believe that there is a possibility this attempt will succeed. If it does, the change proposed to AS 47.23.100 would place the Child Support Enforcement Agency out of compliance with federal requirements. This level of non-compliance may pose a threat to the large amount of federal funding provided to CSEA.

There is only a possibility that federal law will change, and if it did change, there is only a possibility that non-compliance would truly pose an immediate threat to CSEA funding sources. However under the Aid to Families with Dependent Children federal regulations, the 50% AFDC federal matching funds are dependent upon the state having a child support agency which complies with all federal requirements. Thus all federal AFDC matching funds, approximately \$22,000,000, could be threatened by a CSEA federal compliance issue. We view this as a remote possibility, but one which should be avoided.

To prevent this from occurring, the Department respectfully recommends that HB 175 be modified to replace the word "shall" in AS 47.23.100 with the word "may", and that there be a clear expression of legislative intent that this discretionary power would not be used without prior approval from the Legislature.

Recommened By:

Rod Betit
Rod Betit, Director

Date:

March 10, 1981

Approved By:

Helen D. Beirne
Helen D. Beirne
Commissioner

Date:

3/12/81

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 175

Title An Act relating to the enforcement of child support

Requested by Clocks in

Date 2/27/81

II. FISCAL DETAIL

Agency Affected Health & Social Services

Program Category Affected Social & Economic Assistance for the General Population

BRU, Program, or Subprogram(s) Affected Assistance Payments AFDC

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		0	0	0	0	0
TOTAL		0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		0	0	0	0	0
PART TIME		0	0	0	0	0
TEMPORARY		0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

House Bill No. 175 will have no measurable impact on AFDC expenditures.

IV. DATE 2/27/81

PREPARED BY *[Signature]*
AGENCY HEALTH AND SOCIAL SERVICES
PHONE 465-2447

Original: Legislative Finance
cc: Budget and Management

Prime Sponsor (First Legislator Named) *[Signature]* M&B Approval *[Signature]* Date 3/2/81

INCOME WITHHOLDING

Rising divorce rates over the last two decades have had a tremendous impact on the emotional and financial well-being of the children of divorce. With the divorce rate approaching 50 percent, the number of one-parent families is increasing faster than two-parent families. In addition, nearly 15 percent of all children are born out-of-wedlock. In 1978, 19 percent of all families with children under 18 were one-parent families. Seventy-five percent of those children in one-parent households receive no support from the absent parent.

In 1975, the Child Support Enforcement Program (Title IV-D of the Social Security Act) was established to locate parents who have deserted their families, establish the paternity of children born out-of-wedlock, establish a legal obligation on the part of the absent parent to support that child, and enforce that obligation. The law establishes a system of federal supervision, and 75 percent reimbursement for the costs of state administration and local enforcement of the program. The responsible state governmental unit is commonly referred to as the IV-D agency.

A child support order is meaningless until the order is enforced and the payment is delivered. If absent parents resist paying their child support obligations several options for enforcing payment exist. Many states jail parents for non-support, some states seize and sell the property of an absent parent owing support. Because courts are often hesitant to enforce harsh penalties, new methods of enforcement have been tried and found successful. This Information Release focuses on income withholding for the enforcement of child support obligations. As a remedy for non-support, the income withholding is becoming the single most effective tool for enforcing support obligations.

Interest in the use of income withholding is growing among not only child support administrators but also legislators interested in effective programs. In 1980 the National Conference of State Legislatures (NCSL) received many requests for technical assistance and information on income withholding. Several states investigated it as an option, some states proceeded to adopt income withholding laws, and orders for mandatory income withholding were served for the first time in many states.

What is Income Withholding?

Income withholding as it applies to support of dependents, is the act of withholding income from any employee or beneficiary by:

- an employer,
- government agency,
- public trust or corporation,
- pension or retirement fund,
- workers compensation fund,
- death or disability benefit fund, or
- annuity

and paying the money withheld to the party which has support rights either directly or through a third party. Withholding may be authorized by the court or by statute. The most effective withholding laws are mandatory, binding on the employer, remain in effect continuously, and follow an employee from job to job. The results are support payments which are as regular as payroll deductions for a credit union loan or car payment. The broader term "income," instead of "wage," is used to denote the withholding's effect upon sources of income including and in addition to wages. Pensions, workers compensation and disability benefits and unemployment benefits are being assigned to pay support obligations in some states, for example.

Income withholding can take several forms, variously called wage assignments, wage attachments, wage garnishments, and orders to withhold earnings. All of these terms are used to describe essentially the same process. The name varies from state to state but the effect is the same on the absent parent who is trying to avoid his or her obligation to pay child support.

The first section of this Information Release on Federal Income Withholding presents the proposals of two attorneys searching for effective methods of enforcing the payment of child support obligations beyond existing state remedies. (Page 3)

Section two on State Use of Income Withholding explains the concepts of voluntary, involuntary and mandatory withholding or assignment laws, the success states are having with their use, and the major types of laws in effect. (Page 6)

Section three on Key Elements of Effective Income Withholding Laws focuses on specific sections of the laws currently being used. It provides an overview of some of the major concepts necessary for the successful operation of such a law. (Page 10)

Finally a description is given of the services available to legislators through the National Conference of State Legislatures' Child Support Enforcement Project. (Page 12)

I. FEDERAL INCOME .. WITHHOLDING

State income withholding laws are one of the most effective remedies for enforcing child support payments. Even so, only a few states have such remedies and where they do exist they are used unevenly. In addition, difficulties arise because of the limitations and variations among the states. In order to benefit from the success of income withholding, but overcome the difficulties of the state laws, it has been suggested that one federal system be established. A federal wage withholding law that is mandatory for everyone with a child support obligation and enforced consistently among the 50 states has been suggested as the best possible solution for ten million children who are not receiving support from absent parents. Federal legislation is being considered because states have been slow to adopt wage withholding laws even though they are being used effectively in the states that have them.

The concept of federal income withholding is being discussed widely among academics and legal experts searching for a remedy to the problem of non-support. The following description of how a federal wage withholding system would work is based on the ideas of two creative child support experts who are frustrated by the current system and searching for alternatives. Each has worked on the concept separately but their ideas are so similar that they are outlined in combination here to provide the reader with the fullest picture of how a federal law would work.

David L. Chambers is a professor of law at the University of Michigan Law School and the author of *Making Fathers Pay: The Enforcement of Child Support*. His book is based on a study of child support enforcement in Michigan including an assessment of the financial problems facing families without support, the characteristics of absent parents who do not pay, and the system operating to enforce the payment of child support obligations. The conclusion of his book is an exploration of methods for improving the current system for the benefit of the children in need of support and absent parents who are going to jail for non-support. A federal income withholding law is one of his proposals.

David Clayton Carrad is an attorney in private practice in Wilmington, Delaware. His work provides him with a view of child support enforcement from both sides. He defends and prosecutes absent parents for non-payment of child support. From his viewpoint it is a national disgrace that there is no "fair, cheap and easy means of enforcing child support obligations." In his article "A Modest Proposal to End Our National Disgrace" from the Fall 1979 issue of the American Bar Association Family Law Section's *Family Advocate*, Mr. Carrad writes: "The failure of our legal system to provide an effective and economical means of collecting child support has not just created a major social problem. It has also fostered an attitude of contempt and disrespect for our courts, their decrees and the legal profession as well, on the part of both the immune obligor [parent who owes support] and the destitute obligee [family to whom support is owed]." To end this disgrace Carrad suggests a "federal floating wage attachment."

David Chamber's study in Michigan shows that three out of four wage assignments were followed by a period of steady payment. David Carrad believes that it is successful because wages are the major source of wealth for most absent parents and income withholding taps it at its source, taking the control of making the payment out of the hands of the obligor.

How Would It Work?

David Chambers proposes a federal income withholding system that would be initiated with the child support order and travel with the parent from job to job until the obligation ended. A computer system based on the parent's Social Security number would be used to keep track of job information and support obligations. Employers would be required to check with the Social Security Administration to inquire whether support payments are to be withheld for each new employee.

David Carrad's "federal floating wage attachment" would be established through a federal statute pre-empting all state attachment and garnishment laws. It would provide a uniform national remedy for support orders that would still be issued by state courts having jurisdiction over child support matters.

Carrad proposes a federal law that would impose an affirmative duty on the parent to make the support obligation and income withholding order known to his or her employer at the commencement of each new job. Failure to notify the employer to withhold the amount of the support obligation would carry a penalty.

David Carrad's view of how it would work begins with the state court ordering the support. That court would send a copy of the income withholding order along with the parent's Social Security number to Washington, D.C. to be entered in the computer system. There would be no further hearings and the support checks would arrive regularly. The obligor would retain rights to modify or terminate the support obligation in the appropriate state court.

As David Carrad points out, the Federal Parent Locator Service communicates with the Social Security Administration (SSA) and the Internal Revenue Service (IRS) weekly to receive information for the state IV-D agency trying to locate the absent parent. The Social Security Administration responds within seven days and IRS in ten. "Even the most fleet-footed, hostile and determined obligor would find it impossible to change jobs that frequently as a continuing way of life."² The same system that works now providing location information could easily be programmed to print and mail federal income attachments directly to the employer, according to Carrad.

The federal income withholding system would not be perfect. David Chambers states that we have to expect that the self-employed and unemployed would not be affected by the federal income withholding system. However, as Chambers points out, for all of the reasons that obligors have for not paying child support, unemployment is the problem in a minority of the cases.

Other problems in administering the federal system can be expected and would have to be addressed. (1) Not everyone has a child support order so it would not be as simple as having everyone fill out a W-4 form for income tax withholding. (2) In addition to collecting the support payment it will have to be distributed to the family. (3) The amount of the support orders would change as children reach their majority. Chambers cautions that all of these considerations would lead to many errors and will have to be carefully planned for in advance.

David Chambers raises other areas of concern. He points out that there is resentment about involuntary income assignment by the population in general. There are several reasons for this: (1) control over one's earnings is a highly regarded ethic in our culture, (2) the support check is a form of communication and that communication is taken away by an automatic income withholding, (3) federal intrusion into the private lives of workers whose bosses will know about divorces and children born out-of-wedlock and (4) there is resistance among employers who don't want to be bothered with the extra work.

Chambers is just as hopeful that these problems can be overcome with advance planning and sensitivities to all parties concerned. He suggests that to overcome the problem of distribution to the responsible parent and children, the payments would begin as soon as notice is received that the withholding has begun. To ensure that payments are properly credited against the payments made to the families withholding could be carried out beyond the majority of the child. To overcome the potential problem of withholding so much of an obligor's income that he or she would be reduced to poverty, Chambers suggests that any system of income withholding take into consideration the basic needs of those paying support as well as those receiving support.

Both Chambers and Carrad are convinced that the advantages outweigh the disadvantages of having a federal income withholding law. David Carrad states the the speed and ease of the system would result in a high ratio of families receiving support. It would be possible to make deductions from the first weekly paycheck and each succeeding one without interruption. The costs for activating such a system would be small in comparison to the advantages. The cost of modifying the Parent Locator Service to accommodate income withholding shouldn't be more expensive than the repeated court costs, according to Carrad. Employers could be compensated for the time it takes to comply with the withholding notices; several states currently provide for such payments : state orders.

Chambers highlights other advantages. Income withholdings could be ordered as a percentage of income instead of a dollar amount. There would be no need to return to court each time the obligor's wages went up or down: one constant percentage could be deducted from his or her wages each time.

Both authors have turned to proposal for federal income withholding with regret, but view it as a necessary step in assuring children proper support. Chambers writes that although a federal income withholding would create problems it is better than the mix-based system that currently places so many in jail. "Readers who have doubts in this regard should turn themselves in for a weekend at the nearest county jail."³

David Carrad sees the choice as either a federal enforcement system or no enforcement at all. "Those of us who practice family law and our clients know all too well that the present methods of collecting support simply do not work."⁴

NOTES

1. David Clayton Carrad, "A Modest Proposal to End Our National Disgrace," *Family Advocate*, Fall 1979, page 32.
2. *Ibid.*, page 43.
3. David L. Chambers, *Making Fathers Pay: The Enforcement of Child Support*, University of Chicago Press, Chicago, 1979, page 261.
4. Carrad, *op. cit.*, page 43.

II. STATE USE OF INCOME WITHHOLDING

In a variety of forms, income withholding laws are now being used in many states to increase the effectiveness of child support enforcement programs. Variouslly referred to as "The most valuable tool in recent years" (an administrator from Utah), or "A critical factor in the success of our program" (a Wisconsin attorney), the laws take two major forms: assignments of income and orders requiring withholding of income. Assignments may be voluntary or involuntary. The authority of the court to order assignments or withholding may be discretionary or mandatory.

Assignments

In a voluntary assignment the person owing support agrees to an assignment of a portion of his or her income to be withheld and ultimately transferred to the person who has the right to receive the support payment. In an involuntary assignment, the court, at its discretion or by requirement of law, orders the person to assign a portion of his or her income. When state law specifies the conditions under which the court must order an assignment, the court is regarded as being mandated to order it.

Most states give their courts discretion to impose the involuntary assignments. They also allow for voluntary assignments by employees. A few states have also adopted a mandatory assignment law which generally requires an assignment when the person owing support fails to pay child support. The failure to pay, or delinquency, is defined by a specific amount of money, number of missed payments or time period of delay.

States making the most effective use of their voluntary assignment laws are those which make a concerted effort to use them. In these states, child support personnel stress the benefits of the voluntary assignment to the absent parent when the new support order is first established. By encouraging the use of voluntary assignments, Virginia is getting voluntary assignments in an average of one-third of their new cases. In Utah, a state in which the child support enforcement program consistently ranks among the most successful in the country, voluntary assignments are agreed to by the absent parent in an average of 50 percent of the new cases.

Utah credits part of its success also to enlisting the acceptance of the state's employers to the concept of assignments. Early on in the inception of the IV-D program, representatives of the Office of Recovery Services in Utah made a special effort to work with employers, to break down some of the traditional resistance to the idea. They stressed the benefits to the worker of not having to worry about sending the money every month, to the company of encouraging responsible parents and not losing work time because of workers who are called into court for failure to pay, to the children who receive regular support, and to the taxpayers whose money is saved when welfare costs are recovered. The employers not only accepted the concept, but began sending bulk checks containing the earnings withheld for all of their employees covered by the assignments. Every month a check from Geneva Steel to the Office of Recovery Services covers assignments for up to 150 employees. Kennecott Copper, whose check covers about 100 employees, even includes a place on their employee's paycheck stub which lists the child support withholding and transfer made for that pay period. Currently over 400 Utah employers transfer child support payments in one bulk check. The practice is now also common in other states.

Widespread use of the voluntary assignment is dependent upon the agreement of the absent parent owing support. To deal with parents who fail to make their payments, and who do not agree to an assignment, most states give their courts discretion to impose involuntary assignments. However, the benefits to the IV-D program of this enforcement tool is subject to the willingness of the state's courts to use the remedy. Since many courts fail to exercise their option, several states have taken the next step of stipulating the condition under which the court must impose an assignment or withholding, which can take effect immediately or upon default in payments.

These mandatory laws fall into two major categories:

- (1) Those which require that an assignment must be a part of every order for support at the time that it is established, to go into effect immediately or at the time a specified default in payment occurs; and
- (2) Those in which application is made to the court after a specified default has occurred to which the court must respond by ordering the obligor to assign income, or the employer to withhold income.

There is also a third practice being used in some states that has the effect of a mandatory law which is a combination of a garnishment action and a voluntary wage assignment.

Assignments in Every Order

Wisconsin, Rhode Island and New York are examples of states with mandatory laws requiring that every order for support include an assignment or withholding provision, which is triggered to go into effect when there is a specified default in payments.

Wisconsin law (Chapter 767.265) requires that all orders for child support and maintenance payments include an assignment. The assignment could take effect immediately or when the person owing support fails to make a full payment within twenty days of its due date. The court then notifies the delinquent payor of a right to a hearing. If the hearing is not requested within 10 days, the assignment goes into effect. This law is considered a key factor in the success of the Wisconsin program, which was just identified as first in the nation by the Office of Child Support Enforcement in returning dollars to the state from AFDC collections, compared to state dollars spent for the first three quarters of fiscal year 1980. In addition, one year of operation using the new law is considered to be the main reason that collections for September 1979, in Milwaukee County were \$550,000 higher than collections for September of the preceding year.

In 1980 Rhode Island adopted an income assignment law (Chapter 15-5-16-3-1) modeled after the Wisconsin statute. New Jersey (S. 1508) has introduced a similar version which also includes a new element for getting the assignment provision into support orders which were set before the adoption of the proposed law. A person entitled to payments under a pre-existing child support, alimony or maintenance order may apply to the court to modify the order to include an assignment, to take effect at the time of a delinquency.

As of January 1, 1979, New York law (Personal Property Law Section 49-b) requires that all orders for support, which require that payment be made to the support collection unit, must include a withholding order which goes into effect when there is a failure to pay a specified number of payments, as determined by the court at the time the order is set. If the parent owing support fails to make the number of payments set by the court in the order, the support collection unit can take action to put the withholding order into effect. The first step is to notify the delinquent payor that the withholding order will be going into effect in fifteen days, unless the arrearage (missed payments) is paid. If the payor still fails to comply notice is given to the employer to begin withholding an amount from the employee's wages sufficient to meet the support payment.

Of the orders established since January 1979, which include the withholding provision (some courts were slow to comply with the law), and in which the specified delinquency has occurred, steady payments through withholding are now being received in 72.9 percent of the cases. In New York City alone there is an 80 percent payment rate on those orders which include the withholding provision, which may or may

not be in effect, versus a 40 percent payment rate on orders which do not include the withholding provisions.

Assignments Established at Time of Delinquency

California has received a great deal of attention in the popular press for adopting a new income assignment law (Chapter 1341, Section 4700) that is considered to be one of the most stringent. The statute, which takes effect in January 1981, requires the court to issue an order of assignment upon receiving a petition signed under penalty of perjury by the person to whom payment was to be made, that the child support payments are in arrears in a sum equal to one monthly payment within the 24-month period immediately preceding filing of the petition. The order would be issued without notice by the court to the parent owing support. There is a requirement that the parent or representative of the government agency designated to receive support must notify the parent owing support of his or her intent to seek an assignment at least 15 days prior to the date of the filing of the petition. Included in the law is a section specifying the conditions under which the assignment may be terminated.

Under prior California law, the absent parent had to be two months in arrears within the prior 24-month period and a court hearing had to be held to obtain an order for a wage assignment. The court process not only involved a considerable time delay, but also the expense of hiring an attorney. Thus, many custodial parents were unable to take advantage of the wage assignment law, and many of these were forced onto AFDC because of the delay and expense. Under the new law the court can issue a wage assignment without a court hearing and therefore the delay and expense have been eliminated. Consequently, it is expected that there will be a substantial increase in the number of wage assignments ordered in California as those custodial parents previously unable to afford the delay and expense involved in obtaining a wage assignment can now obtain one.

Wage Withholding Orders

A wage withholding order differs from an involuntary assignment in that the court order is directed to the employer, and not the employee. The employer is required by the court to withhold the wages. Where the court orders a wage assignment, the order is directed to the employee, not the employer. The employee is required by the court to assign a portion of income for support payments.

A word of caution is appropriate here. The statutes of many states with various types of income withholding laws speak in terms of "wage assignments" when in reality the order is a wage withholding order. One example of a state with an effective wage withholding statute that does this is Oregon, as described below. It is important to note that there are separate methods of obtaining the desired result of wage withholding.

Oregon has had a mandatory withholding law (Chapter 23.777) in effect for four years which one administrator described as their best enforcement tool. Upon application to the court by the person to whom support is owed or a representative of the child support enforcement program, and notice that there is a delinquency by the person owing support, the court must issue

an order directed to the employer which requires withholding. The order will notify the employer of the parent owing support to withhold and transfer 25 percent of the person's earnings to satisfy the support debt. (Many states set a limit on the amount of earnings that can be assigned and 25 percent is common.)

In addition to the withholding law, Oregon also has instituted an administrative process for handling child support enforcement cases for AFDC recipients. Oregon has the ability to respond to a delinquency on administratively established child support orders by administratively ordering the absent parent to assign his or her income up to that 25 percent maximum level. The state can also apply for court ordered withholding based upon the administrative order.

Combining Enforcement Remedies

Some states have combined the use of a garnishment action with a "voluntary assignment" which results in effect, in an involuntary assignment action. In Utah when there is a delinquency in payments the Office of Recovery Services obtains a garnishment order to take 50 percent of the gross pay (or 100 percent of the bank account) of the parent owing support. This is a continuous garnishment order which stays in effect until it is withdrawn. (Often a garnishment is used only for a one-time taking of assets -- paycheck, property, bank account or whatever -- to satisfy a debt.) The parent against whose assets this garnishment is applied usually finds the action so extreme that he or she soon contacts the IV-D office to try to get the garnishment stopped. The child support personnel respond by offering the person the option of establishing a voluntary assignment in exchange for removing the garnishment order. A voluntary assignment is obtained in 90 percent of these cases. This figure combined with the solely voluntary assignments obtained (described in an earlier section) totals an average of assignments being obtained in 75 percent of the cases handled in any one month through the Utah program.

In Washington state and Maine the combination of using two remedies is similar. Both of these states use administrative procedures to establish and enforce child support enforcement orders (in Washington for AFDC and non-AFDC cases, in Maine only for AFDC). Once the parent owing support has been notified of the support order and a delinquency has occurred, the IV-D agency can issue an "order to withhold and deliver" up to 50 percent of the wages (or other assets). This order also stays in effect continuously until withdrawn or there is change of employment. Again, the parent owing support responds quickly, is given the option of a voluntary assignment, and usually agrees.

III. KEY ELEMENTS OF EFFECTIVE INCOME WITHHOLDING LAWS

Drafters of income withholding legislation may want to take into consideration the following elements which are present in many of the effective laws cited earlier.

- A broad definition of the term "income" to include wages, salaries, income, commissions, interest from any source and all money payable

as an annuity, retirement, disability, death or other benefit.

- A broad definition of the term "employer" that includes employers, trustees, and the federal, state and local governments as employers.
- Stipulate that the assignment or withholding applies to current and future employers to make it continuous.
- Make the assignment or withholding binding on the current and future employers. The absence of this provision in assignment laws renders the assignment meaningless unless the employer agrees to comply. States could also stipulate that the employer would be liable for the support obligation or that there would be a penalty levied against the employer for failure to comply.
- A requirement that the parent owing support, or the employer, must notify the IV-D agency or the clerk of the court or other government agency to which the payment is made of termination of employment and information on the next employer if known. Some states have penalties for not notifying the agency of changes.
- Prohibit the employer from using the assignment or withholding order for any disciplinary or discharge action against the employee.
- Hold the employer harmless from any liability for that portion of the employee's income withheld and transferred to comply with the assignment or withholding order. This removes employers who do not desire such laws.
- Some laws give the employer the option of deducting one or two dollars from the remaining money to be paid to the employee to offset the cost of complying with the assignment or withholding orders. This overcomes another employer objection.
- Make the assignment or withholding order a priority before other voluntary deductions and garnishments which are a subsequent in time. If the child support deduction is not made a priority, a boat or camper may take precedence over support obligations.
- Require both the parent owing support and the parent receiving the payment to notify the agency processing the payment of any change of address to ensure proper payment of support.
- Require that all child support payments be made through an agency designated by the state or county so that there can be proof of payments made or missed. A single statewide central registry can simplify the process of monitoring payments. Without central collection and distribution points for all support payments, lengthy hearings may be necessary to verify whether a payment has been made. This further delays any action which might be taken against a delinquent parent.

The following are some of the major elements to consider in drafting mandatory legislation:

- Making assignments or withholding orders part of every child support order to go into effect at the time the order is issued or after some specified delinquency; or requiring that after a specified delinquency has occurred, application can be made to the court. Unless mitigating circumstances defined in the law exist, the court would respond by ordering compliance with the assignment or withholding.
- Stipulating the delinquency which triggers an assignment or withholding order, whether it be letting the court determine on an individual case basis (New York), or by a time period such as not paying within 20 days of the due date (Wisconsin and Rhode Island) or by an amount of money such as "an amount equal to one monthly payment within the previous 24-month period" (California), or by simply not defining it (Oregon). The shortest time period that considers the rights of the parent owing support is desirable.
- Giving the delinquent payor notice that the assignment or withholding order will be going into effect. Determine who must give that notice -- the enforcement agency? the parent to whom support is owed? Finally, consider what is the most efficient form of service. Many states are now using certified mail in place of personal service.
- Defining the conditions under which the assignment or withholding order can be terminated, as California does.
- Making the law applicable to AFDC and non-AFDC cases.
- Setting a ceiling on how much of the income can be assigned or withheld, or letting the federal guidelines apply.
- Identifying the means by which the law applies to support orders in effect prior to the effective date of the statute.
- Specifying who applies to the court or administrative agency to get the assignment or wage withholding order put into effect -- the person to whom the support is paid or a representative of the enforcement agency?

A FINAL NOTE

This Information Release has focused on income withholding as one of the most effective remedies for enforcing the payment of child support. Because states have been slow to adopt such laws, a description was given of proposals for federal income withholding legislation. Successful state laws which include such common concepts as being mandatory, binding on the employer, remaining in effect continuously and following an employee from job to job were highlighted. Finally, key elements for consideration by drafters of withholding legislation were identified.

A variety of services are available from NCSL for legislators and staff interested in improving their child support enforcement programs. Included are an information clearinghouse service, publications in the form of A Legislator's Guide to Child Support Enforcement and a series of three information releases, and a technical assistance program.

This Information Release is the second of three being produced by the Project during this contract year. The First Information Release includes a report of 1980 legislative activity on child support enforcement and a reference list of materials available to legislators and staff from the Project's information clearinghouse.

Technical assistance is available to help legislators assess problems and work toward solutions to improve state programs. This may include help with drafting legislation, providing testimony in committee hearings, conducting state workshops, or other activities geared to the particular needs of the state.

If you are interested in technical assistance in any area, including the development of income withholding legislation, or if you would like copies of the information releases, clearinghouse materials or the Guide, please contact Deborah Bennington or Carolyn Royce, Child Support Enforcement Project, National Conference of State Legislatures, 1125 17th Street, Denver, Colorado, 80202, (303) 623-6600.

1 IN THE HOUSE

2 HOUSE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to child support."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 09.65 is amended by adding a new section to read:

9 Sec. 09.65.132. INCOME ASSIGNMENT ORDER FOR CHILD SUPPORT. (a)

10 A judgment, court order, or order of the child support enforcement
11 agency (AS 47.23) providing for the support of a minor child shall
12 contain an income assignment order.

13 (b) An income assignment order shall direct the obligor, his
14 employer, future employer, and any person, political subdivision or
15 department of the state to assign money due or to be due the obligor to
16 the child support enforcement agency (AS 47.23) in an amount sufficient
17 to meet the support payments imposed by the court.

18 (c) An income assignment order shall take effect upon the applica-
19 tion to the clerk of court of an obligee or person or public agency
20 designated to receive the support payments. An application shall
21 include a sworn statement that the obligor has failed to make a support
22 payment in full within 30 days of the date the payment was due.

23 (d) If an application is received by the clerk of court, notice
24 shall be sent by certified mail to the last known address of the obli-
25 gor. The notice shall be postmarked no later than 10 days after the
26 date on which the application was filed and shall inform the obligor
27 that the income assignment will take effect 15 days after the date on
28 which the notice was sent. The notice shall also state that the obligor
29 may request a hearing within the 15 days after the notice was sent. If

1 the obligor requests a hearing, an income assignment may not take
2 effect until the conclusion of the hearing. The court shall hold a
3 hearing requested under this section within 15 days after the date the
4 obligor requests the hearing.

5 (e) The clerk of court shall immediately send a copy of an income
6 assignment order by certified mail to persons identified by the obligee.
7 An income assignment made under this section is binding upon a person,
8 employer, political subdivision, or department of the state immediately
9 upon receipt of a copy of the assignment from the court.

10 (f) An employer may not discharge an obligor on the basis of an
11 assignment under this section.

12 (g) An income assignment under this section has priority over all
13 other attachments, executions, garnishments, or other assignments
14 unless otherwise ordered by the court. An income assignment is not
15 limited to the wages of an obligor but may include all money owed to
16 the obligor. The exemptions from execution by judgment debtors under
17 AS 09.35.080(a) and the restrictions from execution by judgment debtors
18 under AS 09.35.050(b)(1) do not apply to income assignments under this
19 section.

20 (h) An obligor ^{if not prevailing party} shall pay all court costs involved in an income
21 assignment proceeding under this section.

22 * Sec. 2. AS 47.23.140 is amended by adding a new subsection to read:

23 (c) A decision of the agency determining a duty of support shall
24 include an income assignment order as provided under AS 09.65.132.

25 * Sec. 3. AS 47.23 is amended by adding new sections to read:

26 Sec. 47.23.253. INCOME ASSIGNMENT ORDERS. (a) The agency shall
27 pay the obligee all money recovered by the agency under an income
28 assignment order except for costs which are recovered from the obligor
29 or amounts withheld under AS 47.23.255(c).

(b) Notwithstanding AS 47.23.250, an income assignment order contained in a decision of the agency which has not been set aside by the superior court under AS 47.23.220 shall be enforced under the procedure established in AS 09.65.132.

Sec. 47.23.255. TEMPORARY PAYMENT OF CHILD SUPPORT BY AGENCY.

Temporary while wage assignment is being figured

(a) If an obligor fails to make a child support payment subject to an income assignment provision under AS 09.65.132, the agency may pay the obligee the amount of child support due under the order. Payment of child support under this section may continue until the obligor has paid all arrearages plus interest and costs.

(b) In order to receive temporary child support payments under this section the obligee must file an application under AS 09.65.132(c) and file a copy of the application with the agency. The obligee must cooperate fully with the agency in enforcing an income assignment provision under AS 09.65.132.

(c) The agency is entitled to reimbursement for payments made under this section from any arrearages recovered from the obligor under AS 09.65.132.

* Sec. 4. AS 47.23.260 is amended to read:

Sec. 47.23.260. CIVIL LIABILITY UPON FAILURE TO COMPLY WITH AN ORDER OR LIEN. If any person, political subdivision, or department of the state (1) fails to make answer to an order to withhold and deliver within the time prescribed in AS 47.23.250; (2) fails or refuses to deliver property in accordance with an order issued under AS 47.23.250; (3) pays over, releases, sells, transfers, or conveys real property subject to a lien filed under AS 47.23.230 to or for the benefit of the obligor or any other person; (4) fails or refuses to surrender upon demand property attached; (5) fails or refuses to honor an assignment of wages or income presented by the agency, the person, political

1 subdivision, or department of the state is liable to the agency in an
2 amount equal to 100 percent of the amount constituting the basis of the
3 lien, order to withhold and deliver, attachment, or assignment of wages
4 or income, together with costs, interest, and reasonable attorney fees.
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Child Support Enforcement Admendment

The Agency shall provide to the obligor upon his request the address of the obligee under the following conditions:

- 1) The obligor is current in child support payments
- 2) There is a court order granting the obligor visitation rights.

The address of the obligee shall not be provided to the obligor if the agency knows of any court order forbidding contact between the obligee and obligor.

*Notice to custodial parent
15 days to object.*

Original sponsors: Ray and Rodey

Offered: 4/28/81
Referred: Judiciary

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 FCC CS FOR SENATE BILL NO. 181 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the enforcement of child support
7 and changing Rule 56 of the Alaska Rules of Civil
8 Procedure."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 25.25.010(1) is amended to read:

11 (1) "state" includes the State of Alaska and a state, terri-
12 tory, or possession of the United States and the District of Columbia,
13 and a foreign country in which this or a substantially similar recip-
14 cal law has been enacted;

15 * Sec. 2. AS 47.23.100 is amended to read:

16 Sec. 47.23.100. ALL PERSONS MAY USE AGENCY. The agency shall
17 provide aid to any person due child support under the laws of this
18 state upon application. The agency may not impose a fee for services
19 provided under this chapter unless required by federal law. (IF THE
20 OBLIGEE IS INDIGENT OR OTHERWISE UNABLE TO PAY FOR THESE SERVICES, THE
21 AGENCY SHALL ACT WITHOUT CHARGE TO THE OBLIGEE. IF THE AGENCY DETER-
22 MINES THAT THE OBLIGEE IS FINANCIALLY ABLE TO PAY, COSTS SHALL BE
23 ASSESSED ACCORDING TO REGULATIONS ADOPTED BY THE DEPARTMENT AND BE PAID
24 INTO THE FUND ESTABLISHED IN AS 47.23.030.)

25 * Sec. 3. AS 47.23.110(4) is amended to read:

26 (4) "obligee" means the legal custodial parent or person who
27 has the primary physical custody and responsibility for the minor child
28 [A PERSON] to whom a duty of support is owed and does not include a
29 parent who exercises regular or extended visitation rights:

1 * Sec. 4. AS 47.23.130 is repealed and reenacted to read:

2 Sec. 47.23.130. SUBROGATION OF STATE. (a) If the obligor is li-
3 able to the state under AS 47.23.120(a) or (b), the state is subrogated
4 to the rights of the obligee to

5 (1) bring an action in the superior court seeking an order
6 of support;

7 (2) proceed under AS 47.23.160 - 47.23.270 to establish a
8 duty of support; or

9 (3) enforce by execution, in accordance with AS 47.23.230 -
10 47.23.270, or otherwise, a support order entered in favor of the obli-
11 gee.

12 (b) To establish or enforce an order of support, based on the
13 subrogation of the state, the agency is not limited to the amount of
14 assistance being granted to the minor child.

15 (c) The recovery of any amount for which the obligor is liable
16 that exceeds the total assistance granted under AS 47.25.310 - 47.25.-
17 420 shall be paid to the obligee.

18 * Sec. 5. AS 47.23.170(f) is amended to read:

19 (f) If the alleged obligor requesting the hearing fails to appear
20 at the hearing, the hearing officer shall enter a decision declaring
21 the property of the alleged obligor subject to execution in accordance
22 with AS 47.23.230 - 47.23.270 in the amounts stated in the notice and
23 finding [FILING] of financial responsibility.

24 * Sec. 6. AS 47.23 is amended by adding a new section to read:

25 Sec. 47.23.255. EARNINGS EXEMPT FROM ORDER OR LIEN. (a) Not
26 more than 50 percent of the disposable earnings of the obligor is
27 exempt from an order to withhold and deliver under AS 47.23.250. The
28 exempt part of the disposable earnings may be paid to the obligor even
29 if the earnings are paid monthly, weekly, or at other intervals.

1 (b) A person, political subdivision, or department of the state
2 |1 withhold the nonexempt part of the earnings of the obligor at
3 each succeeding interval of payment until the entire amount of the debt
4 stated in the order to withhold and deliver has been withheld.

5 (c) An order to withhold and deliver issued to the Department of
6 Revenue remains in effect throughout the calendar year in which it is
7 served. That order applies to any tax refund or other disbursements to
8 which the obligor is entitled even if the tax refund or disbursement is
9 issued more than 30 days after service of the order.

10 * Sec. 7. AS 47.23.260 is amended to read:

11 Sec. 47.23.260. CIVIL LIABILITY UPON FAILURE TO COMPLY WITH AN
12 ORDER OR LIEN. If any person, political subdivision, or department of
13 the state (1) fails to make answer to an order to withhold and deliver
14 within the time prescribed in AS 47.23.250; (2) fails or refuses to
15 deliver property in accordance with an order issued under AS 47.23.250;
16 (3) pays over, releases, sells, transfers, or conveys real property
17 subject to a lien filed under AS 47.23.230 to or for the benefit of the
18 obligor or any other person; (4) fails or refuses to surrender upon
19 demand property attached; (5) fails or refuses to honor an assignment
20 of wages presented by the
21 agency, the person, political subdivision, or department of the state
22 is liable to the agency in an amount equal to 100 percent of the amount
23 constituting the basis of the lien, order to withhold and deliver,
24 attachment, or assignment of wages or income, together with costs,
25 interest, and reasonable attorney fees.

26
27 * Sec. 8. AS 47.23 is amended by adding a new section to read:

28 Sec. 47.23.275. LOCATION OF CHILDREN. Upon the written request
29 of the obligor and notice to the obligee, the agency shall release

1 information concerning the location of children to whom a duty of
2 support is owed if the obligor has paid all support payments that are
3 due and there is a visitation or joint custody agreement or order in
4 effect.

5 * Sec. 9. AS 47.23.092 added in sec. 3 of this Act has the effect of
6 changing Rule 56 of the Alaska Rules of Civil Procedure by permitting a
7 certified statement of arrears from the child support enforcement agency to
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House

4624

Introduced: 2/17/81
Referred: Health, Education &
Social Services and Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 167

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the enforcement of child support."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 25.25.010(1) is amended to read:

9 *dk* (1) "state" include: the State of Alaska and a state, terri-
10 tory, or possession of the United States and the District of Columbia,
11 and a foreign country in which this or a substantially similar recip-
12 cal law has been enacted;

13 * Sec. 2. AS 47.23.020(2)(A) is amended to read:

14 (A) schedules for determining the amount an obligor is
15 *out* liable to contribute toward the support of a minor child [AN
16 OBLIGEE] under this chapter and under Title IV-D, Social Security
17 Act;

18 * Sec. 3. AS 47.23.060 is amended by adding a new subsection to read:

19 (d) In any proceeding to modify the duty of support, a change of
20 *out* 20 percent or more in the consumer price index which occurs after the
21 establishment of or modification of a judicial or administrative sup-
22 port order is evidence of a change of circumstances.

23 * Sec. 4. AS 47.23.100 is amended to read:

24 Sec. 47.23.100. ALL PERSONS MAY USE AGENCY. The agency shall
25 provide aid to any person due child support under the laws of this
26 state upon application. *pe* If the obligee is indigent or otherwise unable
27 to pay for these services, the agency shall act without charge to the
28 obligee. The agency may impose fees for services provided under this
29 chapter, which [IF THE AGENCY DETERMINES THAT THE OBLIGEE IS FINAN-

1 CIALY ABLE TO PAY, COSTS) shall be assessed according to regulations
2 adopted by the department and [BE] paid into the fund established in
3 AS 47.23.030.

4 * Sec. 5. AS 47.23.110(4) is amended to read:

5 *not* (4) "obligee" means the custodial parent or person who has
6 physical custody and responsibility for the minor child [A PERSON] to
7 whom a duty of support is owed;

8 * Sec. 6. AS 47.23.110 is amended by adding new paragraphs to read:

9 (7) "consumer price index" means the All Urban Consumer
10 Price Index as compiled by the United States Department of Labor,
11 Bureau of Labor Statistics, for Anchorage, Alaska or, if the obligor
12 and obligee live in the same judicial district, the index for a muni-
13 *out* cipality within that judicial district, if the United States Department
14 of Labor compiles an index;

15 (8) "earnings" (A) means compensation paid or payable for
16 personal services, whether denominated as wages, salary, commission,
17 bonus, or other similar description and includes the gain derived from
18 the investment of capital, from labor, or from a combination of in-
19 vestment and labor; and (B) does not include profit gained from the
20 sale or conversion of a capital asset; *pe*

21 (9) "disposable earnings" means that part of the earnings of
22 *ok* an individual which remains after the deduction from those earnings of
23 any amount required by law to be withheld.

24 * Sec. 7. AS 47.23.130 is repealed and reenacted to read:

25 *ok* Sec. 47.23.130. SUBROGATION OF STATE. (a) If the obligor is li-
26 able to the state under AS 47.23.120(a) or (b), the state is subrogated
27 to the rights of the obligee to:

28 (1) bring an action in the superior court seeking an order
29 of support *or* modifying an existing order of support

1 (2) proceed under AS 47.23.160 -- 47.23.270 to establish or
2 modify a duty of support; or

3 *jk* (3) enforce by execution, in accordance with AS 47.23.230 --
4 47.23.270, or otherwise, a support order entered in favor of the obli-
5 gee.

6 (b) To establish, ~~modify~~ or enforce an order of support, based
7 upon the subrogation of the state, the agency is not limited to the
8 amount of assistance being granted to the minor child.

9 (c) The recovery of any amount for which the obligor is liable
10 which exceeds the total assistance granted under AS 47.25.310 -- 47.25.-
11 *jk* 420 shall be paid to the obligee.

12 * Sec. 8. AS 47.23.150 is amended by adding a new subsection to read:

13 (c) Refusal by the obligor to accept the notice is considered
14 service as of the time of the refusal.

15 * Sec. 9. AS 47.23.160(b) is amended to read:

16 *out* (b) The notice and finding of financial responsibility served
17 under (a) of this section shall state

18 (1) the sum or periodic payments for which the alleged
19 obligor is found to be responsible, calculated by taking into consid-
20 eration the need of the minor child [ALLEGED OBLIGEE], the alleged
21 obligor's liability to the state under AS 47.23.130 if any, and his
22 duty of support under the law;

23 (2) the name of the alleged obligee and the minor child [HIS
24 CUSTODIAN];

25 (3) that the alleged obligor may appear and show cause in a
26 hearing held by the agency why the finding is incorrect, should not be
27 finally ordered, and should be modified or rescinded, because (A) no
28 duty of support is owed, or (B) the amount of support found to be owed
29 is incorrect;

1 (4) that if the person served with the notice and finding of
2 financial responsibility does not request a hearing within 30 days, the
3 property of the person will be subject to execution in accordance with
4 AS 47.23.230 -- 47.23.270 in the amounts stated in the finding without
5 further notice or hearing.

6 * Sec. 10. AS 47.23.160 is amended by adding a new subsection to read:

7 (c) Refusal by the obligor to accept the notice is considered
8 service as of the time of the refusal.

9 * Sec. 11. AS 47.23.170(e) is amended to read:

10 out (e) The hearing officer shall consider the following in making
11 his determination under (d) of this section:

12 (1) the needs of the minor child [ALLEGED OBLIGEE], disre-
13 garding the income or assets [OF THE CUSTODIAN] of the alleged obligee;

14 (2) the amount of the alleged obligor's liability to the
15 state under AS 47.23.120 [AS 47.23.125] if any;

16 (3) the intent of the legislature that children be supported
17 as much as possible by their natural parents;

18 (4) the ability of the alleged obligor to pay.

19 * Sec. 12. AS 47.23.170(f) is amended to read:

20 (f) If the alleged obligor requesting the hearing fails to appear
21 at the hearing, the hearing officer shall enter a decision declaring
22 the property of the alleged obligor subject to execution in accordance
23 with AS 47.23.230 -- 47.23.270 in the amounts stated in the notice and
24 finding [FILING] of financial responsibility.

25 * Sec. 13. AS 47.23.190(a) is amended to read:

26 mt (a) Unless a support order has been entered, the obligor, or the
27 obligee [OR HIS CUSTODIAN], may petition the agency or its designee for
28 a modification of the finding or decision of responsibility previously
29 entered with regard to future periodic support payments.

1 * Sec. 14. AS 47.23.190(c) is amended to read:

2 (c) If a hearing is granted, the agency shall serve a notice of
3 hearing together with a copy of the petition and affidavits submitted
4 on the obligee [OR HIS CUSTODIAN] and the obligor personally or by
5 registered, certified, or insured mail, return receipt requested, for
6 restricted delivery only to the person to whom the notice is directed
7 or to the person authorized under federal regulation to receive his
8 restricted delivery mail.

9 * Sec. 15. AS 47.23 is amended by adding a new section to read:

10 Sec. 47.25.255. EARNINGS EXEMPT FROM ORDER OR LIEN. (a) Not
11 more than 50 percent of the disposable earnings of the obligor is
12 exempt from an order to withhold and deliver under AS 47.23.250. The
13 exempt part of the disposable earnings may be paid to the obligor even
14 if the earnings are paid monthly, weekly, or at other intervals.

15 (b) A person, political subdivision, or department of the state
16 shall withhold the nonexempt part of the earnings of the obligor at
17 each succeeding interval of payment until the entire amount of the debt
18 stated in the order to withhold and deliver has been withheld.

19 (c) An order to withhold and deliver issued to the Department of
20 Revenue remains in effect throughout the calendar year in which it is
21 served. That order applies to any tax refund or other disbursements to
22 which the obligor is entitled even if the tax refund or disbursement is
23 issued more than 30 days after service of the order.

Maryot Dick - 586-6233
re: SB 181 6238

- 1) w/ day care assistance programs
alot of people had problems
w/ getting child support
- 2) wage garnishment clause
good, but needs improvement
- 3) study other states
improve our laws
interstate payment
- 4) 600,000 ^{agency} for 40% of support
due
- 5) other states have a withholding
system (from person's pay)
every month) set up thru
court at divorce hearing
(New York)
(40% - 80%)