

**HB**

**128**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 4/29/94

FURTHER:

DATE TURNED INTO OFFICE: 5-3-94

The Finance Committee considered CS SSB 128(FIN)

"An Act relating to paternity determinations and acknowledgements."

and recommends:

- replace with \_\_\_\_\_ CS \_\_\_\_\_ (FINANCE)
- or  adopt previous \_\_\_\_\_ CS \_\_\_\_\_
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

do pass

do not pass

no recommendation

individual recommendations

**NEW FISCAL NOTES**

Department	Date	Zero	Fiscal

**PREVIOUS FISCAL NOTES**

Department	Date	Zero	Fiscal
DHSS AFDC	1-31-94	0	
DHSS V.S.	3-22-94		43.3

Appropriation No Fiscal Note

DO PASS:

Tim Kelly

\_\_\_\_\_

Greg Jack

\_\_\_\_\_

OTHER RECOMMENDATIONS:

Bob Abney NIR

John NO REC

John No Recommendation

1. Don NO REC  
Co-Chair: Signature/Recommendation

2. inmate total  
Co-Chair: Signature/Recommendation

# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

to. 4  
Bill Version: CSSSHB 128 (FIN)  
I (S) Publish Date: 3-24-94

Revision Date: 3/22/94 Dept. Affected: Health and Social Services  
Title: An act relating to early acknowledgement of paternity BRU: State Health Services  
Sponsor: B. Davis, Toohey Component: Bureau of Vital Statistics  
Requestor: Senate HES COMPONENT SERIAL NO. #961

**Expenditures/Revenues:** (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	33.2	34.0	34.9	35.8	36.6	37.6
TRAVEL						
CONTRACTUAL	4.9	4.9	4.9	4.9	4.9	4.9
SUPPLIES	0.1	0.1	0.1	0.1	0.1	0.1
EQUIPMENT	5.1	0.5	0.5	0.5	0.5	0.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>43.3</b>	<b>39.5</b>	<b>40.4</b>	<b>41.3</b>	<b>42.1</b>	<b>43.1</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
1007 Interagency Receipts	43.3	39.5	40.4	41.3	42.1	43.1
<b>TOTAL</b>	<b>43.3</b>	<b>39.5</b>	<b>40.4</b>	<b>41.3</b>	<b>42.1</b>	<b>43.1</b>

**POSITIONS:**

FULL-TIME	1	1	1	1	1	1
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) cost \$ NONE

*Replaces #2*

**ANALYSIS:** (Attach a separate page if necessary)

Twelve thousand babies are born each year in this state. Four thousand of these births are to unwed mothers. The Bureau of Vital Statistics will be working with Child Support Enforcement to identify paternity for child support payments. This will require the printing and distribution of 5,000 pamphlets/year and the processing of 250 affidavits/month.

The cost incurred for the implementation of this bill would be the costs associated with a new position for review, research correction, data entry and filing of the affidavits of paternity, updating and issuing substitute certificates, sealing and storing of original certificates in all related case documents. The salary of this position has a 2-1/2% inflation factor built in.

Prepared by: Peter M. Nakamura, MD, MPH *PMA*  
Division: Public Health

Phone: (907) 465-3090  
Date: 03/22/94

Approved by Commissioner: Margaret R. Lowe  
Agency: Department of Health & Social Services

Date: 3-22-94

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Revision Date: 3/22/94

BILL NO. \_\_\_\_\_

**ANALYSIS (cont.):**

In order for this position to function, it will need funding in the contractual line for phone bills and postage, in the supply line for normal office supplies, and in the equipment line for a desk, chair and computer with related software. In subsequent years, the equipment line would need to have funds for upgrades to the computer software and replacement costs for hardware.

In addition contractual costs would be incurred for the costs associated with the printing and distribution of the 5,000 pamphlets.

Printing	3.0
Mailing	1.5

Funding for the position and associated costs of the position itself will be through an RSA with the Department of Revenue Division of Child Support Enforcement.

Position Title Document Processor II		No. of Positions 1	Range/Step 8A	Bargaining Unit GGU
Time Status PFT	Staff Months 12	Location Juneau		Election District
<b>TYPE of EXPENDITURE</b>		<b>AMOUNT</b>		
Salary		22.0		
Benefits		11.2		
Premium Pay				
Other				
<b>Total Personal Services</b>		<b>33.2</b>		
Travel				
Contractual		0.4		
Commodities		0.1		
Equipment		5.1		
Other				
<b>Total Cost</b>		<b>38.8</b>		
<b>FUNDING SOURCE for TOTAL COST</b>				
1002	Federal Receipts			
1003	GF Match			
1004	General Fund			
1005	GF/Program Receipts			
1006	GF/Mental Health Trust			
1007	I/A Receipts	38.8		
1061	CIP Receipts			
Other				
<p><b>Justification</b></p> <p>This position will review, research and correct, data enter and file the affidavits of paternity, update and issue substitute birth certificates, seal and store original certificates in all related case documents.</p> <p>This position in order to function will need to have contractual costs for postage and phone bills, office supplies, and a desk, chair and computer equipment plus software.</p>				

**REQUEST for  
NEW POSITION**

AGENCY: Health and Social Services  
 BRU: State Health Services  
 COMPONENT: Bureau of Vital Statistics #961

Page 1 of 1

Revised Date:

**FY95**

3-3

FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

No. 3

BILL | Bill Version: CSSSHB 128 (FIN)  
(H) Publish Date: 2/11/94

Revision Date: \_\_\_\_\_ Dept. Affected: Health and Social Services  
Title: "An Act relating to early acknowledgement of paternity for an unwed mother" BRU: Assistance Payments  
Component: AFDC  
Sponsor: B. Davis  
Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 0220

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE FUND SOURCE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY94) impact: NONE

ANALYSIS: (Attach a separate page if necessary)

Paternity establishment is a significant issue in the AFDC program because fathers cannot be held financially responsible for children born to unwed mothers unless paternity has been established under state law.

CSSS SB190 establishes new statutory requirements for acknowledgement of paternity. The new requirements are substantially the same as existing requirements and are not projected to have a significant impact on public assistance program costs.

Prepared by: Jan L. Hansen, Director  
Division: Division of Public Assistance  
Approved by Commissioner: Margaret R. Lowe, M.Ed., Ed.S.  
Agency: Department of Health & Social Services

Phone: 465-2680  
Date: 1/26/94  
Date: 1-31-94

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# ALASKA STATE LEGISLATURE

NOV 17 1988  
HONORABLE  
CHILDREN'S SERVICES  
HEALTH EDUCATION  
& SOCIAL SERVICES  
STATE AFFAIRS  
ECONOMIC DEVELOPMENT  
& COMMERCE

REPRESENTATIVE BETTYE DAVIS  
DISTRICT 21

## SPONSOR STATEMENT

### ***CSSSHB 128 (FIN) - 'RELATING TO PATERNITY DETERMINATIONS AND ACKNOWLEDGEMENTS'***

Non-support of children has become a national epidemic with one-fourth of children in the United States now living with a single parent and an estimated 60 percent spending at least part of their childhood in a single-parent home. In almost half of these cases, the absent parent does not pay child support. Many of these children are born out-of-wedlock and paternity is established in only 30 percent of such cases. That interprets into 70 percent of out-of-wedlock births where there is no proof of paternity and no means to collect child support.

CSSSHB 128 (FIN) adds language to A.S. 18.50 and requires the state registrar to prepare a paternity acknowledgment form to be used at the time of birth. The form, signed by both parents, will list the father's full name and social security number, and requires the signature of a notary public. The bill also lays out specific responsibilities of hospitals or midwives (should the birth occurs outside the hospital setting) to get the proper information on the form and to distribute appropriate paternity materials from the Department of Health and Social Services. In addition, the State of Alaska is required to give full faith and credit to a determination of paternity made by another state, regardless of the method in which paternity was established. Another component of CSSHB 128 (FIN) provides for procedures to allow a default order to be entered in contested paternity cases upon showing that process was served on the defendant in accordance with state law.

Sponsor Statement  
CSSSHB 128 (FIN)

This legislation is an attempt to get acknowledgment at the time when a father is particularly willing to develop a relationship with the child, which benefits both parties. The child will have the security of knowing who his/her father is and could gain access to support from Social Security, survivor and veteran benefits and worker's compensation. The child would also be entitled to the father's inheritance, health insurance and have access to the family medical history. The father, in turn, maintains the legal right to have access to his child even though he is not married to the mother.

As of December 1993, there were 39,969 cases pending in the Alaska Child Support Enforcement Division and 7,192 of those cases are directly related to paternity verification. Establishing paternity early on will better enable the state to collect child support in the future and could subsequently reduce the number of families needing public assistance.

CSSSHB 128 (FIN) is a step towards giving children in this state a better start in life and the support they deserve from both parents.

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

FISCAL NOTE

No. 2  
Bill Version: CSSSHB 128 (FI)  
BILL (H) Publish Date: 2/11/94

Revision Date: 1/28/94 Dept. Affected: Health and Social Services  
Title: An act relating to early acknowledgement of paternity BRU: State Health Services  
Sponsor: B. Davis, Toohey Component: Bureau of Vital Statistics  
Requestor: House Finance COMPONENT SERIAL NO. #961

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	4.5	4.5	4.5	4.5	4.5	4.5
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	4.5	4.5	4.5	4.5	4.5	4.5

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	4.5	4.5	4.5	4.5	4.5	4.5
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	4.5	4.5	4.5	4.5	4.5	4.5

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) cost \$ NONE

ANALYSIS: (Attach a separate page if necessary)

Twelve thousand babies are born each year in this state. Four thousand of these births are to unwed mothers. This requires the printing and distribution of 5,000 pamphlets/year.

The cost incurred for the implementation of this bill would be the costs associated with the printing and distribution of the 5,000 pamphlets.

Printing	3.0
Mailing	1.5

Prepared by: Peter M. Nakamura, MD, MPH  
Division: Public Health

Phone: (907) 465-3090  
Date: 01/28/94

Approved by Commissioner: Margaret R. Lowe, M.Ed., Ed.S.  
Agency: Department of Health & Social Services

Date: 1-31-94

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LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

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Mail Stop 3101

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

MEMORANDUM

February 21, 1994

SUBJECT: Sectional Summary of ~~SSSB 128(FIN)~~ (An Act relating to paternity determinations and acknowledgements.)

TO: Representative Bettye Davis

FROM: Terri Lauterbach *TLL*  
Legislative Counsel

You have requested a sectional summary of the above-described bill.

Please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, let me know.

Section 1. Directs the state registrar to prepare a form that can be used by a man to acknowledge that he is father of a child named in the form. When properly witnessed, this acknowledgement is presumptive evidence of the man's paternity.

Sec. 2. Sets out the conditions under which a default judgment must be entered against the defendant in a contested paternity action.

Sec. 3. Requires hospitals and other health care providers to advise unmarried women, and their male partners if possible, concerning the rights and responsibilities of parents. Also requires them to give the woman, and the man if possible, the paternity acknowledgement form developed under section 1 of this Act.

Sec. 4. Directs the child support enforcement agency to seek default judgments in paternity actions that meet the criteria of section 2 of this Act.

TML:pl  
94-144.plm

ALASKA STATE

HOSPITAL & NURSING HOME

ASSOCIATION

April 27, 1994

Senator Robin Taylor, Chair  
Judiciary Committee  
Alaska State Senate  
Capitol Building, #30  
Juneau, AK 99801

Re: Support HB 128  
Paternity Establishment

Dear Senator Taylor & Members Judiciary Committee:

Alaska's community hospitals support CS HB 128. Hospitals feel an obligation to do so, even though it places another "request" on the hospital to do more than just provide care.

HB 128 sponsor Representative Davis has worked closely with hospitals to make this additional request as least burdensome as possible. I know that you have heard from the Health Information (medical record) organization and we have shared back with them our work with Representative Davis.

The bill addresses a very important social issue, the responsibility of parenthood. We think HB 128 is a step in the right direction for young men and women to accept that responsibility.

Sincerely,



Harlan R. Knudson  
President/CEO

ALASKA STATE LEGISLATURE

bill file  
2/24/30

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MINORITY WHIP  
CHAIR  
CHILDREN'S CAUCUS  
HEALTH, EDUCATION  
& SOCIAL SERVICES  
STATE AFFAIRS  
ECONOMIC TASK  
FORCE

REPRESENTATIVE BETTYE DAVIS  
DISTRICT 21

HB 128

M E M O R A N D U M

TO: SEN. DRUE PEARCE, CO-CHAIR  
SEN. STEVE FRANK, CO-CHAIR  
SENATE FINANCE COMMITTEE

FROM: REP. BETTYE DAVIS

BD

DATE: APRIL 28, 1994

RE: WAIVING CSSSHB 128 (FIN)

\*\*\*\*\*

I respectfully request that you waive CSSSHB 128 (FIN) "Relating to paternity determinations and acknowledgments" from the Senate Finance Committee. This bill was heard in House HESS, Judiciary and Finance, and passed the House by unanimous vote on February 2. In the Senate, it has had hearings in HESS (March 22) and passed out of the Judiciary Committee today.

This legislation is intended to establish paternity at the time of birth when a father is more willing to take responsibility and support for his child. It will also better enable the state to collect child support payments and could subsequently reduce the number of families needing public assistance.

In addition, CSSSHB 128 (FIN) is necessary to bring the Alaska CSED into compliance with recent paternity changes resulting from the Omnibus Budget Reconciliation Act of 1993. Failure to pass this legislation this year result in a loss of federal funds for CSED.

The costs associated with this legislation (\$43,300) will be handled through an RSA with the Department of Revenue, Division of Child Support Enforcement and will require no additional general fund dollars.



Sen. Drue Pearce, Co-Chair  
Senate Finance Committee  
April 28, 1994  
Page Two

Your favorable consideration of this request would be appreciated so that CSSSHB 128 (FIN) could be brought to the Senate floor for a vote. If you have any questions or comments, please feel free to contact me at x3875.

# ALASKA STATE LEGISLATURE

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REPRESENTATIVE BETTYE DAVIS  
DISTRICT 21

## MEMORANDUM

TO: Senator Tim Kelly  
FR: Rep. Bettye Davis *BD*  
DT: May 2, 1994  
RE: CSSSHB 128 (FIN) - Relating to Paternity Establishments and Determinations

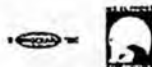
Attached is information which I hope addresses the concerns you expressed regarding HB 128 during the Senate Finance hearing this morning. I am sorry I was unable to attend, but unfortunately, the House was in session at that time.

It is my understanding that your concern was for the protection of the "private" child support agreements made between an obligor and the custodial parent. I have attached a copy of the federal mandates on the State regarding paternity establishment for AFDC recipients, as well as individuals not receiving AFDC or Title IV-E foster care assistance.

In addition, I have attached a copy of A.S. 25.27.065(b) which validates a private written waiver of child support between an obligor and the obligee, except during the period in which the obligee is receiving public assistance.

I am planning to attend the Senate Finance hearing tomorrow morning, and would be happy to answer any additional questions you may have.

cc: Senator Drue Pearce, Co-Chair  
Senator Steve Frank, Co-Chair



(a) *IV-D responsibility.* The IV-D agency will maintain methods of administration designed to assure that persons responsible for handling cash receipts of support do not participate in accounting or operating functions which would permit them to conceal in the accounting records the misuse of support receipts. Such methods of administration shall follow generally recognized accounting standards.

(b) *Scope.* The requirement in paragraph (a) of this section applies to persons who participate in the collection, accounting or operating functions which include:

(1) IV-D agency employees and employees of any other State or local agency to which IV-D functions have been delegated.

(2) Employees of a court or law enforcement official performing under a cooperative agreement with the IV-D agency.

(3) Employees of any private or governmental entity from which the IV-D agency purchases services.

(c) *Exception.* The Regional Office may grant a waiver to sparsely populated geographical areas, where the requirements in paragraph (a) of this section would necessitate the hiring of unreasonable numbers of additional staff. The IV-D agency must document such administrative infeasibility and provide an alternative system of controls that reasonably insures that support collections will not be misused.

(44 FR 28803, May 17, 1979, as amended at 47 FR 67281, Dec. 23, 1982)

§ 302.30 Publicizing the availability of support enforcement services.

Effective October 1, 1985, the State plan shall provide that the State will publicize regularly and frequently the availability of support enforcement services under the plan through public service announcements. Publicity must include information on any application fees which may be imposed for such services and a telephone number or postal address where further information may be obtained.

(Approved by the Office of Management and Budget under control number 0960-0385)

(50 FR 19647, May 9, 1985, as amended at 51 FR 37731, Oct. 24, 1986)

Establishing paternity and securing support.

The State plan shall provide that:

(a) The IV-D agency will undertake:

(1) In the case of a child born out of wedlock with respect to whom an assignment as defined in § 301.1 of this chapter is effective, to establish the paternity of such child; and

(2) In the case of any individual with respect to whom an assignment as defined in § 301.1 of this chapter is effective, to secure support for a child or children from any person who is legally liable for such support, using State laws and reciprocal arrangements adopted with other States when appropriate. Effective October 1, 1985, this includes securing support for a spouse or former spouse who is living with the child or children, but only if a support obligation has been established for that spouse and the child support obligation is being enforced under the title IV-D State plan.

(3) When assigned support payments are received and retained by an AFDC recipient, to proceed as follows:

(i) In States that implement the IV-A State plan requirements to count retained support payments as income under 45 CFR 232.20(a)(3)(v), the IV-D agency shall notify the IV-A agency whenever it discovers that directly received payments are being, or have been, retained; or

(ii) In States that do not implement the IV-A State plan requirements to count retained support payments as income to meet need, the IV-D agency shall recover the retained support payments. This recovery by the IV-D agency shall be carried out in accordance with the standards for program operations provided in § 303.80 of this chapter.

(4) When assigned medical support payments are received and retained by a non-AFDC Medicaid recipient, the IV-D agency shall notify the Medicaid agency whenever it discovers that directly received medical support payments are being, or have been, retained.

(b) Upon receiving notice from the IV-A, IV-E or Medicaid agency that

there has been a claim of good cause for failure to cooperate, the IV-D agency will suspend all activities to establish paternity or secure support until notified of a final determination by the appropriate agency.

(c) The IV-D agency will not undertake to establish paternity or secure support in any case for which it has received notice from the IV-A, IV-E or Medicaid agency that there has been a finding of good cause unless there has been a determination by the IV-A, IV-E or Medicaid agency, as appropriate, that support enforcement may proceed without the participation of the caretaker or other relative. If there has been such a determination, the IV-D agency will undertake to establish paternity or secure support but may not involve the caretaker or other relative in such undertaking.

(Approved by the Office of Management and Budget under control numbers 0960-0385 and 0970-0107)

(50 FR 19647, May 9, 1985, as amended at 51 FR 25526, July 15, 1986; 51 FR 37731, Oct. 24, 1986; 56 FR 8003, Feb. 26, 1991)

§ 302.32 Collection and distribution of support payments by the IV-D agency.

The State plan shall provide that:

(a) In any case in which support payments are collected for a recipient of aid under the State's title IV-A plan with respect to whom an assignment under § 232.11 is effective, such payments shall be made to the IV-D agency and shall not be paid directly to the family.

(b) The IV-D agency must inform the State's IV-A agency of the amount of the collection which represents payment on the required support obligation for the month as determined in § 302.51(a) within 10 working days of the end of the month in which the support is received by the IV-D agency responsible for final distribution. Upon being informed of this amount, the IV-A agency will determine if such amount is sufficient to make the family ineligible for an assistance payment pursuant to the State's IV-A plan (See § 232.20 of Chapter II of this title.) If such amount is sufficient to make the family ineligible for an assistance payment, the IV-A agency will notify the IV-D agency and the

IV-D agency will distribute the amount collected pursuant to § 302.51 of this part. The IV-D agency will notify the family that it will continue to provide services pursuant to § 302.33 of this part.

(c) If the IV-A agency determines that the amount of the collection which represents payment on the required support obligation for the month does not make the family ineligible for an assistance payment, or if a hearing is requested pursuant to § 205.10 of this title, the IV-A agency will notify the IV-D agency of such fact and the IV-D agency will distribute such amount pursuant to § 302.51 of this part.

(d) To the extent any amount collected in a month includes payment on required support obligations for past months, that portion of such amount will be distributed by the IV-D agency pursuant to § 302.51(b) (4) and (5) of this part.

(e) Support collected in a month after any month in which the support collected makes the family ineligible for an assistance payment (pursuant to § 232.20 of this title) but prior to or in the month in which the family receives its last assistance payment, shall be used to reimburse the State for any assistance paid in such months with any excess being paid to the family. This provision will not apply when a hearing is requested pursuant to § 205.10 of this title. In these cases, when the hearing results in a determination that the family was ineligible for an assistance payment, the IV-D agency will determine the amount by which the entire support collection for a month that the family would have received pursuant to paragraph (b) of this section exceeds the amount the family actually received for a month as an assistance payment and pursuant to § 302.51. Such excess shall be paid to the family. If the family is determined to be eligible, distribution will continue to be made pursuant to § 302.51.

(f) *Timeframes for distribution of support payments.* (1) In interstate IV-D cases, amounts collected by the responding State on behalf of the initiating State must be forwarded to the initiating State within 15 calendar

days of the initial point of receipt in the responding State, in accordance with § 303.7(c)(7)(iv).

(2) Amounts collected by the IV-D agency on behalf of recipients of aid under the State's title IV-A or IV-E plan for whom an assignment under § 232.11 of this title or section 471(a)(17) of the Act is effective shall be distributed as follows:

(i) When the IV-D agency sends payments to the family under § 302.51(b)(1) of this part, payments to the family must be sent to the family within 15 calendar days of the date of initial receipt in the State of the first \$50 of support collected in a month, or, if less than \$50 is collected in a month, within 15 calendar days of the end of the month in which the support was collected. When the IV-A agency sends payments to the family under § 302.51(b)(1) of this part, the IV-D agency must forward any amount due the family under § 302.51(b)(1) to the IV-A agency within 15 calendar days of the date of initial receipt in the State of the first \$50 of support collected in a month, or, if less than \$50 is collected in a month, within 15 calendar days of the end of the month in which the support was collected.

(ii) Except as specified under paragraph (i)(2)(iv) of this section, collections for the month after the month the family receives its last assistance payment and collections distributed under § 302.51(b)(3) and (5) of this part must be sent to the family within 15 calendar days of the date of initial receipt in the State of a collection for the first month of ineligibility.

(iii) Except as specified in paragraph (i)(2)(iv) of this section, collections in IV-E foster care cases under §§ 302.52(b)(2) and (4) of this part must be distributed within 15 calendar days of the date of initial receipt in the State.

(iv) Collections as a result of Federal or State income tax refund offset paid to the family under § 302.51(b)(5) of this part, or distributed in title IV-E foster care cases under § 302.52(b)(4) of this part, must be sent to the AFDC family or IV-E agency, as appropriate, within 30 calendar days of the date of initial receipt by the IV-D agency,

unless State law requires a post-offset appeal process and an appeal is filed timely, in which case the IV-D agency must send any payment to the AFDC family or IV-E agency within 15 calendar days of the date the appeal is resolved.

(3) Amounts collected on behalf of individuals receiving services under § 302.33 of this part shall be distributed as follows:

(i) Amounts collected which represent payment on the current support obligation shall be sent to the family within 15 calendar days of the date of initial receipt in the State.

(ii) Except as specified in paragraph (i)(3)(iii) of this section, if the amount collected is more than the amount required to be distributed in paragraph (i)(3)(i) of this section, the State may at its discretion either send such amounts to the family to satisfy past-due support within 15 calendar days of the date of initial receipt in the State or retain such amounts as have been assigned to satisfy assistance paid to the family which has not been reimbursed.

(iii) Collections due the family under § 302.51(b)(5) as a result of Federal or State income tax refund offset must be sent to the family within 30 calendar days of the date of receipt in the IV-D agency, except:

(A) If State law requires a post-offset appeal process and an appeal is timely filed, in which case the IV-D agency must send any payment to the family within 15 calendar days of the date the appeal is resolved; or

(B) As provided in § 303.72(h)(5) of this chapter.

(Approved by the Office of Management and Budget under control number 0960-0385)

(40 FR 27159, June 26, 1975, as amended at 47 FR 57281, Dec. 23, 1982; 49 FR 22289, May 29, 1984; 50 FR 18048, May 9, 1985; 51 FR 37731, Oct. 24, 1986; 54 FR 32300, Aug. 4, 1989; 56 FR 8003, Feb. 20, 1991)

services to individuals not receiving AFDC or title IV-E foster care assistance.

(a) *Availability of Services.* (1) The State plan must provide that the services established under the plan shall

be made available to any individual who:

(i) Files an application for the services with the IV-D agency. In an interstate case, only the initiating State may require an application under this section; or

(ii) Is a non-AFDC Medicaid recipient; or

(iii) Has been receiving IV-D services and is no longer eligible for assistance under the AFDC, IV-E foster care, and Medicaid program.

(2) The State may not require an application, other request for services or an application fee from any individual who is eligible to receive services under paragraphs (a)(1)(ii) and (iii) of this section. If an individual receiving services under paragraph (a)(1)(iii) of this section refuses services in response to a notice under paragraph (a)(4) of this section, and subsequently requests services, that individual must file an application and pay an application fee.

(3) The State may not charge fees or recover costs from any individual who is eligible to receive services under paragraph (a)(1)(ii) of this section.

(4) Whenever a family is no longer eligible for assistance under the State's AFDC, IV-E foster care, and Medicaid programs, the IV-D agency must notify the family, within five working days of the notification of ineligibility, that IV-D services will be continued unless the IV-D agency is notified to the contrary by the family. The notice must inform the family of the consequences of continuing to receive IV-D services, including the available services and the State's fees, cost recovery and distribution policies.

(5) The State must provide all appropriate IV-D services, in addition to IV-D services related to securing medical support, to all individuals who are eligible to receive services under paragraph (a)(1)(ii) of this section unless the individual notifies the State that only IV-D services related to securing medical support are wanted.

(b) *Definitions.* For purposes of this section:

*Applicant's income* means the disposable income available for the applicant's use under State law.

(c) *Application fee.* (i) Until October 1, 1985, the State plan may provide for an application fee to be charged each individual who applies for services under this section. If the State elects to charge a fee, the State plan shall specify either:

(i) A flat dollar amount not to exceed \$25 to be charged each applicant; or

(ii) A fee schedule to be used to determine the fee to be charged each applicant. Such fee schedule will be based on each applicant's income and will be designed so as not to discourage the application for such services by those most in need of them.

(2) Beginning October 1, 1985, the State plan must provide that an application fee will be charged for each individual who applies for services under this section. Under this paragraph:

(i) The State shall collect the application fee from the individual applying for IV-D services or pay the application fee out of State funds.

(ii) The State may recover the application fee from the absent parent who owes a support obligation to a non-AFDC family on whose behalf the IV-D agency is providing services and repay it to the applicant or itself.

(iii) State funds used to pay an application fee are not program expenditures under the State plan but are program income under § 304.60 of this chapter.

(iv) Any application fee charged must be uniformly applied on a statewide basis and must be:

(A) A flat dollar amount not to exceed \$25 (or such higher or lower amount as the Secretary may determine to be appropriate for any fiscal year to reflect increases or decreases in administrative costs); or

(B) An amount based on a fee schedule not to exceed the flat dollar amount specified in paragraph (c)(2)(iv)(A) of this section. The fee schedule must be based on the applicant's income.

(v) The State may allow the jurisdiction that collects support for the State under this part to retain any application fee collected under this section.

(3) In an interstate case, the application fee is charged by the State where

767 (Alaska 1983); *Murphy v. Murphy*,  
Sup. Ct. Op. No. 3700 (File No. S-3693),  
P.2d (1991).

**Sec. 25.27.065. Waiver of child support.** (a) A custodian of a child, including a custodial parent, owes a duty to that child to ensure that child support is paid by a noncustodial parent who is obligated to pay it. An agreement to waive past or future child support, made between an obligor and a person who is entitled to receive support on behalf of an obligee, is not enforceable unless

(1) the agreement is put in writing at the time the agreement is made; and

(2) the agreement is signed at the time it is made by both the obligor and the person acting for the obligee.

(b) When the right to receive child support has been assigned to a governmental entity, an agreement under (a) of this section that has not been adopted as an administrative order of the agency is not effective during a period when the obligee is receiving public assistance under AS 47.25.310 — 47.25.420.

(c) In a separation, dissolution, or divorce proceeding, a court may not accept a waiver of support by a custodial parent without proof that the custodial parent can support the needs of the child adequately. (§ 6 ch 144 SLA 1984)

Revisor's notes. — Formerly AS 47.23.065. Renumbered in 1990.

Cross references. — For legislative findings and purpose in connection with

the enactment of this section, see § 1, ch. 144, SLA 1984 in the Temporary and Special Acts.

#### NOTES TO DECISIONS

Quoted in *Cox v. Cox*, 776 P.2d 1045 (Alaska 1989).

**Sec. 25.27.070. Order to assign wages for support.** (a) In a proceeding in which the court has ordered either or both parents to pay for the support of a minor child, the court may, on its own motion or motion of a party or the agency on behalf of a party, after notice and an opportunity for hearing, order either parent or both parents to assign to the custodian of the child that portion of salary or wages of either parent due them currently and in the future sufficient to pay the amount ordered by the court for the support, maintenance, nurture, and education of the minor child.

(b) The order of assignment is binding upon an employer upon service of a copy of the order upon the employer and until further order of the court. The employer may, for each payment made under the order, deduct \$1 from other wages or salary owed to the employee.

# The Washington Post

AN INDEPENDENT NEWSPAPER

## Who Pays for Children?

**T**HE NON-SUPPORT of children has become a national epidemic. A fourth of U.S. children now live with a single parent, and an estimated 60 percent will spend at least part of their childhood in a single-parent home. In nearly half such cases the absent parent, generally the father, won't pay support. More than 40 percent of women raising children on their own have never been awarded child support, and only about a quarter get the full amounts to which they are entitled.

This splitting apart of the family as a financial unit is a major reason why a fifth of the children in the country are poor today, and an eighth are on welfare. The recurrent question is how, besides making welfare payments, the government should respond. Part of the cautious traditional response has been that this is a state and local issue from which Big Brother should keep its distance. A striking proposal now in play on Capitol Hill would abandon that tradition on grounds that only the national government has the resources to combat what has become a national emergency. The problem is such that normal political lines have been blurred. In the House, where the idea has got to the point of hearings, the principal sponsors are the unlikely pair of liberal Thomas Downey and conservative Henry Hyde.

The proposal is to federalize the patchy child support system—the collection, disbursement and periodic adjustment of child support awards—and to make failure to pay on the part of an able parent a federal crime. Awards would still be made in state courts, but increasingly according to federal standards—and state welfare agencies would be given powerful financial incentives to see that the number of such awards increased. The Internal Revenue Service would then become the enforcer of every child support

award in the country, collecting the money just as it does taxes, through withholding, with similar penalties for evasion. Unemployed fathers who had no income would be enrolled at federal expense in a job preparation program and might eventually be given public-sector jobs from which support would be subtracted.

The likely increase in support would reduce welfare costs. The government would reduce them further by guaranteeing every cooperating single parent in the country a minimum level of child support; if for lack of income or other reason the payment from the other parent fell short, the federal government would make up the difference. The result would be a partial federalization of the welfare system as well and a greater payoff for welfare mothers who went to work. They would still lose the welfare part of their benefits as they began to earn, but not the child support part. The lower welfare costs would also provide some fiscal relief for the states.

At the federal level, the system would be costly—the amount depending on the guarantees—and it's not going anywhere this year. Messrs. Downey and Hyde didn't even introduce it as a bill, but as a concept; that's what the Downey Ways and Means subcommittee is holding hearings on. But it's a provocative idea. The government undertakes to shift more resources to children, poor ones especially, but only after making their parents also take more responsibility for them. There's something in that for everyone. A shift of power over domestic relations to the federal level may yet unnerve some people—making non-support of children a federal crime in the same way non-payment of taxes is. You have to ask yourself, which is the greater offense—and who pays when the parents don't?



# Child Support Report

Office of Child Support Enforcement

Vol. XIII, No. 10, November-December 1991

## Paternity Establishment at Birth:

### *Capturing the Happy Hour*

The chances of establishing paternity are greater at the time of a child's birth than at any other time says Jane Clements, Policy Section Chief of Virginia's IV-D office. This propitious moment for obtaining voluntary paternity acknowledgements has been referred to as "the happy hour," the moment when the father is bursting with pride and is most willing to accept his paternity and its obligations.

Capturing a child's legal paternity at this opportune time seems to many to be common sense. Enforcement personnel have long known that, as the child grows and the parents' relationship weakens or deteriorates, the chances of establishing legal paternity progressively worsen. From a programmatic perspective, and in the wider social sense, high numbers of nonmarital births mean growing welfare dependency and growing IV-D caseloads. The backdrop to this picture is often a costly and time-consuming paternity establishment process through overburdened courts.

#### Benefits of Paternity

Apart from the possibility of the father's immediate care and support of the baby, legal paternity confers a multitude of other rights and benefits which new parents may not know. With paternity established:

- The child has a right to the father's name and such support that is based on his work history, such as Social Security and other survivor's benefits, veteran's benefits, and workman's compensation.
- The child can receive any inheritance, life and health insurance, and a right to access family health information.



*Tim Hershberger, 1-day old Patrick John Hershberger, and Brenda Blackall. Photo: Butterworth Hospital, Grand Rapids, Michigan 1991.*

- The father now has a legal right, though not married to the mother, to establish and maintain a relationship with his child.
- In the developing bonds of care and support, the child stands to gain a whole family, reaching to both the mother's and father's sides.

*(continued on page 2)*

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U.S. Department of  
Health and Human Services  
Administration for Children and Families  
Office of Child Support Enforcement

## From the Deputy Director

*Allie Page Matthews*

Allie Page Matthews

It's about the treatment of people—it always is. Whether it's in the highest negotiations for world peace or in simply asking for a glass of water in a restaurant, how you treat people tells a great deal about you.

A long time ago when I worked in the office of then-Congressman George Bush, I was struck with the simple kindheartedness that prevailed in that office.

I felt a part of a team. I was included because the idea was the thing that brought you to the table, not rank or position. There were no territorial battles, we were all treated equally, and our business was about solving problems.

And I could get help if I needed it from the people around me. There was none of this "Use them up and toss them away" attitude that seems to be prevalent today in a lot of places.

Every management book in the world will now tell you that the way I was treated is plain good management, but to me it's more a matter of how you live your life. Do you display kindness or rudeness? Do you offer help or criticism? Do you bring hope or despair?

I pray child support offices all over this country will choose to treat people at every level as I was treated in the Bush office. I want us to be what government should be. ■

## Paternity At Birth

(continued from page 1)

### The Programs

Mindful of these considerations, several states have passed legislation and instituted programs for establishing paternity in the hospital at the time of the child's birth. Child support enforcement programs in Virginia, Washington, and Michigan, for example, have voluntary consent processes in which the father and mother can acknowledge and sign a document that legally establishes paternity.

*The programs  
include carefully  
informed consent...*

Washington State, Kent County (Grand Rapids), Michigan, and Virginia have had hospital-based paternity efforts for about a year. Washington, the first state to establish such a program, currently has 30 participating hospitals and expects 7,000 sworn paternity affidavits to be signed by the end of 1991. Averaging 88 affidavits per hospital, this represents 80 percent of the fathers who were given the

opportunity to acknowledge paternity when their babies were born.

Kent County (Grand Rapids), Michigan, has one large participating hospital and expects to have 791 affidavits signed by the end of a 14-month period. This represents 52 percent of fathers given the chance to establish their paternity in the hospital. Virginia has five hospitals participating in its paternity establishment program and is expecting to add four more, moving toward a statewide program in its 35-40 birthing hospitals. According to Jane Clements, one invaluable ingredient has been the endorsement of the Virginia Hospital Association, which has promoted the program in its newsletter.

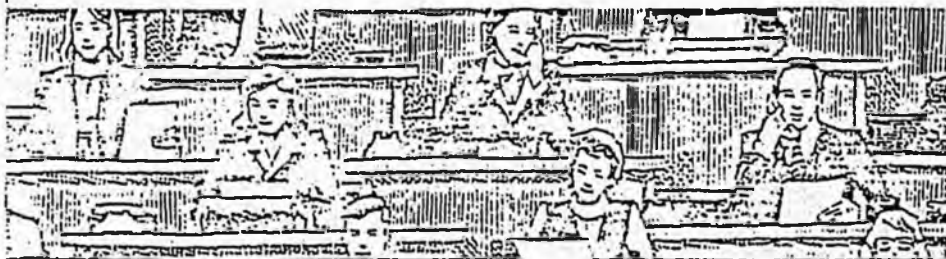
### How They Work

The three state programs share several similar practices. In Washington State, hospital personnel, e.g., the doctor, midwife, social worker, or an administrative employee, "provide the opportunity" to the father and mother to acknowledge paternity, and medical records personnel obtain the acknowledgments as part of the birth registration process. In Virginia, a social worker presents the

## Special Issue for Front Line Workers

January's *Child Support Report* will be a special issue for frontline workers. To ensure that they see it, please circulate your copies as widely as you can and let us know if you need more for distribution to local offices.

We would also be glad to add to our regular mailing list any local CSE offices that do not now receive *CSR*. Please let us know on 202-401-9383. ■



opportunity and the hospital's medical records clerk who prepares the birth certificate, obtains the paternity acknowledgments. In Grand Rapids, the medical records clerk performs both functions, with some of the groundwork laid by a social worker.

All three programs provide training to hospital personnel involved in paternity establishment—medical records clerks, vital statistics registrars, and supervisors. Also, the usual practice is for state CSE programs to pay the hospital a nominal fee of \$10 to \$20 per acknowledgment, which is eligible for federal financial participation. Clements points out that the fee can in no way compensate for the time the hospital spends with the patients, basically donated time.

#### Questions of Law

The programs include carefully informed consent, providing the mother and father with information which explains the benefits of paternity establishment and the availability of support enforcement services. Kent County has a resource person available at the agency for the hospital to refer any additional questions to, particularly of a legal nature.

How is legal paternity formalized? In Virginia and Washington, paternity is legally established when the hospital-notarized affidavits or declarations of paternity are filed with the state vital records departments. In Washington, the father has several opportunities to later contest the acknowledgment or the support order that results. In Grand Rapids, paternity is legally established when the affidavits are filed with the court.

#### Community Outreach

Kent County has done a lot of outreach with pregnant, unmarried women, so they and the fathers will be prepared when they enter the hospital. It distributes brochures to doctors' offices, health clinics, hospital-run prenatal clinics, and schools with unwed mothers. The



*Brochure from Kent County Michigan*

hope is that if unmarried fathers have information and have had time to discuss and think about the benefits of paternity to their child, they may be more receptive to acknowledging it when they come to the hospital. In Virginia, posters placed in the hospitals encourage

employees to obtain training in the hope that they can help "market" the program.

#### Cost Savings

In operational terms, the cost savings to state IV-D program can be substantial. Virginia estimates that in-hospital paternity establishment saves about \$440 per case over the cost of getting paternity processed through the courts. In one year, the Virginia CSE program has realized an estimated savings of \$126,700 for 288 hospital-established paternities.

The true benefits of "happy hour" paternity establishment are, of course, for the children. Says Nancy Sterk, District Manager with the Office of Child Support in Kent County, Michigan, "The children can leave the hospital with two legal parents instead of one, starting life on a positive basis." And, with paternity established at birth, and a support order entered soon after, the mother has earlier access to child support enforcement services, if and when she and her child need them.

For further information about these in-hospital paternity establishment programs, contact: Kent County, Michigan: Nancy Sterk, 616-247-6230; Virginia: Jane Clements, 804-662-7469; and Washington: John Hoover, 206-586-3555. ■



# Deadbeat Dads

BY STEVEN WALDMAN

**J**ohn Lock goes to court in Chicago next week to explain why he owes back child support, but his ex-wife Esther isn't expecting much. They have, after all, been through more than 100 court hearings about child support and their divorce over the past 19 years. And, according to the state of Illinois, he still owes more than \$160,000 for his four children. She's feeling needy now because she lost her job as a social worker 17 months ago, but she remembers more desperate times, like February 1977. "Our electricity was being turned off," she recalls. "We were lighting the house with candles. We were on what we called the 'white diet'—a lot of rice and cereal. No medical coverage, no dental." Her ex-husband, then a dentist, was living in the affluent suburb of Highland Park with his new family. "I knew he didn't want the kids so I figured I'd use it as a scare tactic," says Esther. She gave their two teenage sons overnight packs and dropped them off in front of their father's house in subzero weather. He called the police. "He told the Highland Park police that there were two boys outside trespassing," she says. "I'm not proud of it, but I was desperate."

John Lock admits he called the police but says he had to because one of his sons was on the verge of "kicking the door down." He concedes he didn't pay the \$1,100 monthly child support for nine years, and admits he fled to Costa Rica for three years because he was "physically, emotionally, financially devastated." But he says he had paid regularly prior to 1977, owes "significantly less" than the state claims and thinks that his ex-wife and the state of Illinois are obsessed with trying to put him in jail. He no longer practices dentistry and works part time delivering flowers in Ida, Mich. "The kids were my world," he wrote in a recent letter to *Newsweek*. "I did my best to give them a nice life." In an interview, he added, "This has gone on to a point where there's no hope." His oldest son, Byron, now 32, agrees. He says he still can't comprehend his father's behavior. "We were his children," he says. "Why would he want to hurt us? That's what was so confusing about the whole deal—why would a father turn his back on a child?"

In battles like these, nobody ever comes out a winner. Fierce struggles over child support pit parent against parent and inevitably spray the children with emotional shrapnel. Increasingly, the private family traumas are spilling into public view. Posters of most-wanted deadbeat dads began peppering subways and bulletin boards in Massachusetts this month, and police quickly arrested the fathers. They also hauled in Frederick Grimaldi, who



IRA WYMAN FOR NEWSWEEK

Checking out delinquent dads in Saugus, Mass. (above), Rose Brown and son Tony in Louisville, Ky. (right), and a Baltimore city sheriff arrests a man for nonpayment of support

owes \$22,142 and was working in Florida as, of all things, a deputy sheriff, according to Massachusetts officials. Grimaldi has pleaded not guilty to charges of criminal nonpayment, and his lawyer says he owes just \$19,000, some of which accumulated while Grimaldi was unemployed. Next month an association of state child-support enforcement agencies will release its second annual national Wanted list, which will include a Louisiana attorney who owes \$123,000 and a Tennessee man who

owes his quadriplegic daughter \$21,500. These small steps reflect a growing awareness on the part of public officials of just how potent an issue this has become. Consultants for former Louisiana governor Buddy Roemer were surprised to discover that in focus groups during the 1991 campaign, middle-class voters spontaneously mentioned child support as one of their most important concerns. Bill Clinton, in campaign speeches, regularly urges tougher enforcement.

It's easy to understand why: of the 5 million women who are supposed to receive child support, only half reported receiving full payment, according to a 1990 U.S. Census Bureau study. One quarter of the women got partial payment, and one quarter got nothing. An additional 2.7 million women said they wanted support but were never able to obtain an award. Deadbeatness cuts across income groups: college graduates are about as likely to have a negligent ex-spouse or ex-boyfriend as high-school grads. It even spans gender lines. Fifteen percent of custodial parents are now men, and mothers in those cases have an equally dismal record of supporting their children. The consequences of nonpayment are staggering. On average, the family income of the mother retaining custody drops 23 percent after divorce or separation—a disparity that could be wiped out for many families if full child-support payments were made. Families headed by a mother alone are six times as likely to be poor as those with two parents.

These dreary statistics have recently led social-policy thinkers of many ideological stripes to the same conclusion: child support is key both to fighting poverty and to sustaining middle-class fam-

## SEEKING NEW SOLUTIONS



RICH FRISHMAN

**A**s Leslie Fernen and Jeffrey Smith took turns holding their newborn baby boy last week at Swedish Hospital Medical Center in Seattle, staffer Dorothy Mitchell handed them a brochure. Because they are not married, Mitchell explained, Smith would have to sign a paternity statement if he wanted his name on the birth certificate. This enables the state to "go after you if you were to break up," she added—"but we don't even want to think about that now."

The proud parents may not want to think about it, but the state of Washington sure does. About one in every four children is born outside a marriage, and enforcing child support is most difficult in cases where paternity has not been established. So Washington decided to get men on the hook while they're most proud of fatherhood. In about 40 percent of out-of-wedlock births the father is now acknowledging paternity at the hospital. Smith was one who gladly signed.

Washington's program is one of many innovative approaches states have devised to beef up collections. Taken as a whole, the record of the government's network of locally run, federally financed agencies is pathetic. But prodded by major laws passed by Congress in 1984 and 1988, the agencies have pursued several avenues of reform:

**Hit 'Em Where They Work.** Government officials thought they had the magic bullet in the mid-1980s: take the child support directly out of the father's paycheck. But this approach loses track of people like

Kent Patterson of Seattle, who switched construction jobs 24 times in 11 months. In 1990, Washington state began requiring many employers to give the names and social-security numbers of all hires to the child-support agency so it could track them. By 1994 all states are also supposed to garnish paychecks automatically, without waiting for the father to become delinquent.

**Putting Blood in the Stone.** You can lead a deadbeat to court, but you can't make him pay if he doesn't have any money. So several states have begun requiring fathers to join job-search programs. A Grand Rapids, Mich., program found jobs for 432 of 1,077 employees during an eight-month period—and their child-support payments jumped by more than 300 percent.

**Private Eyes.** Agency workers juggling 1,000 cases can often spend only a few minutes on each case. So some states, and increasing numbers of desperate mothers, are turning to private collection services for help. They are often quite effective, but firms can take a big cut of whatever they collect, while the government collects it all (in theory) for free. Parents can increase their odds by consulting groups like the Association for Children for Enforcement of Support (1-800-537-7072) and the National Child Support Advocacy Coalition (P.O. Box 420, Hendersonville, Tenn. 37077). Noncustodial parents can try the National Council for Children's Rights (202-547-NCCR).

**The Big Fix.** Some child-support experts believe the state-by-state enforcement system is too bureaucratic to ever work well. One proposed solution: turn it over to the IRS. Some advocates go further with a proposal called child-support assurance. The government steps up enforcement, but if the father doesn't pay fully, the state fills the gap. States could then eliminate one of the counterproductive parts of the current law: when poor men do pay support, the state keeps most of it to help finance its welfare operation. Like many of these reforms, the goal here is somewhat unusual for the government: forcing parents, instead of the state, to take care of kids.

S.W. with LORRAINE IANNELLO

in the beginning he was just hurt because I left him," Willis says. "He didn't want to go back into it and bring back up that hurt." Despite his long absence, Itchner carried his kids' pictures in his wallet for more than a decade and on a few occasions drove by their house or to a nearby park and watched them from a distance. His daughter Jewel, who has for several years kept Itchner's service medals in a box by her night stand, recently started a correspondence with him. During a recent interview he pulled out photographs of the girls at the ages of 4 and 2. "You look at those pictures," Itchner says. His eyes well up. "And you look at these," he points to pictures of them at 13 and 15. "How much have they gone through? How much have I missed? How much have they missed from not being with me? All three of us have lost out on the deal, and now we're trying to get it back."

**I**n truth, some men never really develop any relationship with their children, so not paying child support doesn't arouse guilty feelings. Roger Hollenbeck of Des Plaines, Ill., met Rose Brown at a pig roast in Louisville, Ky., in 1980. He describes the relationship as a brief fling (she says they lived together seven months) and was furious to learn she was pregnant because she had told him that a medical condition made that impossible. He left town a few months later and over the next 10 years missed \$21,000 in payments. Hollenbeck's explanation for why he didn't pay: he didn't realize he owed any child support. (This seems unlikely, since the IRS in 1985 intercepted his tax refund for nonpayment of child support.) Under threat of a jail sentence, Hollenbeck recently paid \$10,000 of back support and spoke with his son. "Do you hate my mother?" the boy asked, according to Hollenbeck. "I said, 'No. We were friends, and I moved away.'"



DAVID WALBERG

But asked later what kind of relationship he expects he will have with his son, Hollenbeck says, "absolutely nothing. I know that sounds cold to say, but facts are facts."

Some fathers make so little money that their child-support payments feel like an enormous burden. Since payments are usually based on a percentage of parental income, however, even wealthy fathers can feel the pinch. Washington, D.C., lawyer Grier Raclin currently pays \$4,150 per month to his ex-wife Victoria Reggie, a well-paid Washington lawyer who is about to marry Sen. Edward M. Kennedy. Despite their lucrative jobs, the parents regularly bickered over child support, according to correspondence filed in court. Raclin tried to get reimbursed for camping gear he had bought for a trip with his son. "I absolutely refuse," Reggie replied in October 1990. "I have already paid \$100 for Cub Scouts—an activity for which you said you would be responsible—and I will not pay for the gear you decided you need to take Curran camping . . . If you try to deduct anything from the

The father of Eric and Allsa Marcelles of Melrose Park, Ill., fell thousands of dollars behind in support. He says his wife kept him away from the kids.

mother can turn to the local government for free—and enter a surreal world where social workers juggle 1,000 cases at a time, a prosecutor might handle 100 cases a week and fathers evade pursuit for years by merely moving a few miles away across state lines. "There's a fiction that we're working everybody's cases," says Darryl Grubbs, until recently a top official of the Texas child-support-enforcement division. "Good Lord. We're not coming close." Jim Harreiston, until last November an investigator in Ft. Worth, Texas, was supposed to look through his 2,800 cases and chase the most delinquent parents. In fact, he usually ended up responding to whichever irate mother called the most, and he got 30 to 40 calls a day. The squeaky-wheel system pays little attention to which mother is neediest, and the caseload can push overwhelmed employees to the edge. "There's nothing I can do!" one fuming caseworker yelled at a parent on the phone in Prince Georges County, Md. "I can't make him a good person!"

Among the many difficulties caseworkers face, one is frighteningly basic: figuring out who the father is. A startling 27 percent of all American children are born out of wedlock; two thirds of all black kids are. Identifying the father is much easier now than 10 years ago because blood tests show, with 98 or 99 percent certainty, whether a man fathered a child. Yet the system solves fewer than half its paternity cases. Many welfare mothers



Carolyn and Jewel Itschner have kept the service medals of their father, Drew (right), even though they haven't seen him for 12 years



WILSON—NEWSWEEK (TOP), SLOAN—NEWSWEEK

don't cooperate, fearing they'll lose benefits if the father is found, but even when they do identify the man, states must find him and get him into court, a process that can take years. Sometimes the results are ghoulish: a Maryland judge decided that a man who had fathered a child through a sexual assault should legally be considered the father, paying child support—and getting visitation rights.

Knowing who the father is doesn't mean knowing where he is, how much he earns or how to collect from him. Roughly one third of all child-support cases involve parents living in different states—and women in such cases were twice as likely to get nothing as those with the father nearby, according to a 1990 General Accounting Office study.

**T**he system is routinely maddening for women, but can sometimes be merciless to men, too. Fathers who want to have visitation orders enforced or who've hit hard times and want to have their support payments reduced will have to hire their own lawyers, even if they have no money; most states represent mothers for free in collection cases, fathers not at all. One Las Vegas man ended up paying for a judicial mistake for a decade. He had been dating a woman in Derry, N.H., for just about two months when she announced she was pregnant. He married her, but a year later, he says, he came home to discover she had cleaned out the house and left. Bitter and suspicious about the experience, he asked the court for a blood test to see if he was actually the father of the baby girl, but

the court denied the request out of fear that doing so would raise the child with the "implication of illegitimacy." He paid \$100 a month in child support sporadically, falling about \$5,500 behind at one point. He saw the girl a total of four or five weeks over the next 10 years and shifted between feeling defiant and guilty. "I never treated her like a real father treats a real daughter," he says. "You see dads all bright and aglow; I never had that. I kept thinking I was a bad dad." Finally, at the prompting of his new wife, he tricked his daughter into taking a blood test while she was visiting him in Las Vegas—and the test showed he was not her father.

Despite the many examples of government foul-ups, the system works much better than it did 10 years ago. Although the average support award is just \$57.59 per week, most courts have increased payment levels because Congress in 1984 required states to write specific child-support guidelines. As the issue has become politically

hot, it has even seeped into electoral politics in sometimes troubling ways. A fathers-rights group in Las Vegas is running a slate of candidates in the elections for family-court judges, backing only those who, the group thinks, will lean more toward fathers in custody and support cases.

Reforming child-support policy may prevent a few families from entering into the war zone inhabited by people like John Chappell of Port St. Lucie, Fla., and his ex-wife Linda Place of Springfield, Va. She says he owes his three children more than \$20,000 in child support and reimbursement of medical expenses. Eleven-year-old Matthew spends weeks at a time in a hospital with a serious immune disorder; Place has so far been unable to afford specialized treatment at Duke University. Chappell used to earn \$26,000 a year as a medical-bill collector, but he was, until last Friday, unemployed. Place believes he was intentionally not working to avoid paying the \$540 a month and medical expenses. "There's

nothing wrong with him that he could not maintain a job," says Place, who works 32 hours a week as a nurse and often sleeps in a cot by Matthew's bed. "He's removed himself from the situation so it's not real anymore. He doesn't go to the hospital every day and see Matthew with IVs and needles."

Chappell complains bitterly that his ex-wife is pursuing him out of "raw hate" and turning the children against him. He says his new job in a convenience store will enable him to pay more. "To me, this is a battle between her and me—not the kids," he says. He's right that the parents are the combatants, but he shouldn't delude himself about the names of the casualties. Matthew is growing up thinking that his debilitating illness might be better treated if only his father would pay more in child support. Chappell's oldest son, Chris, speaks in more emotional terms. "Not getting stuff hurts," says 14-year-old Chris, "but thinking that Dad doesn't care enough to support you—that really hurts. I don't think I'm ever going to forgive him. It's just too hard." Chris visited his father in Florida just last summer, and Chappell brought him on a special afternoon outing—to court. There, Chris got to watch the judge chastise his father for failure to pay child support, put him in handcuffs and lead him off to jail. ■