

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 86/2

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# STATE OF ALASKA

## DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH S  
JUNEAU, ALASKA 99811

November 6, 1981

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

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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.

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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.

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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

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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.

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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."

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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."

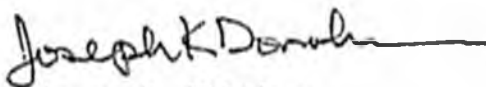
The procedure manual is in the process of being updated to include all changes as brought about by the organizational changes and implementation of the online computer system. Particular emphasis will be placed on the cash control area immediately. All future revisions shall be dated and made in a timely 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 payments [USED]

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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

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Office of Child Support Enforcement

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CHILD SUPPORT ENFORCEMENT

A Program Administered by Your Local Child Support Enforcement Agency

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United States . Office of Child Support Enforcement  
(Washington) Dept. of Health, Education, and Welfare,  
(Social Security Administration). Office of Child Support  
Enforcement 1978  
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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
<b>Age:</b>		
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
<b>Race:</b>		
White.....	7,582,828	24.8
Black.....	302,350	8.6
Other.....	62,247	11.8
<b>Sex (adult beneficiaries)</b>		
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.<sup>2</sup>

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.

<sup>2</sup> 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

<sup>1</sup> 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

<sup>1</sup> 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 <sup>1</sup> .....	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

<sup>1</sup> 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 <sup>1</sup> .....	2.8	6.8	5.6
Unknown .....	1.1	.7	0

<sup>1</sup> 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.<sup>2</sup> 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

<sup>2</sup> 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. Wertheimer 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 <sup>1</sup> .....	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

<sup>1</sup> 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 children<sup>1</sup> under age 18. The median

<sup>1</sup> "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	5.4	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	22.3	12.7	15.4	
Unknown.....	172,667	100.0	71.0		11.1	16.9	

annual income of this group was \$6,500.<sup>4</sup> 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."<sup>5</sup> 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.<sup>6</sup>

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.

<sup>4</sup> 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).

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

<sup>6</sup> 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) <sup>1</sup>			Other programs			
		Total	Hospital insurance <sup>2</sup>	Medical insurance	Veterans	Temporary disability <sup>3</sup>	Workmen's compensation <sup>4</sup>	Public assistance <sup>5</sup>
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	1,480
1966	4098	51,019	5891	5120	1,137	54	680	2,008
1967	9554	4,549	3,353	1,197	1,328	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	15,614	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	8,684	6,319	2,365	2,409	65	1,250	8,805
1973	23,732	9,584	7,057	2,526	2,681	69	1,480	9,919
1974	29,108	12,419	9,101	3,318	3,076	71	1,760	11,782
1975	35,803	15,991	11,318	4,673	3,551	74	2,030	14,555
1976	41,267	18,423	13,343	5,080	4,422	71	2,380	15,941
1977	46,839	22,781	15,743	6,038	4,865	74	2,740	17,739
1978	(*)	24,940	17,688	7,252	5,257	7	3,230	(*)
1979								
October		2,241	1,563	678	445			1,669
November		2,211	1,548	653	436			(*)
December		2,136	1,517	619	419			(*)
1979								
January		2,329	1,639	690	458			(*)
February		2,210	1,580	631	403			(*)
March		2,452	1,763	709	484			(*)
April		2,336	1,636	700	412			(*)
May		2,453	1,734	719	457			(*)
June		2,402	1,725	677	428			(*)
July		2,474	1,728	696	447			(*)
August		2,637	1,836	801	467			(*)
September		2,254	1,570	684	445			(*)
October		2,650	1,826	824	499			(*)

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

<sup>2</sup> Includes payments by Federal Government Hospital for Beneficiaries of United States hospitals.

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

<sup>4</sup> 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.

<sup>5</sup> Federal matching for medical vendor payments and public assistance began October 1950.

<sup>6</sup> 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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Nancy Dietrich  
for Charles  
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Nancy Deitrick  
c/o Charlie Parr  
210 Behrends

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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

*Nancy  
District for  
Charles Fahn  
-4907  
210 Schenck*

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

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1 3 CHILD(W)SUPPGRT? AND ENFORCEMEN

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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 810404875

**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

2492

Set Items Description

1 5 CHILD(W)SUPPORT? AND ENFORCEMEN

Print /5/1-5

Search Time: 0.015 Prints: 5 Descs.: 3

*Nancy  
Dutuck  
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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 Behinds*

0918429

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

Trimble, 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.

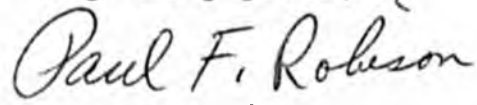
In most cases the defaulting parent who should be making the child support payments is a father who is not fulfilling his financial responsibilities in support of his children.

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.

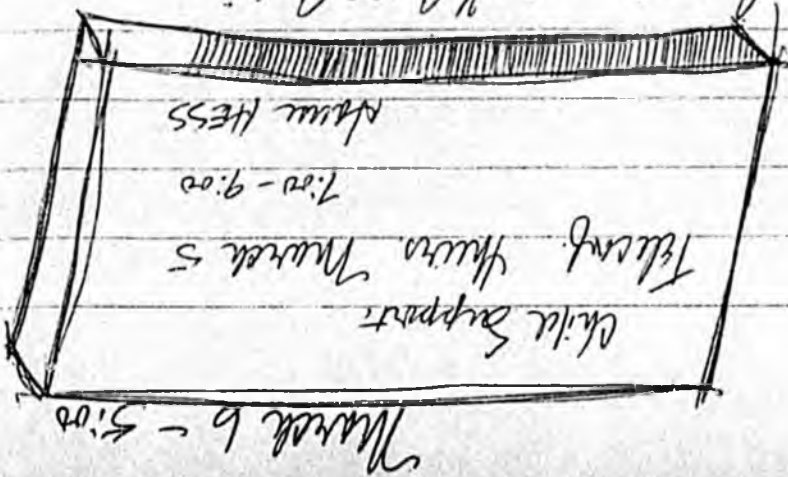
A draft report was circulated to the Director and staff of the Child Support Enforcement Agency and their comments and suggestions have been incorporated into the text.

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



Maximum that the Court can order enforcement  
once they a Court can order enforcement

### Paternity Statute

1. HLR Blood Testing Program (Cost \$380<sup>00</sup>)
- Rate of blood group - can provide  
 you "not paternity" (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  
 finding in the

then payment under HESS for another  
 state. Give 60 day notice of change of pay  
 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.

Article 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

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!"

\* Brian Burtch, B.A., M.A., Carol Pitcher-LaPrairie, B.Sc., M.S.W., M.A., and Andy Wachtel, B.A., M.A., Ph.D., are research associates at the Images of Law Project in Vancouver, British Columbia. This paper was made possible by the sponsorship of the federal Ministry of the Solicitor General and the Ministry of the Attorney General for British Columbia. Any opinions expressed by the authors do not necessarily represent the views of the sponsoring Ministries. The assistance of Edgar Hall and Stuart Morrison is gratefully acknowledged.

† 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.<sup>7</sup> 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:<sup>8</sup>

[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:<sup>9</sup>

... 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 orders<sup>10</sup> 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.<sup>6</sup> This notion of *puissance paternelle* the reality of women's inferior social and economic industrialisation, however, changed the economic functions and the family.<sup>7</sup> A new emphasis was placed on the unique natural and the nurturant role of the parents.<sup>8</sup> 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"<sup>9</sup> 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,<sup>10</sup> 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) Mchael 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, 1975), 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.<sup>12</sup>

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.<sup>13</sup>

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.<sup>14</sup> 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.<sup>15</sup> 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.<sup>16</sup>

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.<sup>17</sup> 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 Toronto<sup>18</sup> 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 Armitage<sup>19</sup> 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 Schiringer: *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:<sup>21</sup>

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,<sup>22</sup> 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.<sup>23</sup> 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

21. Manitoba Law Reform Commission, *supra* in. 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.

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;<sup>24</sup> 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.<sup>25</sup> Reference is made to a standard table to promote consistency.<sup>26</sup> 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.<sup>27</sup> 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* in. 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* in. 17, at 69.

27. Glendon, *supra* in. 10.

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 payment<sup>28</sup> 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 Scotland<sup>29</sup> revealed that only one-quarter of the men against whom orders had been made paid regularly. Another study<sup>30</sup> 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.<sup>31</sup>

The problem of default has been particularly well documented in the United States. In his major contribution, University of Michigan law professor David L. Chambers<sup>32</sup> 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.<sup>33</sup> 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.<sup>34</sup>

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.<sup>35</sup> More recent figures suggest that 70 percent of men ordered to pay support in Ontario default at some point.<sup>36</sup>

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.<sup>38</sup> 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 support<sup>39</sup> and similar cases of prosperous non-professionals<sup>40</sup> 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: "Norman 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.<sup>41</sup>

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.<sup>42</sup> 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:<sup>43</sup>

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. Chambers<sup>44</sup> 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:<sup>45</sup>

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.<sup>46</sup> 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.<sup>47</sup>

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.<sup>48</sup> In one case, an Ontario Court declared:<sup>49</sup>

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:<sup>50</sup>

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 warranted<sup>51</sup> 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.<sup>52</sup> 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 Washington<sup>53</sup> 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.<sup>54</sup>

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:<sup>55</sup>

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:<sup>56</sup>

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.<sup>57</sup> Certainly, Court schedules could stand to be tightened up<sup>58</sup> 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.<sup>59</sup>

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.<sup>60</sup> The calculating defaulter is likely to pay when it secures his freedom from imprisonment.

Although Chambers<sup>61</sup> 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.<sup>62</sup> 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.<sup>63</sup> 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.<sup>64</sup>

## 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.	31.81		Hyd-Elec	31.81	
1-3	10.66		2-4	Room	142.64		40.00	OHIP-Fam.	32.27		Hyd-Wat + 3	32.27	
4-6	12.60		Boy 5-7	Apt.	133.86		3.75	Drugs-Sgl.	46.40		Heat-Gas	46.40	
7-9	14.80		8-11	House	156.33		7.88	Drugs-2	65.11		Heat-Oil	65.11	
10-12	17.41		12-14	Two or More	194.44		9.82	Drugs-3 +	74.25		Heat-Coal	74.25	
Boy 13-15	20.50		15-	Room	329.70		6.73	Dent.-Sgl.			Total		
16-19	23.07		Girl 5-11	Apt.	198.35		13.43	Dent.-2			Conversion		
Girl 13-15	18.04		12-14	House	254.92		16.81	Dent.-3 +			Total		
16-19	17.26		15-	Total	417.71			Total			Conversion		
Adult-Fam.			Adult-Fam.	Conversion				Conversion			Total		
Light	14.86		H-waker	Room	308.13			Food			Adult-Male		
Moderate	16.10		Employed	Room	435.50			Clothing			Hyd-Elec	31.81	
Heavy	18.38		Elderly-Ret.	Apt.	242.02			Accommodation			Hyd-Wat + 3	16.14	
Prepays	19.46		Total	House				Medical			Heat-Gas	46.40	
Laundry	22.07		Conversion	Conversion				Utilities			Heat-Oil	65.11	
Total			Total	Total				Total			Heat-Coal	74.25	
Conversion			Conversion	Conversion				Conversion			Total		
											Conversion		

**WIFE/CHILDREN:**

Food .....  
 Clothing .....  
 Accommodation .....  
 Medical .....  
 Utilities .....

**TOTAL** ..... Per .....  
 Conversion

**HUSBAND:**

Food .....  
 Clothing .....  
 Accommodation .....  
 Medical .....  
 Utilities .....

**TOTAL** ..... Per .....  
 Conversion

ACTIVITY DESCRIPTIONS:  
 LIGHT: Little Exer., Light Movements, Desk work, Supervising, Driving Car, ...  
 MODERATE: Nursing, Housework, Sales Clerk, S...  
 HEAVY: Scrubbing, Moving Heavy Objects, Man... Carpenary, Mail Service

# 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.



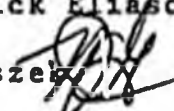
# Alaska State Legislature

## 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