

# **Child Support Enforcement System Victimizes Military Personnel, Innocent Citizens**

By Jeffery M. Leving and Glenn Sacks

Congressional Republicans have taken enormous criticism from Democrats, feminists, and the mainstream media for making modest reductions in federal subsidies to state child support enforcement efforts. Because these enforcement programs are popular, child support enforcement agencies have long been able to operate with few questions asked. A highly-publicized new California court ruling demonstrates why it's time to bring restraint and oversight to this area of government.

Taron James of Torrance, California, a decorated Navy veteran, carried out hazardous reconnaissance missions behind Iraqi lines in the aftermath of the first Persian Gulf War. While overseas, James was notified that a woman he knew back home was demanding that he pay child support for her newborn son. Los Angeles County entered a default paternity judgment against James, in part because James' military commitments made it difficult for him to defend himself.

Despite DNA evidence that James was not the father, the County garnisheed James' wages for a decade and employed numerous punitive measures against him, costing him a management position and forcing him to drop out of college. James eventually got the judgment set aside, but last week a California Court of Appeal refused to order that James be reimbursed for the wages the County garnisheed.

Unfortunately, the Taron James case is not uncommon. Many men—particularly those in the military—are targets of abusive child support enforcement practices. While states receive federal funds for every child support dollar they collect, there are scant penalties for abuses. As a result, enforcement agencies have little incentive to give targeted men due process, to fix mistakes, or to write off erroneously or unfairly accrued debt. Instead, the bureaucracy simply charges ahead in trying to collect as much as possible.

Another abuse suffered by deployed military personnel is the child support system's resistance or refusal to adjust reservists' child support obligations after they are called up to active duty. Child support orders are based on a reservists' civilian pay. When called up, a reservist's support obligation can jump overnight from 30 or 40% of take-home pay to 60 or 70%.

Downward modifications are not easy to obtain under any circumstances, and reservists are sometimes mobilized with as little as one day's notice. Many reservists fall behind because they are not able to resolve the issue before they leave nor while they're deployed. The child support obligor can be economically crippled by a barrage of harsh penalties, including seizure of driver's licenses and business licenses, or even be incarcerated.

The 18th–19th century French diplomat Talleyrand is known for the phrase “it's worse than a crime; it's a mistake.” What was done to Taron James was a crime, but many more men are victims of child support enforcement mistakes. Child support bureaucracies are notorious for their computer errors, assignments of phony or inflated arrearages, and overall bureaucratic bungling. Because of the stilted way incentive funds are structured, errors are fixed very slowly, if at all.

To cite one tragic example, last April, Herbert Chalmers of St. Louis, Missouri killed himself and three others, including two members of the family whose business was garnisheeing his wages. Chalmers' withholding had been doubled and he was left with only \$400 a month from his paychecks. He claimed he was the victim of a child support enforcement error but it was only after the killings that an investigation was conducted. The result? According to state officials, Chalmers had been correct—due to a clerical error, he was being garnisheed five times what he actually owed.

Sometimes those targeted by child support enforcement aren't even fathers. Last summer, the Florida Department of Children demanded that Timothy Williams, a teenage boy, pay child support for several children. With Timothy under threat of arrest, in desperation his mother went to one state agency after another to resolve the problem, to no avail. It was only after an Orlando, Florida television station exposed the case that FDCF backed off.

Innocent men are sometimes publicly humiliated by child support enforcement mistakes. For example, when the *Louisville Courier-Journal* published the names and addresses of 1,000 alleged child support scofflaws in 2005 on behalf of Jefferson County, they listed James H. Frazier as a deadbeat who owes \$57,000. Unfortunately, they listed his name above the home address of James R. Frazier.

WAVE 3 TV in Louisville reported that James R. Frazier and his wife Bertha--both of whom seethed at being publicly humiliated--had been erroneously targeted before, and had spent years fighting to straighten out the error. The County had previously acknowledged its mistake--and then went ahead and published the erroneous information anyway.

Many men live under the threat of incarceration because of CSE errors. During some "deadbeat dad" raids in Memphis, Tennessee last year, Eyewitness News-WPTY reported that the Department of Human Services had lost thousands of dollars of child support paid by Hugh Jones of Memphis, leaving Jones with a \$10,000 child support arrearage. According to WPTY, DHS cashed Jones' checks six times but, despite Jones' detailed documentation, has failed to credit his account. WPTY reports that Jones “has to continue paying his child support if he wants to remain a free man” and avoid jail, even though his “debt” consists of money *he has already paid*.

One of the reasons child support enforcement agencies are able to abuse citizens with impunity is the widespread myth that they collect \$4 for every dollar they spend. The mainstream media, which has largely opposed the Republican cuts, has failed to point out

this obvious Enron-style accounting. Over \$20 billion in child support is collected nationwide yearly, and only \$5 billion is spent on enforcement.

However, the vast majority of the \$20 billion isn't collected—it's *received*. These are simply the payments already being made by law-abiding fathers, and will continue regardless of the cuts. The \$4 myth was created by incorrectly counterposing total collections with expenditures on enforcement. To give child support enforcement credit for all child support collections is like the collections department at Target being credited every time a customer buys something and pays at the register.

Research shows that child support enforcement funds are often frittered away in misguided attempts to collect artificially-inflated paper arrearages from low-income men who couldn't possibly pay them.

For example, a recent Urban Institute study found that only 25% of California's \$14.4 billion child support arrearage will be collected over the next decade because the support amounts demanded of noncustodial parents are not realistic. The average arrears owed per debtor is \$3,000 higher than the median annual earnings of employed child support debtors. Those in the poorest category have a child support debt amounting to their full net income for seven and a half years.

In 1998, Congress held extensive hearings on the myriad abuses committed by the Internal Revenue Service against law-abiding citizens. What few realize is that there are a similar number of men, fathers and families who have been victims of the same types of abuses by child support enforcement agencies. Because federal funding helps shape the way child support enforcement bureaucracies operate, similar hearings are needed to investigate and remedy these abuses.

*This column first appeared in World Net Daily (6/27/07).*

*Jeffery M. Leving is one of America's most prominent family law attorneys. His website is [www.dadsrights.com](http://www.dadsrights.com).*