

Memorandum on Criminal Child Support Enforcement July 21, 1996

Memorandum for the Attorney General

Subject: Criminal Child Support Enforcement

I am proud of the progress we have made over the last 3 years in addressing the problem of child support enforcement.

While State and local agencies have and must have primary responsibility for child support enforcement, the Federal Government has a crucially important role to play. One aspect of that role involves bringing prosecutions under the Child Support Recovery Act of 1992, which for the first time created a Federal criminal offense for interstate cases, where persons willfully fail to pay child support for their child who lives in another State.

The Department of Justice, working through the local United States Attorneys' offices, has brought child support cases across the Nation to get the message out that a person who willfully avoids child support payments for a child in another State runs a grave risk of Federal prosecution. Each U.S. Attorney's office has a child support coordinator; the Federal Bureau of Investigation has committed its resources; the Department of Justice has authorized the Department of Health and Human Services' Inspector General to investigate these cases.

But these important measures are not enough.

The Department of Justice, working with the Department of Health and Human Services and the States, must pursue all available measures to punish those who have tried to evade their child support obligations.

Therefore, I direct you to take the following important steps to strengthen our child support enforcement efforts.

First, I direct you to convene a task force consisting of Federal, State, and local prosecutors, the Department of Health and Human Services, and the State agencies responsible for child support enforcement to enhance criminal

prosecution of child support debtors. You should consider:

- measures to improve the process of referring appropriate cases for Federal, State, or local criminal enforcement;
- the adequacy of all applicable Federal and State laws;
- the availability and appropriate allocation of resources; and
- ways to coordinate Federal, State, and local efforts to make enforcement most effective.

Second, I direct you to review the sentences that have been imposed upon those convicted under the Child Support Recovery Act, including restitution orders, incarceration, and community service, with the goal of identifying novel and effective sentencing options, and send guidance to Federal prosecutors setting forth factors to consider when seeking sentencing orders from courts.

Third, I direct you to draft legislation to amend the Child Support Recovery Act to establish a felony offense for a person who willfully fails to pay child support for a child in another State where there has been an egregious failure to meet child support obligations.

Fourth, I direct you, as part of your effort to enforce criminal laws, to cooperate with the Department of Health and Human Services to place on their Internet child support page the names of persons who have been indicted under Federal law for willfully failing to pay child support and have fled in an attempt to escape criminal prosecution.

Finally, I direct you to report back to me within 90 days on the actions you have taken to fulfill this directive.

WILLIAM J. CLINTON

NOTE: This memorandum was released by the Office of the Press Secretary on July 22.