

Chasing fathers for child support is big business

Third in a series.

By LYNN ORR

"Again this has been a productive year for the office of the Friend of the Court, more particularly as reflected in the receipts which continue to increase substantially each year."

— 1978 Annual Report
Wayne County Friend of the Court

Collecting money is the Friend of the Court's major objective.

What the Court doesn't like to talk about is that collecting money owed to the state for mothers receiving Aid to Dependent Children (ADC) has top priority.

When Don and his wife, Dana, separated three years ago, the Wayne County Friend of the Court entered a temporary (ex parte) order requiring him to pay \$55 a week in child support and \$25 a week in alimony.

Without a job, Dana reluctantly applied for help from the Department of Social Services and began receiving \$182 per month under ADC. She assumed she could make ends meet with the ADC and Don's support.

But she never received Don's support check. She bitterly accused him of reneging on his responsibilities.

I was getting hostile with Don," she recalls. Don argued that he had the check stubs to prove he'd paid his money to Friend of the Court. He and Dana decided he would pay her directly and avoid Friend of the Court.

WITHIN WEEKS, Don was sent a summons stating he owed \$900. In his interview with an investigator, he found that his checks were being paid to reimburse the Department of Social Services for the ADC payments Dana was receiving. The investigator did not know why Dana wasn't receiving the difference between the ADC and Don's support.

Fortunately, Don had his check stubs to prove direct payment and the arrearage was canceled.

After three months, Dana found a job, closed the ADC account and tried to find out why she still wasn't getting her support check.

Through a friend of a friend, she finally contacted a Wayne County judge, who cut yards of red tape and arranged an interview. She received the money owed her,



about \$800, although no answer as to why the checks had been held up.

Don began to send his checks to Friend of the Court again.

About a year later, Don quit his job, was out of work for a few months and got behind on his support. This time, Wayne County didn't notice. He arranged for an inter-

view, went before a judge and had his support reduced to \$20 per week, based on his new salary of \$8,000 annually.

Dana once again had trouble getting the checks. Finally the two decided that Don would give her a support check directly, avoiding Friend of the Court and what they consider a "hassle."

IT'S BEEN a year, and Don hasn't received a notice of arrearage from the court. That may be forthcoming, however, when the computer catches up with the lack of payments.

Why was his arrearage caught so quickly the first time?

Most likely the answer is Dana's status as an ADC recipient. Child support is more strictly enforced when ADC is involved, admitted at least one agency official.

"The whole point of the ADC collections is that the taxpayers of Michigan are assuming a responsibility that belongs to the man," said John Houghten, Friend of the Court in Oakland County.

We ought to do what we can to get him to pay. We are always trying to do two things — enforce child support so the women can get off (ADC) or not get on."

Friend of the Court also receives a 15 percent "incentive" fee from the federal government, funneled through the State Department of Social Services, for collecting support due a custodial parent on ADC.

Last year, Wayne County Friend of the Court collected \$95 million from non-custodial fathers. More than \$22 million was paid directly to Department of Social Services for ADC accounts.

Their "incentive" percentage? \$3,742,000.

But that sum went directly into the Wayne County general fund. Friend of the Court didn't see a penny of it.

In fact, Wayne County Friend of the Court actually was a profit-making organization last year. But the "profit" stays in the general fund of Wayne County. Friend of the Court is a line item in the budget. Its service fee collections (\$1.50 per month on each account) and "incentive" funds have no relation to its budget, more than \$4 million, appropriated by the County Commissioners.

The Michigan Women's Commission's study, "In the Best Interests of the Child," recommends that "100 percent of federal revenues generated by the Friend of the Court office be returned to the Court in addition to present funding levels." The funds would be used to comply with statutes and court rules and used for court-related child services.

More computerization, more personal service and possibly counseling services are what Friends of the Court said they would do with any increase in funds.

THE LACK of money is one reason why his staff collects less than 50 percent of court-ordered support, says Clayton Christenson, Wayne County Friend of the Court.

"If we had the equipment and the personnel, we could increase that figure dramatically," he says, referring to the collections.

He pointed out that cash registers date back to the 1940s. If an employee is on vacation or sick, there's no one to pick up the slack. Currently 44 positions are "frozen;" Christenson is not allowed to fill the vacancies because of Wayne County's budget woes.

Last Christmas, the office was closed and the staff laid off from Dec. 21 through Jan. 2 because Wayne County ran out of general fund money.

Christenson believes his staff did a remarkable job in getting up to date within two weeks of going back to work. But during the temporary lay-off, fathers' support checks sat in a mailbox while mothers tried to get through the holidays without their checks.

THURSDAY: The future — Old laws, new issues, proposed legislation.

Serving time

It's pay up or the pokey for some errant dads



"Under the Constitution, we don't have a debtors' prison," argues Alan Lebow, who organized Equal Rights for Fathers.

But jailing men who do not pay child support is legal. If a father does not pay, he can be held in contempt of court and sentenced to serve time.

"You think that laws were made for everybody but you," a Genesee County judge is quoted in "Making Fathers Pay," a five-year study of child support enforcement in Michigan.

"Well, I'm going to teach you a lesson. . . . This court finds nothing wrong with you. Her- nia or no hernia, you had no business leaving the Fisher Body when you were building up seniority, fringe benefits, everything. You take a leave of absence and go to Florida with a new wife. . . ."

The defendant served 10 months of a one-year sentence in Genesee County Jail for failing to pay child support.

In that county, one of every seven divorced men with children was sentenced to jail at least once for failing to pay child support, according to David Chambers, a University of Michigan law professor who wrote "Making Fathers Pay."

"In several Michigan counties, on any given day, more men are sitting in the county jail for failing to pay support than are there under sentence for all other jailable offenses combined," Chambers wrote.

And according to his study, non-paying fathers of children whose mothers collect ADC are more likely to be sent to jail than other fathers behind in support.

"Within Michigan, there are counties in which it appears that most of the jailing befalls those whose children receive welfare benefits, despite the fact that no just claim can be made that this group is either more villainous for failing to pay or that it constitutes an especially visible group to use to scare other potential defaulters," according to Chambers.

A HIGH RATE of jailing, coupled with a "self-starting" enforcement system that automatically locates arrearage, produces a higher rate of enforcement of child support payments, according to Chambers.

Genesee County collects a much higher percentage of child support than either Wayne or Oakland County. Wayne County judges also send a much lower percentage of non-payers to jail.

Wayne County Circuit Court ordered 1,237 men in 1979 committed to the Detroit House of Corrections. Of that total, 947 paid up and were released within hours, said Clayton Christenson, Wayne County Friend of the Court.

In 1978, Wayne County judges committed 2,254 men, 772 of whom were released after they paid arrearages.

"Seventy-five percent of those committed do not serve their time in jail," Christenson said.

"If the Wayne judges had followed Barry's (another Michigan county) pattern in sentencing to jail one of every eight men who had paid less than 80 percent of everything owed during the year, they would have sentenced over 8,000 men, not 500," in 1974, according to Chambers. Oakland County officials said they had no statistics on how many fathers are jailed.

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