

Child Support Report

OFFICE OF CHILD SUPPORT ENFORCEMENT



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Reflections From the Judiciary Crying Out for Judges Who Care



By Judge Jim Rausch
Bexar County Child Support Court
San Antonio, TX

This month, child support judges tell us some of their reflections in honor of the program's 35th anniversary, below and on pages 11 and 12. Next month, look for reflections from five former OCSE directors.



Judge Jim Rausch

When I took the bench 22 years ago, the overwhelming majority of cases involved enforcement and modification of divorce decrees. The percentage of children born out of wedlock in 1988 was about 25 percent. Today, that number is 40 percent in America, and in our court, 3 out of every 4 cases seem to involve

the establishment and/or enforcement of a paternity order. Ours is a society that encourages, celebrates and defends having children without the necessity or burden of marriage.

My wish is that our leaders, our politicians, our social activists, would step into my courtroom—not just mine, but any courtroom in America where this daily reality is playing out—and witness what our society has wrought, the beautiful, precious children suddenly left behind.

Many of my memories from the past 22 years are of children sobbing in my chambers, begging for the attention and recognition from a father they never knew. “Back in the days” when we were dealing with primarily divorces, at least there had been a relationship between father and child. The spark, the light, the realization that the child had needs, was there. Now, given the tidal wave

of children being born into no family at all, an entire generation—no, generations of children are growing up without fathers.

Yes, it's the child support. It's always the child support, but it's so much more than the money. The parents appearing in our courts today bring with them not only children but obstacles ranging from drug and alcohol issues to little education to unemployment. Unless there is a sea change, the 40 percent out-of-wedlock birthrate will soon be 50 percent. At what point do the American people finally take note that there is a problem?

I don't know the answer to that question, but I do know that something very exciting, uplifting and dynamic is spreading across the judiciary in this country. Judges and justices at all levels are coming to the realization that it is the courts that can and must provide the impetus and the forum with which to establish and enforce in every parent the commitment that they must make with their children. Whatever tools are necessary, problem-solving or the effective use of incarceration, America's children are crying out for judges who care.

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

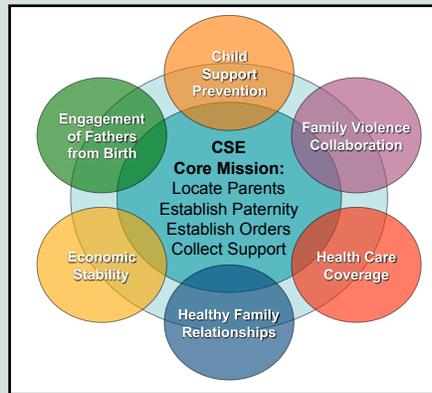
'Bubble Chart' Mirrors Child Support Work Nationwide



Many of you have seen OCSE's "bubble chart," a simple picture of the innovative partnerships and initiatives that state, county, and tribal child support programs have developed to help parents improve their ability and willingness to support their children. Through collaborations with courts, workforce agencies, prisons, fatherhood programs, domestic violence coalitions, and faith-based and community organizations, we have begun to put the bubble chart in action.

Our automated enforcement strategies work well for most parents in our caseload—the 75 percent or so of parents who are regularly employed or have assets. Most child support is collected from noncustodial parents through automatic employer payroll withholding (70 percent). Other collection methods include withholding federal and state income tax refunds and unemployment benefits, bank account seizures, denying passports, and denying or revoking driver's and professional licenses. OCSE maintains the Federal Parent Locator Service (FPLS), including web-based portals that operate applications, such as Query Interstate Cases for Kids (QUICK), to simplify interstate data exchanges and exchanges between states and employers.

However, traditional enforcement tools have been less effective for the approximately 25 percent of



parents who owe child support but have a limited ability to pay. We know from research that 70 percent of unpaid child support debt is owed by parents earning no or low reported income. A growing body of research suggests that reduced orders and debt balances can improve employment and child support outcomes.

The idea behind the bubble chart has slowly taken root within the child support community over the past decade: turning non-payers into paying parents. Sometimes the most effective strategy to increase support for a child is to connect a father to a job. The bubble chart encourages child support programs to intervene early to address the underlying reasons for nonsupport—whether it is unemployment, parental conflict,

or disengagement. By broadening our strategies and partnering with other programs, we can do more to assure that parents provide their children with financial and emotional support throughout childhood.

I believe the bubble chart represents the direction that child support professionals are leading the program—toward a more family-centered approach to delivering child support services. Despite budget constraints, we have a lot to look forward to as we continue to innovate and to put families first.

Vicki Turetsky



Child Support Blog

OCSE's [new blog site](#) is up and running. Share your comments and ideas with fellow child support professionals and stakeholders on topics that appear in the monthly "Commissioner's Voice." You can also access the site through the "Child Support Professionals" tab on the OCSE website (see the [blog icon](#) on the right side of the page).

Hispanic Child Support PSA on YouTube

YouTube now displays a 30-second Hispanic public service announcement designed to help child support agencies connect with their Hispanic and Latino communities. You can also find the video via the [ACF YouTube channel](#), or by entering the name of the video: OCSE PSA - Hispanic Toolkit (or simply OCSE PSA). Child support agencies can obtain the television PSA, as well as a radio PSA and other outreach material, from the OCSE Hispanic Toolkit DVD. Contact jana.bordes@acf.hhs.gov to request a copy of the DVD.

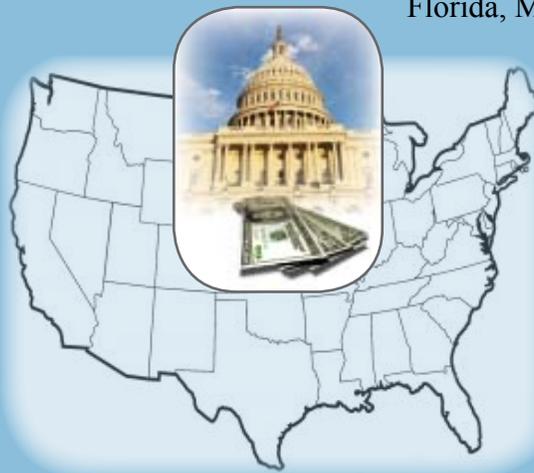


New OCSE Grant Awards

OCSE recently awarded 13 new grants: 10 Section 1115 grants totaling \$822,000; three Special Improvement Project (SIP) grants totaling \$283,300.

A Colorado Section 1115 grant project will address child support needs of active duty military members. Florida and Oklahoma projects will respond to the national Project to Avoid Increasing Delinquencies (known as PAID) through collaborations with other agencies or programs. Other Section 1115 projects will support building

financial literacy and assets for fathers and families in collaboration with Assets for Independence (AFI) program grantees in Tennessee, Texas, Colorado, Ohio, Florida, Michigan and Washington.



The SIP grants recipients—Summit County, OH, child support agency; Tuscaloosa Family Resource Center, Inc. (Alabama); and Florida State University—will focus on family-centered approaches to improve child support enforcement outcomes.

Summaries of new and previous [OCSE grant projects](#) are posted on the website.

Colloquium Weighs Child Support's Role in Promoting Children's Health Care Coverage

By Jennifer Burnszynski
OCSE

At the third and final Medical Support and Health Reform colloquium, in September, thought-provoking discussions about the future of medical support made clear that the child support program has a strong role to play in increasing health care coverage for children.

This collaboration between the Assistant Secretary for Planning and Evaluation (ASPE), OCSE and the Urban Institute provided a unique opportunity for OCSE medical child support grantees and their state Medicaid and CHIP partners to dialogue with leaders and experts in children's health care coverage and health reform. The District of Columbia, Massachusetts, Michigan, New Jersey, New York, Oklahoma and Texas were represented.

Throughout the three meetings, participants heard from health care leaders Cindy Mann, Deputy Administrator of the Centers for Medicare and Medicaid Services; Meena Seshamani, Deputy Director of the HHS Office of Health Reform; Donald Moulds, Principal Deputy HHS Assistant Secretary for Planning and Evaluation; Jocelyn Guyer of the Georgetown University Health Policy Institute; and Linda Blumberg and Genevieve Kenney of the Health Policy Center at The Urban Institute.

Presentations highlighted substantial gains to coverage

that could be achieved through stronger collaboration with Medicaid and CHIP. For example, preliminary research shows that nearly 80 percent of children in custodial families are eligible for Medicaid or CHIP. Also, medical support policy will need to be updated to ensure that our families take advantage of the new coverage options established through the Affordable Care Act and to conform medical support requirements to families' responsibilities under the Affordable Care Act.

Judging from what these grantees have already accomplished, the future is exciting. For example, the Michigan child support program partnered with a CHIP outreach grantee to send a mailing to child support parents to encourage enrollment, garnering a strong response from families. The Oklahoma program led development of a medical support strategic plan, complete with "champions" from partner organizations across the state who will be accountable for achieving different goals. Massachusetts will begin providing Medicaid and CHIP outreach materials in their child support offices. A team approach—including Medicaid and CHIP staff, private insurers and other stakeholders—was a critical ingredient for all states.

OCSE will issue interim policy clarification and begin the rulemaking process with the goal of giving states wider discretion in the area of medical support.

For further information, contact jennifer.burnszynski@acf.hhs.gov.

Coordination Points

Child Support and Fatherhood Programs: A Decade of Service to Low-Income Noncustodial Fathers

By Robert Johnson
Founder and CEO, Celebrate Dads

A decade ago, child support and fatherhood program visionaries played a major role in pioneering the platform where much of the fatherhood and family formation services delivery structure rest today. This collaboration is deeply rooted in the evolution of child

support reform and the fatherhood community's efforts to assure children receive the family support they need.

Child support and fatherhood programs have a common interest in outcomes for low-income families. Much of the efforts by child support and fatherhood programs to support low-income noncustodial fathers can be traced to federal legislative initiatives such as the Family Support Act of 1988, the Personal Responsibility and Work



Robert Johnson, above, addresses participants at an ACF Region IV fatherhood forum

Georgia fatherhood program participant receives technical school certification



Opportunity Restoration Act of 1996, and the Deficit Reduction Act of 2005. Over the past decade, these mandates have provided the legislative framework for our efforts.

However, despite significant efforts by government and local communities, today's complex economy presents new challenges. These require new solutions, visionary leadership, and an increased level of commitment to the next generation of evidence-based support for fatherhood and healthy families.

Clear Challenges

For child support being the second largest source of income for poor single mothers, the challenges are clear:

- 40 percent of children are born outside of marriage.
- 33 percent of children live apart from their father.
- 25 percent of all children and 50 percent of poor children participate in the child support program.
- 43 percent of children living in single mother households were poor in 2008.

For fatherhood programs, the challenges also are clear:

- More than 1 million young men between ages 15-19 have a child.
- More than 300,000 children are affected by incarceration.
- Unmarried and unemployed or underemployed fathers often have child support orders they can't pay.

Child support and fatherhood programs remain heavily invested in collaborative efforts to address the issues facing low-income fathers and their families. The uncertainties of a downturn in the economy and the challenges to family stability require continued leadership and efforts to build strong families.

Importance of Education

It is also important that we educate the public about the historical relationship of child support and fatherhood programs in providing systematic support to our national human service infrastructure.

Public education could start by recognizing that:

- Among human service and labor programs, child support programs reach the largest number of poor families and systematically reach men as fathers.
- The national child support strategic plan and mission reflects a growing consensus among child support professionals that child support programs have an important role in improving the employment and parenting outcomes of fathers.

Public education could also explain how:

- Fatherhood programs serve communities where these fragile families live.
- Effective fatherhood programs service delivery systems have the potential to provide services to the total family.
- Fatherhood programs are the only dedicated programs whose mission statement includes serving fathers.
- Fatherhood programs represent a network of service providers located in virtually every jurisdiction in the nation.
- Fatherhood programs have developed the expertise to address the complex array of issues faced by nonpayers of child support.

Where Do We Go From Here?

This Administration introduced the [Fatherhood, Marriage and Family Innovation Fund](#) as the infrastructure to support implementation and management of the next generation of evidence-based fatherhood and family formation programming.

The key elements of this infrastructure will require that all efforts are evidence based, operate at scale, and demonstrate effective collaboration between state agencies and community partners. The objective of the proposed fund is to “breakdown silos, reduce service fragmentation, and create a more coordinated and comprehensive approach to servicing low-income parents.”

For child support and fatherhood programs, the next generation of leadership does not require reinventing the wheel. The product developed through our historic collaborative partnership offers a strong foundation for successful nationwide service delivery. The potential to build on this relationship, while supporting our common interest, is clearly defined.

San Diego 'Stand Down' Brings Court to Hundreds of Homeless Veterans

By Shannon Welton, Supervising Attorney
Department of Child Support Services
San Diego County, CA

Some 2,000 veterans live on the streets in San Diego County, reported the "San Diego Tribune" in July, and many likely struggle with drug and alcohol problems and mental illness. In assessing the needs of local veterans, a number of nonprofit agencies and community-based organizations have begun to consider child support issues. One of the most proactive—Veteran's Village of San Diego—holds a three-day Stand Down event with food, shelter and child support assistance, among other services, for hundreds of veterans each year.

Stand Down, first held in San Diego in 1988, was modeled after a Vietnam War-era relief base in which troops were offered a safe retreat when returning from combat operations. Located on a high school athletic field, this military-style camp helps homeless veterans obtain clean clothing, medical and dental care, free legal assistance and counseling, and rehabilitation services, and enjoy the camaraderie of friends.

Child support hearings were first held at Stand Down in 2009, a result of a joint effort between the San Diego Superior Court, the Family Law Facilitator's Office, the Thomas Jefferson School of Law Veteran's Clinic and the San Diego County Department of Child Support Services (DCSS). Because Stand Down is a military camp, each agency involved in the court process needed to create a function to handle cases outdoors on an athletic field.



Some participants felt "a huge weight has been lifted" at the recent Stand Down event in San Diego.

For DCSS, appearing at Stand Down required data and phone lines, computers, copier and fax equipment and on-site child support employees, as well as additional staff available by telephone at the main office downtown.

To prepare for the 2010 Stand Down, DCSS screened nearly 900 applications for child support issues; 51 cases qualified for motions, filed by DCSS on behalf of the veterans. Each case was referred to the Thomas Jefferson School of Law Veteran's Clinic where a pro bono attorney for the Stand Down assisted the veteran through the court process.

Attendees ranged from recent returnees from Iraq and Afghanistan to long-term homeless veterans who served during the Vietnam War. DCSS saw a marked increase in the number of younger, newly discharged veterans battling issues of unemployment, physical disabilities and the psychological effects of service in combat. Most said they did not know who to talk to about their child support cases or how to prepare the paperwork for a court hearing and were relieved that DCSS had come to them with an offer to help.

"The court system is a maze to many people and often overwhelms parents who are already struggling to get their basic needs met," observed Heidi Parriott, a DCSS attorney who appeared in court at Stand Down. "Stand Down gives our office the opportunity to demystify the process and bring the court to the veterans. We hope that it helps them become more involved in their cases and, perhaps, in their children's lives."

In addition to offering streamlined access to the courts, Stand Down lets DCSS build a relationship with the veterans and, in some instances, reconnect them with their families. Robert Harris, another DCSS attorney, was moved by the compassion that some of the custodial parties expressed towards the veterans:

"During the last two years of Stand Down, I have seen a number of cases where the custodial parent wanted to see the veteran get back on his feet and leave the streets. A couple of custodial parents even asked to close their child support cases knowing that they would likely be reducing any chance of collecting the child support they are due. It didn't matter to them, what mattered was getting the veterans the help they needed. Ultimately, that will benefit the children."

The results of the 2010 Stand Down exceeded all expectations. The court set new orders for each of the 51 cases; 30 driver's licenses were released and over \$800,000 in arrears was resolved. The Stand Down gave some veterans the chance to turn their lives around. Some can now afford housing and a home for their children to

visit. Others commented they felt a huge weight has been lifted and were now more confident they could start the process of getting off the streets.

“You’re doing a wonderful thing ... all of you,”

remarked one of the veterans in the court hearings.

For further information, contact Shannon.Welton@sdcountry.ca.gov. See an article about a New Mexico Stand Down event in the [March 2010 Child Support Report](#).

Atlanta Kicks Off Pilot to Help Homeless Veterans

Atlanta was selected as one of nine pilots for the OCSE project to assist with the federal collaborative initiative “Ending Homelessness for Veterans in Five Years.” All partners—Georgia Division of Child Support Services, Atlanta VA Medical Center Health Care for Homeless Veterans Program, and Georgia Law Center for the Homeless—attended an August 31 kick-off event (and posed for the photo). Among attendees were clergy, education, business, political and civic leaders.

Fifteen homeless veterans attended the fatherhood orientation, a key part of the pilot, and met with Georgia’s fatherhood agents for self-assessment. The project will process 15 to 20 homeless veterans a week to start. They will be enrolled in the state’s child support fatherhood program for 6 months to obtain training and possible employment, learn relationship skills, and resolve child support issues.



The project’s goal is to help homeless veterans resolve child support and child access issues that may become a barrier to their successful reintegration into civilian life. Further, the initiative identifies veterans in the metro-Atlanta area who are in residential care and treatment programs. The project will focus on preventing child support and child access issues from becoming a barrier to veterans seeking employment and securing permanent housing.

For more information, contact kimberly.pope@acf.hhs.gov or demetricus.johnson@acf.hhs.gov in OCSE Region IV.



The OCSE and Veteran’s Affairs Connection



Like dance partners unsure about their lefts and rights, the federal partners working to resolve child support issues among homeless veterans began to see an emerging theme. Before fall 2009, OCSE and the Department of Veterans Affairs did not know much about what the other did for their clients.

To help fill the information gap, the first national conference calls between OCSE and the VA were held in August and September. The first call, “CSE101,” was an introduction to the child support program for VA clinicians and staff and attracted close to 200 nationwide from VA psycho-social and incentive therapy programs. The presentation concluded with a flurry of questions and a genuine

feeling that participants were eager to find a connection with their local child support program to help their clients.

The second call, “CSE102,” was a nuts and bolts presentation by the Massachusetts and Washington State child support programs on their successful partnerships with local VA facilities. Similar to the first call, the depth and focus of questions from participants demonstrated commitment by both OCSE and the VA to connect on the national, state and local levels to help homeless veterans address their child support issues.

For further information or to receive material from the calls, contact michael.ginns@acf.hhs.gov.

—Michael Ginns, OCSE Region I

Ohio Child Support Staff Offers Guidance to Inmates

By Chris Bournea
Public Information Officer
Ohio Department of Job and Family Services

The Ohio Office of Child Support staff recently participated in a Reentry Resource Fair at the Ohio State Penitentiary in Youngstown for inmates nearing their release dates. Program administrators Athena Riley and Kimberly Dent fielded questions about how to meet child support obligations while incarcerated and after release.

In response to one of the most-asked questions—how to maintain contact with the child support agency while finishing out their sentences—Riley and Dent explained the inmates can sign release forms to authorize family members and friends to act on their behalf. “The prisoners were very concerned with how they could get information to someone they trust who could be their eyes and ears while they were incarcerated,” Riley said.

Riley and Dent advised the inmates to respond to all correspondence from the child support agencies because, said Riley, “when people don’t hear a response, you don’t want them to feel that you’re trying to avoid them.” They also distributed “[Working with Incarcerated and Released Parents](#),” published by OCSE, which contains information about laws in Ohio and other states governing rights and responsibilities of inmates and former inmates concerning child support.

Riley and Dent also have visited state correctional facilities in Marion and Madison counties and plan more visits to ensure this population of parents is aware of child support program services.

The Ohio Office of Child Support co-chairs a committee with the Department of Rehabilitation and Corrections and the Ohio Child Support Directors Association to empower incarcerated and formerly incarcerated parents to successfully remove barriers to paying child support. “This collaboration has provided a true understanding of each agency,” Riley said, “and how their working together can improve services to inmates and families.”

For additional information, contact athena.riley@jfs.ohio.gov or kimberly.dent@jfs.ohio.gov.



Amnesty Day in Wyandotte County, Kansas

By Roberta Coons and Barbara Lacina
OCSE Region VII

Wyandotte County, KS, held its second annual amnesty day in August, in conjunction with a resource fair. The Wyandotte County Court Trustee’s office, which handles non-child support cases, teamed with Kansas Child Support Enforcement supervisors and attorneys from the Kansas City, Overland Park and Leavenworth offices to staff the event.

Noncustodial parents met with child support professionals about their cases, made payment

arrangements and scheduled new court dates to get bench warrants lifted. They were also offered on-site access to employment and education resources including job training, GED programs, a local community college, and the “KansasWorks” workforce partnership for employment. All resources were also available to custodial parents and spouses.

Attendees of the amnesty and resource day included 75 noncustodial parents and at least one custodial parent who stopped by to report the obligor’s new job. Of the noncustodial parents with child support cases, 50 percent had their bench warrants withdrawn. Several noncustodial parents learned of legal resources to assist with felony criminal records, enabling them to secure employment.

Two local television stations carried news of the event to additional parents who called the next day to see if they could still take advantage of the chance to straighten out their court records and make payments.

Washington State Taps PayPal Accounts

By Matthew Marsolais
OCSE

State child support agencies continue to lead the way in creative means to collect child support for families in their caseloads. Demonstrating its creativity, Washington State is tapping a source that others may recognize—PayPal accounts.

PayPal, an e-commerce business in San Jose, CA, acquired by online marketplace e-Bay in 2002, allows electronic money payments and transfers. The number of individuals using PayPal continues to increase due to its simple way to register and make online money transfers. All it needs is an e-mail address and a credit card or bank account number.

In 2009, PayPal reported a payment volume of over \$71 billion in online transactions. The company manages over 184 million accounts; more than 73 million are active. PayPal's revenue comes from collecting fees from sellers and earning interest on assets that have not been withdrawn from the seller's or buyer's PayPal account.

Exploring a Data Match

OCSE is exploring the possibility of conducting a data match with PayPal. However, PayPal does not participate in the financial institution data match (FIDM) because the company is not considered a financial institution as defined by state and federal law.

Although current PayPal assets cannot be identified through the data match, the corporation is required to respond to any subpoena or court order from a child support agency. Once a freeze order is received and processed by PayPal, the user's account is "locked" for a minimum of 60 days and the user loses their ability to access the account.

Washington Experiences

Chuck Donnelly, Special Collections Program Manager, explains, "[We] become aware that a noncustodial parent sells through e-Bay because the custodial parent tells us, or we might see it when we look at the obligor's MySpace or Facebook pages." He adds, "We would only send a 'withhold' to PayPal if we had information leading us to believe they have a PayPal account."



Caseworker Marci Griffin says: "I did get a bunch of information from PayPal but wasn't able to get any money. However, the noncustodial parent found out I was trying to tap his PayPal account, and he began self-paying again! He is self-employed."

In 2008, Washington child support worker Steven Mack sent a withhold to PayPal, which in turn froze the parent's account. Negotiations with the parent rendered an immediate \$300 from PayPal. Then, in July 2009, a local Tacoma office was able to seize \$500 from a PayPal account.

Since PayPal does not require a Social Security number when a user signs up, the e-mail address is the most important identifier. Washington demonstrates another creative means to collect child support by looking at Web pages that belong to a noncustodial parent to obtain the e-mail address and other information that may help to identify PayPal accounts.

OCSE acknowledges the potential for a new source of child support collections by matching with money-transfer companies. Further discussions with the companies will include how state child support agencies can identify and seize these "hidden" assets through a data match.

Contact matthew.marsolais@acf.hhs.gov with any questions or comments.

Address to send a subpoena:
PayPal
Attn: Legal Department
2211 North First Street
San Jose, CA 95131

'Interstate Case Reconciliation' at 6 Years Old

By Pat Conrad and Dee Price-Sanders
OCSE

Processing interstate cases used to be one of the most difficult tasks in the child support program. States used a variety of different IDs for cases, which hindered interstate communication. All of that changed with the Interstate Case Reconciliation (ICR) project, as states update their records with correct case IDs from other states.

In the past six years, the percentage of cases with the correct case ID went up from 32 percent to over 84 percent, thanks to the ICR—a significant improvement in interstate case processing and communication.

The ICR has other benefits as well. With correct case IDs, a state system can process transactions back and forth through CSENet, freeing case managers to spend “quality time” with more difficult cases. The ICR provides corrected Social Security numbers (SSN) so a state can quickly pass on locate information from the Federal Parent Locator Service.

The ICR also can improve a state program’s performance level. Having correct case IDs contributes to meeting the national paternity and order establishment goals because it allows a state to quickly share addresses for custodial and noncustodial parents to: serve the noncustodial parent with papers for paternity or order establishment; notify a custodial parent of a genetic testing appointment; and send hearing notices.

Knowing the correct case ID and having the correct SSN contributes to collection goals by setting the stage for exchanging information on noncustodial parents, which results in income withholding orders for employers, unemployment insurance, contractors, and retirement and disability benefits.

The ICR alerts a state to cases that have been closed in the initiating state, which assists with all performance measures by reducing caseload numbers (lowering the denominator) and preventing unnecessary caseworker time.

The ICR assists in managing the caseload, improving program performance, and ultimately, contributes to improving lives for families.

Regional Highlights

Region X Hosts State Tribal Liaisons

Region X recently hosted a one-day symposium for 24 child support program staff from Alaska, Idaho, Oregon and Washington and recognized front-line, tribal liaisons and case managers who foster good tribal relations and coordinate service delivery with federally funded tribal child support and tribal TANF programs. These staff members also assist tribes without these programs to ensure child support services are otherwise provided in culturally sensitive ways. The usual multi-day symposium, shortened due to limited budgets, set out to strengthen working relationships among states’ tribal liaisons and offer consistent technical assistance and federal information about the tribal child support program.





A Better Day for Mothers and Children...

The establishment of paternity definitely has changed in Pennsylvania. Same-day testing and DNA testing are coming in with 99 percent accuracy—we are out of the Dark Ages and have moved on to an Age of Hope for children and their mothers ... a time when mother and child can have an order in as little as 10 days after the phlebotomist takes the samples.

On the other side, DNA testing in Pennsylvania costs about \$30 per person and is very affordable for those defendants who honestly do not believe they are the father of the child. In addition, the rules have changed so that unless the parties agree otherwise the order will be retroactive to the filing date. This all results in a situation where mother and child receive everything due them, and they receive it much quicker.

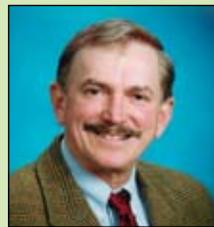
It has also become extremely less desirable for defendants to frivolously deny paternity.

When I started hearing child support cases 23 years ago, paternity was a major stumbling block to establishing support orders. It was common knowledge

that you could delay the imposition of a support order for 6 months or longer by denying paternity. This occurred whether or not the party was represented by an attorney. Although, as a common pleas judge in Pennsylvania we review child support orders from our hearing masters for errors in fact or law, a party has a right to a jury trial on the issue of paternity. This process seemed to, and did, in fact, drag out over a very long time.

In my early years as a judge, blood testing was the norm and was very inaccurate. Later HLA came into use, and although more reliable, the process of delay did not change. Once paternity was adjudicated, the attorney would invariably ask for a compromise on the retroactivity.

It is indeed a better day for mothers and their children than it was two decades ago.



Judge Chester T. Harhut
Lackawanna County
Courthouse
Scranton, PA

Paternity Prosecution in the Late '70s...

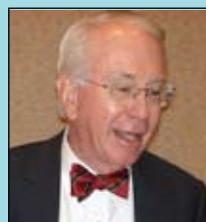
In 1976, when I began prosecuting child support cases as a contract attorney and special assistant attorney general for the State of Alabama, the paternity establishment landscape was vastly different:

- A paternity warrant was issued for the alleged father's arrest.
- After an arrest, the alleged father remained in jail or made bond.
- The case was a criminal action at the initial filing, but upon the alleged father's arrest it became a civil action and civil rules of procedure applied.
- An alleged father could request a jury trial, and the case was docketed on either the civil or criminal jury docket.
- The original red-blood cell test results excluded the alleged father or were inconclusive.
- The prosecutor was permitted to offer as evidence the minor child for viewing by the judge or jury.

I tried a number of paternity jury trials and always introduced the minor child for viewing by the jurors. Luckily, almost every time the child was the "spitting image" of the alleged father. In my favorite case, the alleged father had just testified that he was not the father and did not even know the mother. At that point the judge declared a recess, the courtroom doors opened and the 8-year-old child came running up to the father, jumped in his lap and said, "Daddy! Can I have my drink now?" His attorney demanded a mistrial and accused me of orchestrating this, to which I simply replied, "I wish I had thought of it!"

Along the way, I tried cases where, after blood tests, the mother was excluded and in another, two women both claimed to be the mother of the same child.

Now with DNA and the revocation of the right-to-jury trial, paternity cases are routinely handled in court and



Gordon Bailey
Child Support Referee
Anniston, Alabama

presentation of testimony is extremely rare.

The Tie that Binds...

In the child support courtroom, there is often one moment in a session that touches me deeply and then hangs around the edges of my consciousness begging for attention. Some are moments of frustration, happiness, and heartfelt sadness. One such moment occurred as I walked around a corner and saw James sitting on a bench outside the courtroom.

I knew James was actively participating in the Fathers Forever program, offered with the child support court to help parents develop life skills and prepare for employment. I felt that after a rough start in life, James was making progress.

But on this day, James was sitting alone looking anxious. I wondered what was going on, but noticed he was properly dressed for court: light blue shirt, khaki pants, dress shoes and a silk tie, as yet untied.

I thought of how differently these young men dress when they have been coached by one of the counselors on the proper protocol in the courtroom. Without coaching, many show up in court in a T-shirt with a vulgar slogan, shoes untied and jeans falling off. And the final touch: a toothpick hanging from the bottom lip.

When I greeted James “hello,” he blurted: “I’m waiting for Mr. Warren, Judge Ruth. I need him to tie my tie because I don’t know how.” That was a moment of insight for me. Here was a 23-year-old, father of a 4-year-old, who still needed someone to tie his necktie.

James had never had a father in his own life, who would play catch, help him with homework, take him fishing, and teach him how to tie a tie—an insignificant skill in the grand scheme; but for James it symbolizes all he has missed. He has never learned to be a father because he was never parented by his own.

Is it any wonder James became angry? Many years ago, he became addicted to drugs. The mother of his child is an addict in a recovery program. Because neither James nor his partner was a responsible parent, the child was placed in the legal custody of the mother’s family.

James is now trying to get back into the child’s life by staying clean and working with the Fathers Forever program. From his employment at a local restaurant, he has started paying child support.

Still, as I remember that untied tie, I think of the unanswered questions James must have about his own family. I imagine that at least part of the anger he exudes comes from the questions that haunt him.

No one can answer those questions. But for James and others like him, there are programs to help them learn

now what they failed to learn earlier, to give them skills in not only how to get and hold a job, but also how to be a loving and responsible parent. And with these skills should come a sense of pride in knowing he has become what he never had—a good father.

After seeing him in court today, I remain hopeful that James will succeed in his quest. I am willing to work with him as the judge in a court that fosters hope for a better future and remedial efforts to help parents break the cycle of poor choices and destructive behaviors. We cannot work miracles in court, but we can be a guiding force in the lives of those who want to change.

James wants to change as shown by his strength in not giving in to the demons he faces every day. He cries as he tells me that he is fighting hard for time with his daughter. He holds in his hands a worn photo. The photo is two years old; the little girl is 4. His addiction has robbed him of any clear memories of her, but he longs to see her again and reconnect now that he understands what’s entailed in being a good father.

I hope and believe that the best is yet to come for both of them. Though James never had a father who taught him how to tie a tie, James can still learn.



Judge Kristin H. Ruth
Wake County District Court
Raleigh, NC

Child Support Report

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