

**SUPPORTING WELFARE REFORM: CRACKING
DOWN ON DEADBEAT PARENTS**

HEARING
BEFORE THE
SUBCOMMITTEE ON
OVERSIGHT AND INVESTIGATIONS
OF THE
COMMITTEE ON COMMERCE
HOUSE OF REPRESENTATIVES
ONE HUNDRED SIXTH CONGRESS
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WEDNESDAY, FEBRUARY 24, 1999

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS,
COMMITTEE ON COMMERCE,
Washington, DC.

The subcommittee met, pursuant to notice, at 10 a.m. in room 2322, Rayburn House Office Building, Hon. Fred Upton (chairman) presiding.

Members present: Representatives Upton, Burr, Bilbray, Ganske, Bryant, Bliley (ex officio), Klink, Stupak, Green, and DeGette.

Staff present: Duncan Wood, investigator; Andrew Leyden, majority counsel; Mark Paoletta, majority counsel; Penn Crawford, legislative clerk, and Edith Holleman, minority counsel.

Mr. UPTON. Thanks, everybody, for coming. Welcome to the Subcommittee On Oversight and Investigations. We will start with some opening statements.

Today we are holding a hearing on a new multi-agency child support enforcement task force. It uses an innovative approach to make deadbeat parents pay up. The task force, known as Project Save Our Children, was created in 1998 and combines Federal, State, and local resources in an integrated law enforcement effort. The program identifies, pursues, and prosecutes the most egregious offenders in order to force them to provide support for their children. Project Save Our Children intentionally publicizes these prosecutions to encourage all non-custodial parents to support their children or else face the prospect of arrest.

America faces a serious child enforcement problem. On the one hand, the high rate of divorce, coupled with the high number of children born out of wedlock, means that there are approximately 19 million families with non-custodial parents. And, on the other hand, America's child support collection record is fairly dismal. In 1997, nearly \$60 billion was owed by non-custodial parents, but only 25 percent of that total was actually collected. According to HHS, single parents and their children who are owed outstanding child support are more than twice as likely as other parents to live in poverty—with all that may mean in substandard housing, limited educational opportunities, exposure to crime and drugs, and other serious disadvantages. Furthermore, in many cases non-payment of child support is a direct cause of a family going on welfare.

In recent years, Congress has tried to strengthen child support enforcement by giving the Federal Government new tools for tracking down and prosecuting deadbeat parents. Since approximately a

quarter of all unpaid child support is owed by parents who have fled across State lines to avoid State child support enforcement efforts, the Child Support Recovery Act of 1992 made it a Federal misdemeanor for deadbeats to flee to another State to avoid paying their child support obligations. The Deadbeat Parents Act of 1998 upgraded the crime to a Federal felony charge.

In addition, the Welfare Reform Act of 1996 imposed strict child support obligations on non-custodial parents, and created new national data bases to establish parentage and track down deadbeat parents across State lines. The Welfare Reform Act also included an amendment I authored to suspend food stamp assistance to deadbeat parents.

Primarily the brainchild of two offices within the Department of HHS, the Inspector General's Office and Child Support Enforcement Office, Project Save Our Children aims to get maximum leverage from these new law enforcement tools by combining the Child Support Enforcement expertise of Federal agencies, such as HHS, Department of Justice, FBI, and U.S. Marshals, together with State and local enforcement agencies, into a single integrated task force.

And, in 1998 a demonstration project was conducted in Illinois, Michigan, and Ohio. Based on the results of the demonstration, HHS plans to expand Project Save Our Children into four new regions covering a total of 17 States in fiscal year 1999.

I believe that this committee's oversight efforts can make a difference in the lives of everyday Americans. It can help lift women and children from the risk of poverty, and provide them with a brighter, more promising future, and for this reason, I am holding a hearing to highlight the new program to track down and prosecute deadbeat parents. If this committee, by focusing attention on this national crisis, can encourage one deadbeat parent to pay up, then I believe the hearing has been a success, and worthy of our time and effort here today.

We will hear testimony of members of families who have suffered from the failure of non-custodial parents to provide child support and who have, subsequently, been able to locate and force their ex-spouses to pay up as a result of Project Save Our Children's multi-agency approach. We will also receive testimony from the two offices within the Department of HHS that are responsible for the creation of the program, as well as from State and local officials responsible for child support enforcement.

Project Save Our Children is at a critical juncture, poised to expand from a small demonstration program into a large 17-State program with five regional centers. At the end of the hearing, I hope we have a better sense of how well the program is working, what needs to be improved, and what further oversight might be required in order to ensure that deadbeat parents pay their fair share to support their kids, and keep their families off welfare.

I welcome all the witnesses that we have today and I yield, at this time, to the ranking member of the subcommittee, Mr. Klink from Pennsylvania.

Mr. KLINK. I thank my friend, the chairman, for having this hearing. Well, let me start off by saying straightforward that the minority is joining the majority very much in opposing deadbeat

dads. They don't think it is a good idea, and we would like to stop it. And, we similarly are against deadbeat moms. As Democrats, we are against anyone that fails to do anything that they are legally obligated to do in caring for a child that they have played a role in bringing into this world.

After all, the emphasis on expanding Federal resources to find deadbeat parents came from our party. It was President Clinton in 1996 in the Welfare Reform Act to increase the penalties for parents who didn't pay child support, and it was the President in 1998 who made leaving a State to avoid paying child support a felony under Federal law. And, it was the President again who pushed for greater automation of State and Federal data bases in 1996, and the new national directories of new hires, so that deadbeat parents could be easier to locate. And, they have been easier to locate; 1 million of them have been located.

Collecting child support payments for welfare families is particularly important, so that they are not completely without support when they reach the end of their welfare payments. In 1996, only 13 percent of welfare families received at least one support payment. The process can be an arduous one, requiring court-issued support orders, warrants, investigative work to find a non-custodial parent, and a process to actually collect some money. This can take a great deal of personal and public resources.

A very modest \$5 million is in the fiscal year 2000 budget to support 95 new paralegals in the U.S. Attorney's Office to do investigations. We know that is not nearly enough.

Some of those victimized by deadbeat parents are before us today, and they are going to tell us their very personal stories of dealing with the system. And, we thank you for being here because we know this is not something that is easy for you to do.

But, I want to say something else. We don't want this to be a deadbeat hearing. And, I say this because we think that we have to have a hearing that can bring all parties together. And we, in the minority, would like to work closer with the majority in making sure that the witnesses that need to be here are here.

And, I hope that you are sitting out there listening to this and say, "Oh, no, here we go with partisan rancor." That is not what this is about. We want to be bipartisan. Fred Upton is my friend; Tom Bliley is my friend. But, we want to be included in making sure that the people are here at these hearings that can give us answers to these problems.

Last Wednesday at 4:30, the minority received notice that the majority had scheduled an oversight hearing on welfare reform and deadbeat dads. Up to that point, this hearing was not on our radar screen. We were told very frankly that the majority did not intend to investigate the program before they went into the hearing room, that this was going to be a "feel good" hearing. The most informative document that the minority has received from the majority came from an article in Government Executive magazine, which I will attach to my statement. That is the extent, as far as we know, of the investigation.

The minority staff was given just 6 days, if you include both Saturday and Sunday, to gain knowledge of the overall child support enforcement program and what its problems were. And, as you

know, it is a multi-billion dollar program with almost 20 million outstanding cases. It didn't take too long to figure out that there were at least six concerns that we, in the minority, think that we should look at. And, I just want to bring this to the attention of our friends.

First, despite all of the hype about these being Federal crimes, the Department of Justice and the Federal Bureau of Investigation have not been doing the investigative work necessary to bring large numbers of child support cases to closure. Since at least 1996, they have been giving most of the work to the Inspector General's Office at the Department of Health and Human Services, claiming a lack of resources. Now, whether this is true or not, or whether the FBI just wasn't interested in what could be considered low-profile cases, mostly misdemeanor cases, we don't know. We would like the answer to that. What we do know is that the majority did not ask for a witness from these agencies until we prodded them. Not surprisingly, Monday night was too late to get those witnesses here. Now, the subcommittee can review the enforcement of Federal criminal statutes without hearing from the FBI and Justice. We don't know how that can be done.

Second, as the witnesses before us will testify, U.S. attorneys, and State and local prosecutors and judges have not been very interested in pursuing these cases, even when they are State or Federal crimes. By March 1998, the U.S. attorneys had filed only 560 criminal cases and 1,266 convictions. We do not know that the U.S. attorney—or we do know, rather, that the U.S. attorney took a sudden interest when Attorney General Reno made those cases part of their performance review. But, the numbers are still too low.

State prosecutors have not been any better. One of our witnesses today will testify to only a 5 percent success rate in serving warrants. I can't imagine what the prosecution success rate was, but the prosecutors are not here to tell us.

Third, the States have not been particularly good at collecting and automating the data necessary to find deadbeat parents and getting the money collected back to families. Michigan is one of those States that still does not have a certified system, even though the deadline was 15 months ago. It can take as long as 6 months after a family goes off welfare to get their child support payments from the State. Some advocates think that a central Federal data base is necessary.

Fourth, task forces focusing on individual high-profile cases may mean less resources for children whose parents aren't as wealthy but need the money just as badly. What is the cost-benefit analysis? What happens to those routine cases that don't generate any press? Fortunately, the minority staff, yesterday, located Vicki Turetsky of the Center for Law and Social Policy, who graciously agreed to address these systemic issues.

Fifth, the States are short on resources, and getting fewer and fewer for more and more cases, many of which are not involving welfare families. Where are the additional resources going to come from? We still don't know.

Sixth, the Inspector General, which is not supposed to be a day-to-day primary law enforcement agency, but a reviewer of the effectiveness of the agency's programs and a protector of the taxpayers'

dollars, has used this program to get authority from the Justice Department for its special agents to carry guns, beat down doors, and make arrests, even in cases that do not involve a single Federal dollar.

It started with a 1-year grant of authority in 1996 and it continues to this day. The Inspector General does not, and should not, have the resources to replace effective law enforcement agencies.

In Michigan, the task force is looking at 338 referrals out of a million State cases. This is not going to solve Michigan's problem, nor can the IG be a disinterested evaluator of a Federal program when it is one of the implementors and the beneficiaries of that program. We are not convinced that this is a continuing role that is necessary or useful.

The General Accounting Office also has done work on child support enforcement. GAO issued a report in August of last year entitled, "Welfare Reform, Child Support, an Uncertain Income Supplement for Families Leaving Welfare," which I also have attached to my opening statement.

GAO specifically looked at the State of Virginia and it was not a positive review. Families were being pushed off welfare before any effort has been made to recover their child support payments. But GAO wasn't invited to testify either. I ask unanimous consent to insert this report into the record.

[The report, GAO/HEHS-98-168, is retained in subcommittee files.]

Mr. KLINK. Mr. Chairman, some subcommittees routinely do "feel good" hearings, but that has not been the historic role of this subcommittee. Our hearings should be the culmination of extensive interviews, of field work, of document review, to determine what the problem is and what needs to be done to fix it. We should uncover new facts and help solve serious public policy problems, and I don't think that, as of yet, we have learned to follow that model. And, we would like to do that with you, and I think that we can have a great working relationship in doing that.

What we have today, I fear, is kind of a ready-fire-aim approach to the investigations, and I think it makes us look a little unprepared. The issue of how custodial parents get child support, what they are due, is too important to be conducted in what I would call a quick or slipshod manner if we want to be effective. We don't think it is necessary to do 1-week wonder hearings. We would like to take time to work together with the majority to make sure that we are really ready to take on these issues.

And, I want to, again, thank the majority for the fact that they realize that this is an important issue. But it is an issue that we want to work with you on, want to make sure that we have all the information and all the witnesses before we get here to the hearings.

With that, Mr. Chairman, I yield back my time.

Mr. UPTON. The gentleman's time has expired. The gentleman from Virginia, the chairman of the full committee and member of the subcommittee is recognized.

Mr. BLILEY. Mr. Chairman, I applaud you for holding this hearing today on the implementation of a new joint Federal, State, local child support enforcement program called "Project Save Our Chil-

dren.” The need to crack down on deadbeat parents is evidenced by the fact that one-third of unpaid child support obligations is owed by parents that fled across State lines to avoid child support enforcement efforts.

Project Save Our Children grew out of the Responsibility and Work Opportunity Reconciliation Act, commonly known as the welfare reform bill. If welfare reform is going to continue its success in getting families off welfare, improved enforcement of child support obligations is a necessary component. According to the Department of Health and Human Services, single parents who are owed outstanding child support are more than twice as likely as other parents to live in poverty and non-payment is a direct cause of welfare dependency in many cases.

The Project Save Our Children task force identifies, locates, tracks down, and prosecutes the most egregious deadbeat parents in order to make them pay their child support obligations. The task force is credited with 185 arrests and more than \$4 million in direct restitution in a three-State demonstration project conducted last year. The Department of Health and Human Services plans to extend this program into four new regions to cover 17 States, making this an excellent time to review how the program has worked to date by listening to those who have been a part of it.

I would like to welcome all of our panelists here today to testify. I would especially like to welcome Nick Young, the Director of Child Support Division for the Commonwealth of Virginia, along with Diana Daffron and Jeannine Heckman, also from the Commonwealth. I thank you for coming here today and sharing your stories with us. Thank you, Mr. Chairman.

Mr. UPTON. Thank you, Mr. Chairman. At this point, I do want to put into the record by unanimous consent, a statement by Mr. Michael Bilirakis, though not a member of this subcommittee, an important member of the committee who has worked long and hard for many years on cracking down on deadbeat parents, and sadly, he is at another hearing and dealing with veterans, which demanded his attendance. So, I would ask unanimous consent to put his statement in for the record.

Mr. KLINK. Mr. Chairman, we obviously have no objections, and we would ask that maybe we hold the record open at this point for statements from members on either side.

[The prepared statement of Hon. Michael Bilirakis follows:]

PREPARED STATEMENT OF HON. MICHAEL BILIRAKIS, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF FLORIDA

Mr. Chairman, I want to commend you for holding this hearing to address the critical issue of “deadbeat parents.” It is unfortunate that we have to address concerns arising from parents who fail to meet their obligations to their children, financial or otherwise. Child support enforcement is one area which urgently needs to be addressed.

Our nation’s system for enforcing child support orders has failed miserably. As you know, in the United States child support has historically been governed entirely by state law and enforced through state courts. State agencies provide free enforcement services to families on welfare and also assist non-welfare families by providing low-cost services. Unfortunately, however, State agencies have had an abysmal track record. These agencies establish paternity in less than half of the necessary cases. Even worse, less than 21 percent of these cases result in collection of *any* support during the year.

In addition, the time involved processing cases is extensive. Typically, parents have to wait more than six months to obtain a support order. If that were not bad enough, most of those parents have to wait more than a month to receive the first payment.

Mr. Chairman, we must recognize that any delinquency in child support ultimately hurts innocent children. Individuals who neglect their parental obligations simply transfer the costs to the rest of society. They should *not* be rewarded for such action.

That is why I will reintroduce the "Subsidy Termination for Overdue Payments," or the "STOP" Act. This legislation would deny a broad range of federal benefits to individuals who willfully refuse to pay child support.

Specifically, my bill would require applicants for federal financial assistance to certify that they are not more than 60 days delinquent in the payment of child support. If they are delinquent, they must be in compliance with the terms of an approved repayment agreement.

The intent of my legislation is two-fold: first, to encourage payment of child support; and second, to preclude the use of federal taxpayers' dollars to assist individuals who neglect their children.

Under my bill, the federal agency involved is *not* required to research the applicant's status. Rather, an applicant for federal assistance must make a simple affirmative statement of compliance. The requirement will be enforced through existing provisions of federal law which establish penalties for fraud in obtaining federal financial assistance.

My legislation includes a "good cause" exception to avoid penalizing parents when they are unable to satisfy their child support obligations due to factors beyond their control. This exception is necessary to avoid punishing parents when, despite good faith efforts, they are unable to modify the terms of their child support obligations.

Finally, the STOP Act emphasizes that child support payments are a fundamental civic responsibility. Passage of the STOP Act will guarantee that individuals who fail to satisfy their most basic parental obligations are *not* rewarded for such action.

Mr. Chairman, the need for action on this matter is imperative. "Deadbeat parents" should not receive federal assistance when they ignore their fundamental responsibility to their children. It is my hope that the STOP Act will be one step toward strengthening the enforcement of child support payments.

Mr. UPTON. Without objection. All members will be allowed to do that.

At this point, I would recognize the member from Iowa, Mr. Ganske.

Mr. GANSKE. No comments. Thank you, Mr. Chairman.

Mr. UPTON. And then, the gentleman from California, Mr. Bilbray.

Mr. BILBRAY. Mr. Chairman, I will have a written statement presented to your office.

I would just like to say that I want to commend you for having this hearing. Last year there was a lot of concerns and complaints about the fact that this committee was not addressing the issues that affect human beings outside of the Beltway, those issues that people were personally concerned about and were having effects on individual lives across this country. I want to commend you for having this hearing, because I think this is one of those issues that people want addressed because it does affect real, live, breathing people, men and women that basically want us to address this concern. And, I want to commend you for having this hearing.

I would ask you that maybe we should have had it 2 or 3 weeks ago, but we are moving as quickly as we can to try to handle this issue fairly and appropriately. And, I want to thank you for having that, and I think this will give a chance for the individuals today to articulate their concerns and ask us to take action to address the problem.

I yield back, Mr. Chairman.

Mr. UPTON. Thank you, Mr. Bilbray.

At this point, we are ready for our panel. Ms. Kryskowski,—did I do, okay?—Ms. Daffron, and Ms. Heckman. You are aware that this subcommittee is an investigative subcommittee, and as such, we have always had the practice of taking testimony under oath. Do you have any objection to that practice?

Ms. KRYSKOWSKI. No.

Ms. DAFFRON. No.

Ms. HECKMAN. No.

Mr. UPTON. The Chair, then, advises each of you that under the rules of the house and the rules of the committee, you are entitled to be advised by counsel. Do you have any desire to be advised by counsel during your testimony today?

Ms. KRYSKOWSKI. No.

Ms. DAFFRON. No.

Ms. HECKMAN. No.

Mr. UPTON. In that case, if you would rise and raise your right hand, I will swear you in.

[Witnesses sworn.]

Mr. UPTON. Thank you. At this point, we are ready for the testimony and I think we will start with you, Ms. Daffron, go to Ms. Heckman, and Kryskowski and your statement will be made part of the record in its entirety.

**TESTIMONY OF DIANA L. DAFFRON, CHANTILLY, VIRGINIA;
JEANNINE HECKMAN, FAIRFAX, VIRGINIA; AND RENATA
KRYSKOWSKI, DETROIT, MICHIGAN**

Ms. DAFFRON. Okay.

Mr. UPTON. And, we'd like to operate under the 5-minute rule. So, in 5 minutes, I may hit this gavel so we can proceed with questions and maintain an orderly fashion. Thank you.

Ms. DAFFRON. I don't know how close—is this all right?

Mr. UPTON. Why don't you get just a little bit closer, yes.

Ms. DAFFRON. My name is Diana Daffron and I waited for over 8 years for my ex-husband, John Thomas Mosher, to be held accountable for his non-payment of child support. On February 2, 1999, he was found guilty on felony charges for non-payment of child support. The amount he owes exceeds \$100,000. Our original support order was entered into the family court in Fairfax County for \$180 per week in May 1989. Payments were either inconsistent or missing. The payments totally stopped in June 1990. He was jailed in June 1990, but it didn't make any difference. He still did not pay.

In the last support order in April 1991, he was ordered to pay \$800 per month plus the arrearage for our three children. Month by month went by and I received nothing. Not only was I not receiving child support, I did not have a home for my children. John Mosher and I separated in April 1989, and in June 1989, he came into our home and assaulted me by choking me. Consequently, I did not feel safe living in our ground-floor condo because I knew John could easily get in.

So, for the next 2 years, my children and I lived with family and friends until I was able to obtain public housing in February 1991. Prior to receiving public housing, I contacted the Division of Child

Support Enforcement in August 1990. They were also unable to find John.

In August 1991, I began receiving public assistance in the form of welfare checks and food stamps. During this time, John Mosher was placed on the Virginia ten most wanted deadbeat dad list. I continued to receive public housing and assistance until I remarried in June 1994.

John T. Mosher contacted the Division of Child Support Enforcement in September 1994 to see if he still had a child support obligation. He was picked up and jailed again for 365 days. He was placed on work release, during which time I received nominal payments. He was released early in April 1995 and fled the State.

Until the Federal law was passed to make it a felony in June 1998, there really wasn't any law to hold him accountable, while living in another State, to a higher degree. I did locate John Mosher in Galveston, Texas through an Internet source. Once I received the address, I contacted Phyllis Cooke of the Division of Child Support Enforcement, and she contacted Texas. The Federal agents finally located his employer in July 1998. Subsequently, he was charged and brought to trial. Since his arrest in 1998, I have again received partial support payments. I am not going to talk about my humiliation and embarrassment of having not received the child support, but having to go on welfare.

I asked my 15-year-old daughter to write her feelings down because she was 7 at the time when we went on welfare, and this is what she said, "I feel that we need stronger consequences for child support offenders, because my dad or my father never paid child support. Because we did not have child support, my mom had to go on welfare. People would send us hand-me-down clothes and shoes because we were poor. While people were shopping for back-to-school clothes, we had to wear old clothes. It was really embarrassing to have to wear old clothes. At Christmas, we didn't have that many presents. It's a parent's duty to provide for their children. The law has to be strongly enforced." And that was stated by my daughter, Michelle Mosher.

That's the end of my testimony.

Mr. UPTON. Thank you.

Ms. Heckman.

TESTIMONY OF JEANNINE HECKMAN

Ms. HECKMAN. I just wanted to list a few of the issues that I felt were important: difficulties in obtaining case information from the County Child Support Enforcement Agency as the custodial parent, and some security issues; non-custodial parents relocating and changing professions; resources and background investigations; and financial burdens.

My name is Jeannine Heckman and I was married for 9 years to a U.S. Marine military police officer, who also worked for the Criminal Investigating Department, Naval Investigative Services, and Immigration and Naturalization Services. We were divorced in 1987 in Honolulu, Hawaii. At the time, my daughter was 9 and my son was 6. The courts ordered my ex-husband to pay \$220 per child per month, and provide health insurance.

In 1992, my children went to visit their father who had moved to California, at which time their father decided to stop paying child support. When my son returned in September, my ex-husband arbitrarily decided he would not be sending any child support because one child was residing with him and the other with me. He said no money would exchange hands.

I contacted the Child Support Enforcement Agency in Stafford County and opened up a case. They told me, "If you want to check on the status of your case, you must do so in writing or make an appointment with your case worker." So, weekly for about 2 months, and then every couple of weeks for over a year, I would either go down to the agency or write a letter requesting the status of my case. The most I learned was that the Child Support Enforcement Agency notified my husband that he owed child support.

In 1996, I called the Child Support Enforcement Agency to have my case transferred to Fairfax County. Stafford County Child Support Enforcement Agency told me the case had been closed. At my insistence, they reopened it. On 19 March 1996, my ex-husband's wife called Stafford County Child Support Enforcement Agency and posed as an out-of-State case worker, and Ann Riley, the case worker assigned to my case, gave her the information she requested.

Between 1987 and the present, my ex-husband moved from Kailua, Hawaii to four or five different places in California and back to two different places in Hawaii, each time causing the process to be reinitiated in each jurisdiction.

Third of May 1996, my ex-husband called to inform me that he had resigned from Immigration and Naturalization Services and I would not be receiving child support. He also said I would not be able to find him. He refused to give me an emergency phone number or address.

My current husband advised me that Federal law had recently been enacted concerning deadbeat parents. I then contacted the U.S. Attorney's Office. I sent three certified copies of the court order to Donna Schnaible in the Personnel Office of INS in California. It was too late. He withdrew his pension and left. I spoke to Anselmo Abramsen, a supervisor at INS in Honolulu who refused to give me any information.

In May 1996, my ex-husband started a scuba diving business. He obtained a dive boat for the purpose of providing diving lessons. He also gave underwater guided tours of shipwrecks in Hawaii and did underwater photography. On October 7, 1997, the U.S. Marshal's Office arrested him as he pulled his boat into the dock. My ex-husband told the court that he couldn't afford to pay. I was advised that the government did not have the manpower to investigate his financial situation. In May 1998, my ex-husband was sentenced to pay \$100 a month for the next 5 years on a \$16,000 arrearage plus current support of \$220 a month. Subsequent to this, I found out my ex-husband is collecting 70 percent disability from the Marine Corps and going to school full time on VA benefits.

The financial burden this has caused ranges from no health insurance coverage, resulting in large out-of-pocket expenses, to taking time off work to run around to the Child Support Enforcement Agency and help process paperwork. I didn't have the money to pay

for after-school care and my son became a latchkey kid. This doesn't even begin to touch upon the emotional issues that developed because a father decides to break contact with his children, resulting in fees for psychotherapy.

Mr. UPTON. Thank you.

Ms. Kryskowski.

TESTIMONY OF RENATA KRYSKOWSKI

Ms. KRYSKOWSKI. Okay, is this on?

Mr. UPTON. Yes, I think all the mics are alive.

Ms. KRYSKOWSKI. Okay. Ladies and gentlemen of the—

Mr. UPTON. You need to pull it just a little bit closer. Pull it down, bend it. There you go.

Ms. KRYSKOWSKI. Now, can you hear me?

Mr. UPTON. Yes, that's correct. Thanks.

Ms. KRYSKOWSKI. Ladies and gentlemen of the committee and guests, I would like to thank you for the opportunity to share our stories with you. I wish to thank my employer, First State Bank, for allowing me the time to come and to all involved in bringing us to Washington, DC.

My husband, Steve, and I spent many years trying to get the child support for Vanessa that was ordered by my ex-husband when I divorced. I have been through a referee, show causes, and many other types of meetings. With every meeting, every hearing we attended, our goal was to have Vanessa's case reviewed, to allow the Wayne County friend of the court and others to see how important it was that Vanessa receive the support that she was due, that she needed.

There were so many dead-ends, because every time it appeared it appeared we may get the support, Vanessa's real father would file bankruptcy. The Wayne County friend of the court's hands appeared to be tied because each hearing he would provide evidence that he wasn't working.

In 1996, I received a call from a Mary Kedzior, a lawyer affiliated with the friend of the court or the Wayne County friend of the court. It was through her work that Vanessa's case was heard by the judge for the very first time. At the end of the case, Vanessa did receive a portion of her back child support, ordered by the judge, not of her father's free will. The court ordered for her father to pay his support obligation from that point forward. Vanessa's father never did comply to the judge's order after that, and rather than giving the support that would have been used to assist Vanessa with her condition.

We continue to have struggles to meet the needs of Vanessa's condition, her needs as a child, and needs of a normal family life. In August 1998, I received a call from an Investigator Deputy Don Skidmore. He told me he was assigned to work with the multi-child support, the Michigan Child Support Multi-Agency investigative team, a new task force with a criminal action against delinquent non-paying parents. He wanted to help investigate regarding my daughter, Vanessa. This was the news we had been waiting for. I couldn't believe this was going to be it; that maybe somebody could help when everything else failed. I had heard a month earlier

about the task force, but never thought Vanessa's case would be heard so soon.

Deputy Skidmore, Don, has worked real hard on this case. It took many countless hours of investigating. Don along with the agent in charge of the task force, Scott Vantrease, and others have done a great job. They all have been very informative every step of the way, and helped me understand each requirement; worked to get me to every hearing, as well as have me kept up-to-date with information in the case.

I then was introduced to a lawyer named Karen Plants with the Wayne County prosecutor's office. She helped Vanessa's case get to the second stage of the courts. She has done a great job getting the courts to understand how important this case is, and to her at the Wayne County's prosecutor's office, I would like to say "thank you."

The criminal case with Vanessa's father is still in litigation, but closer than ever before. We are hoping, by coming here today and sharing our stories, that it could encourage others and show that there is a different way we can address delinquent parents who owe child support and scoff at the system, in a way which allows our kids not to have to go through the pain of growing up wondering why one of her parents don't seem to care.

We, as adults, never talk about how our children feel. We never help our children understand that this is an obligation that no court should have to order, so that they grow up the better way. As a society, we are just realizing that our kids are going through that they never received the support that they deserve and need.

Mr. UPTON. Thank you. Thank you all for your very personal story in a very public light. All of us appreciate that very much. I have a couple of questions I would like to ask and we will trade questions among the members that are here.

Ms. DAFFRON, you indicated that you were able to get Virginia's attention, when it all of a sudden became on the ten-most-wanted list. Do you know what triggered that?

Ms. DAFFRON. The amount of money he owed. And, I called consistently asking about my case. So, my case was in the forefront. He owed a lot of money. The case worker—I don't remember who it was at that time—but she was very diligent in trying to find him, and running monthly—I guess, running his Social Security number monthly through their system, whatever system they use. And so, because I called so often and went in so often—

Mr. UPTON. The squeaky wheel.

Ms. DAFFRON. That's it.

Mr. UPTON. Do you remember about what the threshold was, about what was the amount of money that was owed when he was placed on the ten-most-wanted list?

Ms. DAFFRON. I think it was about \$70,000.

Mr. UPTON. Okay. Ms. Heckman, was it told to you when you were working with your State, did they ever tell you why it had been closed when, in fact, you weren't getting payments?

Ms. HECKMAN. No, they did not give me a reason. They just said there was no activity. And I had been calling and calling and writing. And, when I found out that other people were able to get information with a phone call, I was appalled. And, you know, they did

reopen the case, but that was only because I had asked to have it transferred. And, that's when they discovered it had been closed.

Mr. UPTON. And, are you getting money today?

Ms. HECKMAN. Yes. The arrearage is \$16,000 and he is paying \$100 of that each month.

Mr. UPTON. So, it is coming in?

Ms. HECKMAN. It is coming in.

Mr. UPTON. When you learned that he was getting a 70 percent disability from the VA, are you aware, is that able to be garnished at all or not?

Ms. HECKMAN. Well, I just learned of that recently. When he had gone into court, they established that he only was taking in, either, 10 or 30 percent. So, I was told that what we should do is go back into the system and see if we can have that increased. In 5 years, when his obligation is up for payment, he will have only paid back \$6,000 of the arrearage. He is also paying \$220 a month, which is the same amount he was ordered to pay since 1987.

Mr. UPTON. Thank you.

Ms. Kryskowski, you indicated that your case is now in litigation. Do you have a sense of when that will be concluded?

Ms. KRYSKOWSKI. Well, so far it has been going on for about 4 months, and I am not sure where it is going to be ending soon. He is supposed to appear in court in March. You know, at this point, it is still in litigation. I don't know what more I can do other than just wait until I have been—you know, through my lawyers, or my lawyer, what else I need to do if it is going to go in a different direction.

Mr. UPTON. Now, the person that you give most credit for helping you out, Mr. Skidmore, who is going to be testifying a little bit later this morning—do you know what the threshold was that prompted him to call you to see if he could be helpful?

Ms. KRYSKOWSKI. Well, probably because of the fact that I kept on going down there countless times and letting them know that my daughter needed assistance. And, in 1988, my daughter was a United Way poster child, and I had given them a brochure at that point. Mary Kedzior was always aware of it, and I'm sure at that time when she was part of this in 1996, that she gave the same information to Mr. Skidmore and he took it from there. So far it has been great. We are still, like I said, in litigation, and we're looking forward to, hopefully, having an end.

Mr. UPTON. In terms of each of you, if you think about this, if each of you had some success in reaching out and seeing some accomplishment come about, how is it—you have a network of folks in your community that you are able to reach out that has provided some hope that this is working? What type of reaction do you have from friends or peers that are in the same type of situation? Have you had any experience with that? Has your success story been parlayed into others looking for the same type of hope?

Ms. HECKMAN. It seems that you have to exhaust the system at the State level before you can get help from the Federal. You just feel very fortunate that you have made it to that point. When this first started out, you know, we were told, "Oh, you won't see the money for years." You know, that was the consensus. I am grateful

that it was pushed to the Federal point where they stepped in and they took control of the situation and brought it to this point.

Mr. UPTON. My time has expired. Mr. Klink.

Mr. KLINK. Thank you, Mr. Chairman. First of all, Ms. Heckman, was your case handled at all by the State Federal task force? Did they play any role at all in your case?

Ms. HECKMAN. From 1992 to 1996, it was run by Stafford County and then transferred to Fairfax County.

Mr. KLINK. So there was no Federal role in that at all?

Ms. HECKMAN. Not in—the Federal role was started when I contacted the U.S. Attorney's office in, like I think it was, March 1996.

Mr. KLINK. It still predates the task force?

Ms. HECKMAN. Right. Yes, so they—

Mr. KLINK. A Federal role, but it wasn't really the task force?

Ms. HECKMAN. Correct.

Mr. KLINK. Ms. Daffron, how about your case? Was the new Federal State task force—did it have any role at all in your—

Ms. DAFFRON. That I'm not sure. But I do know that they could not do anything with my case until it was proven that he was out of State. And that was never proven until I found his address through the Internet.

Mr. KLINK. Well, all of you have at least had some—have gone through a State enforcement program. Let me start with you, Ms. Kryskowski. Do you believe that child support agencies, prosecutors, judges are committed to doing all they can do to help people that are having child support problems like you were having?

Ms. KRYSKOWSKI. Well, I think that some responsibility falls on somewhere in the chain of command like that because I have tried everything.

Mr. KLINK. But did you find a level of commitment that was satisfactory within the system, within the State system?

Ms. KRYSKOWSKI. Meaning, like, what I'm doing now?

Mr. KLINK. No, no, no, no. Did you find the help that was necessary for you? Were they dedicated to solving your problem? Prosecutors, the agencies, were they fully dedicated to—

Ms. KRYSKOWSKI. Now that we have the new task force, yes. But before that, it seemed like their hands were tied. They didn't have enough help or enough people to get involved. You know, where it is right now, you are able to investigate and look into it, where I can't—I'm not able to do that. I have no contact with him at all.

Mr. KLINK. So, it really wasn't a problem of their lack of dedication to help you. It was a resource problem at the State level. Is that what you ran into? They just didn't have enough resources to pursue—

Ms. KRYSKOWSKI. Well, with him—resources in the sense of people?

Mr. KLINK. People, money.

Ms. KRYSKOWSKI. Possibly. That could be what it could have been, yes.

Mr. KLINK. Ms. Daffron, what is your history? Do you think that the support agencies and the judges and the prosecutors give as high a priority to this; is that your experience?

Ms. DAFFRON. The people I have dealt with have—have given as high a priority as they can. But, my problem with this State is that

the laws are not stricter at the State level. And, if they were stricter, I think the consequence is greater—I'm not sure how great they can get at the State level. But, I don't think it would have gone on so long. I mean, he was out of the country. There is nothing to stop him from going out of the country, nothing really in place. And I think the laws at the State level need to be stricter.

Mr. KLINK. So, the State really didn't have the ability, I would suppose, to pursue him around the world or to other States?

Ms. DAFFRON. Unfortunately, no. And, they couldn't even find him within the United States. I am the one who found him through an Internet resource with his Social Security number. And, I was told that they don't have that resource available to them.

Mr. KLINK. Are you a trained investigator?

Ms. DAFFRON. No.

Mr. KLINK. But using a very simple technique, using common sense and a computer, you were able to do something—

Ms. DAFFRON. For \$35, I paid somebody to do a search on his Social Security number.

Mr. KLINK. Amazing, and yet the State agency was not able to do that?

Ms. DAFFRON. No, it's sad.

Mr. KLINK. That's amazing.

Ms. Heckman.

Ms. HECKMAN. I think the caseload that the States are working with is outrageous. You know, when I went into the caseworker's office to find out if he had responded to their certified letter, I walked in and she had a stack of papers on the floor about 18 inches high, another stack on her desk, and she was searching through that for the return of the certified letter. And, I thought, "it's like a needle in a haystack."

Mr. KLINK. Let me ask a question and give each of you the opportunity to answer it. Tell us what changes you would recommend so that the State system would be able to help get money for families, for wives and children, as soon as possible. There are 19 million child support cases out there, each of which involves a parent and at least one child. Tell us what you think needs to be done in order to make this system work.

Ms. HECKMAN. Well, I think they have to increase the caseworkers; they have to increase the personnel and give them as much authority as they need and information systems that they need to locate these people and whatever—I don't know if it would be funding that would help them process the—you know, collecting the money. And, doing a background investigation to find out—these people are self-employed; they're saying they make \$8 an hour when they're racking in \$400 a day, you know.

Mr. KLINK. Ms. Daffron.

Ms. DAFFRON. I would agree with that, and also, I would also like, as I just stated previously, stricter laws at the State level once the people are caught. It was kind of nice when he was incarcerated in 1994 to 1995 because he was put on a work relief and I did receive some payment. But, they only held him for 6 months because that's all that was, I guess, legally that they had to do was hold him for 6 months. But, after he was released, there was no

accountability for him. I mean, he just left. I think that's the time he went to Texas, I don't know though.

Mr. KLINK. Ms. Kryskowski, do you agree with them, or anything—

Ms. KRYSKOWSKI. I agree with what both of them have been saying, and also, I think that they should have, like maybe, possibly a review once a year, twice a year—I mean, every 2 years—to show, to see where they're at, ex-husbands are. And like, collecting money, saying they're making \$8 an hour and then they are making \$500 a week, we need to know that; they need to know that. We need to find out more of how we can do to help us out with the child support.

Mr. KLINK. Thank you, thank you, Mr. Chairman, for your patience. I think what I found particularly enlightening is, when you find a deadbeat dad, as was the case here, who is receiving Federal money in the form of both benefits and disability payments, while he is not living up to his obligation to support a child, I think that is just absolutely amazing. I yield back.

Mr. UPTON. Very sad.

Mr. Ganske.

Mr. GANSKE. Thank you, Mr. Chairman.

To follow up on that, a year or so ago, I introduced a bill that would close some additional loopholes in terms of being able to garnish moneys of deadbeat parents. I wanted to, particularly, thank the ladies who came for this panel. It is not easy coming to Washington and testifying before a congressional panel. I am also gratified that more members of the panel have been able to get here for your testimony.

You know, clearly we have a situation where we have a Federal country where we have State jurisdiction and it is many times difficult when a deadbeat dad leaves a State and goes somewhere else in this huge country, for families to collect the support that they are legally bound to do.

I testified on this issue when we were doing the welfare reform bill, and I am glad that we were able to get a provision in there that would help you locate, and then enforce, child support payments.

Mr. Chairman, I think it is appropriate for us to have an oversight hearing on this to see how we are coming along on that legislation, which was passed in a bipartisan fashion, because I know the members on both sides of the aisle are concerned about these problems. I cannot tell you the number of times that constituents come to me, talking about how there is a deadbeat parent, usually dad, who they cannot collect their child support payments from. I will bet every member who is here has had some women similar to yourselves who have come to their congressional offices with an incredible story of irresponsibility on the part of their ex-spouses, and the fact that they just refuse to support their children.

So, when we are dealing in a Federal system like we are, yes, sometimes the State services are overloaded. But, sometimes their hands are tied to the extent that Congress has, as in the welfare reform bill, and may need to do some additional work on that. I am sure that every member here pledges their help to try to help families like yours get the support that they deserve.

Mr. Chairman, I yield back.

Mr. UPTON. Thank you, Dr. Ganske. Mr. Stupak.

Mr. STUPAK. Thank you, Mr. Chairman. I apologize for being late. I was at a caucus.

As I look about the panel, I probably am the only one who has done family divorce work for a number of years when I was practicing law. I was also a police officer, and I cannot tell you how many times we have stopped members—I take that back, Mr. Chairman—stopped individuals on the road who had warrants out for them for non-support. You say, “We have your individual,” and they will say, “So what? We are not going to pick them up.” Because if they are from Detroit and I am in the upper peninsula, it is not worth the effort to go pick them up to have a show-cause hearing and then be released the next day. So, I certainly understand the frustrations.

But, let me ask you some questions on ideas that have been kicked around and see if you agree with them or not. Some of the States—shall we take away drivers’ license of individuals who are behind in support? Do we do automatic, mandatory paycheck deduction upon entry of divorce order; have mandatory deduction on the paycheck for child support, no questions asked, not discretionary, mandatory? And also, have any of you tried to use the Federal Government IRS to get back the income tax return of an ex-husband for support? I lead out three ideas; if you have any others, please let me know. Let’s start on this end, Ms. Heckman.

Ms. HECKMAN. Yes, the more you can do, the more you can, I guess, penalize them. You got to get their attention, one way or another, and take away their driver’s license.

Mr. STUPAK. Okay. Let me ask this, though: If you take away driver’s license and if you are in my district, which is one of the larger districts in the United States, a very rural district, there is no public transportation, how do they get to work, then?

Ms. HECKMAN. Well, obviously, they are surviving somehow, right?

Mr. STUPAK. Sure.

Ms. HECKMAN. In my case, my ex-husband doesn’t have a vehicle. He uses the bus system.

Mr. STUPAK. Where does he live?

Ms. HECKMAN. Hawaii.

Mr. STUPAK. Urban area there, I take it?

Ms. HECKMAN. Yes, he’s managing. He is doing quite well. He has managed to, you know, live a certain lifestyle without a driver’s—well, he is not driving. I don’t know; I’m sure he has got a license, but he is not driving. They need to know that before they can have other privileges; they need to recognize they need to be accountable. Attaching their Federal, their IRS, if they file. Some don’t file.

Mr. STUPAK. Sure, I understand that.

Ms. HECKMAN. And what was the second one?

Mr. STUPAK. The other one was mandatory deduction in the judgment of divorce automatically comes out of the paychecks, no questions asked.

Ms. HECKMAN. If they are not self-employed. If they are self-employed or working under the table, you can't get a hold of that either.

Mr. STUPAK. No, I understand that. I understand that. Does your State have any of those? Do they take away driver's license? Do they take their State or Federal income tax? Do they have the mandatory deductions, payroll deduction at time of divorce?

Ms. HECKMAN. They didn't at the time. He was on his own to pay, this was back in 1987.

Mr. STUPAK. Okay. So, of those three I mentioned, your State doesn't have any?

Ms. HECKMAN. Not that I know of.

Mr. STUPAK. How about you, Ms. Daffron?

Ms. DAFFRON. I think Virginia does have a—they do take the licenses away.

Mr. STUPAK. Has that been helpful to you in trying to obtain—

Ms. DAFFRON. Well, he lives in Texas, so—well, he was living in Texas. And, also, at the time of our divorce, he was unemployed. So, what do you do there? And, I'm not—

Mr. STUPAK. Well, you still put it in there, that if he becomes employed, he—

Ms. DAFFRON. That's true. But I'm not real hopeful I'm going to receive consistent—even being penalized and convicted of a felony, I'm not real hopeful I'm going to receive much support. I haven't received any this month. And, also, when I did find out he was in Texas, he was working, but to get his wages garnished down in Texas, Texas had to do it and it was kind of—

Mr. STUPAK. Sure, you go through your residence; it is more of a headache than it is worth.

Ms. DAFFRON. Yes, yes.

Mr. STUPAK. Sure is. Is your ex-husband in jail now?

Ms. DAFFRON. No, he will be sentenced the end of March.

Mr. STUPAK. Okay, okay. Ms. Kryskowski.

Ms. KRYSKOWSKI. In my case, he never really had a job. So, I mean, that you could get any money from the IRS; taking away your driver's license is not really going to do it, either, because then he can't get to work to get the money we need. How he went through the system, they believed everything he said. He would tell them that he can only work 25 hours a week because he had health problems, so they believed him. And, you know, when you see that he has a car and he's living a life, that he could share a portion of that with his daughter, what do you do? I mean, it's hard to—it is like a needle in a haystack. It's hard to really hold onto anything when it's not down on paper.

Mr. STUPAK. I certainly thank all of you for coming. As I said, I have worked in this area and what my frustration is, while we may pass things at the Federal, if the States can't handle it where they have more control over the cases and then you try to Federalize it, I think it becomes more diverse and less opportunity to do any kind of enforcement.

I know, while we talked about welfare reform, I didn't see where any mention of anything we did in welfare reform actually helped you out. And maybe it is too early. But, I would hope that the States could put more emphasis there or something, because I

think the more you get removed from your cases, the less attention is going to be attributed to them. And, it is a struggle and I am struggling on how to best address it. Thank you and you did give us some ideas. Thank you.

Mr. UPTON. Thank you. Thank you, Mr. Stupak. Mr. Bilbray from California.

Mr. BILBRAY. Yes. First of all, I would like to commend my colleague from Michigan, because I think he articulated that this has to be a team effort. In all fairness, I think that Mr. Stupak pointed out that the Federal Government can't do it all. It needs to be a team effort, and under our system there is responsibility as a State and the Feds and we need them working together. So, I really want to compliment my colleague for pointing that out. It is something those of us in Washington don't like to do, because it looks like we are passing the buck.

But, I think there is some concerns that we need to address. I think one of the issues is, how would the IRS handle this kind of debt if it was owed to them, the Federal Government, if this was a tax debt? And, would they allow somebody to jump from State to State and still avoid paying it off? I think that we can get a consensus here that this kind of obligation should be treated just like an obligation to the Federal Government's Treasury, no more, no less.

Now, I operated a child protective service. I supervised one in San Diego County for about 2.8 million people. And, Mrs. Daffron, you have how many kids?

Ms. DAFFRON. Three.

Mr. BILBRAY. Three. Like Bill Cosby says, "If you have one, it doesn't count because when something is broken, you know who did it." I have five, so, okay. But you used a Social Security number. You knew the Social Security number.

Ms. DAFFRON. Right.

Mr. BILBRAY. My question is, see, one of the things that we ran into is—and I am sorry that the ranking member is gone, because saying that for \$35, you could track that down.

Ms. DAFFRON. Right.

Mr. BILBRAY. I don't know about now, but in the past when I was doing this business, we were not allowed to use Social Security numbers. We basically had our hands tied. The privacy laws kept us from being able to do the type of background searches. And, I think that we need to really raise this issue.

The other issue we see is, what if your ex had used a false Social Security number, which people can do all the time?

Ms. DAFFRON. Right, right.

Mr. BILBRAY. So, I would really say to my colleagues here it is a good example of where we may need to address this issue—that, first of all, the ability to access records so that we can address these issues.

Ms. DAFFRON. Yes.

Mr. BILBRAY. And my question is, would the IRS worry about using Social Security numbers to track down people who owe them money. And, if we really care, then we should care just as much about you getting your fair share of revenue for your children as we want to get our fair share of revenue for our tax structure.

The other issue is the fact that we need to have a system to make sure that the people using Social Security numbers are the ones who really it belongs to, where you are going to get these people avoiding, and we have run into that.

And, my colleague bringing up the State's cooperation is one that is near and dear to me, because it is 200 miles to the nearest State in my neighborhood, but it is a quarter of a mile to the Mexican border. And, though we have the Federal Government sending benefits to people in Mexico who actually owe.

I would ask you this and let me just sort of focus on Ms. Daffron. If you left your three children and walked away, if you just packed up the car and drove away from them, what would be the government's reaction to you abandoning your children. Do you know? Do you have any idea?

Ms. DAFFRON. No, I really don't.

Mr. BILBRAY. Let me tell you what it would be. It would be abandonment, child endangerment, and child abuse. It would be felonies, not misdemeanors. And, maybe we ought to start approaching this issue that the spouse who does not have custody, when they do not pay, are committing abandonment and abuse by not paying. And it should be addressed the same.

The biggest issue is, if an officer in the upper peninsula of Michigan pulled you over and it was found that you had left your kids out freezing in an apartment with no heat, you are darn right, you would be dragged back into Detroit. It would be worth it to get you. I think that is the mentality we need to change here. I just wanted to bring that up.

I think there are some opportunities. I think there are some problems here. And, I would only ask, Mr. Chairman, that we talk about this issue, that the Federal Government's approach to getting compensation to the children should be the same and should be the same standard, same importance that the Federal Government states of finding resources to reimburse it for its budget operations.

I yield back, Mr. Chairman.

Mr. UPTON. Thank you, thank you. Ms. DeGette.

Ms. DEGETTE. Thank you, Mr. Chairman. I don't really have any questions for the panel, except let me say how glad I am you came today. Before I came to Congress, I was in the State legislature in Colorado and I was a member of the judiciary committee. We spent 4 years on that committee trying to figure out how to make deadbeat parents pay their obligations. And, we did all kinds—we didn't have an automated system. We went to an automated system. We streamlined our State system. We did everything we could. And, we finally did pass a bill and there were some objection to it to take away drivers' license of people who didn't pay child support obligations. And, that was the most effective thing we ever did. We didn't actually ever have to hardly ever take away drivers' licenses, because when people got the notices they would go in and pay up.

But, I think that the point Mr. Stupak and Mr. Bilbray made is a good one, and several of you made it, too. Which is, it is fine if Colorado or Michigan or California takes away the driver's license, if they are there. But, so often, these deadbeat parents, in an effort to avoid their obligations, move frequently. I mean, they move from

State to State more than once within a year. And so, that is why we have to have some Federal cooperation, and also why we have to have very strong interstate compacts to collect child support.

So, I really know where you are coming from and I just wanted to say, you know, "Keep fighting for what you deserve."

Thank you, Mr. Chairman. I yield back.

Mr. UPTON. Thank you, Mr. Burr from North Carolina.

Mr. BURR. Thank you, Mr. Chairman. And, like Mr. Stupak, I apologize for being tardy. But, I have had an opportunity to read the majority of your testimony. And, I just want to clarify a few things with Ms. Heckman and Ms. Daffron.

Ms. Heckman, when I read your testimony, if I understood it, when the agency that was in charge of the enforcement in your State, your relationship with them was one that if you wanted to check the status of what they were doing, you had to either submit the request in writing or make an appointment, is that correct?

Ms. HECKMAN. Yes, yes.

Mr. BURR. Yet, if I understood your testimony right, your ex-husband's new wife simply phoned up and got the status somewhat mistruthfully, I guess, as far as who she was or what the intent was?

Ms. HECKMAN. Yes.

Mr. BURR. But that was openly shared with her?

Ms. HECKMAN. And that was what?

Mr. BURR. The status of the investigation was openly shared with her?

Ms. HECKMAN. Yes, that was. And when I called the caseworker back, she said, "Well, she didn't identify herself as his wife."

Mr. BURR. But you, as the woman affected—

Ms. HECKMAN. Right.

Mr. BURR [continuing]. Were never given an option under that system to call—

Ms. HECKMAN. No, you cannot call.

Mr. BURR [continuing]. And inquire on the status of the case?

Ms. HECKMAN. You cannot call and get information on your case. You have to do it in writing or go and make an appointment with your caseworker.

Ms. HECKMAN. How did that make you feel, this whole process having gone through?

Ms. HECKMAN. Well, I understood the security of that, so that nobody could call and get the information.

Mr. BURR. How did you feel after someone had—

Ms. HECKMAN. Appalled, appalled, violated.

Mr. BURR. And what was their explanation, if you—

Ms. HECKMAN. "We're very sorry. It won't happen again. I'll put a note on the computer that if somebody calls, they're going to need verification; actually they would need Kevin's, the ex-husband's, written permission for the case."

Mr. BURR. But you could not call and get status?

Ms. HECKMAN. No, in no way.

Mr. BURR. Ms. Daffron, if I understood what you said, in 1991 your husband, your ex-husband was placed on the ten-most-wanted deadbeat dads.

Ms. DAFFRON. Correct.

Mr. BURR. How did they catch him?

Ms. DAFFRON. They didn't catch him; that's why he was on the list. How did they know he was one of the ten-most-wanted, though?

Mr. BURR. No, they listed him as the ten-most-wanted. When did he present himself to them?

Ms. DAFFRON. I guess I am not understanding what you are asking because—

Mr. BURR. Well, I think you said, in 1994, he contacted—

Ms. DAFFRON. Oh, in 1994, he—well, my current husband and I had been married a few months and he contacted Division of Child Support Enforcement to see if he still had a support obligation.

Mr. BURR. Is this the period between 1991 and 1994 as one of the ten targeted people in the State?

Ms. DAFFRON. Yes.

Mr. BURR. They had no contact with your husband?

Ms. DAFFRON. No.

Mr. BURR. This was the first contact when your husband contacted them?

Ms. DAFFRON. Correct.

Mr. BURR. Given that he was one of the top ten targets, did you feel like they were working on it real hard?

Ms. DAFFRON. It was in, what was called, their "locate office" in Fairfax County, which is the best you can get at that point. And, I think with the resources they had, I did think that they were doing the best they could.

Mr. BURR. Okay, that is fair.

Ms. DAFFRON. But they don't have enough resources.

Mr. BURR. And, you know, I hope you understand that I think every member who is here today and those that aren't, we're trying to find a way for this to work.

Ms. DAFFRON. Right.

Mr. BURR. I mean, that is the whole objective. I am not here to try to put blame on one agency or not to another. We are here to try to work if there is a Federal role, and clearly, I think most of us think that there is.

Ms. DAFFRON. Oh, yes.

Mr. BURR. Then, let us perfect it as fast as we can. Certainly, the years that you went through without housing for, that safety net was provided. If it doesn't have to happen to anybody else, we would like to see that.

Let me ask you, Ms. Kryskowski, you have been through this demonstration project. If there is anything frustrating, what was the most frustrating part of it and how would you suggest that that program be changed in the future to be more effective?

Ms. KRYSKOWSKI. You mean the new task force?

Mr. BURR. Yes, ma'am.

Ms. KRYSKOWSKI. It hasn't been frustrating. I feel that, with the investigation that Don Skidmore has provided, it has been an excellent tool for all of us to know what is going on with my ex-husband. He hid a lot of information and he claimed he wasn't working for numerous of years with the friend of the court. And then, what Don revealed was he was working, and he has a car and he has a house, a truck, you know, \$468 payments.

Mr. BURR. So, as far as your experience with the new program, no recommendations that you would make about changes that should be suggested to them that would make it work better?

Ms. KRYSKOWSKI. Well, I'm like, I guess you could say that I'm the first one in Wayne County. So, so far I have been very satisfied and I really like what has been going on. Changes-wise, I can't really say if there is any need to be any changes, because so far I have been very satisfied with what has been going on.

Mr. BURR. With the Chair's indulgence, if I could ask for one additional minute from my members?

I found it interesting—I went through the training qualifications of the new program. And, again, I am not trying to prejudge the program, but I am more interested in what would be your response to this screening process—you have been through it—for the rest of the women out there who are not getting payments. The Screening Process Guide Qualifications, "delinquent obligor must have refused to pay at least \$20,000 in total child support, and obligation must have been outstanding at least 1 year. All civil resources to collect the arrears had taken place and the referring child support enforcement agency must have determined the obligor has the ability to pay."

My only question is, under this set of screening qualifications, how many people out there are not going to meet that, but are finding a hardship of no payment being made?

Ms. DAFFRON. I don't understand why it is \$20,000. Why not \$10,000? I mean, \$20,000 is a lot of money.

Mr. BURR. As hardship has been—

Ms. DAFFRON. That is almost 2 or 3 years of no support. So, \$10,000 would be—even five, that's what the Federal level is. You have to be owing \$5,000 and be out of State to get the Federal Government involved.

Mr. BURR. Well, hopefully, in the next panel, we will find out why they chose that level.

Ms. HECKMAN. I agree with that. I understand that that would probably totally increase the caseload. But, how long can the bank go out without a payment for your car, you know? And, we're talking about children here. We're not talking about, you know, okay, we'll defer payments. You know, this is children. And, it doesn't take but a couple of months to put a family in dire straits. You know, so I guess we'll just have to wait and see.

Mr. BURR. Well, I hope everybody will have a—

Mr. STUPAK. Does the gentleman have any more time left? I was going to ask—

Mr. UPTON. The time is expired on—

Mr. BURR. I would be happy to ask unanimous consent for an additional minute to yield to Mr. Stupak.

Mr. STUPAK. Will you yield a minute?

You had asked about the top ten-most-wanted list there on the child support. That was for Virginia, right?

Ms. DAFFRON. That's right.

Mr. STUPAK. It is my understanding—and correct me if I am wrong or if you have further information—that top ten list, just to show the frustration that is going on here, last time it was updated was what, 1996?

Ms. DAFFRON. Well, yes. Well, on the Internet, when I went out, because the Division of Child Support Enforcement has a web page, he was on it in 1991 in the summer. And the last it said it was updated was 1991, I think.

Mr. STUPAK. Ninety-one? It is 1996 now, so we have progressed 5 years. We are still 4 years behind. When you see the frustration. Here is the most instantaneous form of communication; the last time it was updated was 1996, so—

Mr. UPTON. Especially since they have them.

Mr. STUPAK. If we can get it off the web, we can get the technology to work, we will submit it for the record.

Mr. UPTON. There is somebody else that ought to be on the list to take his place.

The gentleman from Tennessee, Mr. Bryant.

Mr. BRYANT. Thank you, Mr. Chairman. I do apologize, I had another subcommittee meeting and I have, since I have arrived, read your testimony. I appreciate very much your being here.

Coming from a background of a law practice many, many, many years ago, and also the military, I am particularly intrigued with all of your stories. But Ms. Heckman, are you here on the end?

Ms. HECKMAN. Yes.

Mr. BRYANT. Okay, good. I see your ex-husband was in the military? He was not retired, though?

Ms. HECKMAN. He was medically boarded out after 15 years for an anxiety disorder—at that time, 10 percent disability.

Mr. BRYANT. Now, in reading your statement, you say at one point you did finally locate him and he was actually—you found out, I think, for the first time that he was on this disability payment as well as attending college on VA benefits?

Ms. HECKMAN. That has been recent information. That has been since he has been told to pay the amount. So, since the judge told him it's \$100 a month plus current support which is \$220, I have since then found out that he is going to school full time to be a physical therapist and collecting 70 percent disability. But prior to this, he was teaching diving lessons and et cetera.

Mr. BRYANT. In your statement, you also mention that—I think this is when your husband was with the INS at one point and indicated he was resigning. And, before you could stop his withdrawal of his pension funds, he did that and disappeared. But my point here was that you contacted the IRS and they could not tell you where he was or would not tell you anything about how to locate him?

Ms. HECKMAN. He had relocated from California to Hawaii with INS, with Immigration and Naturalization Services. I called his supervisor out there in Hawaii and told him who I was and that he owed child support. And he said, "Well, I am not going to tell you where he is or give you any information as to his whereabouts; that's not my place."

Mr. BRYANT. Now, I think, as my comment to this, and perhaps—I do want to listen to the second panel, because both of these panels are very obviously much experts on this issue, certainly from different perspectives. But it continues to amaze me that—and I know there are privacy rights out there, particularly at the Federal level, we respect, as we should. But, as several people have

so eloquently said here—Mr. Bilbray, for instance—in terms of if you abandoned your children, what would happen to you. In effect, that is what we have here, that we cannot somehow overcome these privacy rights in today's society, that we cannot locate these people and communicate—and I guess I am particularly concerned about the government and your personal inability to have cooperation from both the INS and perhaps even the military. Because, there are tremendous avenues open there to locate people and to not only go after drivers' licenses and things like that.

But, for instance, if you do not register for the draft, you are not entitled to benefits of college, Federal benefits. And I am struck by the fact that your husband is not paying his child support, ex-husband, and yet he is getting veterans' benefits to go to school. So, it may be that is an avenue we can look at.

But, again, I just think a bigger picture is going to require somehow we open up in appropriate cases, where there are judgments down, the areas of communication at least within the Federal Government, and, hopefully, State governments where we can locate people and find out what they are doing and what government benefits they are receiving, tax returns, and these kinds of things. Again, I know we are balancing that with privacy rights. But, again, you have particularly egregious cases, and I know there are more out there. So, somehow I think it is up to Congress to make the lead and somehow making this balance appropriately.

I thank each one of you for testifying today, and I would yield back my time.

Mr. UPTON. Okay. Anyone have any additional questions?

[No response.]

Well, thank you very much for making the journey that you did. Your stories are very important to us as we begin to move forward on these very important programs. We thank you very much. And you are now excused.

We welcome now our next panel: Mr. Jack Hartwig, Deputy Inspector General for Investigations of HHS; Mr. John Monahan, Principal Deputy Assistant Secretary for Children and Families; Mr. Nick Young, Director of the Child Support Enforcement Division for the State of Virginia; Mr. Wallace Dutkowski, Director of the Office of Child Support; Mr. Donald Skidmore, Investigator for the Wayne County Sheriff's Department, and Ms. Vicki Turetsky, Senior Staff Attorney, Center for Law and Social Policy here in Washington.

Before we start, I want to again ask our witnesses to confirm that they are aware this subcommittee is an investigative subcommittee and, as such, has had the long practice of taking testimony under oath. And, do any of you have any objection to testifying under oath?

Mr. HARTWIG. No.

Mr. MONAHAN. No.

Mr. YOUNG. No.

Mr. DUTKOWSKI. No.

Mr. SKIDMORE. No.

Ms. TURETSKY. No.

Mr. UPTON. The Chair then advises each of you that, under the rules of the House and the rules of the committee, you are entitled

to be advised by counsel. Do you desire to be advised by counsel during your testimony today?

Mr. HARTWIG. No.

Mr. MONAHAN. No.

Mr. YOUNG. No.

Mr. DUTKOWSKI. No.

Mr. SKIDMORE. No.

Ms. TURETSKY. No.

Mr. UPTON. And, at this point, if you would, please, rise and raise your right hand.

[Witnesses sworn.]

Mr. UPTON. Thank you. You are now under oath. I guess we will start with Mr. Monahan. Thank you.

TESTIMONY OF JOHN MONAHAN, PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR CHILDREN AND FAMILIES; JOHN F. HARTWIG, DEPUTY INSPECTOR GENERAL, OFFICE OF THE INSPECTOR GENERAL, DEPARTMENT OF HEALTH AND HUMAN SERVICES; NICK YOUNG, DIRECTOR, CHILD SUPPORT ENFORCEMENT DIVISION, COMMONWEALTH OF VIRGINIA; WALLACE DUTKOWSKI, DIRECTOR, OFFICE OF CHILD SUPPORT, STATE OF MICHIGAN; DONALD SKIDMORE, INVESTIGATOR, WAYNE COUNTY SHERIFF'S DEPARTMENT, CHILD SUPPORT MULTI-AGENCY INVESTIGATIVE TEAM, STATE OF MICHIGAN; AND VICKI TURETSKY, SENIOR STAFF ATTORNEY, CENTER FOR LAW AND SOCIAL POLICY

Mr. MONAHAN. Thank you, Mr. Chairman, and members of the subcommittee. I appreciate the opportunity to testify today on the progress that the Nation's child support enforcement program is making to help children across America.

President Clinton has made child support enforcement a top priority and it is paying off. In 1998 we collected an estimated \$14.4 billion in child support, an increase of over 80 percent since fiscal year 1992, when only \$8 billion was collected. We are proud of this administration's record on child support enforcement. As the President has said on numerous occasions, we need to do more.

Before turning to our new initiative relating to criminal law enforcement, I would like to give you a brief overview of how the child support enforcement program operates. This is a joint Federal/State partnership which functions in all States and territories to locate non-custodial parents, establish paternity, establish and enforce support orders and collect child support payments from those who are legally obligated to pay. While programs vary from State to State, services are available to all parents who need them. States are largely responsible for operating the program, but there tends to be a greater Federal involvement in the interstate caseload, which now makes up nearly one third of all cases.

Since 1975, the program has been continually strengthened through Federal and State statutory and executive actions. I would also like to note that, in 1996, the President signed the welfare reform bill. That law provides critical new tools to improve the child support program, including central registries of child support orders, a national directory of new hires, streamlined paternity estab-

ishment procedures, uniform interstate child support laws, license revocations, and passport denial.

Whether through use of greater automation, simpler interstate procedures, or tougher new penalties, we are working with our State and local partners to make sure that no parents can ignore their financial obligation toward their children, especially when they have resources to meet those obligations. An example of the success we have seen already is the national directory of new hires, which last year located 1.2 million delinquent parents in interstate cases.

We know that many non-custodial parents take seriously their moral responsibilities to pay child support regularly and on time. These parents recognize the importance of the financial and emotional support their children need and they voluntarily meet these responsibilities. This enormous group of parents deserves our respect.

However, for a small minority of cases, even tougher enforcement penalties must be imposed. These are the most flagrant cases, where people have the resources to pay but willfully refuse to provide support for their children. These are individuals for whom there can be no sympathy. And, on behalf of their children, we are redoubling our efforts to locate them and, on behalf of all children, a public message needs to be sent about these parents.

Our newest initiative, Project Save Our Children, is targeted at the small but reprehensible group of parents who over long periods of time willfully fail to take responsibility for their children. By prosecuting parents who have been ordered to pay support but will not do so, we are sending a pointed message of responsibility to them and helping to give their children a better chance in life.

Under this initiative, HHS will launch task forces in 17 States and the District of Columbia. State child support offices will refer their most serious delinquent child support cases to these sites where trained investigative staff will locate the violator, document the information needed for prosecution, and then provide fully prepared cases to the appropriate prosecutor. The new teams are based on a model project located in Columbus, Ohio. This Midwest law enforcement task force, formed by our office and the HHS Inspector General's Office, joined with Justice Department prosecutors and investigators, State child support agencies, and local law enforcement officials to coordinate efforts in a new investigative team.

We have seen some promising results. More than \$3.6 million in overdue support has been ordered already. My colleague, Jack Hartwig from the HHS Office of Inspector General, will tell you more about the task force operations and its early results. But suffice it to say, with this initiative we will identify, investigate, and when warranted, prosecute flagrant, delinquent child support offenders and collect all outstanding payments.

Our goal is a nationwide, comprehensive, coordinated Health and Human Services, Justice Department response to unresolved interstate and intrastate child support enforcement cases. Let me reemphasize that this effort deals, primarily, with the most serious and flagrant delinquent child support cases as part of our Nation's overall child support enforcement strategy.

Mr. Chairman and distinguished members of the subcommittee, thank you again for your invitation to testify. And, at the appropriate time, I would be happy to take any questions you might have.

[The prepared statement of John Monahan follows.]

PREPARED STATEMENT OF JOHN MONAHAN, PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR ADMINISTRATION FOR CHILDREN AND FAMILIES, DEPARTMENT OF HEALTH AND HUMAN SERVICES

Greetings and Introduction

Mr. Chairman and Members of the Subcommittee, thank you for providing me the opportunity to testify today on the progress the Nation's child support enforcement program is making to help children across America.

As the Principal Deputy Assistant Secretary for the Administration for Children and Families, I supervise the Federal Office of Child Support Enforcement and have worked closely with Commissioner David Ross and his team to develop ways to ensure that parents who owe child support honor their obligations to their children.

President Clinton has made child support enforcement a top priority, and it is paying off. We recently set new performance records for the program. In 1998, we collected an estimated \$14.4 billion, an increase of over 80 percent since fiscal year 1992 when only \$8 billion was collected. Included in the amount is a record \$1.1 billion in delinquent child support collected from Federal income tax refunds for tax year 1997. This was a 70 percent increase since 1992, and collections were made on behalf of nearly 1.3 million families. In 1997 we also established 1.3 million paternities, an increase of more than 100 percent since 1992 when 516,949 were established.

The President signed the Personal Responsibility and Work Opportunity Reconciliation Act in August 1996. Better known as welfare reform, the law provides critical new tools to improve our Nation's child support program—central registries of child support orders, a national directory of new hires, streamlined paternity establishment procedures, uniform interstate child support laws, license revocation, and passport denial. Whether through use of greater automation, simpler interstate procedures or tougher new penalties, we are working with our state and local partners to make sure that no parents can ignore their financial obligation toward their children, especially when they have the resources to meet their child support obligations. An example of the success we are already seeing from the 1996 welfare law is the National Directory of New Hires, which last year located 1.2 million delinquent parents in interstate cases.

Child support is an essential part of welfare reform because it sends a message of responsibility to both parents and is a vital part of moving families toward work and self-sufficiency. It helps to ensure that single parent families and their children don't need to rely on welfare in the first place and for those who leave welfare, it can help to ensure that they don't fall back on the welfare rolls once they have left. Child support enforcement affects far more people than just those on welfare. Children in working poor and middle class families depend upon child support for greater financial security as well.

We are proud of this Administration's record on child support enforcement, but, as the President has said on numerous occasions, we need to do more.

THE CHILD SUPPORT ENFORCEMENT PROGRAM

Before turning to our new initiative relating to criminal law enforcement, I would like to give you a brief overview of how the Nation's child support enforcement program operates. The program was established in 1975 under title IV-D of the Social Security Act as a joint Federal/State partnership. As a Federal/State partnership, it functions in all States and territories, generally through social services departments, but also through the offices of State Attorneys General or Departments of Revenues. Most States work with prosecuting attorneys and other law enforcement agencies and officials of family or domestic relations courts to carry out the program at the local level.

The child support program locates non-custodial parents, establishes paternity, establishes and enforces support orders, and collects child support payments from those who are legally obligated to pay. While programs vary from state to state, services are available to all parents who need them. States are largely responsible for operating the program, but there tends to be greater Federal involvement in the interstate caseload, which makes up nearly a third of all cases. The Federal Govern-

ment shares in the cost of funding the CSE program by contributing to states' administrative costs and providing incentive payments to them. Since 1975 the program has been continually strengthened through Federal and State statutory and executive actions.

CHRONIC NONPAYERS AND THE DEADBEAT PARENTS ACT

We know that many non-custodial parents take seriously their moral responsibilities to pay child support regularly and on time. These parents recognize the importance of the financial and emotional support their children need and voluntarily meet these responsibilities. We also know there are many low-income non-custodial parents who want to do the right thing and support their children, but who do not earn enough to meet their child support responsibilities. The President's Welfare-to-Work reauthorization proposal will help such fathers increase their employment so they can better support their children. And for the majority of non-custodial parents who do not voluntarily meet their responsibilities, routine enforcement tools like wage withholding or license revocation will be sufficient to induce them to pay their financial obligation.

However, for a small minority of cases, even tougher enforcement penalties must be imposed. These are the most flagrant cases, where people have the resources to pay but willfully refuse to provide support for their children. These are individuals for whom there can be no sympathy. And on behalf of their children, we are redoubling our efforts to locate them. And on behalf of all children, a public message needs to be sent about these parents.

The Child Support Recovery Act of 1992 made it a Federal crime to willfully fail to pay a past-due child support obligation for a child living in another state. In 1996, President Clinton proposed to make it a felony to cross state lines to avoid paying child support and last year, Congress passed and President Clinton signed into law the Deadbeat Parents Punishment Act of 1998. The Act creates two new categories of felonies, with penalties of up to two years in prison: (1) traveling across state or country lines with the intent to evade child support payments if the child support obligation has remained unpaid for a period longer than one year or is greater than \$5,000; and (2) when the child support obligation has remained unpaid for a period of longer than two years, or is greater than \$10,000, willful failure to pay child support to a child residing in another state.

PROJECT SAVE OUR CHILDREN

Our newest initiative, Project Save Our Children, is targeted at this small but reprehensible group of parents who over long periods of time willfully fail to take responsibility for their children. By prosecuting parents who have been ordered to pay support but will not do so, we are sending a pointed message of responsibility to them and helping to give their children a better chance in life.

Under this initiative HHS will launch task forces in 17 states (California, Delaware, Illinois, Indiana, Louisiana, Maryland, Michigan, Minnesota, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Texas, Virginia, and Washington) and the District of Columbia. State child support offices will refer their most serious delinquent child support cases to these sites, where trained investigative staff will locate the violator, document information needed for prosecution, and then provide the investigated case to the appropriate prosecutor.

The new teams are based on a model project in Columbus, Ohio, launched last summer. The Midwest law enforcement task force, formed by the HHS Office of Child Support Enforcement and HHS Inspector General's Office, joined with Justice Department prosecutors and investigators, state child support agencies, and local law enforcement officials to coordinate efforts in a new investigative team, with promising results so far. To date, 405 cases have been received and 311 of them have been referred to the investigative units, with 196 arrests being made. More than \$3.6 million in overdue support has been ordered.

The first task force covers three states: Illinois, Michigan and Ohio. The hub or this task force is an investigative unit located in Columbus, Ohio, that employs a number of sophisticated automated information systems and data bases (both government and commercial), the purpose of which is to locate non-payers and their assets. Four more hub sites, covering 14 additional States and the District of Columbia, will be operational by the end of the first year. My colleague here from the HHS Office of Inspector General will tell you more about the task force operations.

But suffice it to say, with this initiative we will identify, investigate, and, when warranted, prosecute flagrant, delinquent child support offenders, and collect all outstanding payments. Our goal is a nationwide, comprehensive, coordinated Health

and Human Services/Justice Department response to unresolved interstate and intrastate child support enforcement cases alike.

To help accomplish this, the Administration has proposed additional spending in the FY 2000 budget request. This money will pay for establishing investigative teams in five regions of the country to identify, analyze, and investigate cases for prosecution. Also the President's FY 2000 budget proposes additional Justice Department resources for legal support personnel in the U.S. Attorneys offices, which will allow increase prosecutions of deadbeat parents.

Let me re-emphasize that this effort deals primarily with the most serious and flagrant delinquent child support cases. It is an effort to work with our state and local partners in a new, more vigorous manner.

We are in the beginning stages of an initiative that we feel has great promise and are moving toward broader implementation. My colleague from the Office of the Inspector General will provide you with more detail on the results we have obtained thus far.

Mr. Chairman and distinguished Members of the Subcommittee, thank you for your invitation to testify before you today. Our intent is to let everyone know that parents will be held accountable for supporting their children. I would be happy to answer any questions you may have.

Mr. UPTON. Thank you.

Mr. Hartwig.

TESTIMONY OF JOHN E. HARTWIG

Mr. HARTWIG. Good morning, Mr. Chairman and members of the subcommittee. I, too, am pleased to be here this morning to tell you about a law enforcement initiative which I believe holds great promise for improving accountability for absent parents in meeting their child support obligations.

The Child Support Enforcement program is a Federal/State partnership designed to foster family responsibility and to ensure that children are supported financially by both of their parents. In recent years, through this partnership, child support collections have increased dramatically. Even with these increases, however, collections were made in only one fifth of current child support case-loads. More effort is needed to fully address this problem.

Recent law enforcement measures have played an important role in child support collections. The Child Support Recovery Support Act of 1992 made it a Federal offense to willfully avoid paying court-ordered child support obligations for a child residing in another State. We, in the Office of Investigations of the Office of Inspector General, have investigated violations of this act. To date these investigations have resulted in 159 arrests, 105 criminal convictions, and \$7.6 million in back child support being ordered as part of the criminal sentencing of these subjects. We are very proud of these numbers, but realize that these accomplishments are small when compared to the massive number of delinquent cases.

Therefore, our focus has been to work with State child support offices and the United States Attorney's offices to choose the most egregious cases, such as those with the highest arrearages or where the health and welfare of the children are at risk due to lack of support. We believe that these high profile cases serve as a deterrent to other non-custodial parents who are not making payments. Ultimately, our goal is not to prosecute people. Rather, by publicizing arrests and prosecutions, we hope that these individuals who may be sitting on the fence or not paying child support obligations will realize that there is a tremendous downside to not paying.

You heard this morning a number of examples. Let me just add two. We had a case concerning a man who was a plastic surgeon and an attorney. He was arrested in New York on charges that he owed over \$172,000 in child support. During his appearance in court, the subject told the judge that his annual salary was only \$30,000 a year as a surgeon. Understandably, the judge was not inclined to believe him, and ordered him to pay back all his past due child support.

There is currently an outstanding felony indictment and arrest warrant against a former professional football player. He had already been convicted under Federal misdemeanor provisions of the Child Support Recovery Act, but even after that conviction, he continued to evade making his child support payments. He was arrested again, he was released on bail so that he could try out for a pro football team, and he has not been seen since. He is currently a fugitive and owes approximately \$95,000 in child support.

Examples you heard today illustrate the incredible lengths that non-custodial parents may take to avoid paying their child support obligations. Many are becoming successful at hiding themselves.

In response, we have to become more sophisticated in our investigative techniques. We began the Child Support Enforcement task forces to bring together Federal, State and local law enforcement officials to increase the number of successful prosecutions through a collaborative approach. Promising cases are referred to special screening units which conduct initial investigations. Investigations are then turned over to appropriate task force agents for full investigations. We believe the results are better targeting and investigations, and better cases delivered for prosecution.

Our first task force, in Columbus, Ohio, has delivered significant results. Over 400 cases have been referred—over 300 of these have actually been investigated to date—resulting in 180 arrests and 170 convictions or civil resolutions. These convictions have yielded over \$3.8 million in child support. The task force has worked closely with public affairs offices of the States, law enforcement agencies, criminal justice agencies, and anyone else involved in the process to make sure that the arrest and conviction receive public attention in the hope of raising public awareness of the problem and the potential for prosecution. After one arrest in Michigan, county child support offices reported a substantial rise in the amount of money collected the week following the arrest.

Mr. Chairman, I hope my comments this morning have been useful for you and the subcommittee as you consider your own agenda for improving the Federal child support enforcement system. Child support is one of the vital programs serving one of our most vulnerable populations. It is a key factor in the long-term success of moving families off public assistance and making them economically self-sufficient. This concludes my remarks and, I too, would be happy to answer any questions.

[The prepared statement of John E. Hartwig follows:]

PREPARED STATEMENT OF JOHN E. HARTWIG, DEPUTY INSPECTOR GENERAL FOR
INVESTIGATIONS, DEPARTMENT OF HEALTH AND HUMAN SERVICES

Good morning, Mr. Chairman. I am John E. Hartwig, Deputy Inspector General for Investigations within the Department of Health and Human Services. The Office of Inspector General shares your keen interest in improving the child support sys-

tem, which serves some of the nation's most important citizens—its families and children. I am here today to highlight a new law enforcement initiative which we believe holds great promise for improving accountability of absent parents in meeting their child support obligations.

THE CHILD SUPPORT PROBLEM

On December 31, 1998, the Administration for Children and Families reported that the Federal/State child support enforcement programs collected an estimated \$14.4 billion for Fiscal Year 1998, an increase of 7 percent from 1997's \$13.4 billion, and an increase of 80 percent since 1992 when \$8 billion was collected. In addition, the Federal Government collected over \$1.1 billion in delinquent child support from what was to have been Federal income tax refunds for tax year 1997. Collections were made on behalf of nearly 1.3 million families.

Although collections have increased dramatically, much work still remains to be done. According to the recently released Administration for Children and Families' *21st Annual Report to Congress*, total child support payments collected in Fiscal Year 1996 were \$12 billion; yet \$45 billion in delinquent child support payments still remained to be collected. Caseloads also continued to increase, rising from 15 million in Fiscal Year 1992 to 19 million in Fiscal Year 1996. While 1 million new support orders were established in Fiscal Year 1996, of the 19 million cases, 59 percent had court-approved child support orders. A total of only 4 million of these cases, one-fifth of the total caseload, resulted in a collection of child support. To the extent that these payments are not collected, the children of these families are at greater risk of welfare dependency.

Progress is also being made in the steps required of custodial parents in order to receive child support payments with approximately one million paternities established in Fiscal Year 1996. Paternity establishment is one of these first steps required to enforce child support obligations. Almost one-third of all children currently on public assistance lack a paternity establishment, but new time limits on welfare benefits are likely to increase the incentive for establishing paternity and collecting child support.

THE FEDERAL CHILD SUPPORT PROGRAM

The Child Support Enforcement Program is a Federal/State partnership designed to foster family responsibility and reduce the need for welfare and its cost to the taxpayer by ensuring that children are supported financially by both of their parents. All parents with custody of children who need or are owed child support can get help from their State or local child support enforcement agency. Each state designates an agency to administer the five mandated purposes of the program: to locate non-custodial parents, establish paternity through testing or consent, establish orders for child support, enforce those orders, and collect child support payments. This is accomplished through the courts or administrative processes. Partial funding and oversight of the program is provided by the Federal government.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the Act) strengthened the ability of the child support enforcement program to collect support on behalf of children and families and created the Temporary Assistance for Needy Families (TANF) program, which replaced the Aid to Families with Dependent Children, the primary Federal public assistance program. Applicants for TANF assign their rights to support payments to the State as a condition of receipt of assistance. For non-welfare cases, child support collections are forwarded to the custodial family. By securing support on a consistent and continuing basis, non-welfare families may avoid dependency on public assistance and welfare spending is reduced.

HISTORY OF OFFICE OF INSPECTOR GENERAL EFFORTS

The Office of Inspector General has a long and productive history of contributing to improving the child support system. Over many years, our audits and evaluations have addressed problems and offered solutions on such matters as paternity establishment, medical support, collection methods, management information systems, interagency collaboration, incentive funding, support order upgrading, and interface with the Federal income tax system. We have piloted many of the procedures that are now widely accepted in the field of child support enforcement. We are very proud of the ideas and information that we contributed to improving these efforts.

In this vein, I would like to describe for you now an exciting new avenue of improvement based on criminal law enforcement.

LAW ENFORCEMENT EFFORTS

The Child Support Recovery Act of 1992 made it a Federal offense to willfully avoid paying court-ordered child support obligations for a child residing in another State. Two felony provisions were added when the act was amended in 1998. The Office of Inspector General Office of Investigations began to investigate violations of the Child Support Recovery Act, initially focusing on those cases where the custodial parent was forced to enroll in public assistance because payments were not made by the non-custodial parent. We have extended our investigations to include all violations of the Child Support Recovery Act, but we continue to place a higher priority on those cases involving Federal public assistance funds due to the effect on the program and the vulnerability of those children and custodial parents. As with our investigative authorization with health care cases, the Department of Justice granted special deputy United States Marshal status on all of our child support enforcement cases. This status enables all our agents to carry firearms and execute arrest warrants in these cases, which significantly increases their ability to effectively investigate these cases.

In general, all of our agents undergo the full 9-week training regimen at the Federal Law Enforcement Training Center in Georgia, which is also used by over 80 Federal law enforcement agencies to train Federal agents, including the Secret Service and the Customs Service. The Federal training program includes criminal investigative techniques, applicable Federal laws, arrest techniques, and use of firearms. Additionally, all our agents undergo several weeks of training concentrated on the Office of Inspector General, statutes and responsibilities, and receive a thorough grounding in the programs with the Department. Our agents regularly receive updated training on new methods and techniques and must demonstrate firearms proficiency quarterly. In total, new investigative agents receive approximately 500 hours of specialized training during their first two years on the job.

ACCOMPLISHMENTS

Since beginning our efforts in the area of child support enforcement, we have initiated over 600 cases, making or coordinating over 150 arrests. These cases have resulted in over 100 convictions and over \$7.6 million in back child support being ordered as part of the sentencing of the subjects. While we are very proud of these numbers, we realize that these accomplishments are small when compared to the massive number of delinquent cases. Therefore, our focus has been to work with State Child Support Offices and the United States Attorney's Offices to choose the most egregious cases, such as those with the highest arrearage, or where the health and welfare of the children are at risk due to lack of support. We feel that these high profile cases serve as a deterrent to other non-custodial parents who are not making payments. Ultimately, the goal isn't to put people in jail. By publicizing arrests and prosecutions we hope that those people who may be sitting on the fence and not paying their child support obligations will realize the consequences of their failure to pay. The following are examples of our case work.

1. A Border Patrol agent quit his job with the government after the INS began to withhold child support payments from his salary. He informed his former spouse that he would never pay his support, and that he was quitting his job and leaving the country so that he could not be found. After extensive investigation involving searching through computerized databases, the man was located in Hawaii, where he had started a scuba diving school. He was arrested on the dock when he brought his boat in after a class. He pled guilty and was sentenced to pay the full amount of child support owed \$17,000. This case is an example of a parent who went to great lengths to avoid paying child support when he clearly had the ability to pay.

2. A man who was both a plastic surgeon and attorney was arrested in New York on charges that he owed over \$172,000 in child support. The case came to the attention of federal authorities through the surgeon's father-in-law, who was outraged that his son-in-law was not paying child support, despite his significant assets, which included a \$300,000 home. During his appearance in court, the subject told the judge that his annual salary was only \$30,000 a year as a surgeon. Understandably, the judge was not inclined to believe him and ordered him to pay all back child support. The man had previous altercations with police and at the time of arrest several automatic weapons were seized.

3. There is currently an outstanding felony indictment and arrest warrant against a former professional football player. He has already been convicted under the misdemeanor provisions of the Child Support Recovery Act. But even after that conviction, he failed to comply so a criminal complaint was issued and he was arrested. He appeared in court and asked the judge to release him on his own recognizance so that he could try out with another pro football team. He has not been seen since

so a felony indictment and arrest warrant have been issued. He is currently a fugitive and owes over \$95,000 in child support.

These examples of investigative work illustrate the incredible lengths that non-custodial parents may go to avoid paying their child support obligations, even those that clearly have sufficient means.

LAW ENFORCEMENT PARTNERSHIP

In the Fall of 1996, we began meeting with officials in the Office of Child Support Enforcement about combining our resources and strategically targeting our efforts to improve prosecutions of child support cases at the Federal level. Based upon our experience working with Federal partners and State and local officials on health care fraud matters, we know that the most successful way to tackle complex problems and improve investigative and prosecution efforts is to form a collaborative partnership. Working with the Office of Child Support Enforcement (OCSE), we developed a task force approach to bring together the social service and criminal justice agencies involved in child support enforcement at both the State and Federal levels to identify, investigate, and prosecute the most egregious offenders. Members on the task force include OIG special agents, FBI agents, U.S. Marshals, U.S. Attorneys and local District Attorneys, State child support enforcement staff, and State and local police. The task force will also attempt to identify and resolve the obstacles that have stood in the way of enforcing the child support laws. Currently we have one task force in Columbus, Ohio, which began operating in May, 1998, and covers three States—Illinois, Michigan, and Ohio. We have just begun a second task force in Baltimore, and three additional task forces will be starting up during the next few months in New York City, Dallas, and Sacramento. These cities were selected as a result of a decision to co-locate with the OCSE audit offices. In addition, OIG, DOJ, State, and local resources required for task force efforts are readily available at these sites.

One of the most important improvements made through the task forces include developing "Case Screening Units" for each task force. Working with the State Child Support Offices, these units will identify the most promising cases. The screening units, manned by analysts, will utilize public and private data bases to conduct a pre-investigation to determine the whereabouts of the subjects and also identify any assets that these subjects may possess. Once this information is established, the cases and the new information will be forwarded to the agents, who will then conduct a formal investigation in order to verify the information. The completed case package is then brought to the prosecutor with the evidence needed for prosecution already obtained. Using this approach, burdens are reduced on child support case workers and United States Attorney's Offices, and cases receive the necessary financial investigation. The end result is better targeted and investigated cases delivered for prosecution in complete form.

The task forces will also bring local law enforcement into the arena. Where before, local law enforcement was mostly utilized to serve civil contempt warrants, in these task forces we are using local law enforcement in their capacity as white collar fraud investigators in order to investigate intra-state cases for potential criminal prosecution. The task forces are also bringing in the local District Attorneys' offices to prosecute these cases. The task forces are trying to demonstrate that State criminal statutes can be effective in enforcing individual orders and serving as a deterrent. This partnership is important because only one out of every three child support cases is interstate, meaning that the majority must be adjudicated at the state level. The task forces bring together both Federal and State partners so that the maximum number of cases can be handled at the appropriate level.

Our first task force has already delivered significant results and promises to deliver more in the future. Over 400 cases have been referred to the task force's screening unit in Columbus. These cases have been fairly equally divided between inter and intrastate cases. Thus far, the task force has investigated over 300 cases with over 180 arrests and 170 convictions or civil resolutions resulting. These convictions and settlements have resulted in over \$3.8 million in child support being ordered. The task force has worked closely with the public affairs offices of the States, law enforcement agencies, and criminal justice agencies to make sure that the arrests and convictions receive public attention in the hope of raising the public's awareness of the problems and the potential for prosecution. After one highly publicized arrest in Michigan the county child support office reported a substantial rise in the amount of money collected the week following the broadcast. These collections, largely walk-ins, came from sources who had not paid any money in the recent past. It is our belief that the only reason that these payments started is because of publicizing the arrest.

OTHER WORK

Complementing our law enforcement work and building on the foundation of work mentioned earlier, the Office of Inspector General continues to conduct studies aimed at strengthening the child support enforcement system. We are currently examining (1) methods to increase cooperation of welfare recipients in establishing paternity and locating absent parents; (2) ways to further improve voluntary paternity acknowledgment in hospitals at the time of birth; (3) the effectiveness of current procedures for obtaining medical insurance coverage or other forms of medical support for children; and (4) evaluating the Federal Parent Locator Service. We are now finalizing work on the periodic review and adjustment of support orders, a process that helps children by taking advantage of the normal increases in income that young absent parents receive as they mature in their jobs. This latter study supports legislation offered by the Administration in its Fiscal Year 2000 budget to require that such adjustments be made. We will be happy to keep you and your staff informed as we finish each study.

CONCLUSION

Mr. Chairman, I hope my comments this morning have been useful for you and the committee as you consider your own agenda for improving the Federal child support enforcement system. Child support is one of the Department's most vital programs serving some of our most vulnerable population and a key factor in the long-term success of moving families off of public assistance and making them economically self-sufficient. The Office of Inspector General is committed at all levels to improving the system through our audits and evaluations and to providing law enforcement leadership to increase successful prosecutions of criminal violations of federal child support laws.

Mr. UPTON. Thank you, Mr. Hartwig. As you all listened, you heard some buzzers behind you. We have a vote on the House floor, so we will take an adjournment until—it is only one vote, so we will be back—we will start Mr. Young's testimony at quarter of 12.

[Brief recess.]

Mr. UPTON. Members will be coming back. We all, you know—I am myself on three subcommittees. They all seem to meet at the same time. We have got a number of members here that are on 4 and 5 subcommittees. I have got a colleague from Michigan, I think, on eight subcommittees. And so, when they have votes, it is tough.

Your statements are made part of the record; you are able to summarize.

I know I talked to a number of members in the subcommittee that indicated that they were coming back. They have got constituents in their offices, but at this point, it does take one member to object. There are two members here, so I think we are okay.

Mr. Young.

TESTIMONY OF NICK YOUNG

Mr. YOUNG. Good morning. Thank you, Mr. Chairman, members of the subcommittee. I am pleased to be here. My name is Nick Young and I am the Director of the Virginia Child Support Enforcement Division and have been so for the last 2 years. I am also a board member of the National Child Support Enforcement Association. I am pleased to be here today to address the subcommittee.

I would like to open with a few statistics to put our program and what we are facing in perspective. And, on your right, my left, you will see some charts on easel that will show you that one-fourth of all the children in Virginia are on child support, 25 percent. There are 2 million children in Virginia and a quarter of them are on child support. There is another quarter of them that are the prod-

uct, also, of divorced families that the mother and father have figured out how to be amicably enough to get along where they are not on child support. But the bottom line is, 50 percent of the children do not live with somebody who has the same last name.

The problem is growing. You will also notice in the next chart that the amount of arrearage, just in Virginia, is \$1.4 billion and it goes up by \$200 million a year. So, it will be \$1.6 very shortly, \$1.8, and we will hit \$2 billion in only 2 years. Fortunately, Virginia is an administrative State. I can do 70 percent of the wage withholding. Seventy percent of the actions that are done in Virginia do not go into court, which means we do not tie up the court system and we do not allow people, necessarily, to use the court system as a delaying tactic. Virginia is also fortunate to have been one of the first two States to receive Federal certification of its automated case management program, very important.

I have got some good news; I have got some not so good news. The good news is we collected about \$313 million last year. The bad news, I have already told you, is that we are \$1.4 billion in the hole to start with and we have got to catch up.

Some more good news, though, is that child support workers have made some tremendous strides in the last couple of years, especially in light of the testimony you have heard from these ladies earlier. And, we collect \$5.64 for every dollar we spend. The bad news is the caseload grows by 11,000 cases net growth a year. That is 17,000 children a year, net growth to the caseload.

State and Federal welfare reform initiatives have resulted in a reduction in the welfare portion of our child support caseload, as reflected on this chart. That is good news. Those reductions translate into reduced collections, however, and also sometimes Federal reimbursements.

All in all, however, the Federal Reform Act of 1996 has proven to be a catalyst for profound change. In Virginia, the most dramatic example is 25 percent reduction of children on welfare in child support caseloads. However, our non-welfare child support caseload has escalated. However, that is not necessarily bad, as many of those cases are former welfare recipients, and therefore, it is natural progression for them to move from welfare to non-welfare but remain in the child support caseload.

As you heard from the testimony this morning, whether the mother was on welfare or not, many of the fathers in this particular case being the preponderance of the non-custodial parent, are committed to paying whether they have been incarcerated twice, as in the case of Ms. Daffron's husband, or multiple times, as we have on many examples.

Virginia has a Kids First Campaign which is directly akin and related to the Project Save Our Children. We identified 57,000 of the most egregious. Many times we get criticized for only addressing the top ten or the top twelve. We started on the most egregious 57,000 people in the State of Virginia in June 1997 and have stayed with those people. They have paid just under \$50 million. They are also a catalyst to cause others to see that they will either pay or go to jail, and others are paying as well. It is a secondary effect.

Additionally, we have started using boots, which is a device to immobilize a car—

Mr. UPTON. A lot of us have had them.

Mr. YOUNG. I beg your pardon?

Mr. UPTON. Not me.

Mr. YOUNG. Nevertheless, this device is having great success in Fairfax County, Virginia, which these two ladies have testified were in. The humiliation factor sets in, the boots are pink or blue, and we do not care if we put them on a boy or girl's car. We put them on there and it does not come off until you pay the child support.

At each of your places—and I am finishing rapidly; I know my 5 minutes is up—you have the latest Virginia poster, wanted poster, the "Heartless 13." We have issued this poster 13 times since August 1989. And, yes, it is on the website and it is up-to-date. We have posted 120 individuals and we have located, captured, arrested, targeted, found 87 of the 120 on these posters.

I will close by saying, ask any State in the Nation where the most difficult part of their caseload is, and you will find it is the interstate caseload. And, as you have already pointed out yourself, Mr. Chairman, 25 percent of the caseload is interstate. And, it is the toughest part to do. But this task force that the Federal Government has started and we are proud to join, offers us a great opportunity to break down the barriers in the State borders and to go after some of the non-custodial parents who clearly have been using those borders as a safe haven to not pay child support.

I want to also close by saying that, in my short 2 years with this program, it has become abundantly clear to me that no State will ever succeed without the help of Congress, the Federal Government. And, it is a partnership, and it won't work at State level as a misdemeanor crime without the help of Judge Ross and his great people that are doing such great work here with us. Sir, I am available for questions.

[The prepared statement of Nick Young follows.]

PREPARED STATEMENT OF NICK YOUNG, DIRECTOR, CHILD SUPPORT ENFORCEMENT
DIVISION, COMMONWEALTH OF VIRGINIA

Good morning. My name is Nick Young, and I am the Director of the Virginia Department of Social Services' Division of Child Support Enforcement. I am also a Board member of the National Child Support Enforcement Association, and bring greetings from both the Commonwealth of Virginia and the Association. I am very pleased to be here this morning, and honored to have been invited to testify.

The subject today is "Supporting Welfare Reform: Cracking Down on Deadbeat Parents." My remarks today will, of course, be from the perspective of the successful program we run in Virginia.

First, permit me to share a couple of telling statistics about Virginia's child support enforcement program: Our caseload today is 421,000, representing approximately 552,000 children—25% of Virginia's child population. Though Virginia is recognized as having a very efficient program, it is unfortunately the case that we carry a \$1.5 billion arrearage, an amount that is growing by \$200 million a year. Our caseload has grown over 25% in the last four years alone. We are one of only a handful of states that can conduct our business both administratively and through the courts. As a result, approximately 70% of our cases are managed administratively, which saves a great deal of time, paperwork and money. Our work is also accurate; we have a very low rate of appeals to our administrative decisions. Virginia was one of the first two states in the nation to receive in early 1996 full federal certification of its automated case management system; placing Virginia in the forefront of the nation regarding such systems.

In many ways, the status of Virginia's child support program illustrates problems experienced throughout the nation in child support enforcement today. The overall picture is a study in contrasts. The good news is that Virginia collected over \$313 million in child support in state fiscal year 1998—a record. The bad news is that this amount is but a drop in the bucket compared to the \$1.5 billion that is still owed. The good news is that we are extremely productive in our work: for every \$1.00 spent, we collect \$5.64 in child support. The bad news is that our caseload grows by 11,000 cases (17,000 additional children) per year. The average caseload of a child support caseworker in Virginia, for example, is 910 cases. These statistics present an overwhelming challenge to even the most organized child support caseworker.

More good news is the success of the national and Virginia's own statewide welfare reform initiatives. Welfare reform has resulted in a tremendous drop in the welfare portion of our child support caseload. Although our overall caseload is still rising, welfare reform is definitely working. Unfortunately, welfare reform's success is translating into reduced federal reimbursements, which have a deleterious effect on the ability of states to continue the momentum of reform. Relatively speaking, however, this is not the worst problem to have, and we are otherwise heartened by the tremendous level of federal support welfare reform has given to many of Virginia's creative initiatives to combat the child support problem. These initiatives—some of which I am about to highlight—have helped make Virginia's program one of the most dynamic, successful child support enforcement programs in the country.

Most of my comments today focus on strategies Virginia uses to crack down on child support evaders. Many of these strategies are today in existence and thriving because of the Personal Responsibility and Work Opportunities Reconciliation Act of 1996 (PRWORA). I stand before you today to emphasize that welfare reform has given us the means to strengthen our enforcement activities, and indeed, crack down on delinquent parents.

The Personal Responsibility and Work Opportunities Reconciliation Act of 1996 marked a profound turning point in fighting the twin scourges of welfare and child support delinquency. PRWORA has generated success on many fronts.

First, the new law has proven to be a catalyst for profound changes in many of the basic statistics regarding welfare. In Virginia, the most dramatic example is the 25% reduction of child support TANF (Temporary Assistance for Needy Families) cases since the law went into effect. More parents have moved off the welfare rolls and into jobs, thereby providing the means to support their children. Virginia's non-TANF child support caseload has correspondingly gone up—not altogether a bad problem, since many of those cases are undoubtedly former TANF recipients. Welfare reform is definitely providing more Virginia children the financial support they are due.

PRWORA has also generated a burst of collaboration and cooperation between public and private entities, such as law enforcement, the courts and public agencies.

One example is Virginia's co-location initiative. Begun as an experiment in the summer of 1993, the co-location of public assistance and child support staff has blossomed under welfare reform into a mutually beneficial strategy for TANF (Temporary Assistance for Needy Families) and child support staff and clients. Co-location has helped promote customer self-reliance under welfare reform, and allows TANF and child support staff to collaborate to provide better service for customers, streamline elements of case management, reduce administrative costs, and above all, provide more successful outcomes for customers. Co-location is now a vibrant statewide strategy. As of September, 1998, approximately 26 child support staff have been co-located full- or part-time at 28 sites serving 22 local social service agencies. Five distinct models tailored to specific community needs have evolved throughout the state.

Another example of collaboration and cooperation is Virginia's Paternity Establishment Program (PEP). Established in 1990, PEP grew under welfare reform into an effective program that gives unmarried parents the opportunity to voluntarily acknowledge paternity in the hospital, before the child goes home. As of 1998, 69 hospitals participated statewide, generating more than 11,250 paternities in 1998 alone.

Yet another example is the Commonwealth's KidsFirst Campaign. Initially begun in June, 1997, KidsFirst kicked off with a two-week limited amnesty offered to 57,000 of the most egregious support evaders. While the amnesty netted \$1.2 million from 4,039 noncustodial parents; the crackdown that followed also generated outstanding results. Working in close cooperation with local law enforcement and judicial communities, a statewide "roundup" resulted in 512 arrests and show cause notices issued. Today, eight roundups later, the money generated by this campaign has topped \$46 million, and 25,678 delinquent parents are paying support. An added

bonus has been enhanced rapport with the law enforcement community and the judiciary.

Another collaborative and cooperative example is illustrated by the recent arrest of one of Virginia's most wanted child support evaders. Periodically, the Division publishes a most wanted list of child support evaders to keep public awareness high—and also because it generates great success. Laurence Judd was a notorious child support evader who owed his two children \$155,000 at the time of his apprehension. His arrest not only made good copy, it also illustrated the extensive public/private/interstate/and multi-agency coordination that enforcement activities often involve in today's highly mobile, instant communication environment. In Mr. Judd's case, it took the collaborative effort of two states' child support offices, a Virginia local sheriff's office, credit reporting agencies, use of the Internet, and the Las Vegas Metro Police Department to successfully track and apprehend him. These kinds of complex multi-agency, multi-state endeavors, sadly, are necessary, but also are becoming more effective, efficient and prevalent thanks to the enhanced federal assistance as a result of welfare reform. Today, many such collaborative efforts exist that could not have existed before welfare reform.

Another such collaborative effort in its nascent stage in Virginia is the Child Support Multi-Agency Investigative Team (or CSMAIT). CSMAIT is a multi-disciplinary work group whose mission is to increase child support collections by identifying, analyzing, investigating and prosecuting high profile child support cases. It focuses, in part, on highly technical financial and locate investigations using state and federal efforts collaboratively. In Virginia, CSMAIT participants include a diverse array of entities, including the Division of Child Support Enforcement, local sheriff's departments, the state police, local police departments, Commonwealth's Attorneys offices, the U.S. Department of Justice, and the federal Department of Health and Human Services. Virginia is excited about the potential of CSMAIT, and expects this initiative to bear fruit in the very near future.

PRWORA has also provided authorization to strengthen a multitude of enforcement mechanisms, nearly all of which have allowed Virginia to expand and enhance its efforts to crack down on child support evaders.

One such example is the suspension of driver's and professional licenses. Since Virginia's welfare reform law was implemented in July, 1995, Virginia has suspended a total of 923 driver's licenses alone, generating collections in excess of \$25 million. Virginia is moving toward full implementation regarding both occupational and recreational licenses, and denying passports to delinquent parents.

Virginia's New Hire Program is another example. Thanks to federal welfare reform, Virginia now requires employers to report all new hires within 20 days of employment. This measure helps locate absent parents, enforce outstanding child support orders, and save administrative time and expense. Virginia also participates in the new federal program to place new hire information in a national database, in order to assist other state child support enforcement offices. Virginia also requires employers to ask employees at the time of hire to disclose the existence of any income withholding orders. As a result of these laws, wage withholdings between 1993 and 1995 rose 36%. Approximately \$41 million in collections can be attributed to Virginia's New Hire Program, since its inception in July, 1993.

Still more examples center around the general problem of pursuing interstate cases. Expanding the Federal Parent Locator Network to improve the collection of locate information on interstate cases, adopting more uniform state child support laws to improve enforcement activities between states, and allowing administrative enforcement of interstate cases, have all begun to ease the pursuit of child support evaders across state lines. In addition, the passage of the Uniform Interstate Family Support Act (UIFSA) in each state has given states a framework to process interstate cases more sensibly. Virginia is redoubling its efforts to train its staff on the intricacies of UIFSA rules, and working interstate cases. It is exploring the option of hiring private contractors to work the cases in other states where large caseloads and differing rules have prevented a Virginia case from being worked. It is developing a tracking program that will allow us to identify specific states and localities where one-on-one interaction is needed to resolve case processing problems.

Other examples of improved enforcement techniques include mandating the use of a single case registry, the authority to enforce child support obligations from federal employees and members of the Armed Forces, and many changes in the law that allowed the administrative process to be streamlined. All of these elements of PRWORA—taken alone or together—have resulted in marked improvements to Virginia's child support enforcement efforts—particularly the ability to crack down on delinquent parents.

In conclusion, PRWORA has served as the catalyst for the most comprehensive revisions to Virginia's Child Support Enforcement Program in its 25 year history.

PRWORA's comprehensive elements also fully support Virginia's determination to clearly communicate society's lack of tolerance for those who fail in their responsibilities to financially support their children.

Mr. UPTON. Thank you, Mr. Young.
Mr. Duke Dutkowski, welcome.

TESTIMONY OF WALLACE N. DUTKOWSKI

Mr. DUTKOWSKI. Thank you, Mr. Chairman. I thank the members of the subcommittee for the opportunity to testify today. My name is Wally Dutkowski and I am the Director of the Michigan Office of Child Support. I would like to thank the committee members for their interest in the Child Support Multi-Agency Investigative Team or CSMIAT project.

Nearly everyone in America is affected by the child support program. Ask your neighbor, your friends, or your relatives that they will have a story about someone owing child support or not being paid support. Many children are on assistance today because their parents have not paid their child support.

The child support program is complicated to understand and difficult to administer. It is also highly emotional because it deals with two of the most sensitive issues possible, parents' children and their money. Children need the basics of shelter, food and clothing. Beyond those basics, what children want most is the love and attention of their parents. All too frequently, child support cases result in the non-custodial parent failing to provide any of these fundamental needs.

How extensive is this problem of failing to pay support? In 1999, Michigan referred over 300,000 cases in arrears to the Federal tax offset program. Those 300,000 cases represent approximately 35 percent of our caseload with child support orders. Unfortunately, being in arrears is an all too common occurrence.

There are many kinds of non-custodial parents. Some will pay regardless of whether the child support agencies exist or not and these are among the most responsible people in America. Some parents do not pay because they do not work and lack the financial resources to pay.

In Michigan, we began to use welfare to work funding to help every absence parent of a TANF recipient find a job. However, we found the criteria for welfare to work to be so complicated that we switched to funding the effort with TANF funds. That way, we only had to worry about getting non-custodial parents jobs and not the record keeping required for welfare to work funding. There are other parents who require more enforcement efforts. License revocation, income withholding orders and other enforcement tools assist us in enforcing orders against these parents.

Then, there is the final group, the evaders. These are the most egregious cases. These parents did not walk away from their families, they ran, and they continue to run. These parents usually have an ability to pay their support, but they will do almost anything to avoid it.

The last group is the one the Child Support Multi-Agency Investigative Team or CSMAIT is working on. Our efforts are aimed at sending a message that you can run but you cannot hide from your child support obligation. As one of our local sheriffs recently said,

“You can divorce your spouse, but you cannot divorce your children.” We are not interested in putting non-custodial parents in jail. We simply want them to comply with their child support orders.

Non-compliance with child support orders quickly becomes a law enforcement issue. The CSMAIT project is designed to bring child support and law enforcement together. CSMAIT provides resources to supplement current State efforts to pursue these evaders. The project is not to supplant what the States are already doing; it adds to it.

When we began CSMAIT discussions with law enforcement agencies, we found we neither communicated nor coordinated efforts in any meaningful manner. CSMAIT was born in an attempt to formalize this effort, this new effort, of coordination. This effort is a work-in-progress. We are forming partnerships that did not exist even a few years ago. All of our efforts are directed toward a single outcome, ensuring evading, non-custodial parents support their children.

In Michigan, the CSMAIT project includes the Federal Office of Child Support Enforcement, the Office of the Inspector General from HHS, the Justice Department, the FBI, both offices of the U.S. Attorney, the U.S. Marshal, the Family Independency Agency, the Friends of the Court, the Supreme Court, the State police, county sheriffs, local police departments and local prosecuting attorneys. Working together, these agencies have been able to accomplish so much more than they were able to when we failed to cooperate.

For example, in 1992 the Child Support Recovery Act Congress and was signed into law by President Bush. From the time the law was signed until March 1998, Michigan referred 44 cases to the U.S. Attorney’s offices. We obtained two convictions. Since April 1998, we have referred 338 cases to the CSMAIT project; 278 cases are currently open for investigation; 4 cases have been successfully prosecuted; 3 more non-custodial parents have been arrested and are awaiting prosecution; 2 more have warrants issued and are expected to be arrested shortly; and 3 additional cases are in various stages of prosecution using the Michigan felony statute.

Results that are even more impressive have occurred because of the threat of prosecution. In less than 1 year, 61 non-custodial parents have agreed to pay over \$2.3 million due to the threat of prosecution by this team, and we have only just begun.

We must expand these efforts and we must send a message that States will work with parents to assist them in complying with their child support orders. However, when a parent abandons their responsibility, leaving the child and family more vulnerable to a life of poverty, we must be able to take swift and certain action. The message must be clear as possible. If you willfully attempt to evade your responsibility to your children, you will be prosecuted, regardless of how far you run. The CSMAIT projects sends that message. Tomorrow’s adults are witnessing the message we send to today’s non-compliant parents. Our message must be clear and it must be certain.

I urge you to support the expansion of CSMAIT in the hopes that tomorrow, failing to support your children will be an issue we discuss in the past tense. Thank you.

[The prepared statement of Wallace N. Dutkowski follows.]

PREPARED STATEMENT OF WALLACE N. DUTKOWSKI, DIRECTOR, OFFICE OF CHILD SUPPORT, STATE OF MICHIGAN

The State of Michigan respectfully thanks the subcommittee for the opportunity to provide this written testimony regarding the Child Support Multi-Agency Investigative Team or CSMAIT. The State of Michigan would also like to thank Chairman Fred Upton, and the members of this committee for addressing this important issue. I will describe the CSMAIT project in more detail shortly. First, let me begin with some background on why we are cooperating fully with this effort.

BACKGROUND

Nearly everyone in America knows about child support. Ask your neighbor, your friends or your relatives and they will have a story about someone owing support or not being paid support. At the same time almost no one understands the program. Worse yet, hardly anyone likes the program. It is complicated to understand, difficult to administer, highly emotional and it deals with two of the most sensitive issues possible—children and money. Many view the program as an inappropriate intrusion into parents' personal business.

The truth is parents who choose to end their relationship with each other often cannot remain civilized toward each other. If children are involved, this change in the relationship can have debilitating effects on all family members. Children need the basics of shelter, food and clothing. Beyond those basics, what children want most is the love and attention of their parents. All too frequently child support cases result in non-custodial parents (or NCPS) failing to provide any of these fundamental needs.

How extensive is this problem of failing to pay support? In 1999, Michigan referred over 300,000 NCPs to the federal tax offset program. The cases were at least three months behind in their payments or \$500 or more in arrears (for non-TANF cases or \$150 for TANF cases) in meeting their support obligation. Those 300,000 NCPs represent approximately 35% of our caseload with child support orders. Unfortunately, being in arrears is an all too common occurrence.

Failing to support your children is a crime in every state, yet thousands of parents fail to comply with their child support orders.

THE PROBLEM WE FACE

There are many kinds of non-custodial parents. In a recent study, one of the nation's Title IV-D programs determined there were five types of NCPS. Describing the five types of NCPs will help you understand why we need the assistance of law enforcement agents in the child support program.

Uninformed NCPS.

These are the parents who are among the easiest to help. Our program can provide information to explain why and how you can comply with your child support order. In Michigan we stress the importance of having two parents involved in each child's life. For example, we started a publicity campaign featuring two Detroit Lion football players discussing the importance of being a father and the need to support your children—whether you are separated, divorced or were never married.

Ready NCPS.

These parents, which are many, would pay their support even if child support programs were not here to enforce it. They pay their support and they spend quality time with their children. These are some of the most responsible people in our country.

Unable NCPS.

These parents would support their children but they are unemployed. In Michigan we have a program that will help any NCP, who does not have a job and whose family is receiving public assistance, find employment. If a parent cannot pay their support because they have no income, we will help that parent find a job so that parent can fulfill their obligation to support their children. We ran this program with Welfare to Work money, but found that the criteria was so complicated and stringent that we are now funding the program out of our TANF money instead.

By using TANF funds, we only have to worry about getting the NCP a job, not on the record keeping required by Welfare to Work funding.

Reluctant NCPS.

These are the parents who walk away and wonder why they should continue to support their children when public assistance is available. Whether it is the result of the negative experience with their former partner, frustration, or an unwillingness to take personal responsibility for their past behavior, these parents do not see the need to consistently pay support. For these parents, we have many tools to use. Thanks to Welfare Reform, passed by Congress in 1996, we have more tools today than before the Personal Responsibility and Work Opportunity Reconciliation Act was enacted. Among the tools we can use are mediation services, Income Withholding Orders, professional and drivers license revocation, passport denials and asset seizure processes. Reluctant NCPs need to constantly be reminded of their personal responsibility for their children.

Evader NCPS.

These are the most egregious cases. These parents did not walk away from their families—they ran. And they continue to run. These parents usually have an ability to pay support but have decided they do not want to. They will do almost anything to avoid paying support. They put their personal property in their parent's or their significant other's name. They move frequently. They use fictitious social security numbers and names. They are less concerned about their own personal well being than they are about avoiding paying their child support.

WHY THE CHILD SUPPORT PROGRAM NEEDS CSMAIT

This last group is the one the Child Support Multi-Agency Investigative Team is working on. Our efforts are aimed at sending a message that you can run but you cannot hide from your child support obligation. As one of our local sheriffs recently said, "You can divorce your spouse but you cannot divorce your children." We are not interested in putting NCPs in jail. We simply want them to comply with the child support order. CSMAIT provides resources to supplement current state efforts, not to supplant what states are already doing. Most IV-D programs do not have sufficient staff to perform all the functions they are charged with at a satisfactory level of performance. This is particularly true in the area of enforcing orders where there is aggressive non-compliance.

Non-compliance with child support orders quickly becomes a law enforcement issue. For years child support and law enforcement spent little time looking at the areas where our programs intersect. Dealing with law enforcement from a child support perspective, and vice versa, were necessary evils that were just part of the program. The CSMAIT project is designed to change all that so that both groups can see the common ground in their missions.

When we began discussions about the interface between our programs, both child support and law enforcement agencies found a lot in common. We also found we did not communicate nor coordinate efforts in any meaningful manner. Through the efforts of the federal Office of Child Support Enforcement in HHS, the program began to explore ways to strengthen the relationship between state programs and federal, state and local law enforcement officials. CSMAIT was born in an attempt to formalize this new effort at coordination. This effort is a work-in-progress. We are forming partnerships that did not exist just a few years ago. The focus of the project is to improve coordination and cooperation between agencies. All of our efforts are directed towards a single outcome: ensuring Evading NCPs fulfill their personal and legal obligation to support their children.

The CSMAIT project includes a myriad of agencies. In Michigan, we have included the following: from HHS—the federal Office of Child Support Enforcement and the Office of the Inspector General, the Justice Department, the FBI, both offices of the U.S. Attorney, the Family Independence Agency, the Friends of the Court, the State Supreme Court, the State Police, county sheriffs, local police departments and local prosecuting attorneys. Working together these agencies have been able to accomplish a great deal.

Allow me to give you an example. In 1992 the Child Support Recovery Act was passed by Congress and signed into law by President Bush. This law made it a federal crime (a misdemeanor) to move from state-to-state to avoid paying child support. From the time the law was signed to March 1998, Michigan referred 44 cases to the U.S. Attorney's Offices in Michigan. From those 44 cases, we obtained two convictions. Since April 1998, we have referred 338 cases to the CSMAIT project. Of these cases, 279 cases are currently open for investigation by the Team. \$9.9 million dollars is owed on those cases producing an average arrearage of over \$35,000

per case. To date, *four* cases have been successfully prosecuted, *three* more NCPs have been arrested and are awaiting prosecution and two more have warrants issued and are expected to be arrested shortly. *Three* additional cases are in various stages of prosecution using the Michigan felony statute and CSMAIT investigative resources. Even more impressive results have occurred because of the threat of prosecution. In less than one year, 61 NCPs have come forward and entered into agreements to repay the \$2.3 million they owe just due to the threat of action by the team. And we have only just begun.

CONCLUSION

We must continue these efforts. We must send a message that states will work with parents to assist them in complying with their child support orders. However, when a parent abandons their responsibility, it leaves the child and family more vulnerable to a life of poverty. We must be able to take swift and certain action. For some NCPS, this means the ultimate threat of incarceration must be present. The CSMAIT project sends that message. This message must be as clear as possible. If parents willfully attempt to evade their responsibility to their children, they will be prosecuted, regardless of how far they run. Tomorrow's adults are witnessing the message we send to today's non-compliant NCPS. Our message must be clear and it must be certain. I urge you to support expansion of CSMAIT today, in hopes that tomorrow, failing to support children will be an issue we discuss in the past tense.

Mr. UPTON. Thank you very much.
Mr. Skidmore.

TESTIMONY OF DONALD SKIDMORE

Mr. SKIDMORE. Thank you, Mr. Chairman. My speech goes over about a minute, so I am going to—

Mr. UPTON. Okay. You can yield back time. We have had members do that today.

Mr. SKIDMORE. Thank you. Ladies and gentlemen of the committee, I wish to thank you for this opportunity to speak on the issue of child support. I have been a Wayne County Sheriff's Deputy in Detroit, Michigan working under the direction of Sheriff Robert A. Ficano for 15 years.

The last 6 years of my career has been as an investigator in the Friend of the Court unit. Myself and seven other investigators have been assigned to eight separate areas of Wayne County to serve civil neglect, non-support warrants. Our daily routine is that the eight of us would attempt to serve 28 warrants each for the area. For each warrant, we would knock on the door, ask for the defendant and, either, make an arrest or leave a card asking for the defendant to voluntarily turn himself into the court at his or her convenience. This has an approximate 5 percent success rate.

With 300,000 child support cases in Wayne County and 10 percent of these cases having a valid civil warrant, this permits the investigator, usually, one attempt at arresting the defendant every year. Three common occurrences have been after a visit to the defendant's house, he calls up the complainant and has verbal and physical threats. For example, he says, "Why are you trying to do by sending the police to my house?"

The second one is notification by the complainant that defendant called and said he was in the house when we were there and there was nothing we could do to go inside the house. And, finally, third, the defendant has moved.

If the defendant is not arrested by the investigator or does not turn himself into the court, our last chance of bringing the defendant in friend of the court is when another law enforcement agency

has contact with the defendant in his jurisdiction. This usually occurs as a result of a traffic stop or criminal investigation or driver's license revoked and warrant check is performed.

Unfortunately, child neglect, non-support warrants are a civil matter, and a large majority of agencies will not lodge a defendant on a civil matter because of, one: officer's time out of service to process and lock up the defendant; two, the liability while the subject is temporarily locked up in their facility—suicide and assault; and three, the lack of lock-up facilities or monitoring staff. When this occurs, the defendant is advised and released to appear. In other words, free to go.

With such a large number of current cases and the nationwide increase in child support cases, very little time is available to the investigator to actually investigate a case—time that is essential for requiring photos of the subject, contacting the complainant for any information, driver's license and vehicle inquiries, employment checks and surveillance. All of these are vital tools in bringing a defendant to quick justice and allowing the system of collections to work better for the children. When time is made available for investigating a case in Wayne County, the sheriff's department are unbiasedly tops in the Nation. Working in plain clothes as one-man units in unmarked vehicles in Wayne County where you are taking people to jail that really do not want to go.

Often, this makes me wonder why anyone would stay in this position. With all the other units and positions available in a 1300 man department and most of them with lots of overtime and glory, why do they stay? They get no overtime, they work 8 hours in disadvantaged neighborhoods observing children playing on barren dirt mounds with no toy trucks, dolls or spacemen, no shovels and pails, just children playing with the dirt next to used syringes and broken glass. We encounter uncooperative, rude and deceiving relatives, all of whom have been taught to always tell the police that the person they ask for isn't home. What an environment to expose something as precious as a child to.

In the middle of all of this, I think back when I was a child and just reflect on how fortunate I was to have two loving parents that would give me and do anything for me and my three sisters—total, unconditional love. This kind of love and support seems to always carry on generation to generation is very much needed today. I understand everyone has the right to bring a child into the world. What I don't understand is the giving up on a child by a parent. Just because you no longer want to or can be with the mother or father of your child, does not mean that you walk out, ending your responsibility to your child. This is just the beginning. By leaving, you have complicated an already complex situation, raising a child. As human beings, we should have an inner desire and drive to bring a child or children in everything they deserve: love, family structure, food, shelter and a safe, healthy environment to grow.

My wife and I are unable to conceive children and I can't imagine being able to give the gift of life and then turning my back on such a priceless gift. The average support order per child in Wayne County is \$40 per week. I would work four jobs and collect bottles on the side to make sure I, at least, did that. I am not a parent, but I know you can't raise a child on \$160 per month. Why would

a person want to deprive a child of a fair chance in an already cruel world.

The most difficult thing for me to understand is no visits, no birthday cards, no presents. I can't comprehend lying in bed as a child on my birthday and not getting even a phone call from my mother or father on such a personal and special day.

I must add that not all cases are this heartless, but these kind are becoming all too common in today's society. Child support evaders know the system. They keep the bond money in their wallet, knowing they have a warrant but they won't go to jail if they pay the bond, and it will be another year before they have to worry about another warrant. Many non-payers reason that they will pay a \$500 to \$1,000 bond once a year as opposed to making 52 payments of \$100, equaling \$5,200. This is a benefit in savings to a delinquent parent who thinks, "I'll show him or her."

For these reasons, I am here today and I am still part of the unit. I have dedicated the rest of my career to child support enforcement. And after meeting Vanessa and Renata Kryskowski, you'll know why. Their unbelievable strength and courage is what gives me drive and desire to help children. As you may have already inferred, I wish all child neglect, non-support warrants were felonies. To me it is not a civil matter to provide for a child, it is criminal.

Mr. UPTON. I might just have to—you do qualify for the Senate by running over your 5 minutes. But if you could just summarize in a couple sentences, it would be appreciated.

Mr. SKIDMORE. Okay. I am not very good at that. The Michigan child support task force—Sheriff Robert A. Ficano being aware of the position, was the top law enforcement in the State of Michigan, that agreed to allow me to be a part of this child support task force. He knew it was not going to be funded at the time, and he still allowed me to be a part of it. That kind of got me—I am kind of thrown now here because I couldn't read all the way through.

But, I believe the child support task force that is going on now is a good thing and needs to be here. What the child support task force is for me is I take two Federal warrants, ten civil warrants, one criminal warrant. And that's what the child support task force consists of for me, and I prosecute those people.

[The prepared statement of Donald Skidmore follows.]

PREPARED STATEMENT OF DONALD SKIDMORE, INVESTIGATOR, WAYNE COUNTY
SHERIFF'S DEPARTMENT

Ladies and gentleman of the committee, I wish to thank you for this opportunity to speak to you on the issue of child support enforcement.

I have been a Wayne County Sheriffs Deputy in Detroit, Michigan working under the direction of Sheriff Robert A. Ficano for 15 years. The last six years of my career has been as an investigator in the Friend of the Court Unit. Myself and seven other investigators have been assigned to eight separate area's of Wayne County to serve Civil Neglect/Non-Support warrants. Our daily routine is that the eight of us would attempt to serve 25 warrants each for the area. For each warrant we would knock on a door, ask for the defendant and either make an arrest or leave a card asking the defendant to voluntarily turn himself in to the court at his or her convenience. This has only an approximate 5% success rate. With 300,000 child support cases in Wayne County and 10% (30,000) of these cases having a valid civil warrant, this permits the investigator usually one attempt at arresting the defendant every year.

Three common occurrences after a visit to the defendants last known address are:

1. Verbal and/or physical threats to the complainant. For example the defendant calls the complainant and says "What are you trying to do by sending the Police to my house?"
2. Notification by complainant that the defendant called and said that he or she either answered the door or was in the house during the officers visit.
3. The defendant has moved.

If the defendant is not arrested by the investigator or does not turn himself into the court, our last chance of bringing the defendant in front of the court is when another law enforcement agency has contact with a defendant in their jurisdiction. This usually occurs as the result of a traffic stop or a criminal investigation where a drivers license and warrant check is preformed. Unfortunately, Child Neglect/Non-Support warrants are a civil matter and a large majority of agencies will not lodge a defendant on a civil matter because of:

1. Officers time out of service to process and lockup defendant.
2. Liability while subject is temporarily locked up in their facility (i.e. suicide and assault).
3. Lack of lockup facilities or monitoring staff.

When this occurs, the defendant is "advised and released to Appear." In other words—free to go.

With such a large number of current cases and the nationwide increase in child support cases very little time is available to the investigator to actually investigate a case. Time that is essential for acquiring photo's of the subject, contacting the complainant for any information on the defendant, drivers license and vehicle inquiries, employment checks and surveillance. All of these are vital tools in bringing a defendant to quick justice and allowing the system of collections to work better for the children. When time is made for investigating a case the Wayne County Sheriffs—Friend of the Court enforcement investigator's are unbiasedly tops in the nation. Working in plain clothes, as one man units, in unmarked vehicles, in Wayne County, where you're taking people to jail that really do not want to go, often this makes me wonder what keeps everyone in the unit? With all the other units and positions available in a 1,300 man department, and most of them with lots of overtime and glory, why do they stay? They get no overtime. They work eight hours in disadvantaged neighborhoods, observing children playing on baron dirt mounds with no toy trucks, dolls or spacemen; no shovels and pails, just children playing with the dirt next to used syringes and broken glass. We encounter uncooperative, rude and deceiving relatives all of whom have been taught to always tell the police that the person they ask for isn't home. What an environment to expose something as precious as a child to. In the middle of all of this I think back when I was a child and just reflect on how fortunate I was to have two loving parents that would give and do anything for me and my three sisters, total unconditional love. This kind of love and support seems to always carry on generation to generation and is very much needed today. I understand everyone has the right to bring a child into the world, what I don't understand is the giving up on a child by a parent. Just because you no longer want to or can be with the mother or father of your child does not mean that you walk out ending your responsibility to your child. This is just the beginning, by leaving you have complicated an already complex situation (raising a child). As human beings we should have an inner desire and drive to bring a child or children up with everything they deserve: love; family structure; food; shelter; and a safe healthy environment to grow.

My wife and I are unable to conceive children, and I can't imagine being able to give the gift of life and then turning my back on such a priceless gift. The average child support order per child in Wayne County is \$40 per week. I would work four jobs and collect bottles on the side to make sure I at least did that. I'm not a parent but I know you can't raise a child of any age on \$160 per month. Why would a person want to deprive a child of a fair chance in an already cruel world? The most difficult thing for me to understand is no visits, no birthday cards and no presents. I can't comprehend laying in bed as a child on my birthday and not getting even a phone call from my mother or father on such a personal and special day. And I must add that not all cases are this heartless but these kind are becoming all too common in today's society.

Child support evaders know the system. They keep the bond money in their wallet, knowing they have a warrant, but they won't go to jail if they pay the bond and it will be another year before they have to worry about another warrant. Many non-payers reason that they'll pay a \$500 to \$1,000 bond once a year as opposed to making 52 payments of \$100 equaling \$5,200. This is a benefit and a savings to the delinquent parent who thinks "I'll show him/her!"

For these reasons I am here today and I am still part of the unit. I have dedicated the rest of my career to child support enforcement and after meeting Vanessa and

Renata, you'll know why. Their unbelievable strength and courage is what gives me my drive and desire to help children. As you may have already inferred I wish all Child Neglect/Non-Support warrants were felony's. To me its not a civil matter to not provide for a child it is criminal.

This brings me to how I met Vanessa and Renata. Sheriff Robert A. Ficano agreed that child support enforcement in Wayne County needed to be stepped up. The Wayne County Sheriff Department and the Wayne County Friend of the Court were contacted by Special Agent Scott Vantrease of the Office of the Inspector General for the Department of Health and Human Services. It was agreed to by all agencies to commit an Investigator to a New Federal Pilot Program. The Michigan Child Support Multi-Agency Investigative team (CSMAIT). Sheriff Robert A. Ficano being aware that the position would not be funded by the federal government was one of only two top law enforcement officials that would commit an officer for the one year trail period. My assignment to the task force then began on July 1, 1998. The investigative portion of the task force consists of many hardworking and caring people including an Oakland County investigator April Hutchings, Special Agent Scott Vantrease, Sergeant Kevin Losen of the Wayne County Sheriffs Department and members of other Federal and State Law enforcement Agencies as well as many more people that have supported and participated in the task force that I have not been able to acknowledge, but they are out there and it would not have worked without them..

In 72 working days we put together an office, a policy manual, and results that included 7 federal prosecutions, 64 civil warrant arrest, and 1 state criminal prosecution (the first prosecution for non-child support in Wayne County, the Philip Romita case). Combined these cases collected \$3,773,276.10 in child support arrear-ages.

In early 1999 Wayne County, through the Prosecutor's Office, has put together an aggressive commitment to prosecute 25-40 state criminal non-support cases by the end of the year. The Michigan Child Support Multi-Agency Investigative Team was the first group contacted to be a part of this program and I am extremely excited about all of this.

In closing, we all know there is a need for child support enforcement. The long standing question is who funds it? Without the task force Vanessa and Renata would not be here and we know there are a lot more of them out there to help. I hope the people in Washington realize the direct benefits to children by funding child support enforcement. Thank you.

Mr. UPTON. Well, we appreciate your work and we appreciate very much your testimony today.

Ms. Turetsky. Thank you.

TESTIMONY OF VICKI TURETSKY

Ms. TURETSKY. Chairman and committee members, my name is Vicki Turetsky from the Center for Law and Social Policy. I appreciate the opportunity to testify before you today. Although it's not listed on my resume, one of the experiences I've had is that I used to be a low-income mother with a non-paying interstate child support case.

The Department of Health and Human Services project is intended to address the most egregious child support cases. Some of these cases are the kind that get in the newspaper. They are very difficult cases to prosecute and they require a disproportionate amount of resources. There is a clear role for this Federal collaboration. The integrity of the child support system, like any law enforcement and criminal justice system, depends on its capacity to go after the worst offenders. Successful prosecution of active evaders can help set a climate where payment of child support, like taxes, is expected and automatic. It sends a societal message that you are responsible for the children you bring into this world. It helps persuade reluctant obligers that you cannot get away without paying. It helps the families involved.

Federal sponsorship of the project is important because many active evaders cross State lines to avoid payment. Just as important, States often do not have the resources to pursue these cases systematically and they need the help. However, the HHS project has only a limited role in improving the overall performance of the child support program. It relies on our resource-intensive case-by-case approach. Yet, this is a high volume business, and there is not time nor money to spend on every individual case.

The majority of non-paying child support cases do not involve active, malicious evaders and hidden assets. They involve men and women scraping by, reluctant to pay when it's easy to avoid getting caught, and only tenuously attached to their children. These are, also, tough cases to work. To improve performance, the child support program needs systemic improvements as well as case by case strategies. Over the last 2 or 3 years, program performance has improved, slowly but steadily in some States. However, in many States, performance has not improved. And the truth is that the program has a long way to go in every State before it makes a difference in most children's lives. The program must tackle a number of challenges on a system-wide basis.

Let me mention five challenges. Insufficient resources is the first challenge; it is the heart of the matter. A recent analysis that we conducted indicates there is a direct correlation, a statistical correlation, between State performance and program resources. Most State programs are substantially underfunded and understaffed, compared to other human services programs. The data indicates the performance improves when staffing and spending levels increase. This is a situation where many State programs do not have enough resources to run an effective program. They do not know who is in their caseload; they do not have time to answer calls from parents; they do not have the resources to respond to computer prompts and work lists. The average child support worker carries over 1,000 nationwide. And, in some State, that staffing ratio is much higher. As TANF cases and collections decline, some States may see their budget and performance deteriorate.

The second challenge is troubled automation efforts. The certification for State child support computers was October 1, 1997. Only 37 States and territories are certified to date. While HHS review results in a number of those States, nine States, in particular, are lagging behind. Why has automation been so difficult. There are a number of reasons, but let me mention two.

One is the computer vendors have not always delivered systems that perform well or on time. Technical expertise is particularly in short supply now as Y2K demands escalate. The other is the States with complex administrative and political environments have had the most trouble automating. According to a recent CLSP survey, most States with locally administered programs in contrast to State-run programs reported that it was harder and more costly to implement the State-wide computer.

A third challenge is the implementation of new PRWORA requirements. Most child support directors say that the significant reforms enacted in PRWORA will help program performance. While it's still too early to judge, the full impact PRWORA gives States many of the tools they need and addresses many of the legal prob-

lem raised by the first panel. However, they are not easy to implement; they involve system changes; and they require the active cooperation of local players.

A fourth challenge is realignment of child support with welfare reform. The system was originally set up to recover welfare costs, but with the decline of these cases and the focus on self-sufficiency, the Federal Government and States need to rethink the role of child support in time-limited TANF and to better position the program to help families become and remain self-sufficient.

And the fifth challenge is to reevaluate the program's structure to centralize and streamline their administrative structure in some cases, to collaborate with HHS in expanding the Federal role in interstate enforcement. The Federal parent locator service operated by HHS has great potential for helping bridge the gap in enforcement in interstate cases and hard-to-find obligors. In some, while HHS is to be commended for its multi-agency collaboration, much more needs to be done.

[The prepared statement of Vicki Turetsky follows.]

PREPARED STATEMENT OF VICKI TURETSKY, SENIOR STAFF ATTORNEY, CENTER FOR
LAW AND SOCIAL POLICY

I appreciate the opportunity to testify before you today. My name is Vicki Turetsky. I am a Senior Staff Attorney at the Center for Law and Social Policy. CLASP is a non-profit organization engaged in research, analysis, technical assistance and advocacy on issues affecting low-income families. CLASP has focused on child support issues for many years.

The Department of Health and Human Services's Project: Save Our Children (Child Support Multi-Agency Investigative Team Project) is intended to address the most egregious child support cases: those noncustodial parents who can easily afford to support their children, owe a good deal of money, but deliberately walk away. They quit their jobs. They hide their assets. They change their Social Security numbers. They skip from state to state. They taunt their family over the Internet. These are not the ordinary child support cases. These are the kind of cases that get in the newspaper. They are very difficult cases to prosecute and require a disproportionate amount of resources, resources that state child support programs can not easily spare.

The HHS project attempts to marshal and enhance the resources to pursue these evading noncustodial parents. The project is a collaborative effort to coordinate child support and law enforcement agencies at the federal, state, and local level. It relies on a case-by-case strategy. The HHS screening unit essentially takes referrals from state child support programs for some of the most difficult cases and "builds the file." If the case is an interstate case, the file is turned over to the U.S. attorney for prosecution under the Child Support Recovery Act. If it is an intrastate case, it is referred to local prosecutors. While it is too early to assess the benefits and costs of the project, it shows early promise.

There is a clear role for this federal initiative. The integrity of the child support system partly depends on its capacity to go after the worst offenders. Successful prosecution of active evaders can help set a climate where payment of child support, like taxes, is expected and automatic. It sends a moral message that it is wrong to avoid paying child support. It sends a deterrent message to reluctant obligors that they can not get away with not paying. It sends a prophylactic message to young men and women that they are responsible for the children that they bring into the world. Federal sponsorship of the project is important because many active evaders cross state lines to avoid payment. Just as important, states often do not have the resources to pursue these cases systematically, and they need the help.

However, the HHS project has only a small role in improving the performance of the child support program. It relies on a resource-intensive, case-by-case approach. Yet this is a high-volume business, and there is not time or money to spend on every individual case. The majority of nonpaying child support cases do not involve active evaders and hidden assets. They involve men and women scraping by, reluctant to pay when it is easy to avoid getting caught, and only tenuously attached to their children. These also are tough cases to work. Some have excuses for not paying. Some have genuine hardships. Some are unemployed. Yet children need the

support—financial and emotional—of both parents. Most children are worse off financially than their noncustodial parents.

The child support program is complex, difficult to administer, and in many ways works against itself. There are a lot of mixed messages in the program. It is supposed to recover welfare costs, but it is supposed to help families achieve self-sufficiency. It is supposed to aggressively pursue “deadbeat dads,” but it is supposed to respond flexibly to low-income fathers. It is supposed to collect support in every case, but it is not supposed to intrude in people’s lives. It is supposed to operate as a highly automated, streamlined program, but it is supposed to rely on a diverse and fragmented group of judges, clerks of court, and district attorneys to staff the program.

To improve performance across-the-board, the child support program needs systemic improvements, as well as case-by-case strategies. Over the last two or three years, the program performance has improved slowly but steadily in some states. This is likely attributable to increased automation, a stronger federal role in finding noncustodial parents, new paternity and enforcement tools enacted by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and a stronger economy. However, in many states, performance has not improved. The truth is that the program has a long way to go in every state before it makes a difference in most children’s lives. The program must tackle a number of challenges on a system-wide basis:

Insufficient resources. A recent analysis conducted by CLASP indicates that there is a direct correlation between state performance and program resources. The data indicate that most state programs are substantially under funded and understaffed compared to other human services programs. The data also indicates that performance improves when staffing and spending levels increase. This is a situation where many state programs do not have enough resources to run a cost-effective program. They do not know who is in their caseload. They do not have time to answer calls from parents. They do not have the resources to respond to computer prompts and work lists. The average child support worker carries over a 1,000 cases nationwide, and in some states, the staffing ratio is much higher. According to a recent study by the Lewin Group, a third of states rely at least in part on TANF collections to fund their child support program. As TANF cases and collections decline, some states may see their budget and performance deteriorate. Other states will face budget declines as a result of new federal incentive payment rules enacted by Congress last session.

Troubled automation efforts. The certification deadline for state child support computers was October 1, 1997. Only 37 states and territories are certified to date. While HHS review results are pending in a number of states, nine states are lagging behind.¹ Why has automation been so difficult? There are a number of reasons, but let me mention two. One is that computer vendors have not always delivered systems that performed well or on time. Technical expertise is in particularly short supply now, as Y2K demands accelerate. The other is that states with complex administrative and political environments have had the most trouble automating. This is not simply a “big state problem,” although big caseloads are a part of the complexity. Rather, it is primarily those big states in which the child support program is administered by counties, the local courts, or locally-elected district attorneys. According to a recent CLASP survey, state child support directors reported many benefits from automation. However, most states with locally-administered programs reported that it was harder and more costly to implement the statewide computer. The implementation challenge will not be over once these states have certified systems. Computer management is a continuous process. States will have to upgrade or replace existing systems to comply with PRWORA and to avoid obsolete technology.

Implementation of new PRWORA requirements. Most child support directors say that the significant reforms enacted in PRWORA will help program performance. However, they are not easy to implement. Most of the reforms involve computer systems changes, while many require the active cooperation of the courts and local child support officials. For example, the centralized disbursement unit should help improve payment processing and get money to families faster. However, in some states, local clerks of court are reluctant to centralize payment processing. State programs need time and resources to integrate these changes. But children need their help now.

¹ As of November 1998. California, Indiana, Kansas, Michigan, Nebraska, Nevada, Ohio, Pennsylvania, and South Carolina. The District of Columbia and the Virgin Islands also are lagging behind.

Realignment of child support with welfare reform. The child support system was originally set up to recover welfare costs, and nearly all of the cases in the system involved current welfare recipients. However, with the decline in TANF caseloads and as the program has evolved over time, two-thirds of the cases now involve low-income working parents who have left or were never on welfare. The federal government and states need to rethink the role of child support in a time-limited TANF world, and to better position the program to help families become and remain self-sufficient. This means getting more support in the hands of families, providing better services to low-income mothers and fathers, and allocating more federal and state resources to service delivery. The current emphasis on recovering welfare costs may actually work against welfare reform goals, encouraging some states to underinvest in the program and to underserve low-income working families.

Reevaluating the program structure. For many years, advocates have encouraged states to centralize and streamline their administrative structure, and to expand the federal role in interstate enforcement. While there is no easy solution to a state's complex operating environment, many states are taking a closer look at the strengths and weaknesses of county-based and court-based structures. The Federal Parent Locator Service, operated by HHS, has great potential for helping bridge the gap in enforcement in interstate cases and hard-to-find obligors. The program needs to sort out which functions and activities are best performed at the federal, state, and local levels in order to develop a more coherent program structure.

In sum, the child support program is in the middle of change. Caseload research, development of improved program models, federal leadership, and effective state implementation are all critical ingredients in improving the program. While HHS is to be commended for its multi-agency investigative initiative, much more needs to be done.

Mr. UPTON. Thank you. I am going to yield my 5 minutes to Mr. Bryant, who has a 12:30 meeting. So, Mr. Bryant.

Mr. BRYANT. Thank you, Mr. Chairman. I will try to be as quick as I can, because I do want to hear from all of you on certain questions. We have got 5 minutes, so let me move on. But I am going to ask the questions now.

Let me see, we have Deputy Skidmore from Michigan. I want you, in a minute, to tell me about credit reports and access to credit information and if that would be helpful, and that issue.

For the rest of the members of the committee, I would like to know, maybe, one obstacle that we might could change—we might remove at the Federal level, if there was one thing you could change in your collection efforts. And let me see, Mr. Young, you are from Virginia?

Mr. YOUNG. Yes, sir.

Mr. BRYANT. Being from Tennessee, we have no State income tax. But I assume States that have income tax, do they not withhold?

Mr. YOUNG. Yes, sir, we intercept both State and Federal.

Mr. BRYANT. Okay. That was my question, if you do the State's. But if, again, if we could start with Deputy Skidmore, and then the rest of you could chime in with the one thing that you think would give you the most assistance.

Mr. SKIDMORE. Yes, credit reports is something that I've just found out about. One of the other counties in Michigan uses them. It is an amazing tool. Before you could do nothing but run a vehicle and a driver's license check. With a credit report, you run the report, they have something: a credit card, a house, a boat; something is on there. Then I would subpoena these records, and without a doubt, they would inflate their income or say that they have been working for 20 years when, in fact, they have been reporting to the friend of the court that they have been working on and off at all times.

It was something I just came in contact with. They're studying—apparently, I asked them to look into the legalities of utilizing these credit reports for my prosecution, and they are supposed to get back to me on it. But, it is a great tool, it provides a wealth of information in tracking down somebody. And every time they apply for a card or credit card or credit anywhere in the country, it shows up on their TRWs. So I just go to that State for further information. But it's a great tool.

Mr. BRYANT. And you have access to that now and the States cooperate and it seems to work?

Mr. SKIDMORE. Only through the task force have I actually gained access into this. Oakland County, which is the county next to me, is part of the task force in Michigan and they have a direct line. They pay so much money—a system set up where they can run credit reports on our cases.

Mr. BRYANT. Okay. And the rest of you, if you could just speak, if you could have one thing to contribute that would improve the collections?

Mr. HARTWIG. My confidence to speak is somewhat shaken by the fact the last time I did, everyone left. But—

Mr. UPTON. We waited for the buzzer to go off.

Mr. HARTWIG. Our office, the Office of Inspector General, has made a number of recommendations. The one that I think is the most important is the garnishment, not just of wages but of Federal benefits. As we have looked at our child support enforcement efforts where payment is made directly, where the non-custodial spouse does not personally make payments but the payment is made directly through a garnishment, it is a much better system. And I know that some of those garnishments can be done administratively; some of those garnishments, I believe, need legislation. But I think garnishment is probably the most effective way of getting the money to the proper person.

Just quickly, I will say that one of the things that we have implemented in the task force is access to the data bases that can be used to track down parents and to make that available to all levels of law enforcement.

Mr. MONAHAN. I would add that since we are at the beginning of implementing this task force, it is probably a little early to know exactly what obstacles we will face. I will note the President's budget calls for an increase in support for the U.S. Attorneys' offices so that they could obtain additional paralegal assistance to help them process cases in every district of the country. I think that would be a big step forward.

Mr. YOUNG. Sir, I would submit that judicial independence, being what it is, and we all respect that—but you saw one lady sit here today who told you her husband had been to jail twice. And, it made no impact. So, I would submit, it is not an obstacle. But, I would submit, and many of you are lawyers, practicing attorneys, that you would look at the sentencing guidelines to see how people are being put in jail and for what length of time, and see if you are satisfied with those guidelines to our judiciary.

Mr. BRYANT. Chairman, can I have 1 more minute for one more speaker—or, I am sorry, maybe two?

Mr. DUTKOWSKI. Representative, I feel like a child whose mother said you can have one toy in Toys 'R Us, and I was thrown back by the question, and the only thing I could tell you from my perspective, given what I learned in 6 years in this program, is I wish you could give me a way to get to both parents the message that the kids count, that the kids are important. I have seen parents do amazing things to each other and their children in the name of getting even with each other. And, I just wish I had some way of figuring out how to make this program teach those parents that that is just absolutely ridiculous and foolish.

Ms. TURETSKY. I feel the same way. I would say, continued Federal financial support of the program. Expanded, an expanded Federal role in interstate and hard-to-find cases. And, if I can cheat with one more thing, Federal HHS development of research data and models for States to draw on in running their programs.

Mr. BRYANT. Thank you, Mr. Chairman.

Mr. UPTON. Thank you. Mr. Klink.

Mr. KLINK. Thank you, Mr. Chairman.

Mr. Hartwig, I want to assure you I think the IG's office has been very committed and creative in taking on this role. The task force, I think, is a good example of this, but I am a little bit concerned that the IG's office has taken on the front-seat job of driving this thing and the FBI and the Justice Department appear to be in the backseat, not treating these cases as if they are real crimes. And, you know, I may give you an example of what I am talking about.

According to the memorandum of understanding that set up these task forces, the IG takes on the role as director of operations in each of these task forces. I would like to know why that is. In fact, if this is really a priority for Federal law enforcement, and we are trying to send a message that it is important to track down these deadbeat parents, why isn't the FBI assuming that position as the Nation's designated investigator for Federal crimes?

Mr. HARTWIG. I think the initial look at the task force was a partnership between the Office of Inspector General and the Office of Child Support Enforcement. And, I think we looked at it as our oversight role looking at child support enforcement. And, as we got into the investigation, the criminal investigation of child support, we thought if we looked to take all the resources that were available, Federal, State and local, including the FBI, including the United States Marshal Service, I think we have asked the Customs Service to join the task force, that we thought that we had an important, coordinative role. I don't know that the FBI could do a better job, but I think we looked at it as a partnership between us and the Office of Child Support Enforcement. I think as we look at the task forces and how they operate, I know we see a role for local law enforcement having a supervisory role. I think it was a natural progression that we would take over the investigative leadership; the Office of Child Support Enforcement would take over the leadership on the administrative side. I don't think it was due to any lack of emphasis on the Federal Bureau of Investigation's part.

Mr. KLINK. Well, I wish, I actually wish, again, Mr. Chairman, that we had the FBI here. I would like to hear from them. And, hopefully, in an additional hearing on down the road, we can do

that. Because, I mean we really have to get to the bottom of this. We are dealing with such a minuscule number of cases also. And, that troubles me, too, that we don't have more resources to deal with a wider range of these cases.

Normally, the Inspector General is in charge of auditing and evaluating the effectiveness of the programs. However, when the Inspector General actually is implementing the program, you can't be expected to, also, be an independent evaluator.

Now, in the next few weeks, I want to ask the General Accounting Office to review the role of the FBI and the U.S. Attorney's office in Federal child support enforcement efforts. One of the questions that I want to ask is whether the FBI and the U.S. Attorneys are hiding behind the Inspector General's efforts instead of carrying out the responsibilities for prosecuting Federal crimes that Congress has given them.

Before we finish here today, I want to put on the record a correspondence between Mr. Hartwig and the Department of Justice concerning why the IG should become special U.S. marshals and carry guns to prosecute child support cases. And I want to quote from an early 1996 memo from a Justice attorney, "Unfortunately, the FBI is unable to devote the full manpower and resources necessary to effectively police the Child Support Recovery Act. Additionally, the fugitive units lack experience and training in what are often called white collar investigations."

Mr. Hartwig, I would just ask you to kind of respond to that, and is it still true today that the cases are in the FBI's fugitive units and that they are incompetent in their ability to investigate all of these—in addition, let's face it, the FBI has some very, very serious cases. I am not minimalizing what the FBI is doing. I am just saying that as these things stack up, they are combating terrorism; they are combating drug dealers; they are combating internet crime; they—all the things that they are doing, where does this fit in?

Mr. HARTWIG. Let me answer the question in two parts. First, the Office of Inspector General has three components: audit, evaluation and investigations. And, Investigations is staffed by criminal investigators that conduct criminal investigations, and have been doing so for years. Actually, I think, in answer to the deputization question—our first—the Conference of Special Deputy U.S. Marshal Status on OIG agents was, I think, in 1987 and had to do with healthcare.

Mr. KLINK. Let me just stop you for a second. Are you auditing yourself throughout this process?

Mr. HARTWIG. That is the second issue. I think, as we look at partnership, our first partnership in HHS was Operation Restore Trust, where we partnered with the Health Care Financing Administration and the Administration on Aging on health care. It is a fine line where you look to partner with one of the components and exercise oversight. And, I think, in this case, we look at it as a law enforcement partnership. But we can still have our oversight role as far as how well the Office of Child Support Enforcement is doing with, for instance, the parent locator system. We are currently auditing that today. We are looking at how well the Office of Child Support Enforcement looks at reevaluating the child support or-

ders. I think it is a difficult line for the IG. But I think we can partner with operating divisions on law enforcement issues while looking to prosecute and bring people who should be prosecuted to justice. At the same time, we can maintain our oversight role—nothing personal—but maintain our oversight role with respect to the individuals or agencies that we partner with.

Mr. KLINK. I thank you for your patience, Mr. Chairman.

Perhaps you didn't understand my question, Mr. Hartwig. Where is the FBI in all of this?

Mr. HARTWIG. They are an active member of the task force. I think they assign most of these cases to the fugitive squad, because many of them are, indeed, fugitives. And, I would not criticize—I don't know the memo you wrote. I don't—

Mr. KLINK. Well, they are saying they are not competent to deal with it. They don't, apparently, don't have the manpower, and then, they don't have access to the Internet. I mean, I don't know what is going on, but there is no evidence here that the FBI is competently going after significant numbers of these people.

Mr. HARTWIG. I found them to be competent. I think their fugitives because they are fugitives. One of the things we have tried to do at the task force is take the approach that the whole is greater than the sum of the parts. I am uncomfortable with representing the commitment of the FBI, but they have been in active partnership with us. We have actually exchanged supervisors with the FBI and we look to cooperate and to use whatever resources are available to the most effective level.

Mr. KLINK. Well, thank you very much, Mr. Chairman. I will ask the GAO to take a look at this, because, with this hearing, you have raised some issues and I don't think we have put them to rest. Thank you.

Mr. UPTON. Thank you. As I listened to the testimony of all of you and read it over last night, one of the things that really sticks out as a red flag to me is the Child Support Recovery Act which Congress passed in 1992. I cannot imagine very many—I don't remember the specific vote; I am sure I voted for it, sort of like being against fraud and abuse. I am against it; we are all for child support recovery, but it doesn't look like we had a very good record between then and when we passed the welfare reform bill.

Mr. Dutkowski, I think you mentioned that you had referred only—or Michigan had referred only—44 cases during that 6 years, maybe 5 years by the time the regs were put out, to the U.S. Attorney's office and for some reason they only were able to convict two. So, the big change was, in fact, the welfare reform bill.

My district is on the State line with Indiana, so we have a lot of folks that leave one State and go to the other and they just, sort of, disappear. But what did we not do in the Child Support Recovery Act that we did do in welfare reform?

What is the big difference that made the States react in such a positive way? Was it the relationship that was established with the national task force in terms of the three States of which Michigan was blessed to be one? What was it?

Mr. DUTKOWSKI. Mr. Chairman, I would like to answer a couple of those issues. First of all, when the initial law was passed, it was a misdemeanor. And, trying to convince law enforcement in other

States to respond to a misdemeanor when they have so many issues facing them on a felony level, it was very difficult to get those cases addressed.

The other thing was that the U.S. Attorneys, very honestly early on, had so much going on that taking misdemeanor to court was not viewed as a good use of their resources. So, the criteria was very stringent for them receiving a case from us. And, so we had a lot of work to do to get cases put together to, even, be accepted by the U.S. Attorney.

What has happened since then is that the modification in the law to make it a felony, welfare reform which has drawn more attention to this issue, and this project which, along with the Department of Justice's focus on this and message to the U.S. Attorneys that this is important. And, when that has occurred over the last 2 or 3 years, we have had more contact with the U.S. Attorneys. And, in the last year under this project, we have had more cases accepted by the project with much fewer criteria, which made it easier for us to refer those cases.

Mr. UPTON. Again, as I read the testimony and as I listened the last hour, TANF comes up quite a bit. This is the funds that were approved for the States. Our Governor has used these dollars very wisely, has tried to hold Congress off at the pass for stealing the money back after a 5-year commitment was made. And, I think every State has been there with their hand up.

When you look and listen to some of the statistics, Mr. Young, you talked about, for every dollar you spend, you collect \$5.64. That is a pretty good deal. Tell me what some of the—I mean, are all the States being as good as Michigan has been? Are you using in Virginia the TANF funds? Maybe Mr. Monahan and Mr. Hartwig, sort of, overseen the whole country. Are all 50 States beginning to use this as, sort of, money that maybe they didn't think was going to be because of the progress made in welfare? Said, "Hey, we have a pretty good return on these dollars coming back"; shall we follow the same example that was led by John Engler?

Mr. YOUNG. Absolutely, and as Mr. Dutkowski said, he went from welfare to work to using TANF dollars. Some of that is going on in Virginia as well. This is probably one of the best funded programs on the social side of the house that you will see. It is a generous program, would probably be the best way to put it at 66 percent reimbursement from the Office of Child Support Enforcement. It is not a "get rich" scheme. It does not give you lavish money, but it is generous enough that you can run the program and hire the people and buy the computers you need, if you fill out the right forms and do the right things.

Mr. UPTON. Mr. Monahan.

Mr. MONAHAN. Mr. Chairman, you are exactly right. Since the President signed the welfare bill, we have found that States across the country have been using their TANF funds in creative ways to help people go from welfare to work and try to succeed. While TANF provides funding to States in a very flexible fashion, as you know, since 1975 there has been a separate child support program. As Mr. Young noted, the Federal Government provides 66 percent match for all administrative activities related to child support enforcement. The Federal Government provides substantial resources

for all the enforcement tools that have been discussed by the panelists here and raised by you and others about how to locate parents, secure orders and enforce them.

So, States really have two vehicles, although the main one really is the separate funding for child support.

Mr. UPTON. Mr. Hartwig, do you want to add to that?

Mr. HARTWIG. I have nothing to add.

Mr. UPTON. Okay. Mr. Burr.

Mr. BURR. Thank you, Mr. Chairman. Let me ask, is there anybody that doesn't feel that Project Save Our Children is an effort in the right direction? Great, okay. I think Mr. Bryant gave everybody an opportunity to make that one statement; in some cases we gave more.

But I think that, certainly, I would encourage all of you submit to this committee in writing, if you would like to expand on it. I am sure that the gentleman at the end of the table would be more than willing to read those and incorporate those in.

Mr. Dutkowski, what change in Michigan, what couldn't you do before Project Save Our Children that you can do now?

Mr. DUTKOWSKI. Well, let me give you one good example that Representative Stupak mentioned. When he was State police officer, he would arrest someone in Detroit who had an arrest warrant from the upper peninsula. And, what do we do with him? We can't get him up there. And, I was telling a staff person that we have resolved this problem. We got everybody to the table under this project and you heard the long list of people that I mentioned are involved. And, when we got them to the table, the State police said, "Well we move from site to site. We have posts all over the State. Why don't we, when you have somebody like that, pick them up and we will, basically, relay them from post to post and get them from where they are to where they need to be?" There are very few, and I don't know about Wayne County, but there are very few that will go more than 60 miles to pick up someone. So, the State police have stepped forward and said, "We'll do that." And, it is just a routine part of our process. We are going from place to place and we will transport them.

The opening of communication has made a huge difference in terms of people taking responsibility for this, as something they have not paid as much attention to. And, when we break it down to its simplest elements, that this is a crime against children, they step forward and start dealing with that. And I have tried in 6 years, the 5 years before the project to find a way to do that and was totally unsuccessful until Chief Deering and Matt Kochanski from the IG's office came forward and said, "We'll help you." And it made all the difference in the world for us.

Mr. BURR. Clearly, I believe Mr. Skidmore today would have driven that—success factor—

Mr. DUTKOWSKI. He can only drive one at a time.

Mr. BURR. But I think you hit upon a much bigger theme, and I think that is what this committee needs to understand is that it wasn't until the partnership was formed between the Federal Government and State. Not that we have taken Mr. Monahan or Mr. Hartwig's creation and tried to force it. It is more the statement that was made by the formation of the partnership, not only to

those deadbeats, but to the court system to law enforcement on a local level, that we are serious. We are serious in completing the task that we have been charged with doing.

I am less concerned, Mr. Hartwig, with who plays what role, whether the FBI takes the lead or whether—whoever takes the lead. I am more concerned with the outcome. Are we making progress? How do we duplicate what we have done? Where else do we need demonstration projects and what do you need to do them? Less concerned with authorship and more concerned with success. I really don't care who plays what role as long as it is your belief and our belief that we are making progress.

Mr. Skidmore, you have made the first arrest under Project Save Our Children or the first—I guess it was arrest of the ex-husband. Am I correct?

Mr. SKIDMORE. I was the first arrest in Wayne County under the criminal statute, but me being part of the child support, the task force here, I take two Federal cases, ten civil cases and one criminal case. That was the first case in Wayne County ever to be prosecuted under the felony statute in our State. So, it was the task force that did that, but it was through the State that the prosecution took place.

Mr. BURR. And, can you tell us anything about that arrest?

Mr. SKIDMORE. It was quite the big ordeal. We had a lot of people involved and Mr. Rometta, the gentleman we arrested, all the news cameras, all five stations in the city of Detroit were there for the arrest. And we brought him down to the station. He wasn't aware of what happened. He just thought he was getting arrested, pay another \$1,000, he told me, and I will be out, you know. This crazy female attorney is chasing after me and she won't leave me alone. And it turned out, we informed him a little while later that he was the first person charged in the State of Michigan, Wayne County, for a felony. He was facing up to 4 years in Jackson prison.

Mr. BURR. What was his reaction?

Mr. SKIDMORE. Oh, his knees crumbled and we had to hold him up there for a minute. He was—

Mr. BURR. What do you believe the message was that was sent to other deadbeats in that viewing areas in Michigan.

Mr. SKIDMORE. It was powerful. It was powerful. My phone—I had three offices for all the different things and the phone was off the hook. People, clerks in the courtroom where we arraigned him, were sending me messages. They had cases they wanted all done. The news media on it—when we arrive back in Detroit tomorrow, all of the news channels are going to be there again to interview Vanessa and Renata. And, it is just going to be another huge, positive thing that is going to happen. And, we don't use high dollars or low dollars. We just pick randomly. And that is what I think is a really neat message it sent. You know, you don't have to be \$100,000 behind. No, you can be \$5,000 behind, \$4,000 behind. You never know if we are going to come after you and charge you with a felony.

Mr. BURR. Last question and then one comment if I could: I am not going to ask you, Mr. Hartwig or Mr. Monahan, how you came to the selection criteria of the \$20,000 the 1 year in arrears, that type of thing. I think, clearly, whoever made that process had to

distinguish in some way. And I think that the women that were in earlier, when they said, "Why not \$10,000?" I think that is a question we would all ask. Why not \$1?

But let me commend the effort in the right direction, your willingness to refine this as we go through the process. And, let me suggest to all that are on this panel and the members that several of you hit on the key. Never let us forget whose human face it is behind the issue that we are trying to solve. It is those who have the least effect on the entire process, and I think, clearly, the partnership could expand to include many more people. And, I reference to the American people who would gladly join in this effort, as long as they feel we are serious and we are successful at it.

With that, let me yield back, Mr. Chairman.

Mr. HARTWIG. Let me just, if I could, respond to what I think is a very legitimate concern that you had concerning the targeting of just money. And, that benchmark was one of the benchmarks that we have established. We have made it clear that we are also looking at the financial ability of the non-custodial spouse to pay. But we have also had a benchmark that where the health and welfare of children are at risk, that we would take any of those cases. And, we have actually prosecuted cases where the arrearage is—I can recall one in Pennsylvania, the arrearage was \$6,000 and that case was prosecuted in Federal court because of the issue related to the health and welfare of the children. I share your concern and I don't think that we should ever make child support purely a financial consideration because it is the welfare and health of children that we are talking about here.

I think, as we look at this task force, the monetary amount was one of the benchmarks that we used to determine egregiousness. But, we had a case here in Virginia, if I could just digress for a moment, where the custodial spouse was working and in danger of losing her position because of a daughter that required constant feeding. And, even though the arrearages of that amount was not a great amount, we thought that that case required a Federal presence and a Federal prosecution since the non-custodial spouse had moved out of the State.

Mr. BURR. Thank you.

Mr. UPTON. Thank you, Mr. Burr.

Just a couple of questions, sort of, to follow up. Mr. Young, you talked about one of the things that you have done in Virginia is to send letters to some 57,000 folks. Are all of those, or some of those outside the State of Virginia, as well? Were they all in-state?

Mr. YOUNG. They were the 57,000, if you will, most egregious and some of them were out-of-state. And, we got some response. Admittedly, we get more response from within the State of Virginia because we have more control in the State of Virginia.

Mr. UPTON. And, does the State of Virginia—are they able to take away driver's license or try and restrict or garnish wages, garnish pensions?

Mr. YOUNG. Yes, yes, the legislature of Virginia passed that law in 1995, and unfortunately, it was before the two ladies testified today. That law was not in effect at that time, and so we have passed that law to take away drivers' licenses. And, we have revoked 923 licenses and we are going to revoke a whole lot more.

Ms. DeGette said that just the impetus to the threat, the notice of intent to revoke the license. That is growing old and a lot of the non-custodial parents get the notice of intent and they say, "fine," and they are starting to drive anyway. Then, we take their license. They up the ante and they drive without the damn license. It doesn't help any.

Mr. UPTON. And, what do you do with folks that, say, find greener pastures and move to Michigan from Virginia? Are you able to dun their wages? Are you able to have some reciprocal agreements with States? And, if so, how many?

Mr. YOUNG. That is the beauty of the connection with the Federal case registry that comes out. I am receiving, as of last month, 2,000 new employee records a day in Virginia. I am having trouble processing them. Every day I am getting new jobs where so and so went to work in Idaho, Michigan, Kansas, whatever. First, we verify if he employed there, and then we send an automatic wage withholding to that company in Michigan or wherever and—

Mr. UPTON. And, it works?

Mr. YOUNG. And, does it work, too, from folks who tragically leave our State, Mr. Dutkowski?

Mr. DUTKOWSKI. The few who leave, it does work, yes.

Mr. UPTON. Mr. Skidmore, we are delighted to help. This was a great story and wonderful effort to remind folks in Michigan in terms of what is happening in Michigan, and hopefully, the other 17 States that embark on a similar thing as Ohio, Illinois and Michigan have done. But, I noticed in your testimony that you talked about 300,000 folks that pay child support or are supposed to pay child support. I presume, when you talk about those, maybe, Mr. Dutkowski, you can comment, too, it probably follows the national trend line which, of those 300,000, only a quarter are up to speed in terms of making their payments. Is that about right? So, three quarters of those are not.

Mr. DUTKOWSKI. I would really like to answer that question because that did come up earlier in the discussion, and the facts I have in front of me are from the Office of Child Support Enforcement Report, the 158 that we submit to the Federal Government for fiscal year 1998. And in that of all the cases in Michigan on public assistance, we collected 31.1 percent ahead of collection, which is much higher than you will find in an average. But, what I wanted to bring to your attention is the non-public assistance rate. Among people who are not on public assistance, current support is being collected at a rate of 72 percent for people who are not on assistance. It is much, much tougher to enforce cases where public assistance is involved. And in part, that is because the resources on the part of the non-custodial parent aren't quite as great.

So, we are collecting on about 30 percent of the cases across the board who are on public assistance. And overall in Michigan, it is probably close to 40 percent for everyone, when you consider non-custodial parents, as well, or non-public assistance cases.

Mr. UPTON. Mr. Hartwig, you indicated in your testimony that a third of the kids in public assistance lack paternity tests?

Mr. HARTWIG. In Michigan, I am pretty sure, you don't get on public assistance if you don't name the father. Isn't that right?

Mr. DUTKOWSKI. That is one of the requirements for public assistance. You have to cooperate with the child support program. Yes, sir.

Mr. UPTON. Do you know about how many other States have—does North Carolina have that?

Mr. MONAHAN. Mr. Chairman, every State is required to make parents cooperate as a condition of receiving public assistance. Even with cooperation, though, sometimes paternity isn't established. I have the State by State figures here.

[The information follows:]

Average Number of Children Requiring Paternity Determination, FY 1998

States	Total	States	Total
Alabama	147,332	Montana	4,340
Alaska	7,297	Nebraska	18,794
Arizona	161,529	Nevada	17,243
Arkansas	93,300	New Hampshire	6,060
California	119,099	New Jersey	86,626
Colorado	27,450	New Mexico	16,277
Connecticut	28,305	New York	246,365
Delaware	13,205	North Carolina	2,934
District of Columbia	46,949	North Dakota	7,188
Florida	225,407	Ohio	187,414
Georgia	128,829	Oklahoma	35,469
Guam	3,287	Oregon	31,265
Hawaii	9,098	Pennsylvania	108,420
Idaho	11,098	Puerto Rico	2,263
Illinois	345,984	Rhode Island	19,588
Indiana	59,453	South Carolina	112,379
Iowa	24,073	South Dakota	1,543
Kansas	13,997	Tennessee	70,882
Kentucky	50,631	Texas	221,853
Louisiana	130,198	Utah	10,301
Maine	11,951	Vermont	2,058
Maryland	79,349	Virgin Islands	1,969
Massachusetts	63,670	Virginia	148,442
Michigan	89,980	Washington	29,117
Minnesota	47,146	West Virginia	23,919
Mississippi	106,192	Wisconsin	48,020
Missouri	79,474	Wyoming	22,164
		Nationwide Totals	3,607,176

Source: Form OCSE-156

Mr. UPTON. Thank you. Mr. Burr, do you have further questions?

Mr. BURR. Just one followup. I am curious—to both of you at the end of the table—what electronically, what with the technological changes might either be out there today that are unutilized or around the corner that may be utilized in the future that Congress should be aware of, not only from the confidentiality side but from our ability to give everybody in this process the access to use?

Mr. MONAHAN. I think, we should, first, be proud of what we have done. The welfare bill of 1996 provided access to electronic databases that have opened up a world that really wasn't available to child support enforcement. A national directory of new hires was established to show when a non-custodial parent moves and changes jobs. Within a couple of days, you can find out where that person is using the system. We are just beginning to work on access to financial institutions and other sources of information about where non-custodial parents are.

Undoubtedly, sir, I am sure there are going to be things that we will want to do down the road to enhance that capacity. I think that we and our partners, the States—and you are great to identify two of these extraordinary child support directors here on the panel with us as we all implement this project, we are going to find other things that are needed. In the child support program over the last couple of years, we have been adding new data bases and new opportunities to track people that just weren't there previously.

Jack, is there anything?

Mr. HARTWIG. I don't have much to add, except that I think one of the things that we have tried to do is, as you deal with a number of investigations, you find new data that is available to you and new uses for that data. I don't know that I could point to single restrictions related to law enforcement on the use of that data. There are some restrictions on the sharing of the data, where we may have access on the Federal level to data. Some of that data—there is an inability for us to share with a local police officer or a State police officer. I could get more information for you on that. I know there are some restrictions that, if we obtain the data federally, as to whether we can share that in a purely State investigation.

Mr. BURR. I would be willing to bet that, if the truth be known, the credit card company that is sending the next application probably knows about the move much quicker than we do, the one chasing.

Mr. YOUNG. Sir, I would like to only add two other opportunities, technologically, that need to be explored. The financial institution data matches working with the banks. Make no mistake, the banking industry is not really anxious to work with us. And, I won't speak for them, but I will tell you I have worked with them and they are committed to the confidentiality of your and my bank records. And, I understand that.

Mr. BURR. All your banks in Virginia are now owned by North Carolina companies.

Mr. YOUNG. There is no such thing as a Virginia bank anymore.

Mr. UPTON. Is that why First Union is laying off 6,000 people?

Mr. YOUNG. My brother works for First Union, I think.

But anyway, the other thing is electronic signatures. For as many times as we brought the two ladies into our offices to do things, sign these documents and bring the Federal marshals the warrants and sign affidavits and give them some things—I am trying to get a law introduced in Virginia for electronic signatures. When you go into Sears and buy something, you walk out with a paper. They don't keep any paper. They have got your signature. So, I want to try to introduce that. The judicial system is not necessarily embracing that and we need some help in that area.

Mr. BURR. Amazon.com did not require my signature, either, when I did it from my computer at home.

Mr. YOUNG. Absolutely.

Mr. BURR. I thank the chairman.

Mr. UPTON. Well, thank you. Again, I appreciate all of you for staying with us this morning. You have provided some very valuable testimony, and we wish you very well in the cause that we all support. Thanks very much for your leadership.

For the record, there are a number of items that we are going to ask to be submitted.

And you are now excused. Thank you.

[Whereupon, at 12:56 p.m., the subcommittee was adjourned.]