

## GZS Publication Pages 01

Page	Date	Title
3	07-30-04	<a href="#">Mississippi gets tougher on paternity resolution</a>
4	07-28-04	<a href="#">Man dies; ex-wife losing out on \$40,000 in child support</a>
6	07-26-04	<a href="#">Dead girl's dad indicted</a>
6	07-22-04	<a href="#">ABA Criticizes Political "Scapegoating" of Lawyers and Judges</a>
7	07-03-04	<a href="#">Same-sex marriage and the disposal of fatherhood</a>
8	06-20-04	<a href="#">Child support laws can hurt, too</a>
9	06-18-04	<a href="#">Family Feud</a>
10	06-08-04	<a href="#">Greenville Woman Found Hanged In South Carolina Jail Cell</a>
11	05-30-04	<a href="#">War Over Boy Raised By Gays</a>
12	05-27-04	<a href="#">When It's Welfare to Windfall, the State Demands Its Share</a>
13	05-27-04	<a href="#">Human Services audit finds deficiencies</a>
14	05-24-04	<a href="#">Child support refunds coming</a>
15	05-21-04	<a href="#">Ruling frees lesbian from child support</a>
16	05-16-04	<a href="#">Fathers sue state over child-support guidelines</a>
17	05-15-04	<a href="#">Making a buck off child support</a>
18	05-14-04	<a href="#">Divorced fathers testify about child support</a>
19	05-13-04	<a href="#">Welfare reform driving up child support payments</a>
20	05-12-04	<a href="#">Police: Mom admits killing 3 kids</a>
21	05-10-04	<a href="#">Woman who died at jail was days from release</a>
22	05-02-04	<a href="#">State bills parents for foster care</a>
24	04-21-04	<a href="#">The Difficulties of Child Support Enforcement</a>
25	04-07-04	<a href="#">Appellate court says inmate must keep paying child support</a>
25	04-07-04	<a href="#">This deal is far from fine</a>
26	04-04-04	<a href="#">Facing kidnapping trial, a father tells his story</a>
29	04-04-04	<a href="#">Father faults kidnap charge because he had custody</a>
30	03-28-04	<a href="#">Deadbeats lead to a dead end</a>
33	03-27-04	<a href="#">State welfare program lauded by federal officials</a>
33	03-24-04	<a href="#">County might escape penalty</a>
34	03-23-04	<a href="#">When adults get caught in child support system</a>
35	03-17-04	<a href="#">News from the San Joaquin Valley - Lowell Jaks Arrested</a>
36	03-10-04	<a href="#">Trish Wilson's Blog publishes letter from Lowell Jak's daughter</a>
37	03-10-04	<a href="#">Disney Daughter Says Eisner Should Leave</a>
38	03-07-04	<a href="#">Michigan glitches snarl child support</a>
39	03-02-04	<a href="#">Torrance Man Vows To Change Child Support Laws</a>
40	02-28-04	<a href="#">Poll: Most Oppose Gay Weddings</a>
42	02-27-04	<a href="#">Plea to halt gay marriages denied</a>
44	02-25-04	<a href="#">Time for the counterrevolution</a>
45	02-23-04	<a href="#">Actor Robert Blake still searching for a lawyer</a>
46	02-15-04	<a href="#">Governor calls for reform of foster care system</a>
48	02-14-04	<a href="#">State high court may hear child support case</a>
48	02-13-04	<a href="#">Welfare fraud cases lead to three arrests</a>
49	02-12-04	<a href="#">Foster ruling to cost state millions</a>
50	02-02-04	<a href="#">Boy Allegedly Abducted By Father</a>
51	01-27-04	<a href="#">Officers sweep county for deadbeat parents</a>
52	01-23-04	<a href="#">Ford contests own law</a>
53	01-21-04	<a href="#">Deadbeat dad must pay up or go to prison</a>
54	01-18-04	<a href="#">Making Federal Cases Out of Common Crimes</a>
56	01-15-04	<a href="#">Utah's adoption laws ensnare poor parents here</a>
57	01-04-04	<a href="#">Untershines celebrate 50th anniversary</a>
58	12-25-03	<a href="#">S.D. County objects to helping pay federal fine</a>
59	12-10-03	<a href="#">The foster care mess</a>
60	12-07-03	<a href="#">Child support burdened by the new system</a>
62	12-06-03	<a href="#">Foster care cash cow</a>
65	12-01-03	<a href="#">Divorcées and Social Engineers</a>
66	10-29-03	<a href="#">Child support overhaul criticized at House hearing</a>
67	10-21-03	<a href="#">Indiana overhauls child-support payment system</a>
69	10-21-03	<a href="#">Child support case will not be heard</a>
69	10-07-03	<a href="#">AG hopeful to stress child support; not original, foe says</a>
70	10-03-03	<a href="#">Partner in service</a>
72	09-14-03	<a href="#">Update: easing the way for Mexican-American reparations</a>
72	09-12-03	<a href="#">Bill gives 1930s deportees until 2007 to seek damages</a>
72	09-12-03	<a href="#">Reparations demanded over deportation of Mexicans in 1930s</a>
73	09-12-03	<a href="#">Bill Number: SB 933 Amended</a>
74	09-12-03	<a href="#">County could deplete reserves</a>
75	09-02-03	<a href="#">Vote No on the Recall Tuesday, October 7, 2003</a>

76 09-02-03 [California Approves Sweeping Domestic Partnership Bill](#)  
77 08-30-03 [Officer Opens Fire During Confrontation With Suspect](#)  
78 08-29-03 [Rally in Front of LA Court](#)  
79 08-28-03 [Victims of multiple slaying-suicide identified](#)  
79 08-27-03 [Suspect at large after police chase](#)  
80 08-17-03 [Davis to OK rights for same-sex couples](#)  
81 07-15-03 [IBM gets state child support contract](#)  
82 07-15-03 [IBM says wins \\$801 million contract from California Agency](#)  
83 07-07-03 [Lentz guilty in death of ex-wife](#)  
84 07-04-03 [Audit finds more DHS failings](#)  
86 06-26-03 [Thousands Of Cases Of Prosecutor Misconduct Found](#)  
87 06-21-03 [City To Sic Detectives On Deadbeat Parents](#)  
88 06-19-03 [Defense Panel Debates Spying Safeguards](#)  
89 06-08-03 [Cuts Imperil Child-Support Checks](#)  
91 06-04-03 ['I'd rather face jail than pay CSA'](#)  
92 06-01-03 [From 'Why did he?' to 'Did he?' in 28 days](#)  
93 05-26-03 [Marriage Profitable for Unwed Parents](#)  
94 05-21-03 [Larry Wachowski vs Family Law](#)  
95 05-15-03 [Hunger Strike against ex-wife](#)

## Mississippi gets tougher on paternity resolution

<http://www.sunherald.com/mld/thesunherald/news/local/9277956.htm>

**Associated Press, Sun Herald, 07-30-04**

**JACKSON** - The state of Mississippi faces a \$580,000 federal sanction because it failed to increase the number of paternity cases resolved between Oct. 1, 2002, and Sept. 30, 2003.

Department of Human Services' Executive Director Don Taylor set quotas for each county to resolve a certain number of cases over the next two months.

Taylor said the quotas will ensure the state improves its paternity resolution rate, as required by the Administration for Children and Families, which is part of the U.S. Department of Health and Human Services.

Taylor said he established the system in June to give employees something to work toward.

Wally Naylor, who heads the DHS' child support division, said generally it could take several months to establish paternity, even in cases where suspected fathers are identified but dispute paternity.

The process goes quicker if mothers provide the suspected father's address, telephone number, place of employment and Social Security number, he said.

The federal government first warned Mississippi after October 2002 that it needed to improve the number of paternity cases being resolved, Taylor said.

The state then had a 69.8 percent resolution rate.

When the state's rate dipped to 66.8 percent the following year, Mississippi was sanctioned.

The federal government requires states to improve paternity resolutions by 3 percent each year.

Taylor said he didn't know why DHS failed to improve its rate. He said he learned about the sanction shortly after being appointed head of the agency in January.

Federal law requires sanctioned states to make up lost funds, Taylor said.

As of March 31, there were 74,875 Mississippi children waiting for paternity to be established so fathers could be ordered to aid in the support of their children. By July 15, that number had dropped to 67,059.

At that rate, the state is on track to exceed 2003's paternity resolutions, Taylor said. Right now, Mississippi's resolution rate is 66.8 percent.

From July 1 to July 16, courts statewide established paternity for 1,582 children, he said. He thinks Mississippi will clear 70.1 percent by the end of September.

## Man dies; ex-wife losing out on \$40,000 in child support

<http://www.jsonline.com/news/wauk/jul04/247122.asp>

**Scott Williams, Milwaukee Journal Sentinel, 07-28-04**

On the afternoon of June 21, a telephone call from her attorney brought news that left Leona Rappa both sad and angry.

The ex-husband she spent years doggedly pursuing for child support payments exceeding \$40,000 had slipped through her fingers once and for all.

He had died.

Unemployed and apparently broke, Mike Leone, 48, left his onetime high school sweetheart virtually no hope of collecting the money that a divorce judge had awarded her 16 years earlier.

Wisconsin child support officials say the circumstances, although hardly unprecedented, illustrate the difficulty they face collecting from parents who are determined not to pay.

As far as Rappa is concerned, her ordeal shows just how badly the system has failed parents like her - and their children.

"I did a lot of footwork for these people," she said of child support caseworkers in Waukesha County. "They played me, and nothing got done."

Stayed one step ahead

Court records indicate that county officials tried to garnishee Leone's wages on several occasions when he was found to have a job. But the delinquent father, later charged with contempt of court, always managed to stay one step ahead, changing jobs often or simply dropping out of sight.

Rappa contends that the county should have thrown her ex-husband in jail and kept him there until he complied with the court order.

Waukesha County Corporation Counsel Thomas Farley, whose office handles child support, defends the efforts of his caseworkers, saying they have an above-average collection rate of about 70%.

Farley said the county pursues delinquent parents aggressively, but that there are limits to what officials can accomplish.

"We don't have jails big enough to hold all the people who won't pay child support," he said.

He agreed that Rappa's situation was "a rather sad case."

Married in 1976, Rappa and Leone had been high school sweethearts in New Berlin. As husband and wife, they enjoyed a comfortable life together. Leone worked at Pabst Brewing and later as a car salesman.

He also was a guitarist who performed in area nightclubs and was highly regarded on that circuit.

The couple had two daughters, Sarah and Danielle, before the marriage ended in divorce in 1988.

A Waukesha County judge ordered Leone to pay \$500 a month to support the children, who were ages 4 and 2 at the time. Court records show that although he made sporadic payments and later persuaded a judge to lower Rappa's award, Leone owed his ex-wife \$5,000 by 1995, \$10,000 by 1998 and \$20,000 by 2001.

### A painful divorce

Longtime friend Rick Johnson said Leone spoke often about how badly he missed his daughters - but rarely about the child support issue.

"It was pretty hard on him," Johnson said of the divorce. "I really believe it was painful for him."

Another close friend, Tracy Mantey, said she suspects Leone was hoping to hit it big as a guitarist and reap a windfall that would allow him to settle with his ex-wife.

"It just never happened for him" she said.

Leone's attorney, James Budish, declined to comment.

Rappa says she pleaded with Waukesha County caseworkers to pursue her ex-husband, pointing them to different places where she heard he was working.

The divorced mother, meanwhile, studied nursing and got a job at a retirement center. She moved with her daughters to Walworth County and was able to provide for them, although money was tight. Rappa anguished at not being able to buy the girls fancy clothes, or put braces on their teeth, or treat them to vacation trips.

"I was so tired of saying 'no' to them for everything," she said.

Leone, who moved to New Orleans for many years, returned to Wisconsin in 2000 and called his daughters to tell them his health was failing. A heavy drinker, he had developed liver disease.

Rappa made one final attempt at collecting what she was owed, filing a complaint in the original 1988 divorce case. Leone responded with an affidavit stating that he was terminally ill and unable to work.

When the judge moved to waive the ex-husband's child support obligation, Rappa hired a lawyer. But Leone died shortly after midnight June 21 at a hospital in Menomonee Falls.

According to court records, the final child support debt was \$21,848 plus \$18,848 in interest.

Attorney Scott Schmidkofer, who represented Rappa, said he has found no evidence that Leone left any significant personal assets. Schmidkofer said his client is unlikely to ever get what she is owed.

"Basically, she got shafted," he said. "It's a tragic story."

Sarah Leone, the older daughter, now 19, remembers growing up on a tight budget and hearing her mother argue with people on the phone about money that her father was supposed to be sending. When she was old enough to understand the child support issue, Sarah held out hope that someday the money would come.

Now, she just wishes she could ask her father why he deprived her and her sister all those years.

"I'm confused and upset," she said. "And I have a lot of questions for him."

From the July 29, 2004, editions of the Milwaukee Journal Sentinel

## **Dead girl's dad indicted**

**Avoidance of child support is the alleged motive.**

<http://www.presstelegram.com/Stories/0,1413,204~21474~2295895,00.html>

**Press-Telegram wire reports, 07-26-04**

**LOS ANGELES** — An indictment unsealed Monday alleges that a 4-year-old girl who fell to her death from a seaside cliff was murdered by her father to avoid child-support payments.

Cameron John Brown, 42, pleaded not guilty to the charge of murdering Lauren Key, with special circumstances of financial gain and lying in wait.

The indictment was returned July 20 and was unsealed by Superior Court Judge David Wesley.

The district attorney's office said prosecutors will decide later whether they intend to seek the death penalty if Brown is convicted.

The indictment supersedes charges filed in November and means the case can proceed to trial without a preliminary hearing. The earlier case will be dismissed today, the district attorney's office said.

The little girl died Nov. 8, 2000, on Palos Verdes Peninsula.

Brown claimed she slipped as they hiked to Inspiration Point, 120 feet above the ocean, officials said.

Authorities have said Brown made inconsistent statements and that there was no contact between Brown and his daughter until she was 3 years old, when the girl's mother filed a child-support claim.

Brown has been jailed since his arrest in November.

## **ABA Criticizes Political "Scapegoating" of Lawyers and Judges**

<http://www.nylawyer.com/news/04/07/072204m.html>

**New York Lawyer, Associated Press, 07-22-04**

WASHINGTON -- The American Bar Association is asking Republicans and Democrats to stop using lawyers and judges as "convenient scapegoats to scare the public."

"We recognize that campaign debate may involve our court systems, judges or the legal profession," ABA president Dennis W. Archer said in a letter Tuesday to the chairmen of the Republican and Democratic parties.

"For the role of lawyers and judges to be addressed in those debates is natural. For it to happen in a manner that demonizes a profession steeped in the traditions of public service is unnecessary, unproductive and offensive," Archer wrote.

The nonpartisan ABA, based in Chicago, has more than 400,000 members and provides accreditation for law schools, programs for lawyers and judges, and other services. More than 1 million lawyers work in the United States, it says.

Democratic presidential candidates John Kerry and John Edwards have received millions in campaign contributions from lawyers. Republicans and lobbying organizations have criticized Edwards, who earned millions as a trial attorney before turning to politics, for his ties to the legal profession from the day Kerry selected him as his running mate.

Kerry, a Massachusetts senator, previously was a prosecutor and lawyer in private practice.

On Monday while campaigning in Missouri, Vice President Dick Cheney said Kerry and Edwards have opposed changes to the medical malpractice insurance system because they are too close to trial lawyers. President Bush often refers to "activist judges" when he criticizes gay marriage and other initiatives that have received judicial backing.

"Because of the gravity of the issues confronting voters, we hope the major parties -- the world's preeminent political institutions -- will agree to focus on a discussion of those issues and not resort to name-calling and finger-pointing or use convenient scapegoats to scare the public," Archer wrote.

## Same-sex marriage and the disposal of fatherhood

<http://www.townhall.com/columnists/kathleenparker/kp20040703.shtml>

Kathleen Parker, Townhall.com, 07-03-04

Ever since the same-sex marriage debate began, I've wondered: Where are the fathers? If ever there were a cause to which the once-robust fatherhood movement might attach itself, this one logically should be at the top of the list.

The answer I got when I posed the question to one of the movement's leaders was threefold:

One, fathers have avoided the issue as marginal, believing that same-sex marriage doesn't directly concern them.

Two, though people have a visceral reaction to the idea of same-sex marriage, they have trouble articulating why they oppose it.

And finally, "Nobody wants to be called a bigot," said Stephen Baskerville, a Howard University political science professor and president of the American Coalition for Fathers and Children.

Fathers don't think same-sex marriage affects them directly? In light of the travails endured by the fatherhood movement over the past decade, same-sex marriage stands as a particularly decisive blow in the disenfranchisement of fathers in American culture. How? By reinforcing the idea that one parent is disposable, which has been both an unspoken tenet of American divorce and the animating force behind the fatherhood movement.

Ever since no-fault divorce became the law of the land, fathers have lost their children in family courts as judges typically have awarded custody of children to mothers. This trend has shifted somewhat in recent years, but the fact remains that millions of fathers have been sidelined and made occasional weekend/holiday visitors to their children's lives.

Clearly, some irresponsible fathers have earned their court-imposed distances — and other may have voluntarily removed themselves from the equation — but it only exacerbates this tragedy when innovations in family law make it difficult for willing fathers to be involved in their children's lives

The consequences of this travesty are the stuff of newspaper headlines. As families have disintegrated and children — especially boys — have been denied the essential stabilizing influence of fathers, we've seen marked increases in a variety of childhood pathologies.

When we survey the evidence, what happens when children don't have fathers? Single motherhood, despite the heart-warming stories of virtuous single moms (I was once one), is a predictor for children at higher risk for teen pregnancy, sexually transmitted diseases, academic underachievement, drug use and juvenile delinquency.

Nowhere is this correlation more strongly substantiated than in the African-American community — where 68 percent of black children are born to unwed mothers and half of black males between ages 18-35 are involved in America's criminal-justice system, according to a study of urban youths in Washington, D.C. and Baltimore.

These statistics could represent a set of variables unique to the African-American community that may not be duplicated in same-sex families. However, such statistics lend plausible ground to the notion that it is in the interest of a child's well being to have both a mother and a father.

At its root, same-sex marriage is predicated on two grossly faulty premises: (1) that children do *not* need both a mother and a father; (2) that two moms or two dads are just as good as a mother and a father. Here is where most people I know register their visceral opposition, even if they can't articulate just why.

We who have raised children know better. The unique gifts that mothers and fathers bring to their children cannot be replaced by substitutes. I suspect that heterosexuals — and even some homosexuals — who have been lucky enough to have two loving parents can affirm this truth

And the many fathers who have lost children in the divorce trenches and custody battles, should recognize that creating yet another institution that robs children of their right to two (opposite-sex) parents is unacceptable and undermines the arguments of those battling for fatherhood.

I am well aware that to say what I've just said is to open myself up to charges of bigotry. This is both unfortunate and dishonest.

It's unfortunate because debate about this hugely important subject has been stifled by what often amounts to intimidation; it's dishonest because it is not bigotry to worry about the normalization in law and culture of an institution, which, of necessity, will deprive children of the experience of having one mother and one father. What is irreparably harmed is a genuine exposure to the full meaning of gender as perceived through the lives of one's parents.

The fact that heterosexuals in their search for personal fulfillment have failed to protect marriage and their children is a just indictment that calls for acknowledgement and redress of harm done. It is not a mandate to further the disintegration of the structure of the family by ratifying a "right" for some individuals that stands in direct conflict with the equal right of children to have both a mother and a father.

Fathers, of all people, should know this best.

## Child support laws can hurt, too

<http://www.dailybreeze.com/content/opinion/2905053.html>

**Jeffery M. Leving and Glenn Sacks, 06-20-04**

A new study of child support has concluded that most states' child support guidelines are poorly designed, inequitable and in need of reform. California's guidelines exemplify this inequity, and often place such privations on noncustodial parents that they are unable to remain a meaningful part of their children's lives.

The study, "Child Support Guidelines and the Equalization of Living Standards," was conducted by psychology professors Sanford Braver and David Stockburger, and will appear in the soon-to-be-released book *The Law and Economics of Child Support Payments*.

The researchers conclude that nationwide "under current child-support guidelines, the majority of custodial parents currently have higher standards of living than their matched noncustodial parents," and that in some situations this inequity is "dramatic."

A recent study of California child-support obligors conducted by the Urban Institute reflects the effects of these high guidelines, particularly as they affect low-income and minority men. According to the report, only 25 percent of California's \$14.4 billion child-support arrearage will be collected over the next decade, not because the debt is owed by high-living divorced dads who won't pay, but because the support amounts demanded of noncustodial parents are often wildly unrealistic. The average arrears amount owed is \$3,000 higher than the median annual earnings of employed child-support debtors. Those in the poorest category have a child-support debt amounting to their full net income for seven and a half years. Over a quarter of the arrears total represents interest due on principal.

Braver and Stockburger conclude that the guidelines have become tilted against noncustodial parents in large part because they fail to consider the significant tax benefits accorded only to custodial parents. Whereas child-support income is tax-free to the custodial parent, noncustodial parents must pay federal, state and local income tax, as well as Social Security or Federal Insurance Contributions Act (FICA), on the money they pay in support. Also, in most cases only the custodial parent can claim the \$3,050-per-child tax exemption.

Additional custodial parent tax advantages include: the Child Tax Credit (worth up to \$1,000 per child); the Earned Income Credit (up to \$4,204, with two children); deductions for school tuition and fees (up to \$3,000 per return); the Child Care Credit (worth up to \$1,050 per child); and a lower tax rate for "head of household" filing status.

Conversely, the federal tax code treats divorced and unwed fathers -- who are often paying 40 percent or 50 percent of their net income in child support -- as if they are childless bachelors.

Also, Braver and Stockburger point out that the current guidelines and the studies upon which they were based ignore the many child-related costs borne by noncustodial parents, including transportation, entertainment and food during visitation, as well as money spent on clothes and out-of-pocket medical and dental expenses. And because California has been extremely permissive in allowing custodial parent move-aways, noncustodial parents often shoulder sizable burdens in travel expenses.

If fact, the researchers probably understate the child-support inequities noncustodial fathers face. Because the child-support system is so inflexible, most fathers who lose their jobs or suffer wage cuts are not able to get downward modifications on their child support. These fathers end up paying support based on past wage levels that do not reflect their current, diminished earnings.

Many California fathers who fall in arrears on their child support suffer punitive measures, such as suspension or loss of driver's licenses, passports and business licenses. Most of these men aren't deadbeats, but instead fathers who worked hard to support their children both before and after their breakups with their children's mothers.

Children need financial support, but they also need their parents' love and emotional support. What rationale is there for California's child-support guidelines if they serve to harm or drive away one of the two people who most love a child?

Jeffery M. Leving is a family law attorney and author of *Fathers' Rights: Hard-hitting and Fair Advice for Every Father Involved in a Custody Dispute*. Glenn Sacks is a nationally syndicated radio talk show host and columnist.

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## Family Feud

### Family courts don't solve conflict, they create it.

<http://slate.msn.com/id/2102650/>

**Michael Newdow, 06-18-04**

Custody battles. Custody wars. Custody disputes. Conflict has become so ubiquitous in family law that it is difficult for anyone not to think of it once the word "custody" is mentioned. The initial assumption is that this stems from the parties. That assumption is questionable.

To be sure, there is often (but by no means always) anger and bitterness during the breakup of a relationship. But displeasure does not necessarily breed dispute. Why do so many people who were once extraordinarily happy together end up in such deep conflict? The answer may be that the custody laws—not the people—are to blame.

Conflict arises when people believe they are being treated unfairly. And treating people unfairly is the hallmark of the family courts, where judges actually announce that they are not concerned with fairness to parents. They claim this is permissible as a result of their statutory duty to address the needs of the child, but the fact is children need their parents to be treated fairly. Especially in view of the marked limitations in accurately rating or measuring parenting abilities, each individual—absent true harm—should have an absolute right to 50 percent time with his or her children. That would instantly decrease custody conflicts.

Let's look at a typical situation. Two people have a child and decide that one of them—rather than some outsider—should provide childcare. Which parent should that be? Often, the decision is made by default. If there is a significant disparity in earning capacity, for instance, it is likely that the lower-wage earner will stay home. In other words, Parent A—due to increased training or earning potential—sacrifices the joys of being with the child. Parent B—reciprocally—gets excess parenting pleasure.

When the two break up, Parent A is suddenly told that this prior bargain is now set in stone. He or she must continue to work and support the child and forgo the chance at parenting equally. Why? Because the State has gotten involved, telling Parent B, "Forget Parent A! Because you were the 'primary caregiver' before, you can maintain that role. Furthermore, the less you share, the more vengeance, power, control, and money (in child support) you get. All you need to do is walk over to the family court and sign up."

Parent A is then left with only two choices: accept losing the most important thing in a parent's life (i.e., the right to be with one's child), or fight to defend that basic liberty. Thus, the State exacerbates (if not actually creates) conflict by insisting that the previously agreed-upon arrangement should be maintained. "This isn't about you, Parent A," say the "experts." "It is the child we need to protect!"

Perhaps. But—far more likely—perhaps not. Who is this child being protected *from*? These were both fine parents until this stage. They both love their child, and the child loves them both in return. Why would we think that the child would be harmed by treating both parents equally?

Never stopping to consider that question, the State imposes a "best interests of the child" standard. While that sounds great, it is actually fraught with problems. First of all, parenthood is a fundamental constitutional right. Like free speech, freedom of the press, and freedom from illegal searches and seizures, there is a constitutionally protected freedom to nurture a child without unnecessary government involvement. Normally held to a neglect or abuse standard, parents alone decide how to care for their children, and the government becomes involved only if the children are endangered. In the family law setting, however, this different, far more intrusive "best interests" standard is introduced. This switch takes place even though there are no changes in parenting skills, and the parents have committed no wrongdoing. Government may not change the standards under which people exercise their basic rights simply because an interested party files a piece of paper.

The second problem with the "best interests" standard is that it violates the constitutional right to equal protection of the law. Since when do we "better" the lives of one class of citizens at the expense of some other class? The "best interests of the child" standard permits the government to shatter the life of one parent—which is precisely what occurs when people are unjustly kept from their children—if it believes that will "better" the life of the child, however marginal or illusory the benefit. Note that we're not speaking here of protecting the child, which government has the absolute duty to do. We're saying that if we can keep the child from one less cough per year, we can give a parent terminal cancer. If we can take the child on one more picnic, we can deprive a parent of every future vacation. If we can give the child an extra hug, we can chase away another parent's soul mate.

More to the point, what in the world are the "best interests of the child"? Is it "better" for a child to have a tuna-fish sandwich or to eat at McDonald's? Tuna is healthier. McDonald's tastes better. Tuna's cheaper. McDonald's is more fun. Tuna saves on gas. McDonald's gets everyone out of the house. Who's going to value all these factors and decide what's "best"? Whether it's a trivial issue (such as lunch), or one far more important, this multiplicity of factors is involved in the thousands of decisions parents make each day. Add to the mix the impossibility of predicting how care today will impact any given child 10 years from now, and it's clear that no one can determine what is "best." The suggestion that anyone—judges, child psychologists, court-appointed evaluators, etc.—can do this is pure arrogance; arrogance for which there is not one shred of evidentiary support. In fact, it may well be that every custody decision made by these people has been the completely "wrong" one. ... How would anyone ever know?

For those still insisting that the system itself isn't the cause of the conflicts, consider the way courts treat parents of different religions. Most state laws prohibit judges and "experts" from becoming involved in religious controversies. As long as there is no harm to the child (and no trashing of the other parent's views) both parents have the absolute and equal right to inculcate whatever religious beliefs they choose. Amazingly—with no incentive to fight; with no money riding on it, and with no possible religious "winner"—religious disputes between parents have become virtually unheard of in the family courts. Imagine, though, what would happen if a "best religious interests of the child" standard were implemented and "religion support money" were given to the parent whose religion was deemed "better" for that child. Does anyone doubt for a second that litigation over religion would skyrocket?

The most incredible aspect of all this is that the "experts" in this field continue to tout the system's superiority with absolutely no reliable data demonstrating any efficacy whatsoever. Furthermore, they gloss over its undeniable harms. Worsening the bond between the two most important people in a child's universe, wasting extraordinary amounts of money, and decimating a parent's life are grievous injuries. Surely, there is an obligation to show a benefit in return. No one would allow a drug with such horrendous adverse effects to be put on the market without such proof. How has that been allowed in this arena?

All parents—absent a finding of true harm—should have an absolute right to 50 percent custody of their children. Such a system—stripped of incentives to battle for more—would largely eliminate the harms just noted. Sure, there will be some inconvenience to the children. But children are inconvenienced all the time in intact families, and they survive just fine without the State butting in. Some kids have to get up early to milk the cows. Some have to bicycle miles to high school. Some are put in daycare. We don't make huge issues of those "difficulties" when the parents are together ... why should we do so when the parents are apart? Life comes with good and bad times—that's part of growing up. Most parents—treated fairly, and left with the equality the Constitution mandates—will always be far more capable of, and dedicated to, ensuring what's "best" for their children than any combination of judges, attorneys, and "experts." Until real evidence is provided that the benefits of the current approach outweigh its costs, we should simply value the diversity of parenting styles, respect parental rights, and stop causing conflict.

*Michael Newdow is the California man who challenged the Pledge of Allegiance in the courts. He is a father, doctor, and a lawyer.*

*Illustration by Mark Alan Stamaty. Photograph of Michael Newdow on the **Slate** home page by Susan Ragan/Reuters.*

## **Greenville Woman Found Hanged In South Carolina Jail Cell**

<http://www.officer.com/article/article.jsp?siteSection=1&id=13685>

**Associated Press, [The Greenville News](#), 06-08-04**

GREENVILLE, S.C. (AP) -- A Greenville woman was found hanged with a telephone cord hours after being booked into the county detention center on a charge of failing to pay child support, authorities said.

The State Law Enforcement Division is investigating the death of Dana Lee Cowart, 29, who was found alone in her cell, hanging from the cord, about 4:20 p.m.

Chris Bryan, Greenville County deputy coroner, said her death has been ruled a suicide.

Bryan said Cowart told jail officials when she was booked shortly before 1 p.m. Sunday that she had been treated in the past for depression. She was put in a holding cell with a phone and a bed to wait until a doctor could examine her.

Greenville County Public Safety Director Jim Dorriety said a guard checked her about 4:10 p.m. and saw her talking on the phone affixed to a wall in her cell. A second guard checked her less than seven minutes later and found her with the cord wrapped around her neck, he said.

Bryan said Cowart died of hypoxic brain injury due to hanging.

She was pronounced dead at 5 a.m. Monday at Greenville Memorial Hospital, Bryan said.

## War Over Boy Raised By Gays

<http://nypost.com/news/regionalnews/24903.htm>

**Brad Hamilton, NY Post, 05-30-04**

An ugly tug of war is raging over the fate of a 6-year-old boy being raised by a gay couple who won custody of the child in a landmark decision in 2000.

Gays hailed the ruling as a major victory for same-sex couples, but the boy has since become a troubled kid who punches his teachers and repeatedly says he wants to kill himself, according to an expert's report requested by his school.

The report has spurred the mother to fight for increased access to her son, who has lived with the two men since the ruling - the first time a New York court awarded custody to a gay couple over a woman they claimed to be a surrogate.

The mother says she was never a surrogate and that she, the father - once a close friend who worked for her - and his live-in lover intended to raise the child as a parental trio.

"I just hadn't met the right guy yet," said Courtney St. Clement, 52, who had never been identified in the press or spoken out about her experiences.

"They held out that they had a lot of money, and at the time, I felt like I was marrying a doctor. They said, 'We're a family.' We were supposed to all live together, but we didn't get that far."

St. Clement, who runs her own marketing and consulting firm and lives on the Upper West Side, had no inkling of how badly things would go for her son, whose name is being withheld by The Post.

He punches and kicks his teachers, hits and bites himself, curses and says he wants to kill himself as often as twice a month, according to the new report, completed in January by NYU's Child Study Center.

It also says he repeatedly kisses and touches classmates inappropriately and once ran around naked.

"[He] is exhibiting significant behavioral problems at school," said the report, which was based on a personal evaluation of the boy by two experts, along with interviews with his teachers and both parents and their spouses.

It blames his unruliness in part on the "hostility" between his parents.

"His mother and father have always lived apart and have had remarkably significant disputes regarding custody and visitation from very early on," said the report, which recommended that the boy be appointed a law guardian.

He was previously kicked out of PS 116 as a kindergartner in 2002 after just two weeks there and placed in a private special-needs school on the Upper East Side.

St. Clement says the family arrangement broke down after the father, part-time substitute teacher Gerald Casale, 47, and his partner, a trusts and estates lawyer, Ernest Londa, 46, stopped her from seeing the 6-month-old infant in April 1998. She then sued for custody.

The partners claimed they struck a deal with St. Clement in which she agreed to carry Casale's child to term, then step back and allow them to be sole parents.

"I think Ms. Clement has a certain bent," said Phyllis Levitas, Casale's lawyer.

"My client and I have given this some very careful consideration, and we believe that it's not in the child's best interest to discuss this case with the media."

Last December, St. Clement challenged the custody ruling - made by Manhattan Supreme Court Justice Marylin Diamond - in light of the boy's disturbing behavior at school, and the boy's pediatrician requested a follow-up evaluation by a court-appointed specialist.

In March, an appeals court ruled that the new judge in the case, Supreme Court Justice Joan Lobis, reconsider the custody question.

But Lobis refused to take up the custody issue, denied the evaluation request and rejected the recommendation for a child guardian, spurring a motion in which the mother slammed Lobis for "abdicating her role as judge."

Lobis' office did not respond to The Post's request for comment.

The mother is part of the Alliance for Judicial Justice, a group of 200 litigants who suspect their cases were tainted by judges' personal interests, led by activist Anthony DeRosa.

## When It's Welfare to Windfall, the State Demands Its Share

<http://www.nytimes.com/2004/05/29/nyregion/29welfare.html?ex=1086494400&en=a95ca27b9e1c8e0f&ei=5040&partner=MOREOVER>

**MARC SANTORA, NY Times, 05-29-04**

ALBANY, May 28 - A man, down on his luck, scraping by on welfare assistance, has at least one thing left: a dollar and a dream. So, following the encouragement of seductive New York State Lottery advertisements, he buys himself a chance to get lucky.

And, lo and behold, he wins.

But just as the state can giveth, so can it taketh away. It turns out that lottery winners who have collected public assistance, or have failed to pay child support, are on the line for that money should they win a big prize, or even minor one. Under a program created by Gov. George E. Pataki in 1995 called Lottery Intercept, the state matches the names of welfare recipients and people with outstanding child support payments with the lists of lottery winners to collect money as far as 10 years back.

When the program was instituted, it was hailed for its attempt to go after so-called deadbeat dads who do not pay child support. But most of the \$4.2 million the state collected from lottery winners last year came out of the pockets of welfare recipients.

Over the fiscal year that ended on March 31, the state collected \$510,893 in child support from 778 winners, while it collected \$3.7 million in 4,252 cases involving people who received public assistance, according to state records. Since the program started, \$9 million in delinquent child support payments have been collected, and \$21 million in public assistance costs have been recouped.

"We will continue to do whatever it takes to ensure that parents support their children, and this program is another positive step that will help children get the support they need," Governor Pataki said in a statement on Friday. "It is also more than reasonable for taxpayers to be reimbursed by former public assistance recipients who find themselves with a financial windfall thanks to the lottery."

Under the program, people behind in child support payments could forfeit all of their winnings, while welfare recipients are forced to give up as much as 50 percent.

## Human Services audit finds deficiencies

[http://www.nashvillecitypaper.com/index.cfm?section=9&screen=news&news\\_id=33402](http://www.nashvillecitypaper.com/index.cfm?section=9&screen=news&news_id=33402)

[Judith R. Tackett](#), Nashville City Paper, 05-27-04

A state Department of Human Services (DHS) audit released Wednesday shows that DHS failed to reduce child support assistance to some non-complying participants of the Temporary Assistance for Needy Families and failed to report all alleged employee fraud to the Comptroller's office.

In addition, the audit questioned whether the department had overpaid a contractor \$421,000. The contract in question was between DHS and Maximus Inc., a Virginia-based for-profit corporation that provides child support enforcement services in Davidson County.

DHS Spokesperson Michelle Mowery Johnson said DHS is still reviewing the contract.

"We may have underpaid on this contract," Mowery Johnson said. "... The comptroller looks at this at a point in time, and at that point in time it looked like an overpayment. As we review the contract we're not sure if it's an overpayment or an underpayment.

"So we could still end up owing them money," Mowery Johnson said.

Another failure listed in the report was that DHS did not comply with federal regulations that required the reduction of Temporary Assistance for Needy Families to recipients who failed to cooperate with child support requirements.

Auditors found that 12 of 28 cases sampled did not have benefits reduced according to federal regulations, which would have required a benefit reduction of at least 25 percent in each case.

Mowery Johnson said DHS is working hard with staff to make sure that benefits are changed according to federal regulations and has made supervisors responsible for staying on top of the issue.

A third failure of the total of seven in the audit noted, "... the department did not always report alleged employee fraud to the Comptroller of the Treasury" as required by state law. DHS terminated four employees during fiscal year 2002-2003 for gross misconduct.

"The department's Director of Investigations indicated that three of the four employees had fraudulently obtained program benefits for themselves or personal friends," auditors write. "As a result, the department had paid \$9,487 from the Food Stamps program, \$1,179 from the Temporary Assistance for Needy Families program, and \$22 from the Medicaid program to people who were not eligible for family assistance."

One employee has agreed to pay back the money, another has been indicted and is currently awaiting trial and, in the third case, the district attorney declined to prosecute. As of December, \$837 had been recovered.

"Any issue of fraud is a great concern to us, and we're working hard to correct all these measures," Mowery Johnson said.

DHS works with a \$1.5 billion budget, 90 percent of which is federal money. Mowery Johnson said her department is using the deficiencies pointed out in the audit to improve its efficiency and effectiveness.

"A lot of these things are procedural issues [dealing with] how we are filing things," Mowery Johnson said. "So we're moving in the right direction as far as making sure that we're following the F&A (State Department of Finance and Administration) policies and procedures as well as all of the federal reporting that we must do so we're not penalized and losing millions of dollars in federal money."

For the complete audit go to [www.comptroller.state.tn.us](http://www.comptroller.state.tn.us) and click on News and Report Releases.

**Child support refunds coming**  
**Settlement of ICLU lawsuit against state expected to affect thousands of kids.**  
<http://www.indystar.com/articles/4/149237-6714-009.html>

**Eunice Trotter, [eunice.trotter@indystar.com](mailto:eunice.trotter@indystar.com), 05-24-04**

The Indiana Civil Liberties Union has settled a class-action lawsuit expected to result in thousands of Indiana children getting back child support payments.

**The Family and Social Services Administration admitted wrongly withholding the support checks of children who were no longer receiving cash welfare benefits but were still listed on the Temporary Assistance for Needy Families rolls.**

The consent decree, filed April 26 in Marion Superior Court, affects children whose families returned to work and were cut off from benefits, but were still eligible for some temporary assistance services, such as child care, between June 1997 and June 2000.

Officials do not know how much will have to be repaid, but it could amount to hundreds of thousands of dollars. From 1999 to 2002, the FSSA kept about \$8 million a year in child support payments.

Today, about 123,000 adults and children are on the Temporary Assistance for Needy Families program.

Indiana began its child support assignment program in the 1970s as part of a national effort to collect child support to reduce growing public assistance expenses. The state required anyone who sought public assistance to pursue and sign over child support payments.

**When families became ineligible for assistance or voluntarily stopped assistance, some were kept on the rolls but received no public assistance payments, and their child support checks continued to be intercepted.**

"It was absolutely outrageous what happened," said Kenneth J. Falk, legal director of the Indiana Civil Liberties Union. "These are poor people. They had no money, and the state felt entitled to take their checks."

The FSSA has mailed out 64,230 notices, but it is unlikely that all of those people will receive payments, said agency spokesman Scott MacGregor.

The notices urge families to contact the ICLU if they want to comment about the agreement or have questions. After 60 days, the court will approve the agreement, and the FSSA will have 90 days to issue payments after verifying the validity of a claim, Falk said.

In the lawsuit, filed in May 2003, a Knox County woman, Shawna Dunn, who had been receiving \$179 monthly in cash public assistance, returned to work while on temporary assistance. Her earnings made her ineligible to receive a monthly check, but her income remained below the federal poverty level, usually defined as \$18,000 for a family of four.

Under policies at that time, Dunn's income was too high to receive cash assistance, but she was placed on a "\$0 cash grant policy," allowing her to receive other benefits.

During that period, the FSSA intercepted child support payments by the father of Dunn's child from August to October 1999. She is now due a \$564 refund.

MacGregor said the FSSA is reviewing records to see how many families may have been affected. Each case has to be researched, he said.

"People who believe they may be owed money can come forward to have their cases researched after the 60-day comment period," he said.

After the comment period, people should report to their county's Office of Families and Children to complete a claim.

The agreement also requires the FSSA to return any child support payments intercepted when it did not give adequate notice that the person's cash benefit was being reduced to zero.

The agreement still must be approved by Marion Superior Court.

MacGregor said the FSSA changed its policy before the case was settled and worked with the ICLU to reach an agreement. Dorothy McKinney, 31, Jasonville, was among those who received a notice this week.

Four years ago, she received temporary assistance payments of \$229 a month for about a year to take care of her now-5-year-old son, who has cerebral palsy. The child's father paid \$40 a week in child support, which was diverted to the state.

Now off temporary assistance, McKinney said she could have used the child support she did not receive.

"But I can use it now, too. Whatever you can get helps, especially when you're a single mother and have a special-needs son," she said.

"Even though it may be only a little money, money is money."

Call Star reporter Eunice Trotter at (317) 444-6037

## Ruling frees lesbian from child support

<http://www.planetout.com/news/article.html?2004/05/21/2>

Christopher Curtis, PlanetOut Network, 05-21-04

When California same-sex couples who are not registered domestic partners separate, the nonbiological parent is not obligated to support the children from the relationship, according to a state appellate court's ruling on Thursday.

The case centered around Elisa Maria B. and her partner, Emily B., who started living together in El Dorado County in 1993. The San Francisco Chronicle reported the two decided to have children using the same sperm donor. Elisa gave birth to a boy in 1997, and a year later Emily gave birth to twins, a boy and a girl.

In 1999 the couple separated.

Elisa agreed to support the twins but stopped making payments after 18 months. Since Emily was on welfare, the county sued Elisa to recover its support payments.

A Superior Court judge ordered Elisa to pay \$1,815 a month, reasoning that since she had intended to bring the children into the world, she should be held to the same standard as a man.

On Thursday the Court of Appeal in Sacramento disagreed.

"Whether and in what circumstances a person in a same-sex relationship, who is not related to children born during the relationship, should have the rights or obligations of a parent are matters plainly within the realm of legislative policy," said Presiding Justice Arthur Scotland in the 3-0 ruling.

The court noted that starting in January 2005 a new state law will give domestic partners the same parental status as married couples. But that law will not necessarily cover breakup cases before 2005, and the couple in question never registered with the state as domestic partners.

Shannon Minter, spokesman for the National Center for Lesbian Rights, called Thursday's ruling "a horrifying decision."

"It's outrageous that this woman brought these children into the world, promised to care for them, and can just walk away without being a responsible parent," he told the PlanetOut Network.

## Fathers sue state over child-support guidelines

<http://www.al.com/news/birminghamnews/index.ssf?/base/news/1084699192159320.xml>

**Stan Bailey, Birmingham News, Staff Writer, 05-16-04**

**MONTGOMERY** - Two Jefferson County men have filed a lawsuit challenging Alabama's child-support guidelines in which they contend a formula used by the state is arbitrary and "does not correspond to any set of rational principles for making a child-support award."

James R. Blackston of Vestavia Hills and Bradley W. Barber of Gardendale contend the guidelines don't comply with federal law for a variety of reasons.

In their lawsuit against the state Administrative Office of Courts, they ask the U.S. District Court in Montgomery to order several state court officials to explain why they shouldn't be held in contempt for violating agreements that settled similar suits the two men filed in 1993 and 1999.

Assistant Attorney General Charles Campbell, representing the state, said court officials won't comment on the suit but will file a written response in court.

A federal law, the Family Support Act of 1988, allows states to receive federal funds for child support enforcement programs if they meet certain requirements, including creating a set of guidelines to be used by courts and administrative agencies to set child support award amounts.

The law also requires states to evaluate and update the guidelines at least once every four years, considering economic data on the cost of raising children.

The suit was particularly critical of a plan being used in Alabama's child support guidelines for measuring family income that they said is "arbitrarily contrived, not based on any valid economic evidence, and ... does not correspond to any set of rational principles for making a child-support award."

The suit said the state violated the terms of a December 2003 settlement of the 1999 lawsuit by not convening an advisory committee on child support for the Alabama Supreme Court within the times specified.

The suit also contended that hearings held in the state judicial building in Montgomery on March 11 and 12 to receive comments on the child support guidelines were not truly open to the public because of tight security measures and lack of proper notice.

Cynthia Brothers of Birmingham, one of those who attended the hearings, said she and many others spoke against the child support guidelines, which she said "are not based on the cost of raising a child" but on "how much money do you make?"

"This approach to calculating income is unfair to all the children of this state and the fathers ordered to pay it," she said.

Brothers said her husband paid \$250 per month in child support after he and his first wife divorced. But his payment recently increased to \$650 per month under the current guidelines. That is one-fourth of his income, and paying that amount each month is a hardship for her family, Brothers said.

"I just came back from the grocery store and had to put groceries back on the shelf. We don't have enough money," she said.

Blackston and Barber contended in their lawsuit that court officials violated the most recent settlement by deciding during a meeting that excluded them to contract with Policy Studies Inc. of Denver. The two men also contend the court officials tailored the process so that Policy Studies was the only vendor to submit a proposal.

"The policy in Alabama on child-support guidelines, as applied to those that are obligated to pay child support, in real life, is one of hatred, prejudice, disdain, contempt, loathsomeness and undeserving of any constitutional or moral rights," their complaint stated.



## Making a buck off child support

<http://www.chicagotribune.com/news/opinion/chi-0405150182may15,1,6360261.story?coll=chi-newsopinion-hed>

### Chicago Tribune, 05-15-04

The Illinois General Assembly is moving to clamp down on companies offering--for a hefty fee--to hunt down unpaid child support bills. Child support bounty hunters advertise heavily on television shows that target women audiences. Amid a parade of gauzy images of children, they promise a "risk-free" way to "get the support you deserve." To a single mom eking out a living without help from a deadbeat dad, it's a powerful pitch.

But as a Wisconsin circuit judge concluded in February, it's a sales pitch sometimes based on a "false misrepresentation." While child support collection firms are upfront about taking a big cut--from 30 to 50 percent--of past due child support, customers are often surprised to learn their contracts take the same bite out of current support as well. According to testimony last year by an aide to Atty. Gen. Lisa Madigan, "Illinois case law supports the reasoning that a parent cannot bargain away a child's right to current child support."

Once a parent has signed up for the services of a collection agency, the agency can be hard to shake. The companies typically require parents to agree to reroute support checks to the collection agency, giving them full control over payments. The contracts are difficult to terminate if parents decide they're getting a raw deal.

The Illinois legislature has approved a bill to cap child support collection fees at 35 percent and bar collection agencies from taking a bite out of child support payments delivered on time.

That seems reasonable. But collecting child support is a difficult business, and if it becomes unprofitable to be in the business, will a new law simply remove one resource for collection, rather than help parents get their money?

Skirmishing over collection agencies obscures a central fact. These companies exist because state and local authorities fail to enforce child support orders. Government inaction, and sometimes ineptitude, creates a ready pool of frustrated parents who discover their court orders for child support mean little.

In 2002-2003, only 47 percent of \$675 million in child support orders handled by the state's Division of Child Support Enforcement got paid. That's better than it was in 1999-2000, when only 36 percent of Illinois child support bills were paid. But a system in which custodial parents receive less than half of what's owed can hardly be called a success. All told, unpaid support exceeds \$2 billion in Illinois and \$89 billion nationwide.

The Blagojevich administration recently launched a Web site listing names and some photos of two dozen egregious violators of child support orders ([www.ilchildsupport.com/deadbeats](http://www.ilchildsupport.com/deadbeats)). And since 2002, the state has contracted with private collection agencies to pursue deadbeats. The agencies earn commissions of up to 15 percent that are paid by the state, not the families owed support. The state-funded agencies have drummed up \$19 million since last July--\$2 million more than all of the previous year.

But the state must do more. Several years ago, state law was rewritten to allow state's attorneys to take over child support intake, processing and collections. The idea was to increase accountability and compliance with child support orders. The measure has come to naught. Proposals from Cook, DuPage and Kane state's attorney's offices have been rejected by the state, in part because they would be too expensive.

Critics worry that the proposals also have stalled due to strong opposition from labor unions representing Department of Public Aid workers who now handle child support cases.

As state and local officials wage turf battles over child support, the system fails hundreds of thousands of Illinois kids. But it makes for boom times in the child support collection racket.

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## Divorced fathers testify about child support

[http://www.boston.com/news/local/new\\_hampshire/articles/2004/05/14/divorced\\_fathers\\_testify\\_about\\_child\\_support/](http://www.boston.com/news/local/new_hampshire/articles/2004/05/14/divorced_fathers_testify_about_child_support/)

AP - Boston Globe, 05-14- 2004

**PLYMOUTH, N.H.** -- Divorced fathers testified about the challenges of paying child support and abiding by judges' orders during a hearing before the Legislative Commission on Child Support.

"I was essentially ordered into bankruptcy," said Doug Madsen of Dover said at the Plymouth Regional Senior Center on Thursday. He said the marital master presiding over his case didn't look at his financial statement.

"Judges need to be accountable when they order child support. They should sign some sort of statement that they did read financial affidavits for both parents and that child support is based on what the parent can pay," Madsen said.

Several of those testifying said they would support a debit card system that both parents could draw against for purchases limited to their children's needs.

"My hard-earned money is funding my ex-wife's new house and new car," Jeffrey Twombly said. "I have my daughter 40 to 50 percent of the time but I pay \$158 per week in child support plus her dance lessons, costumes, snowboard lessons. I'm never in a million years going to be able to pay for college."

Regarding custody, "the court should start with 50 percent custody and zero child support unless there are extenuating circumstances," said Jim Ward of New London. "There should be a formula that takes discretion away from the marital masters and a system that leads to character assassination and a search for the bad guy."

"What should that formula be?" asked Rep. David Bickford, R-New Durham, commisson chairman.

"I don't know," said Ward.

The commission must report to the Legislature by Dec. 1.

Psychiatrist Stevan Gressitt of Unity, Maine, testified about the high number of prescriptions to children for Attention Deficit Hyperactive Disorder.

"Our research shows there is a direct correlation between these prescriptions and divorce," he said. He said the systems focus on assessing child-support payments rather than assuring the child has two viable parents puts the non-custodial parent in an "unreasonable situation."

"The incentive is for the custodial parent to prove the non-custodial parent is a bad guy in order to get the maximum child support," he said. "The non-custodial parent is in an unreasonable situation and unreasonable acts follow."

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Information from: Citizen, <http://www.fosters.com/citizen>

## Welfare reform driving up child support payments

<http://www.chicoer.com/Stories/0,1413,135~25088~2145318,00.html>

**GREG WELTER, Staff Writer, ChicoER, 05-13-04**

**OROVILLE:** The Butte County Department of Child Support Services collected and distributed more than \$2 million in payments in April a department record.

Most of the money was sent directly to households in Butte County, department officials said.

"We've been increasing collections by about 12 percent per year for the past several years," said Mary Randall, a public information officer.

"In 1996 we reached \$1 million in one-month collections. Our goal was to reach \$2 million in 2004," she said.

In part, Randall attributes the increase to welfare reform, which has escalated the number of people who must seek jobs when welfare payments run out after five years. More significantly, for each month a custodial parent collects child support from a non-custodial parent, their welfare eligibility is extended by 30 days.

"It's a real incentive for one spouse to keep track of the other and keep on them about making payments," Randall said.

In May of last year, the department collected more than \$2 million, but much of that was attributed to the one-time federal tax rebate made to families with dependent children.

Among about 18,000 active child support cases in the county, a significant and growing number of those obligated to make the payments are non-custodial females.

"That's very different than it used to be," Randall said. Another flip-flop, according to Randall, is the number of families receiving child support who are also on welfare about 25 percent now, compared to about 75 percent in past decades.

"One of the goals of our department is to keep people off welfare," Randall said.

Mandatory withholding of child support payments by employers and a reporting system that keeps track of parents when they move from one job to another has also helped spike collections.

In Butte County about \$825,000 of April's distribution came from court-ordered wage withholding.

"Another reason is we are no longer considered part of law enforcement," Randall explained. Until two years ago, child support collections were enforced through the Butte County District Attorney's office. Now the department is a separate county department and advocates enforcement through civil, rather than criminal channels.

"It's been proven emotionally better if both parents are involved with their children," Randall said. "Even if it's only providing financial support, it shows that they care."

The department has also made it easier to remit payments. An electronic (e-pay) system has been instituted which allows use of a credit card to make a payment online. "It's been a real boon to those who have to pay," Randall said. "We charge 10 percent on back payments. You can get a credit card today with a 3 percent rate."

As of Monday, an electronic kiosk in the department's lobby at 1474 Meyers St. also takes payments by credit cards. The lobby is open from 7 a.m. to 7 p.m., Monday through Thursday.

Court-ordered child support payments must be made until a child is 18, or until 19 if they are still in high school.

## **Police: Mom admits killing 3 kids**

**Police said a Florida woman arrested in North Carolina confessed to killing her three children, and they later found the bodies at home. Murder charges were pending.**

<http://www.bradenton.com/mld/bradenton/news/nation/8649297.htm>

**PHIL LONG, Miami Herald, 05-12-04**

A Florida woman is being held in a North Carolina jail after authorities there said she told them she had killed her three children in their home outside Orlando.

Police found the bodies of two sisters and a brother, ages 5, 6 and 9, under a hideaway bed in their home in Longwood on Tuesday.

Andrea Williams, 32, was being held on a trespassing charge in North Carolina while Florida authorities prepared murder charges, said Maj. Coy Reid of the Catawba County, N.C., Sheriff's Department.

The news devastated the middle-class neighborhood where Williams lived in a yellow and white stucco home with her children, Ilona, 9, Ian, 6, and Ivey, 5.

"I feel so bad. My heart goes out to the father," said next-door neighbor Noreen Yuskaitis. "The mother just must have lost it. That's the only thing I could think of."

The children used to bounce on a trampoline in their backyard, Yuskaitis said.

Tuesday, crime scene tape kept people away from the property, about 15 miles north of Orlando.

Williams and her husband, Gary Williams, were separated and Andrea had filed for divorce last year, according to The Associated Press. Court records show that Gary Williams tried to get custody of their children after his wife attempted suicide in October by overdosing on pills. Gary Williams described his wife in the court file as "depressed."

In a motion seeking temporary custody of the children about a month after the suicide attempt, Gary Williams said that he was "afraid that the children are in grave danger." Court records indicated Andrea Williams made another suicide attempt, the AP reported.

According to the AP, police do not know how long the children had been dead and were awaiting results of autopsies. There were no obvious signs of trauma, Longwood Police Chief Tom Jackson said.

Events that led police to the bodies began unfolding Monday evening near Newton, N.C., more than 560 miles from Central Florida.

Reid said that Andrea Williams showed up at the home of the family of a former friend in Catawba. She had been told not to go there and was eventually arrested on second-degree trespassing charges, Reid said.

Deputies learned that Williams had three children and reached Gary Williams in Florida late Monday, Reid said. The husband filed a missing-persons report with police in Longwood and Mooresville, N.C., where Williams had been seen at a motel on Friday.

Tuesday, an investigator questioned Williams about the whereabouts of her children.

"After about 10 or 15 minutes," Reid said, "she made the statement that she had killed her three children."

Reid said that Florida was in the process of preparing three murder warrants.

## Woman who died at jail was days from release

<http://www.thnt.com/thnt/story/0,21282,961043,00.html>

**Anna Bakalis, Home News Tribune, 05-10-04**

**Gannett New Jersey:** Roberta Welichko of Bridgewater was to be released within three days of her booking -- less than 48 hours after she was found dead on the floor of the Somerset County Jail.

"She would not have been sitting in jail for an extended period of time," said chief probation officer John Higgins. "The law requires that she should have been heard before a judge within 72 hours."

Welichko, a 39-year-old mother of three, was brought to Somerset County Jail in Somerville on the afternoon of April 21 for failure to appear in court. She owed \$24,000 in delinquent child support, though no complaint had been filed against her.

She was found on the floor as breakfast was brought to her at 6 a.m. and was pronounced dead 20 minutes later. An autopsy into the cause of death was ordered.

Higgins said Welichko owed child support for two children and was the subject of three arrest warrants. But it is Welichko's mother who has custody of the children.

Joshua, 10, lived with Welichko and her mother, Margaret Keller, on Dartmouth Avenue in Bridgewater.

Welichko was taken to jail after a car she was riding in was pulled over by police in Branchburg for a traffic violation. A check revealed Welichko's three warrants.

Branchburg police have not released information on who else was in the car at the time.

While no solid clues to her death have been offered, Somerset County Sheriff Frank Provenzano Sr. said he has asked the state examiner's office to speed up a complete autopsy, which would include a toxicology test.

"We want to expedite this as soon as possible," Provenzano said. "But they're telling us it'll take eight to 12 weeks."

**State bills parents for foster care**  
**Agency says revenue could help it provide aid to children**  
<http://www.courier-journal.com/localnews/2004/05/03in/B1-foster0503-8865.html>

**EUNICE TROTTER, The Indianapolis Star , 05-02-04**

INDIANAPOLIS — Jesse Patrick's first shock was learning that his son was in foster care, placed there by officials investigating abuse charges against the child's mother and her boyfriend.

The second shock came last week when, after gaining custody of his son, Patrick learned that he's now expected to pay Hendricks County Child Protection Services more than \$3,500. That's half the cost of keeping the child in foster care for two months. The child's mother is being billed for the other half.

"I understand if they said I had to pay child support. He's my child," said Patrick, 24, a part-time truck driver who lives with his mother west of Stilesville in Putnam County and relies on his family for financial help. "But not that much. I didn't do anything, so I should not be held responsible for him going to foster care. Why should I have to pay?"

The state has an answer: Patrick and hundreds of other parents are being targeted as a source of revenue for the Family and Social Services Administration. Officials contend that even though the children are in foster care, parents should help with the costs.

Only a small fraction of FSSA's \$627 million annual budget comes from foster-care reimbursements, but officials say more parents can pay — even if only a small amount — for such care, which costs \$18 to more than \$100 a day per child. That revenue could help the state provide more care for children, officials said.

This was the consensus of a committee of the Indiana Commission on Abused and Neglected Children and Their Families studying funding options for FSSA. Parents already can be billed, but the committee thinks that the state should go after them more vigorously.

"The thinking is there are some parents able to pay something toward the cost of their children," said Cathleen Graham, a member of the funding committee and executive director of an association of foster-care agencies.

"If the parents had the child at home, they would have had expenses for food, clothing, health care and housing. We think they should be able to pay something to the county for those expenses."

In 2002, the latest year for which statistics are available, the state paid \$195.6 million for foster care for 7,700 children. Statewide, there were about 4,200 foster homes in 2002; now there are 4,400.

The state needs even more foster parents because of a law taking effect July 1 that requires thorough background checks of every person in the home of a relative taking a child, FSSA spokeswoman Cindy Collier said. While the checks are taking place, the child must be in foster care.

If no relatives can take the child, the child is placed in a foster home, either directly through Child Protection Services or one of several agencies contracted by FSSA to place children. Within a few days, a judge must approve the arrangement.

Last year, parents reimbursed the state \$543,000 for court-ordered foster care, up from \$340,000 in 2002.

The payments go to the Office of Family and Children in the county that handled the case, Collier said. In Patrick's case, the money will go to Hendricks County.

Judges issue reimbursement orders, but no one actually enforces payment, officials said. Parents may be persuaded to pay because sometimes the reimbursement is a condition that must be met before the child is returned home.

FSSA also collects child support ordered through paternity or divorce proceedings, Collier said.

"If someone owes on a child-support order, we have tools like tax-refund intercept, seizing bank accounts, putting liens on vehicles and income withholding. But we are prohibited from doing these things on reimbursement orders," she said.

To help offset the costs of foster care, Indiana receives federal funds under the Title IV-E program. The program pays foster-care expenses only for children of families eligible for or receiving public assistance. The state received more than \$69 million through the program last year.

Officials estimate that two-thirds of families that do not qualify for the federal funds can afford to pay something toward their children's foster-care expenses.

Patrick, who never married the child's mother, already had taken steps to establish legal paternity when the boy was taken from the mother by Brownsburg police on Feb. 15. Patrick and his family frequently kept the boy on weekends and saw the injuries during one such visit. Patrick's mother reported her suspicions that the boy was being abused.

The child was placed in foster care after his mother, Andi J. Pence, 23, and her boyfriend, Kevin C. Wyatt, 29, were jailed and accused of giving the boy a black eye, choked him and broke his hand. Both are charged with battery, and she also is charged with neglect of a dependent. Both are now out of jail and under house arrest.

Pence told police the child was injured falling out of a bed and wrestling with his cousins.

Child Protection Services officials turned the child over to Patrick on April 21 on the condition that he not allow the mother any contact. That week, he received a \$428 bill to pay for a guardian ad litem — the attorney appointed by the court to protect the child's interests in the custody hearing.

**Jim Untersshine, GZS of LB, gndzerosrv@pavenet.net, www.gndzerosrv.com**

He said the child's mother, now out of jail on bond, also was billed.

Patrick's parents, Frances and Tyler Patrick, are able to help their son with the expenses.

But many parents struggle to pay the foster-care costs.

Wanda and Kevin Cochran's three children were taken from their Fountain Square-area home after an anonymous complaint that their house was flea-infested and their children were dirty.

The family had been receiving welfare payments and food stamps, which were cut off when the children, ages 5, 4 and 1, were removed from the home Oct. 9.

Wanda Cochran, 23, now works at an outlet store, bringing home about \$300 every two weeks. Her husband is disabled and has no income. They must pay \$50 every two weeks on a \$1,350 bill for nine days of court-ordered foster care.

The couple think the children, who are now living with a relative, should not have been removed from their home.

"I don't mind paying if this will help me get my kids back," Wanda Cochran said. "But it does hurt, especially when we don't get any other money in."

The committee's recommendations to require more parents like the Cochrans to pay for foster care may be included in a final report expected to go to Gov. Joe Kernan in August.

### **By the numbers**

**7,700** — Number of children in foster care in Indiana last year.

**4,400** — Number of foster homes in Indiana last year.

**\$18 to \$100** — Amount paid to foster parents per child per day. Can be higher for children with serious emotional or medical problems.

**\$195.6 million** — Amount paid to Indiana foster families in 2002.

**\$543,000** — Amount paid by parents last year to reimburse counties for foster care.

**532,000** — The number of children in foster care nationwide in 2002.

SOURCES: Indiana Family and Social Services Administration and the Administration for Children and Families of the U.S. Department of Health and Human Services

## The Difficulties of Child Support Enforcement

<http://www.bellaonline.com/articles/art19641.asp>

**Cynthia Parker, BellaOnline, Single Parents Host, 04-21-04**

For those of us who are single parents by divorce, child support issues can be some of the most complicated and frustrating issues we face. Establishing orders of support are frustrating enough, but having them enforced can be a nightmare. If at all possible, have support orders established in your divorce decree, along with visitation and sharing of medical expenses. Many states do not have precedence set for the establishment of child support continuing through college. If you plan to seek such support, it is better to establish this agreement at the time of divorce than to try to establish this additional support at the time needed. Clarifying as much as possible from the beginning is always the best policy. Do not take the attitude of "We'll just wait and see what happens" and insist that your attorney does not either.

Despite the best advice, divorce is never an easy challenge and some issues are liable to slip through the cracks. Even when decisions are made and ordered, they are sometimes ignored. If possible, have child support payments structured so that they are paid through the family court. Some states have two options for court-monitored child support. The first is that the payments are delivered to family court and dispensed directly to the custodial parent. The court will monitor whether or not payments are kept up-to-date; however, the custodial parent is still responsible for any legal actions initiated to collect payment of support in arrears. The second is the option of having the case handled through the Child Welfare or Social Services department. Payments are made to the department and dispensed direction to the custodial parent. However, should the payments fall into arrears, the Child Welfare or Social Service department is responsible for legal actions against the noncustodial parent. Each option has its pros and cons. For those that like to have more control over their situation, payment through the court is satisfactory. However, those who cannot afford court costs often prefer to have their case handled through Child Welfare or Social Services. The important thing to remember is that the longer you allow child support payments to remain in arrears, the harder it becomes to collect. Stay on top of the situation and be sure to act in a timely manner.

Often after a noncustodial parent is taken back to court of nonpayment of support, the court will insist that payment be made through the option of wage withholding. This actually becomes easier for all concerned. The anxiety of the noncustodial parent is eased by having the payment payroll deducted. They payment is sent directly to the court, who disperses it to the custodial parent. Payroll departments are well-versed in handling such arrangements with the number of child support orders in effect at this time. The court will monitor the account; however, they contact the noncustodial parent's employment only after the account is 6 weeks to 3 months in arrears, depending upon the state of residence. The custodial parent has the option to bring the case back to court at any time.

There are many horror stories of child support enforcement, from both sides of the fence. I knew a mother whose husband gave up a \$50,000 a year job and moved back in with his mother because he didn't want to pay child support. I have heard of noncustodial parents who "disappear" to another state to avoid having to pay child support. Child support has been used to force visitation in abusive situations and has been withheld when visitation was denied for court ordered reasons. Parents seem to use child support as an effective tool against one another in order to express the anger and pain of their divorce with little regard to the fact that the child is the one who is suffering the most.

I have always been an advocate of the prosecution of noncustodial parents who are in arrears on child support...at least until this last year. I believe that there must be compassion and justice on both sides of the issue. As we all know, the economy of our nation has greatly suffered in the past few years. The unemployment rate has increased across the nation and just when there was talk to it beginning to drop several nationwide corporations have announced corporate closings and layoffs. Once out of a job, it has become very difficult to find another one. The job market is tight and becoming tighter with the out-sourcing of some types of work. Companies are finding overseas labor to be friendlier to their bottom line. I know a man who is a good father, loves his daughter, and is amiable to his ex-wife. But he has been unemployed for over a year and unable to make his child support payments. Even though his ex-wife has not pushed the issue, he is being taken to court and threatened with jail for nonpayment of support. There is a big difference between this man and "dead-beat" parents who make the choice not to pay child support.

As for jail time as punishment for nonpayment, I have mixed feelings. For those noncustodial parents who choose not to support their children, jail seems - at least on the surface - a wonderful idea. However, when in jail, the noncustodial parent is not working - or searching for a job - and thus is not being paid. He or she is getting farther behind in payments and missing out on income to balance these debts. It seems that there should be a better way to "punish" for nonpayment while enforcing payment. Unfortunately garnishing wages only works while the noncustodial parent is employed. Should they decide to quit their job, it is hard to get blood from the proverbial turnip.

"No easy answers and no easy wins" should be the motto for all those involved in child support disputes. I cannot reiterate enough that the more you can establish up-front, in your divorce decree, the better off you are.

A few web sites of interest to anyone who is experiencing problems with child support enforcement include:

**The Federal Office of Child Support Enforcement**, <http://www.acf.hhs.gov/programs/cse>. This site is a part of the U.S. Department of Health and Human Services, Administration of Children and Families. It has wonderful links to the child support and custody laws of each state. It supplies great information from both the federal and state levels on issues of child support.

**ACES - Association for Children for the Enforcement of Child Support**, <http://www.childsupport-aces.org>. A great site for encouragement in the battle for child support enforcement.

**National Conference of State Legislatures, Child Support and Family Law**, <http://www.ncsl.org/programs/cyf/cs.htm>. This is a wonderful site for anyone who wants to keep up with what our elected officials who represent our states at the federal level are doing when it comes to improving our nation's child support and family laws.



## Appellate court says inmate must keep paying child support

<http://www.phillyburbs.com/pb-dyn/news/104-04072004-278359.html>

**The Associated Press, 04-07-04**

TRENTON, N.J. - A man now serving a lengthy prison term must continue to pay child support while he's in jail, a state appellate court has ruled.

Joseph Everett, 33, of Waretown, had sought to have the payments suspended while he was incarcerated. A Family Court judge rejected his request in October 2001, saying that arrears would continue to accrue while he was jailed, and that decision was upheld Monday.

The appellate panel said a prison term - whether long or short - does not excuse someone from paying child support.

However, it did find that Everett could have a hearing to determine the amount of his back child-support he owes once he is released from jail.

Everett received an 18-year prison term for eluding police and a concurrent 10-year term for aggravated assault when he was sentenced in February 2001. He must serve 85 percent of the longer term - more than 15 years - before he can be considered for parole.

His convictions stem from a police chase that occurred in Lacey Township in January 1999. The chase ended when Everett's vehicle collided with another vehicle, seriously injuring the other driver.

## This deal is far from fine

**California can't afford to pay \$190 million penalty to the federal government**

<http://www.recordnet.com/daily/news/articles/040504-e-1.php>

**The Record, 04-05-04**

Hey, Gov. Schwarzenegger, looking for a way to stand tall and make an impact?

In the middle of California's trifecta of problems -- the state budget, workers' compensation and another energy crisis -- why not use your influence with the White House to gain a couple of favors?

San Joaquin County officials could use a little help right now.

Aside from San Joaquin General Hospital's financial woes, there's this little matter of a federal fine levied against California for failing to have in place a statewide, automated child-support system.

San Joaquin County's share of the tab: \$1 million a year.

The state is in deep fiscal trouble, something Arnold Schwarzenegger knows all about.

If President Bush is disinclined to offer financial assistance, surely the Republican connection between Sacramento and Washington ought to be good for something.

Why not waive this fine, a \$190 million annual penalty for the people of California?

Admittedly, the amount won't bail anybody out of the budget hole, but even a symbolic gesture would have meaning. California doesn't necessarily deserve having the federal fine forgiven.

After all, state officials were supposed to have a system in place by 1997.

They missed that deadline by a mile.

California's 58 counties employ three different methods of collecting child support from delinquent parents. The state has yet to reconcile those differences, making it one of only two in the nation failing to meet federal requirements.

So California, which hardly can afford it, flushes \$190 million down the drain each year.

It gets worse. As Sacramento lawmakers and bureaucrats wrestle with multibillion-dollar deficits, they're looking for help to pay this fine.

For the first time, counties must come up with 25 percent of the total. That's where San Joaquin's \$1 million comes in.

The inherent unfairness of this process rankled the San Joaquin County Board of Supervisors enough last week that it has decided to defy the state edict.

The supervisors said they won't pay the fine. Even amid threats that the state government will find another way to extract its extra pound of flesh, supervisors took a principled position.

Gov. Schwarzenegger, here's your chance to be a real-life action hero. Why not step in? Call the president. Ask for clemency. If President Bush won't listen, follow San Joaquin County's example. Tell the feds California's hurting right now and won't be paying this penalty. Force the issue.

It might not gain you in political capital with the Republican Party, but you'll be more popular than ever with Californians.

## Facing kidnapping trial, a father tells his story

<http://www.app.com/app/story/0,21625,937731,00.html>

**Karen Sudol, Asbury Park Press, Freehold Bureau, 04-04-04**

FREEHOLD -- John E. Kindt Jr. has said he never kidnapped his two children. While he admits taking them, he said it was in the hopes of finding a father-friendly jurisdiction, one which had not heard of his ex-father-in-law, a Freehold attorney who had served as Monmouth County counsel or special counsel for 20 years.

Kindt and his wife, Stacey, were arrested Jan. 22, 2001, after the Coast Guard, while towing Kindt's damaged boat off the coast of North Carolina, learned he was being sought by law enforcement for taking his two young children from his former wife, Anne O'Connor of Wall.

By sailing away with them, Kindt said, he sought a place where he could re-establish the joint custody agreement his ex-wife had agreed to and protect his children from what he believed was neglect.

Now, three months before his kidnapping trial, Kindt -- whose wife, Stacey, has been convicted on similar charges, discussed in a recent interview the events that led to the trip, his upcoming trial and the charges he faces.

"There is only one reason we have been charged with kidnapping or charged at all, and that is because my ex-wife is Anne J. O'Connor and my ex-father-in-law is Richard T. O'Connor," said Kindt, 45.

His attorneys have unsuccessfully sought to have the Monmouth County Prosecutor's Office and the judge handling the case removed because of what they say are conflict-of-interest relationships with Richard T. O'Connor.

Repeated attempts to reach Richard and Anne O'Connor for comment were unsuccessful.

### History of the case

John Kindt, who is free on bail and now living in Carson City, Nev., is accused of kidnapping his two children, then ages 6 and 5, after they had stayed with him for several days around Christmas 2000. When their mother, Anne O'Connor went to pick up the children on Dec. 30, she found her former husband's home in Brick deserted. She notified the Wall police.

Authorities discovered the Kindts when their boat broke down off Southport, N.C., on Jan. 22, 2001. Kindt's nephew, Matthew Aronson, was also on the boat and arrested.

During her trial, prosecutors brought out that Stacey Kindt had filled out passport applications for the children and had maintained a hard drive, labeled "Stacey," that included lists of what each person's role was to be in the plot. She also kept a diary describing the initial leg of the journey and wrote a letter to her mother in which she asserted they didn't intend to keep the children apart from O'Connor forever.

In April 2003, Stacey Kindt, now 29, was ordered by Superior Court Judge Michael D. Farren to serve a seven-year sentence after the jury convicted her of kidnapping and other charges. She is at the Edna Mahan Correctional Facility for Women in Clinton and has filed an appeal, which is pending.

John Kindt Jr., who goes to trial June 1, faces between 15 and 30 years in prison for first-degree kidnapping charges. He is also charged with interference with custody, attempted interference with custody outside the United States, conspiracy and contempt of court.

Kindt has rejected an offer by prosecutors to plead guilty to second-degree interference with custody. He would have gotten eight years in prison. Under that plea agreement, Stacey Kindt would be released immediately from prison, and Aronson would receive probation.

The couple were charged under a section of the law amended in 1999 that defines kidnapping as a person who removes another a substantial distance with the purpose to permanently deprive a parent, guardian, or other lawful custodian of custody of the victim. Prosecutors said that applies because the children were being taken out of the country, said Prosecutor John Kaye.

Kindt argued the amended kidnapping law does not apply to parents and neither he nor his wife should have been charged with first-degree kidnapping.

### A legal separation

Anne O'Connor and John Kindt were married for more than 11 years and living in Los Angeles, when O'Connor visited her parents in New Jersey with the children Thanksgiving weekend 1996, he said.

He said she did not return as promised after the holidays. Just before six months had passed, Kindt said, he filed for divorce to compel O'Connor to return with the children. He later dropped the divorce because the two were reconciling.

For three years, he said, he traveled to and from Los Angeles to both maintain his business and see his wife and children in Wall. The two negotiated and amended a legal separation, which included a custody agreement for shared custody of the children if Kindt moved to New Jersey.

By May 2000, the divorce agreement was signed and finalized. Kindt relocated to Brick along with his new wife, Stacey. But between that May and December, Kindt said, his ex-wife did not abide by the custody agreement.

He said he believed his children were suffering and neglected because they spent so much time in day care.

Finally, Kindt said, he went to court to enforce the custody agreement. On Dec. 8, 2000, the court ruled Kindt would have custody of his children Tuesday and Thursday evenings and every other weekend. But the family court judge also ordered Kindt to pay Anne O'Connor \$50,000, her share of their failed business and \$50,000 for the Los Angeles house they had shared. Kindt was required to pay it by the year's end or face jail time, the judge ruled. With the business having failed, he said he didn't have the money.

'It was just devastating'

"I came all the way from L.A. to a place where I knew nobody. I had no business contacts for a new job, with a wife who I took away from her family. We're alone in New Jersey and now we did all of that for the kids every other weekend. . . . It was just devastating," he said of the judge's decision, adding that he believed he had "lost my children."

He said he believed that Richard O'Connor -- Anne's father and then the county special counsel -- had some influence over the family court decision.

With a failed business and facing the threat of jail, he said he decided to take his kids.

"I did snap. I mean obviously the heat was on and I snapped. But the only other alternative was to just . . . give up," he said.

Kindt admits buying a boat under an assumed name and referring to a manual on how to disappear. There was no planned destination -- just a father-friendly jurisdiction, he said. The boat was to give them a temporary place to live while they figured out what to do next.

"I was trying for a jurisdiction that didn't have the influence of the O'Connor family. . . . another jurisdiction where I had a chance to enforce the agreement that she wrote," he said.

Kindt said he told his children they were going on a trip and would see their mother soon.

"I really did some foolish things except if you put it in a context that I loved my children," he said. "These were my children. I know we live in a day where fathers give up. And they just say, all right, you can have the kids. I just happened to not be that kind of guy. I wanted to raise my kids. It was one of my reasons for being since I was a kid. I wanted to be a good father."

#### **Motions to recuse**

During Stacey Kindt's trial and in pretrial motions for John Kindt, the Kindts have argued there is a conflict with the Monmouth County Prosecutor's Office trying the case.

Stacey Kindt's attorney, Mark A. Fury, had argued that Anne O'Connor, Richard O'Connor and Judge Farren live within two miles of each other, Farren and Richard O'Connor attended the same church, Farren and Anne O'Connor belong to the same private club and that Farren's and Kaye's appointments may have been influenced by O'Connor's political affiliations.

Farren responded in court by saying Richard O'Connor lived within two miles of him but he did not know where Anne O'Connor lived; he attended St. Margaret's Church in Spring Lake, not St. Catherine's, where Richard O'Connor was said to worship. Both churches are part of the same parish. The judge said he doesn't belong to the private club, and he noted that Richard O'Connor, a Democrat, had no say over his appointment. Farren is a Republican.

At Stacey Kindt's sentencing, Fury presented a photo of someone he identified as John Kaye attending John Kindt's wedding to Anne O'Connor. Farren denied the motion to declare a mistrial. Kaye said last week he didn't attend the wedding and the photo wasn't of him.

Monmouth County Assistant Prosecutor Barry Serebnick said in court papers the only relationship Richard O'Connor had to the case was as a concerned father to Anne O'Connor and a concerned grandfather to the two children.

But Kindt's attorneys revisited the issue in motions. Lawyer Stephen G. Schueler of Spring Lake Heights argued O'Connor represented Kaye in two federal lawsuits in the early 1990s.

The first was a suit brought by Barbara Coleman, a former investigator in the Prosecutor's Office, in 1991. Kindt and his attorneys have said O'Connor represented Kaye for up to four years.

Kindt's attorneys also said O'Connor was co-counsel in representing Kaye in a defamation suit brought by fired Assistant Monmouth County Prosecutor James W. Kennedy.

Kindt's attorneys suggested the case be turned over to the state Attorney General's Office. They also requested records and correspondence of Kaye and O'Connor and a hearing to further investigate their relationship.

#### **Kaye denies any conflict**

Kaye said he wasn't represented by O'Connor in either suit. In the Kennedy case, he said he was represented by a partner of current county counsel Malcolm V. Carton, while attorney Gerald Dorf represented him in the Coleman case.

Kaye said he has known O'Connor since 1970, has had a good opinion of him and has been cordial to him but does not socialize with him.

"I can't see it as anything other than a defense lawyer throwing anything against a wall hoping something will stick," Kaye said.

Serebnick had argued in motions that nothing untoward had happened in the case.

"This is not a case where somebody said, 'Let's prosecute John more vigorously than we would prosecute anybody else.' There's nothing to substantiate that. It's speculation at best," Serebnick said.

Farren denied the requests, saying he could not find a conflict.

Defense attorney William J. Shipers of Wall also moved for Farren to step aside.

Shipers said past comments by the judge at Stacey Kindt's sentencing could be interpreted to mean he had already determined John Kindt's guilt. He also said Farren and Richard O'Connor were employees of the Monmouth County counsel's office from February 1982 through May 21, 1984, creating a conflict.

When he became assistant county counsel in 1982, Farren said he reported to Carton, then county counsel, and had no dealings with O'Connor. O'Connor at that time was special county counsel, according to county records.

The judge also said he had no feelings good, bad or otherwise about the arguments made in the case and had been "more than fair with regard to Mr. Kindt in the case so far."

On March 23, Farren, who is retiring, ordered the case transferred to Superior Court Judge Francis P. DeStefano.

Kindt said he regretted that "this ever got put into motion," adding that he was concerned about the long-term impact it will have on all four of his children. He and Stacey Kindt have two children.

When asked how he feels his case will progress at trial, Kindt said he believes there is a high likelihood he'll go to prison for the rest of his productive life.

*Karen Sudol: (732) 462-6509 or [ksudol@app.com](mailto:ksudol@app.com)*

## Father faults kidnap charge because he had custody

<http://www.app.com/app/story/0,21625,937740,00.html>

**Karen Sudol, Asbury Park Press, Freehold Bureau, 04-04-04**

The former Brick man accused of kidnapping his two children has maintained he is the only father with custody to be charged with the crime in New Jersey.

John E. Kindt Jr., of Carson City, Nev., said he also believes his wife, Stacey, should not have been charged.

"It was devastating when she was convicted. It's fair to say it was the most devastating day of my life, but in retrospect, it had to be that way. The way (Superior Court Judge Michael D.) Farren charged the jury, that if she didn't get permission of Anne, it was kidnapping," he said, referring to his ex-wife, Anne O'Connor.

"But wait a second. I'm a parent just like Anne, which is particularly why Stacey should not be charged with kidnapping because she was with a parent with physical and legal custody," Kindt said.

John and Stacey Kindt were charged under a section of the law amended in 1999 that states a person is guilty of kidnapping if he or she removes another a substantial distance with the purpose to permanently deprive a parent, guardian, or other lawful custodian of custody of the victim. Prosecutors alleged the Kindts intended to permanently deprive Anne O'Connor of custody of her children by taking them outside the United States.

In his research, Kindt said he could find no other father with legal and physical custody of his children who had been charged in the state with first-degree kidnapping. He also said he was unaware of any wife of a father with custody being convicted of kidnapping in the state.

His attorneys, William J. Shipers and Stephen Schueler, had argued in motions that they were "unable to find another scenario wherein a custodial parent was charged with first-degree kidnapping," adding that they didn't believe the court could conclude that Kindt, as a custodial parent, unlawfully took his own child.

Interference with custody was the more appropriate charge for the scenario of a parent disobeying an order and taking a child from another parent, they said.

State Police do not maintain statistics on kidnappings in the state, nor do they categorize the number of kidnappings by parents or relatives vs. those by strangers. The state Attorney General's Office does not track kidnappings, either.

Findings from the Second National Incidence Studies of Missing, Abducted, Runaway and Thrownaway Children, which were conducted in 1999, show that an estimated 203,900 children nationwide were victims of a family abduction that year. Among those, 117,200 were missing from their caretakers, and of that total, 56,500 were reported to authorities for assistance in locating the children.

John DeBartolo, the chairman of the family law section of the New Jersey Bar Association, and Nicholas C. Harbist, second vice chairman of the criminal law section, said they were unaware of any other case involving a father with custody being charged with kidnapping.

"Each case is unique, and the Prosecutor's Office must have done an investigation to come up with particular information that they deemed appropriate, which justified bringing the criminal complaint," DeBartolo said.

Added Harbist: "It's highly unusual to indict someone (a parent) for a first-degree crime of kidnapping, but it's certainly within the prosecutor's discretion."

Assistant Monmouth County Prosecutor Barry Serebnick, who is prosecuting the case, said he isn't aware of another father with custody being charged under the amended 1999 law. But Prosecutor John Kaye said the charges are justified.

"My obligation is to see that justice is done, not to be scalp hunting," Kaye said. "If I thought for a moment that the charges against this man were baseless or very thin even, I would dismiss it myself. I would never pursue prosecution of anybody in which the charges didn't amount to proof beyond a reasonable doubt."

Judge Farren has ruled the charges were proper. He said the facts of the case fall within the parameters of kidnapping.

Kindt said the best outcome would be to "go down to a deal that is contempt of court."

When asked if he took his kids without the knowledge of his ex-wife, Kindt replied, "It was with the knowledge of me. Of course it's not kidnapping because even the way it's written now, it excludes a parent," he said.

*Karen Sudol: (732) 462-6509 or [ksudol@app.com](mailto:ksudol@app.com)*

## Deadbeats lead to a dead end

<http://www3.dailynewstribune.com/localRegional/view.bg?articleid=29924>

**Laura Crimaldi, DailyNewTribune - Staff Writer, 03-28-04**

Bobbie Jo Murch is used to going it alone.

In fact, she's become so adept that she's given up on asking for help.

"I just don't know who to turn to," Murch said recently.

For most of her life, Murch's daughter, Brianna, has been waiting for a father to prove he cares.

Now 14, the eighth-grader at Remington Middle School in Franklin has seen precious little of her biological father, Timothy Lynch of Hopkinton, and even less of the money he was ordered to pay to raise her.

"I'm just sick of giving him so many chances. I shouldn't have to call and say, 'Hey, can you help me out with school clothes?'" Murch said.

To date, Lynch owes \$40,000 in back child support to his only daughter, according to Timothy Connolly, a state Department of Revenue spokesman.

Of that \$40,000 in unpaid child support, \$13,000 is owed to the state for the four years Murch was on welfare.

"I know I will probably never get the money because he probably has nothing, but something needs to be done," said Murch, seated at a dining room table in her two-bedroom apartment on East Central Street. "Even if you have to work at McDonald's, they pay well. That's what I hear. Even if he personally gave her \$10 a week it would make her feel like he's trying."

Since the release of the DOR's latest "Most Wanted" list at the end of last month, authorities have nabbed the state's worst deadbeat parent.

Robert C. Payne Jr., formerly of Salem, was arrested earlier this month in Kansas for allegedly failing to pay \$195,855 in child support to his two children over seven years.

It will be about another month until the DOR knows the exact returns from the release of the latest "Most Wanted" list, Connolly said.

But for single mothers like Murch, the end is nowhere in sight for their ordeal, part of which they blame on the state.

"They (the state) want to stick them in jail, but what do you do when you know where he lives? He doesn't have income. What's jail going to do?" Murch asked.

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Jennifer Richards of Clinton knows how Murch feels.

Richards, who works in Framingham, just received a weekly child support payment from her ex-husband Joel S. Kendrick for the first time in four years.

The \$100 check, which followed a \$400 payment from Kendrick earlier this year, came after the former Marine was nabbed in Beaumont, Texas, and sentenced to 18 months in the Worcester County House of Correction in West Boylston last July.

Kendrick, 34, owes \$49,000 to his 14-year-old daughter and 11-year-old son, according to the DOR's Connolly. Of that sum, \$9,000 is owed to the state.

He also owes money to another child living in Louisiana.

But the recent checks are hardly reason to rejoice for Richards.

The 30-year-old single mother didn't even know her ex-husband was paroled a few days before Christmas until being contacted by a reporter earlier this week.

He skipped out on a Feb. 19 hearing date over a permanent restraining order that was awarded to Richards, according to Worcester Probate Court records.

His arrest in December 2002 came a month after Kendrick was put on the DOR's "Most Wanted" list, but Richards said she found her ex-husband in Texas after paying \$10 for a public records search on the Internet.

"I feel like I was a pawn in the chess game of the DOR," said Richards in a telephone interview.

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After years of chasing employers Murch suspected had hired Lynch under the table, the Franklin mom just stopped calling DOR for help about two years ago.

"I've always called DOR and given the information, but there's nothing they can do because the employer isn't going to say he's working under the table," Murch said.

These days Murch must walk to her job down the road at Brooks Pharmacy, where she is a shift supervisor, because she doesn't have a car.

For about two years, she worked an extra four to five hours a week organizing greeting cards for American Greeting Cards.

Severe pain from carpal tunnel syndrome in both wrists, however, eventually forced Murch to give up the second job.

In the past nine months, she has been sidelined repeatedly by carpal tunnel syndrome, missing more than three months of work due to surgeries in January and last July.

A Section 8 voucher lets her live in a two-bedroom apartment in the same building as her parents and two sisters. Murch sets aside the extra cash from her tax returns to take her daughter on a summer vacation with her family.

Any child support money for Brianna would go to buying a car and saving for the teen's dreams of college.

"She would love to go to college," Murch said of the student council member and singer. "She would love to go to Japan because she's really into anime."

Reached by telephone this week, Lynch said he can't make the payments because health problems with his heart, lungs, carpal tunnel syndrome and liver have kept him out of work.

"I don't know. I guess I have to go to jail and do my time," Lynch said.

Murch and Lynch dated for two years before their relationship soured around the time of their daughter's first birthday.

The state ordered Lynch to pay \$50 every two weeks to help raise Brianna, Murch said.

For a few years, Murch, 36, would drive her daughter to Lynch's home so he could visit on weekends.

By the time Brianna was ready for elementary school, the visits had long ended and the sporadic trickle of payments had dried up completely, Murch said.

The teen has a good relationship with Lynch's extended family, who routinely treat her to shopping trips and outings. "The family is wonderful," Murch said.

Lynch said his daughter didn't want to speak with him when they saw each other for the first time in four years earlier this month at a party for his parents' 50th wedding anniversary.

Asked why he hadn't seen the teen in so long, Lynch said, "That's up to her mother."

According to Lynch, it's been about five years since he worked. At the time, he said he was trying to catch up with his payments.

"It's like an uphill situation," he said.

Three years later, Lynch went to the doctor to complain of hand pain, and discovered he had a host of other health problems.

He hasn't driven since 1993 because of troubles with drunken driving and says he now faces more money woes because of cuts to his Medicaid benefits.

He wants his daughter back in his life.

"Of course I would. It's the only thing I'm living for," he said. Lynch added, "I think she knows I love her."

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From the perspective of the DOR, there's little the state can do in this situation other than search for assets and check new hire forms.

"Anytime anyone who owes child support shows up -- then boom," said Connolly of the tracking system for the statewide new hire network.

Whenever Murch heard Lynch, who reconditions automobiles, might be back at work, she would go to the auto body shop to make a plea for assistance.

But in most cases, Murch said Lynch was working under the table. The DOR got its last tip on Lynch's possible employment about two years ago, Connolly said. None of the previous inquiries panned out, he said.

The state did revoke Lynch's driver's license, but Murch said it was already suspended.

The Franklin mom does have the right to file criminal charges against Lynch for allegations of failure to pay child support, but most custodial parents choose not to do that.

"They'd rather see him free and pursue him at every opportunity when they become employed," Connolly said.

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Richards did press criminal charges to get the man she divorced in 1997 to pay back child support.

In a complaint form filed on Nov. 25, 2000, Richards charged Kendrick with leaving the state without paying child support, abandoning a spouse without paying child support and failure to comply with a support order.

While state parole and probation officials said Kendrick is on track with his restitution payments, neither Richards nor the family who hosted the deadbeat dad for three months are impressed.

A few days before Christmas, Bonnie Peluso of Millville drove to the West Boylston jail to pick up Kendrick, who was paroled and placed on probation after spending a little more than a year behind bars.

"I thought I could help this person," said Peluso's husband Rich in a telephone interview.

Peluso and Kendrick met last year while the Millville father was serving a 35-day sentence for violating his probation from a domestic abuse conviction.

According to Peluso, Kendrick was ordered to find a job and pay \$100 a week toward in his child support.

By March 3, the Peluso family was fed up. Kendrick, they say, turned down a job the family found him at a Millville gas station which paid \$10 an hour to work for less money at Longhorn Steakhouse in Franklin.

He had also paid \$400 to Richards during those three months, the Pelusos said.

Furthermore, the Pelusos say Kendrick's parole and probation officers had done next to nothing to keep tabs on him. Bonnie Peluso said the state didn't make good on its promise to visit their home to make sure it was appropriate for Kendrick.

"It's just amazing to me that no one has any interest in what he's doing," said Rich Peluso, who lived with Kendrick during that 12-week period.

Upon leaving the Hickory Road home, Kendrick stayed with a friend in Blackstone, according to Millville Police Chief Timothy Ryan.

"There might be more to this than meets the eye," said Michael Brown, chief of field services for the state parole board. "We know he's working and he's in compliance."

According to Brown, Kendrick has accused the Pelusos of calling his work place and posing as a federal agent since he left the home.

Kendrick and the Pelusos are at odds over a telephone bill, Brown said.

Peluso said there's no truth to any of those allegations.

While Brown said the parole department will make sure Kendrick keeps up his payments, Richards isn't so confident.

"Yes, there's money coming in, but I don't expect it to be coming in for long," said Richards, noting Kendrick's parole expires in July. His probation period ends in 2008. "Every time they did find him over the years, he'd go into hiding."



## State welfare program lauded by federal officials

[http://www.boston.com/news/local/maine/articles/2004/03/27/state\\_welfare\\_program\\_lauded\\_by\\_federal\\_officials/](http://www.boston.com/news/local/maine/articles/2004/03/27/state_welfare_program_lauded_by_federal_officials/)

**Boston Globe, 3-27-2004**

AUGUSTA, Maine -- Federal welfare officials lauded the state for its use of a computer system to collect and distribute child support checks and said the system may be why Maine is one of only a dozen to meet all federal requirements.

"You are getting more money to more kids and keeping people off welfare better than about anywhere," Sherri Heller, commissioner of the federal Office of Child Support Enforcement, told state Department of Human Services officials.

Heller made her comments during a meeting with department officials being held to note the state child support division had met all of the requirements set forth in federal welfare reform legislation passed in 1996.

Maine is one of 12 states that passed a federal audit for its data reliability for two consecutive years. As a result, it received all federal incentive money, "a very unusual distinction," Heller said.

The state earned \$2.4 million money for good performance in 2002. The national average for such programs is \$4.33 collected in child support for every \$1 spent. In Maine, every \$1 spent brings in \$4.99.

The computer program tracks the income of those who owe child support, so if someone gets a raise, a case worker may be able to request more money. If a parent loses a job, it also informs case workers of more realistic amounts.

Acting state Human Services Commissioner John Nicholas, who was recently nominated to take over as the head of a proposed new human services agency, said he was impressed with the work of the child support division.

"This demonstrates what we can accomplish," Nicholas said. "There are ways to leverage technology to achieve this kind of performance. But never forget, it depends on the dedication of our staff."

## County might escape penalty

<http://www.visaliatimesdelta.com/news/stories/20040324/localnews/138218.html>

**Laura Florez, Visalia Times - Staff writer, 04-24-04**

Hoping for a light at the end of a tunnel, Tulare County decided Tuesday to hold off on writing out a check for the more than \$1 million it owes the state for child support penalties.

The county's portion of penalties -- \$1,058,877 -- is due, according to a bill the state sent the county.

Since 1997, the state has been subject to federal penalties for its failure to implement a statewide automated child support system that was mandated by the federal government.

Counties are being asked to pay 25 percent of those fees.

But after spending a week in Sacramento at the California State Association of Counties legislative conference, Tulare County supervisors caught wind that the state may qualify for a fee waiver from the federal government.

"If we pay it, and for some reason they [waive] it, we'll never see it again," Supervisor Bill Sanders said.

So rather than pay the fees, Sanders suggested that the county wait and see. In a unanimous vote, the board agreed.

"We're not refusing to pay," he said. "We're just saying we want a clarification."

Supervisors also want to know why its portion of the \$48.7 million in penalties is so much.

"This is a horrible situation," Supervisor Steve Worthley said. "We're one of the poorest counties in the state of California, and we're paying three times more. This is the state's problem, and we're paying for it."

The county had readied itself for the penalties. It set aside money last year in its contingency budget to pay it.

But Sen. Dean Florez, D-Shafter, told the board they might not have to, Sanders said.

The board was told that if California writes a letter by March 31 to the federal government, stating that it had or is ready to implement a new system, the federal government could waive the state's penalty, and the county's fee could be waived.

"We had all been pounding on every door," Sanders said.

At this point, the state department of child support services has signed an agreement with IBM to develop a statewide computer system, said Sondra Rester, a program manager for the Tulare County Department of Child Support Services.

In the meantime, the state is putting counties on one of two existing automated systems, which will eventually be linked to create one database to satisfy federal rules.

The state's schedule to get every county on one of two systems is July 2005, she said.

## When adults get caught in child support system

<http://www.suntimes.com/output/mitchell/cst-nws-mitch23.html>

**Mary Mitchell, Sun-Times Columnist, 03-23-04**

Robert Lee Moore says he has never been to New York. The 37-year-old married father of five from Chicago says he has never dated anyone from New York. So you can imagine how stunned he was when he received a child support petition in 2000 informing him that he had been named the father of a boy born to a woman on public assistance in New York City.

"I am very angry and upset that something like this could slip through the system," Moore said. "I have no idea how this woman got my information. I feel somebody out there is using the system to get money. It almost destroyed my marriage."

If Moore is being truthful, this is perhaps the most unusual case of identity theft to date. Instead of ringing up credit card debt, his accuser would be guilty of providing false information to New York officials for the purpose of collecting benefits. Moore ignored the summons ordering him to show up in court because he thought it was a "joke." Then his state income tax refund check was withheld, and officials in New York threatened to enforce the state's penalties against dead-beat dads.

"It just didn't make any sense," he said. "But I went down there to the court and filed papers to try and take legal action. That is why I proceeded to take the blood test."

Marcy Jensen, a spokeswoman for the Cook County state's attorney, said because Moore didn't show up for his first court date in March 2001, he was judged to be the child's parent by default. At that point, his work records were subpoenaed and a month later, a support order was entered. Two years later, Moore requested a blood test. But his accuser and his alleged child did not agree to genetic testing.

"We terminated the child support order," Jensen said. "But the parentage order is still in effect and is under review by our office."

Jensen also said the information about Moore came from New York.

"The mother provided his name, address, date of birth and Social Security number, and the information was notarized by the state agency in New York," she said.

### How did she get the digits?

Myra Oliphant, 41, filed her "Affidavit in Support of Establishing Paternity" in New York City in June 2000. By that time her son, Tali K. Oliphant, was 7 years old. The affidavit lists the father as "Robert Moore." I've tried calling Oliphant several times, but she did not return my calls.

Under federal law, every state is obligated to act on behalf of other states in child support cases in taking these cases to court, said Mike Claffey, chief of communications for the Public Aid Department.

"Obviously, this is a very unusual case. It is very rare that someone would be accused of being the father and have no knowledge of the woman who is accusing him," Claffey said. "But this case could have been sorted out if he had shown up in court initially and contested the obligation."

In Illinois, Claffey said complainants go through a "rigorous" interview process before cases are filed against alleged fathers.

"We test their credibility. We ask a lot of questions. We do a lot of due diligence before we take a case to court. We don't take a case based on a name and address," he said. "Certainly if a woman is evasive and can't answer questions, then we are going to have pause."

### Little help in real cases

Unfortunately, odd situations like this crowd an already overburdened court system. And for every man who is falsely accused of fatherhood, there is a mother like Charley D. Streeter.

The Chicago woman tried to get child support from her son's father beginning at 5 years old. Last year, her son had graduated from college and she still had not received a penny. Streeter was only able to obtain a \$95,000 judgment against the father from the Illinois courts. And she contacted a not-for-profit agency she saw advertised on TV to help her to collect the debt.

"After four years, they couldn't do it. He had a lot of hidden money that they couldn't find. They told me they were very sorry, but they couldn't waste any more time on my case," Streeter said.

"He never gave me one red cent. Nothing ever," she said. "The only reason he started showing up at court is because the court threatened to put him in jail. It is hard for women to win these types of cases," Streeter said. "I was paying an attorney. I had an organization behind me and still didn't win."

On the day she was told the court could do nothing further, Streeter said she broke down.

"I remember getting up off the floor. I just fell down. My son deserved better than this. He deserved help with this \$135,000 college tuition fee he has to pay back. He needed the help and I was being told that I had to find it somewhere else."

That's how serious this child support issue really is.

If Moore is serious about clearing his name, he should hire a lawyer

## News from the San Joaquin Valley

[http://www.mercedsun-star.com/state\\_wire/story/8290815p-9133086c.html](http://www.mercedsun-star.com/state_wire/story/8290815p-9133086c.html)

**Associated Press, Merced Sun-Star, 03-17-04**

BAKERSFIELD, Calif. (AP) - A parents' rights advocate from Ridgecrest has pleaded innocent to charges of child stealing. Lowell Anton Jaks, 52, was arrested Feb. 27 in the Dominican Republic on a \$100,000 warrant. He entered his plea Tuesday and is due back in Kern County Superior Court on March 29.

Authorities alleges Jaks took his 10-year-old son, Alec Jaks, as the boy was riding his bicycle to school.

The mother of the boy and the defendant's ex-wife, Elaine Jackson, had a protective order that prohibited Jaks from being around his son, authorities said.

Jaks founded the nonprofit Alliance for Non-Custodial Parents Rights in 1994.

### **Jaks awaiting extradition**

[http://www.ridgecrestca.com/articles/2004/03/10/news/local\\_news/news02.prt](http://www.ridgecrestca.com/articles/2004/03/10/news/local_news/news02.prt)

**Jessica Tamturk, Daily Independent, 03-10-04**

Lowell Jaks is currently being detained by U.S. authorities in Miami, Fla. awaiting extradition to Bakersfield, where he is expected to be arraigned as early as Monday for allegedly abducting his son.

The Kern County District Attorney's Office is hoping to try the case in Bakersfield, but the presiding judge may opt to move the trial to Ridgecrest or another outlying county community, said Charles Brown, the lead investigator for the Kern County District Attorney's Child Abduction Unit.

Brown spearheaded a month-long investigation that began on the morning of Jan. 27 in Ridgecrest, when the non-custodial parent allegedly picked up his son. The case first led to Chino where the pick-up truck Jaks had rented was found by authorities, then on to Mexico, and from town to town in the Dominican Republic until he was recognized by police enforcement on Feb. 27.

When informed of Lowell Jaks' return to the United States, his ex-wife, Elaine Jackson, who has full custody of their son, said she was relieved that Jaks was back in the country and would imminently be tried for his actions.

"I would like to see him spend some time in jail because what he did was so blatantly wrong," Jackson said. "I cannot predict how he'll react to this. He may realize that his actions were wrong or he may just hold it against me as just another reason to hate me. I pray that he won't," she added.

Jackson said it was important for her to know of her ex-husband's whereabouts to inform her son.

"Alec loves his father," she said. "I may decide for Alec to have monitored contact with his father at some point in time."

Jackson said she has been closely monitoring her son's activities since his return from the Dominican Republic nearly two weeks ago, and will continue to do so regardless of the outcome of Lowell Jaks' trial or his location.

## Trish Wilson's Blog publishes letter from Lowell Jak's daughter

[http://trishwilson.typepad.com/blog/2004/03/ancprlowell\\_jak.html](http://trishwilson.typepad.com/blog/2004/03/ancprlowell_jak.html)

### Nicole Jaks, Daughter, 03-04

I thought people reading these posts that support Lowell (my father) would like to hear a little insight from one of his adult children! He has a daughter the same age as Alec's Mom. Then he married my Mom and had me and my younger brother before he remarried and had Alec. He never or barely child support for me, and barely/sorta paid for my brother. He also threatened to abduct us from my Mom when we were about the same age as Alec is now. He gave up any interest in that close relationship he rants and raves to be necessary between children and father when we were about Alec's age. I had honestly predicted that he would go offer and start a new family and forget about Alec like he had us. But, sadly for Alec, I was wrong.

He has always been verbally and mentally abusive, and was definitely physically abusive of my Mom and me (at least one time I clearly remember). Does this really seem like a man who cares so deeply about his children? Mr Jaks has stated that children need the love of their father not his money (basically), but I know we didn't feel that way when my Mother had to work extra hours and be gone longer, leaving us with no parent, or depending on the Welfare system.

Mr Jaks is highly intelligent and equally unstable. He has serious anger management issues among other psychological problems.

When the court was to decide custody and visitation for Alec in Ca, I was living in Co. Alec's mother and her wonderful new husband asked me to testify on Elaine's behalf. I chose not to testify for fear of permanently severing the relationship with my father. Now, I wish I would have testified and I wish it would have helped. It may not've reduced his visitation, but maybe it would've shown Alec that someone other than his Mom can testify as to his father's destructive nature.

I talked to Alec a few days after he got back from the Dominican Republic. He has obviously been VERY strongly swayed by our father toward his worship. Alec said his Dad "took him on a month vacation without homework!" It was sad to hear Alec's attitude regarding the horrible, controlling, manipulative, abusive thing his father had done. Alec's Mom and I hope this is some sort of coping mechanism Alec has devised to deal with his father's illness.

I have a son of my own and I even fear his safety at times. I had tried to regain a relationship with my father in the summer of 2003. I was expecting my first child and felt the pull toward family, even if just for my son to know his Granddad. I flew to Ca from Chicago to visit Mr Jaks. Our relationship was surviving because he wasn't as zealous about his ancpr-type ideas as usual. I planned a 3 week stay with him, but after 1 week, I was frantically packing my bags to leave. The extreme, woman-hating man in Mr Jaks reared his ugly head around day two, but I let the comments and sick opinions roll off of my back for a few days. At my boiling point, I spoke back with my opinion. This was unacceptable to him, probably especially since I am a female. (I'm not exaggerating to make him look worse, he does a fine job of that on his own!)

Perhaps, other readers would be interested in knowing that my younger brother has not been on speaking terms with Mr Jaks for some time now because my brother decided he would no longer tolerate Mr Jaks' verbal and emotional abuse.

Mr Jaks has always tried to control his children, though he never provided for them... never provided in anyway, including emotionally, spiritually, physically, OR financially.

I believe he adopted his philosophical abhorance of the cs system after he didn't want to pay... not after he felt it separated him from the love of his children. During our heated argument when I was packing to leave his home, I posed this theory. He was furious and claimed that that is what the system would have me think. Alas, I have been duped! Or have I? Maybe I touched a little too close to the truth.

When someone failed to reflect the beautiful man Mr Jaks yearned to see back at him, he relinquished his pursuit for a relationship with us. Alec adores his father, so Mr Jaks keeps him as close as he can. If Alec realizes what a dangerous, awful man Mr Jaks is, Alec too will be relinquished from Mr Jaks pursuit. It's just so sad that Alec had to endure the life-changing event of parental abduction for Mr Jaks' sick personal benefit.

I implore anyone who's "on my father's side" to contact me if they think I have unfairly portrayed him. I can give plenty of details and anecdotes to support my claims and opinions, as do many members of my family!

## **Disney Daughter Says Eisner Should Leave** **But Diane Disney Miller opposes her cousin Roy's 'vicious' campaign against the CEO.** <http://www.latimes.com/business/la-fi-diane10mar10.1.6178675.story?coll=la-home-headlines>

**James Bates, LA Times Staff Writer**

Walt Disney's sole surviving child broke her silence Tuesday on the growing furor surrounding the empire her father founded, saying Michael Eisner should resign soon as chief executive.

"It's time to step down and let someone else come in for the future," Diane Disney Miller said in an interview. "New leadership is necessary. I think Michael Eisner did some great things for the company but there also are some not so great things."

Given her lineage, Miller's comments are certain to add to the increasing pressure on Eisner and Walt Disney Co.'s board. Major shareholders have been calling for Eisner to step down as CEO after nearly two decades in the post. Last week, he received an unprecedented 43% vote of no confidence in his unopposed reelection to the board. He subsequently was stripped of his title as chairman, but was allowed to remain as the company's top manager.

The company did not respond directly to Miller's comments. In a statement, it reiterated the board's belief that Disney's improved earnings and its strategic direction "make us confident that results will validate our judgment on the quality of our management team."

During her interview with The Times, Miller, 70, distanced herself from what she called a "vicious and personal" campaign being led by her cousin, former board member Roy E. Disney, aimed at Eisner's immediate ouster.

She said the abrupt removal of Eisner could cause the stock price to plunge, making the Burbank-based entertainment conglomerate vulnerable to Comcast Corp.'s recent unsolicited \$49-billion takeover bid.

"Roy's move was ill timed, and it helped put the company in play," Miller said. "It showed there is weakness and discord at the top of the company. Roy loves the company as much as I do, and he wants to see it remain independent too. But what he has done has put it in jeopardy."

Told of Miller's comments, Roy Disney said through a spokesman that "while we may disagree on tactics, I am obviously pleased that Diane agrees that it's time for a new chief executive at Disney. Twenty years, indeed, is long enough."

Miller said that Eisner's departure should be orderly and come sooner rather than later, with directors forcing the issue if he resists.

"You don't want him ripped from the company because there is nobody to take his place," Miller said. "I want it to be his decision to go but, Michael being who he is, I don't think that will happen. So it has to be up to the board."

Miller, a San Francisco resident, has had only sporadic dealings with the company in recent years. Although she sold her personal stock in the late 1980s, she said her branch of the family owned about 2 million shares — valued at about \$50 million — through her children, grandchildren, trusts and a foundation named after her parents.

In recent years, her most visible activity has been helping complete her mother's dream of building the Walt Disney Concert Hall in downtown Los Angeles.

Her relationship with both the company and with her cousin has at times been tense over the years, stemming largely from Roy Disney's push to remove her husband, Ron Miller, as the company's CEO in 1984. That paved the way for Eisner's hiring. In recent years, however, the family has patched up many of those differences, she said.

Last week, Miller said, her family spurned a call by her cousin and his business partner, former Disney director Stanley P. Gold, to join the movement to withhold votes for Eisner's board reelection. Miller said she refused because she did not want to further embolden Comcast.

"The whole Comcast bid just scares me to death," Miller said, explaining why she is now speaking out. "We're so sad. We feel helpless. If this company ever loses its independence it will never be what it had been. This should not be a subsidiary of a cable company."

After Comcast unveiled its bid last month, Miller urged Disney's board in a letter to keep the company independent "for what it represents in entertainment and what the man [Walt Disney] himself represents."

She also suggested that a successor be groomed to replace Eisner when his contract expires in 2006.

Miller said Eisner, who received the letter, let her know that he disagreed.

Since that time, Miller said, she has had a change of heart: She said she had concluded that the board should move more quickly to replace Eisner, possibly in six months to a year if the right person was found. "This has to be a sincere effort," Miller said. "It can't be a sham."

Walt Disney's only other child, Sharon Disney Lund, died of cancer in 1993.

## **Michigan glitches snarl child support**

**Snags in state's \$459 million system don't give dads credit, leave kids without money**  
<http://www.detroitnews.com/2004/metro/0403/07/a01-84246.htm>

**Gary Heinlein, and Kim Kozlowski, The Detroit News, 03-07-04**

**WEBBERVILLE** — A federally mandated \$459 million record-keeping system, intended to correct Michigan's creaky, mistake-filled process for tracking payments to parents and their children, has instead caused a new wave of problems for those paying and receiving child support.

Rather than streamline services to 2.5 million adults and kids affected by nearly 800,000 child support orders, the new computer system has created errors and added headaches for parents and hard-pressed Friend of the Court agencies around the state.

The system, hastily installed in October to meet a federal deadline, may take years to fix, officials said.

Two years ago, a Detroit News investigation found that most of the agencies had too little staff and too much work. As a result, more than 400,000 children were getting none of the child support due them, and more than 600,000 custodial parents who were owed child support had been forced onto state assistance.

Since then, things haven't gotten better at Friend of the Court offices. State and local budget problems have resulted in hiring freezes, if not staff reductions.

The ongoing problems are making life more difficult for hundreds of parents, like Webberville resident Lara Vinluan, who depend on child support — not to mention those who are required to pay it and can face jail time if they don't.

Until the new system cranked up in October, child support payments of \$341 flowed smoothly every two weeks from Ruben Davila's paychecks to Vinluan and their 3-year-old son Aidan. Afterward, the checks and amounts became sporadic.

Between October and February, the new system shorted them by \$650 while continuing to deduct the proper amount from Davila's pay.

To make matters worse, Livingston County's Friend of the Court agency, where Vinluan's child support order is filed, seemed powerless to correct the problem. Local agencies have to rely on state computer technicians in Lansing to fix even the most elementary glitches.

"I contacted Livingston County many times, and the state many times, but they told me there was nothing they could do about it," said Vinluan, 34. Eventually, she received a check for \$650, but that may not mean the problem has been fixed.

Vinluan and Davila say it appears the state's computer came up with the \$650 check by deducting extra money from his paychecks. Further, the system now claims Davila, a Grosse Pointe Park resident also paying support for a child in Macomb County, is subject to three child support orders, rather than two, and is in arrears.

Such mixups have nearly doubled calls to Friend of the Court offices, said Jeff Albaugh, president of the Michigan Friend of the Court Association. An automated state phone system for child support clients is logging 230,000 calls a week.

More than 2,000 mistakes have cropped up since the system was activated, said Albaugh, head of Calhoun County's Friend of the Court office in Battle Creek. A task force has compiled a list of more than 60 corrections, some of them major, that programmers need to make.

"This system has the seeds of being a very good system, but a private business would have waited another year to implement it," Albaugh said.

Officials estimate it will take three years to meld data from the state's patchwork of 64 Friend of the Court offices and 83 county prosecutors into a smooth-running system.

### **Focus on certification**

Michigan hurried to meet an Oct. 1 deadline and avoid \$147.5 million in federal penalties. Failure would have resulted in an added penalty of \$60 million. The federal government requires states to have automated child support systems linked to federal computers.

"The focus had been to get (federally) certified, so the blinders were put on and the (computer) vendor was told not to be distracted by anything, including user issues," Albaugh said. "Now problems are cropping up, creating more work rather than saving time."

### **Examples of problems abound.**

Southgate parent Ken Machus Jr. had made about 10 trips in a year to Wayne County's Friend of the Court office at the Penobscot Building in Detroit, trying to clear up confusion over the \$222.86 deducted weekly from his paychecks and sent to his ex-wife.

He's puzzled about the \$38,000 he is listed as owing the state and his former wife, in addition to child support being deducted for a 17-year-old daughter of whom he's had legal custody for two years. More puzzling: His ex-wife also is supposed to be sending him \$20 a week in support for the same daughter.

"When they switched to the computer, they sent me a letter saying it would be four to six months before my payments would be posted to my account, so I'm paying \$222 a week and wondering where it's going," Machus said. "And I'm keeping very good records."

### **Staff is overburdened**

Computer troubles only magnify tension in densely populated Wayne County, where nearly half the state's child support orders are lodged and an overburdened staff is too busy to answer phone calls.

**Jim Untershrine, GZS of LB, [gndzerosrv@pavenet.net](mailto:gndzerosrv@pavenet.net), [www.gndzerosrv.com](http://www.gndzerosrv.com)**

But Wayne County Chief Judge Mary Beth Kelly, who's overseeing the agency, said the problems are being dealt with and the system promises to be a big help. In May, Wayne's office will expand with a 30-member call-in center staff, handling some of its 8,748 daily calls. The Wayne County Commission allocated \$500,000 annually to fund it.

"There's no question the system works," Kelly said. "And the system has had profound benefits for Wayne County families. There's no question that with the system, more families have received more child support."

Marilyn Stephen, director of the state office of child support, acknowledged the changeover "has been a fairly bumpy ride," but said complaints have leveled off.

"A year from now, I think there will be significant improvement. Some of the larger issues will take more time."

Metro Detroit free-lance writer C. Lerner Rugenstein contributed to this report. You can reach Gary Heinlein at (517) 371-3660 or [gheinlein@detnews.com](mailto:gheinlein@detnews.com)

## **Torrance Man Vows To Change Child Support Laws**

**Man Ordered To Support Child He Says Isn't His**

<http://www.nbc4.tv/news/2891653/detail.html>

**[NBC4.tv](#), 03-02-04**

LOS ANGELES -- A Torrance man ordered to pay support for a child he maintains is not his son said Tuesday he is a victim of paternity fraud and will not give up the fight to change the law.

Taron James, 34, says he has already given about \$25,000 in child support to a woman for her 11-year-old son, a son he claims is not his.

The woman, whose name has not been made public, identified James as the baby's father in 1992, but the Gulf War veteran denied paternity.

The U.S. Navy vet admitted "a two-week fling" with the woman, but said it came a year before the child's birth.

"I don't know of any woman with that long a pregnancy," he said in a phone interview.

James tried to stop garnishment of his unemployment in a hearing before the California Unemployment Insurance Appeals Board, but administrative Judge Michael Kurz said he could not overturn a decision by the Child Support Services Department.

No one at the CSSD who was familiar with James' case could be reached.

Although Kurz denied James' request, the judge in his decision wrote, "the evidence is overwhelming that (James) is a victim of fraud instigated by the woman ... This is one of the most unjust results a judge could render, but based on the laws on the books in California, there is no discretion to hold otherwise."

Even after producing a DNA test and notarized testimony from the woman clearing him, courts refused to set aside judgments obtained against him by the Los Angeles County District Attorney and the Child Support Services Department.

James said that unless there was a legislative change, he could end up paying support until the boy is 23.

"I'm so knocked down, it's not funny," James said, but added that he is helping lead the charge for an Assembly bill that could help reduce paternity fraud by making it easier for men to use DNA evidence to clear up cases against them.

"I will get the laws changed somehow," he said.

James said his name was placed on the child's birth certificate without his consent while he was on his tour of duty, and said he thinks the woman's motivation was his military benefits.

"Her father was in the Navy years ago, and she knew about the benefits," he said. "Here I am in the Gulf War, and if I was killed, she could make a claim on a \$200,000 life insurance policy on the child's behalf."

He said the judgments have left him with almost nothing and that they have cost him \$50,000, including his \$24,000 military college stipend, which he said expired because he has spent the last three years fighting the paternity suit.

## Poll: Most Oppose Gay Weddings

<http://www.cbsnews.com/stories/2004/02/24/national/main601828.shtml>

**CBS News, 02-28-04**

**(CBS)** According to a **CBS News** poll, most Americans oppose gay marriage - and opposition appears to be increasing.

However, support for a constitutional amendment rises and falls with the way that the amendment is worded. The issue seems likely to play a role in the fall presidential election, particularly for those who are opposed to same-sex marriages.

### THE CONSTITUTIONAL AMENDMENT

In a **CBS News** poll conducted immediately after President Bush endorsed a constitutional ban on gay marriage, 59% of Americans said they would favor an amendment to the Constitution that would "allow marriage only between a man and a woman," up slightly from 55% last December.

In a separate question that asked if they would support a constitutional amendment that would "allow marriage only between a man and a woman and outlaw marriages between people of the same sex," support declines, but 51% would still support such an amendment.

When a question is asked without reference to a possible constitutional amendment, even more oppose legalizing gay marriage. Sixty-two percent of Americans oppose a law that would allow homosexual couples to marry and obtain the same legal rights as other married couples; just 30% favor gay marriage.

The public seems to have become even less receptive toward gay marriage in the past seven months. Although a majority has always opposed gay marriage, last July, 40% said they would favor allowing homosexual couples to legally marry, as did 34% in December. That figure is now 30%.

Republicans, conservatives, and people in the South are the most likely to support a constitutional amendment banning gay marriage – about three-quarters of each group does. Majorities of Democrats, Independents, moderates, those without a college degree, and those in the Midwestern and Western regions also favor a marriage amendment.

Opponents of the constitutional amendment include liberals (62%) and those who have a college degree or higher education (51%). Northeasterners are slightly more likely to oppose the amendment than support it, 49% to 45%. Young Americans under age 30 are more likely than older people to oppose the amendment, but a majority of them still favors it.

### GAY MARRIAGE AND VOTING

Voters do not cite gay marriage as the main issue they want to hear about this year. Far more name the economy, jobs and the war – but the issue may still have an impact on voting.

Only 4% of voters see gay marriage as the main issue they would like the candidates to address in this election year, far behind the economy (25%), health care (13%) and the war in Iraq (also 13%). Gay marriage is named by more voters than is abortion (1%), and it is clearly the most relevant social issue to voters today.

Just over half of voters, 52%, say they would consider voting for a candidate who does not share their views on gay marriage.

Opponents of the legalization of gay marriage are less willing than those who favor it to look beyond a candidate's position on the issue. Fifty-three percent of voters who oppose gay marriage would not consider voting for a candidate who doesn't share their view.

Similarly, 55% of voters who favor a constitutional amendment banning gay marriage say they would never vote for a candidate who disagrees with them on the issue of gay marriage.

Republican voters, conservatives and those age 65 or older are among the least flexible on this issue. Majorities of those groups would not consider supporting a candidate who has a different view. In recent presidential elections, voters 65 and older have given Democratic candidates a narrow lead. By 51% to 42%, voters in the South also say they will not vote for a candidate who disagrees with them on the issue.

Proponents of gay marriage, however, are less likely to give the issue a central role in their decision-making. Three-quarters of them would consider voting for a candidate who holds a different position than they do on the matter.

Among those voters who say religion is extremely important to them, 61% would not vote for a candidate who disagrees with them on gay marriage.

Neither leading Democrat supports the legalization of gay marriages, but both oppose a constitutional amendment outlawing them. President Bush supports such an amendment. It is unclear at the moment how the issue would play out in November, and whether those who favor an amendment would still vote Democratic.

One potential Democratic loss could come from black voters, 58% of whom say they would not consider voting for a candidate who doesn't share their views on the issue of gay marriage.

Nearly all of those black voters who would not consider such a candidate are opposed to legalizing gay marriage. However, as of now, black voters would overwhelmingly vote Democratic in November. Three-quarters disapprove of Mr. Bush's job performance as president, and 82% now say they would vote Democratic in the November presidential election.



Right now, voters who favor the marriage amendment and won't consider a candidate who disagrees with them on the issue of gay marriage are conservative, religious, and Southern. Fifty-one% of these voters describe themselves as conservatives; 86% of them say religion is very important to them (including 50% who say it is extremely important), and 45% live in the South.

Fifty-six percent in this voter group are women; 54% have a high school education or less. In addition, 63% of these voters approve of Mr. Bush's job as president, and half have a favorable opinion of the president (compared with 44% of voters overall). Fifty-four percent of this voter group say they would vote for Bush in November; 41% would vote for the Democratic candidate.

## Plea to halt gay marriages denied

High court rejects request from attorney general to nullify nuptials also.

<http://www.presstelegram.com/Stories/0,1413,204~21474~1984777,00.html>

David Kravets, Press Telegram, AP Legal Affairs Writer, 02-27-04

SAN FRANCISCO -- The California Supreme Court declined a request Friday by Attorney General Bill Lockyer to immediately shut down San Francisco's gay weddings.

Lockyer had asked the high court to take the matter under urgent consideration, to instruct San Francisco officials to stop issuing same-sex marriage licenses and to nullify the more than 3,400 marriages already performed.

Instead, the justices told the city and a conservative group that opposes gay marriages to file new legal briefs by March 5 in response to the attorney general's petition.

Lockyer has been under fire from every side since San Francisco, under a directive from Mayor Gavin Newsom, began issuing the marriage licenses two weeks ago.

Newsom sued the state last week on grounds that California's marriage laws which say a marriage is only between a man and a woman violate the state constitution's equal protection clause.

Pressure on Lockyer, a Democrat and the state's top law enforcer, intensified when Republican Gov. Arnold Schwarzenegger directed him to "take immediate steps" to halt San Francisco's marriage march.

Lockyer, without taking a position on whether same-sex marriages should be deemed constitutional, told the justices it was a matter for the courts, not Newsom, to decide.

"The genius of our legal system is in the orderly way our laws can be changed, by the Legislature or by a vote of the people through the initiative process, to reflect current wisdom or societal values," he wrote. "A law can be struck down by an appropriate tribunal if the law is determined, through our judicial process, to be inconsistent with basic rights or higher legal authority."

Regardless of Friday's order, the San Francisco-based Supreme Court did not indicate whether it would decide the issue. The seven justices usually are loath to decide cases until they work their way up through the lower courts, which this case has not.

"It's a matter of statewide concern and voters want to know; Californians want to know, and couples that participated in ceremonies need to know the status of their relationship," Lockyer said in Anaheim on Friday.

Supporters of the marriages have criticized Lockyer for rushing the issue to the state's highest court, while opponents of same-sex marriages have criticized Lockyer for not acting sooner.

Dennis Herrera, San Francisco's city attorney, said Lockyer "makes an unconvincing case."

The rush to the altar by gay couples this month is rooted in a November decision by the Massachusetts Supreme Judicial Court, which ruled that prohibiting same-sex marriages violated that state's constitution. The court reaffirmed the decision this month, clearing the way for full-fledged gay marriages by mid-May.

Since Newsom enlisted city officials on Feb. 12 to begin performing gay weddings, other local officials have joined in a county clerk in New Mexico issued 26 licenses before that state's attorney general declared them invalid, and on Friday, a third front in the culture war opened when 21 gay couples exchanged vows on the village hall steps in New Paltz, N.Y.

"What we're witnessing in America today is the flowering of the largest civil rights movement the country's had in a generation," said New Paltz' Green Party mayor, Jason West.

New York Attorney General Eliot Spitzer refused to block the New Paltz ceremonies and did not issue an opinion on whether the marriages were legal. "The validity of the marriages and the legality of the mayor's action will be determined in due course in the courts," Spitzer said.

Elsewhere in the country, gay and lesbian couples challenged local officials on the marriage issue. In Iowa City, Iowa, more than 30 gay and lesbian couples were denied marriage licenses by an openly lesbian county official who said she must uphold the law.

President Bush, citing the Massachusetts decision and the parade of weddings in San Francisco, backed a federal constitutional amendment Tuesday to bar such marriages. "A few judges and local authorities," Bush said, "are presuming to change the most fundamental institution of civilization."

In statehouses nationwide, lawmakers are scrutinizing their constitutions to see if they could be construed to permit same-sex marriages, even in states where laws now bar them. Massachusetts is one of many states where lawmakers are considering a state constitutional amendment to bar the marriages.

Lockyer said the court's action is urgently needed because thousands of newly married gays might otherwise think they enjoy the same rights granted other married couples such as the right to receive the other spouse's property in the absence of a will.

Already Friday, the Social Security Administration said it won't accept any licenses from San Francisco as proof of marriage until the questions are resolved.

"Until the issue of the legal validity of the licenses issued by San Francisco is resolved, thousands of holders of same-sex marriage licenses will remain in a foam of legal limbo," Lockyer wrote.

Jim Untershtine, GZS of LB, gndzerosrv@pavenet.net, www.gndzerosrv.com

The California Supreme Court has a history of addressing marriage and gay-rights cases. It was the first state high court in the nation to legalize interracial marriage 56 years ago. Twenty-five years ago, the court upheld gay rights by saying businesses could not arbitrarily discriminate against homosexuals.

The justices also have not indicated whether they would decide the merits of the petition filed Wednesday by the Alliance Defense Fund, an Arizona-based group that also wants the court to nullify all the weddings.

Lower court judges declined to immediately rule last week on the group's lawsuit, which asserts that Newsom does not have the authority to subvert California marital laws.

Meanwhile, Republican activists who helped mount the recall of former Gov. Gray Davis last year have announced plans to seek the removal of Lockyer, who they say has "neglected his duty" to enforce state marriage laws.

Lockyer denied that he was pressured by Schwarzenegger or derelict in his duties, saying he decided to intervene after the local courts failed to stop the marriages.

Friday's petition is Lockyer v. San Francisco, S122923. Wednesday's is Lewis v. Alfaro, S122865.

## Time for the counterrevolution

[http://www.worldnetdaily.com/news/article.asp?ARTICLE\\_ID=37292](http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=37292)

**Patrick J. Buchanan, World Net Daily, 02-25-04**

Gavin Newsom, mayor of San Francisco, has given America an object lesson in how the Left imposes its radical social revolution on a confused majority that knows not how to fight it.

Out on Sodom by the Bay, Newsom, in defiance of a law enacted by California voters two-to-one in a referendum, ordered city officials to hand out marriage licenses to same-sex couples.

Newsom says that the law violates the state constitution. For his civil disobedience, he has become a hero to militant homosexuals all the way to Provincetown. His defiance has spread to New Mexico and Chicago, where Mayor Richard Daley has declared his solidarity. Where did Newsom get his idea? Perhaps from Massachusetts, where the Supreme Judicial Court has ordered Gov. Romney and the legislature to start handing out marriage licenses to homosexuals by May.

Civil unions do not meet our demand, the court told Bay State elected leaders. You must vote homosexuals absolute and equal rights to marry. Now stop dithering and get on with it.

What is happening here in America is an end run around democracy by an elite that believes its superior morality places it above the law. First, the Left engages in defiance and disobedience of a law it detests, then it goes judge-shopping to find some jurist-ideologue who will agree and overturn the law. And thus does the minority rule America.

Yet, seeing the smug certitude of Newsom, and the befuddlement of the authorities, there is no doubt who is winning the culture war and who will prevail if Middle America does not find leaders of greater fiber. We live in an age, wrote the poet Yeats, when "the best lack all conviction and the worst are full of passionate intensity."

Now, no state in the Union has ever provided for homosexual marriages, and most states have enacted statutes prohibiting such nonsense. However, the people may now have lost their right to decide. For the judges have stepped in and seized the issue.

In Massachusetts, it was the state's highest court that ordered the governor and legislature to license same-sex marriages. In California, the state supreme court will decide whether Newsom's licenses are valid. In this capital, the Supreme Court will tell us whether denying homosexuals a right to marry violates our Constitution, though no one ever imagined such an absurdity until last year. While the idiocy underway at San Francisco city hall exposes the moral rot in America, it also reveals how we are losing the republic that was our patrimony. Our forefathers overthrew a rule of kings. But we have meekly submitted to a rule of judges.

The majority no longer rules, and America needs either a counterrevolution or a second revolution to reclaim the republic born of the first. And there are weapons within the Constitution we can employ to carry off that revolution.

President Bush has taken a bold first step with the recess appointments of David Pryor and Charles Pickering to the U.S. appellate court. Both men were denied a vote by Senate obstructionists. Should Daschle, Kennedy and Co. deny Bush a vote on his first Supreme Court nominee, he should not hesitate to make history's first recess appointment to the U.S. Supreme Court. He can become as great a hero to Middle America as Newsom is on Castro Street.

It is time presidents began using their constitutional power to uphold and defend the Constitution against justices perverting it to impose their cultural Marxism on a once-Christian republic. We need the spirit of Jefferson, who refused to enforce the Alien and Sedition Acts, of Jackson, who roared: "John Marshall has made his decision. Now let him enforce it!"

Yet, the real power to rein in and corral a renegade court lies with our Congress. Under Article III, as South Carolina law professor William Quirk has long argued, Congress "determines the jurisdiction of the federal courts."

"Congress has the power to establish or abolish all federal courts except the Supreme Court and ... the power to abolish includes the power to limit their jurisdiction."

Congress, writes Quirk, "could re-enact the Defense Of Marriage Act restricting marriage to men and women with one sentence, 'This law is not subject to review by the lower federal courts or the U.S. Supreme Court.' Then the issue would return to the states, where President Bush and the Democratic candidates say it should be."

In Boston and Sacramento, Govs. Romney and Schwarzenegger and the legislatures could reject the Newsom licenses and defy any court order that overturns validly enacted law, or tells legislators what laws they must enact. What would the state supreme courts do? Order Schwarzenegger and Romney arrested? Declare the legislators in contempt? Let them. Then the legislators can impeach the judges, throw them out, and get new judges who can read and understand constitutions.

*Patrick J. Buchanan was twice a candidate for the Republican presidential nomination and the Reform Party's candidate in 2000. He is also a founder and editor of the new magazine, [The American Conservative](#). Now a political analyst for MSNBC and a syndicated columnist, he served three presidents in the White House, was a founding panelist of three national television shows, and is the author of seven books.*

## Actor Robert Blake still searching for a lawyer

<http://www.cnn.com/2004/LAW/02/23/blake.hearing/>

**CNN, 02-23-04**

LOS ANGELES, California -- After more than two weeks without an attorney, actor Robert Blake -- who is accused of killing his wife -- told a judge Monday he has been unable to find a lawyer to represent him.

Los Angeles Superior Court Judge Darlene Schempp set September 9 as the trial date and urged Blake to find an attorney as soon as possible.

The judge rejected Blake's request to search for four more weeks and ordered Blake to return to court in a week with an attorney. She noted his quest to find out-of-state lawyers and advised against those attempts.

"I'm really not sure that that's in your best interest to hire someone from out of state," she said. "That's just a bit of advice, because once this trial gets started I want it to go smoothly."

Allison Shalinsky, Blake's civil attorney, escorted him during the brief hearing.

Blake, 70, who once starred in the 1970s police detective show "Baretta," is charged with killing his 44-year-old wife, Bonny Lee Bakley, outside a restaurant where they had dined on May 4, 2001.

He has denied committing the crime.

The judge dismissed Blake's previous attorney, Thomas Mesereau Jr., on February 5, citing irreconcilable differences between the defendant and the attorney. Mesereau was the third attorney to work the case for Blake.

Blake lost two other attorneys because of his desire to do TV interviews.

The first, Harland Braun, left in October 2002 after Blake agreed to talk to ABC's Diane Sawyer, an interview that never took place. The second, Jennifer Keller, left because Blake agreed to an interview with Barbara Walters.

## **Governor calls for reform of foster care system**

### **Proposals would end incentives, focus on families**

<http://www.pasadenastarnews.com/Stories/0,1413,206~22097~1960820,00.html>

**Troy Anderson, Star News Staff Writer, 02-15-04**

Gov. Arnold Schwarzenegger has called for an overhaul of California's foster care system to end financial incentives that critics say encourage counties and their contractors to make money off children in their care.

Schwarzenegger's call for reforms comes as the Los Angeles County Board of Supervisors is set to vote today on a similar proposal to radically change the fiscal structure of the county's child protective system, placing an unprecedented focus on providing services to help keep troubled families together.

The governor's proposal follows recent stories reporting some officials' estimated that as many as half the 75,000 children in the county's foster system and adoptive homes were needlessly placed there - in a system often more dangerous than the homes the children were taken from.

State and federal laws create financial incentives for placing children in foster care because counties receive \$30,000 to \$150,000 annually in state and federal funds for each child, say officials and critics.

"We're calling for significant reforms in the program because we believe it's pretty clear that when the state failed 12 out of 14 outcome measures when the feds reviewed the foster care system, you've got issues with the way the program is managed," said state Department of Finance spokesman H.D. Palmer.

The state's Little Hoover Commission has described the foster care system as a "public calamity."

Century City attorney Linda Wallace Pate, who has won a number of lawsuits aimed at reforming the system, said the governor's plan is a "courageous effort."

"It's scandalous that the California foster care system has been reduced to a 'kids for cash' system driven by perverse financial incentives," Pate said. "It's contrary to common sense that children are removed from their parents for little or no reason 80 percent of time and placed in a system where they are more likely to be abused, all to service this sacred cash cow foster care system."

Last month, the 75,000-member American Family Rights Association called on Schwarzenegger to order a statewide investigation and audit of the child protection and juvenile court systems. The group claims the system has needlessly placed thousands of children in foster care to draw down state and federal revenues.

Former Glendale resident and group-home owner Fred Baker said he would like to see an audit determine whether any funds are missing from the Department of Children and Family Services budget and whether the county needlessly placed children in foster care to boost its budget.

Baker won a \$459,940 judgment against the county in 2002 after a jury found the county closed five of his group homes in Lancaster and South Los Angeles in 1996 without offering him a chance to appeal.

Baker said the county closed his facilities in retaliation after he went to county officials in 1995 and told them that children were placed needlessly in foster care to obtain state and federal funds.

Schwarzenegger's proposals, which his administration estimates would save \$20 million in fiscal year 2004-05 and more in subsequent years, calls for performance-based contracts, which would require private agencies to meet federal and state outcome measures to improve the care of children as a condition of payment.

Since Illinois switched to those types of contracts in the late 1990s, the number of children in foster care in that state dropped by 50 percent. Half of the private agencies were unable to meet the goals and were forced to close.

Schwarzenegger also proposes to pursue a flexible funding waiver with the federal government so that much of the money now used to pay for foster care could be spent on programs to keep children with their birth parents.

The county supervisors' vote today would authorize child welfare officials to negotiate with the federal government for the first waiver in the state that would allow the county Department of Children and Family Services to use \$250 million of its \$1.4 billion budget on services to help prevent the placement of children in foster care.

The national nonprofit Pew Commission on Children in Foster Care expects to release a report in late spring on how Congress could reform federal child welfare financing and strengthen court oversight of child welfare cases.

"Every problem in child welfare cannot be attributed to federal financing or to the courts, but many have roots there," Pew Commission Chairman Bill Frenzel said. "Federal dollars flow relatively easily to pay for foster care for poor children, but they are much less available for other services that may avoid the need for foster care or shorten the time a child must stay in care."

Jim Mayer, executive director of the state's Little Hoover Commission, which has released three largely unheeded reports in the last decade calling for major reforms in the system, said Schwarzenegger's plan could save the state substantial amounts of money.

But Mayer stressed that the governor needs to heed the commission's recommendation to place one person in charge of fixing the system and establish civilian oversight panels in the counties.

"Nobody is in charge here," Mayer said. "That's been the consistent theme of our analysis."

"These two pieces, some very clear lines of authority and accountability at the state and local levels and effective public oversight will be the key ingredients to sustaining reform."

-- Troy Anderson can be reached at (213) 974-8985, or by e-mail at [troy.anderson@dailynews.com](mailto:troy.anderson@dailynews.com).

## County questioning foster-care cuts

<http://www.timesstar.com/Stories/0,1413,125~10859~1958264,00.html>

**Michele R. Marcucci**, Times Star Staff Writer, 02-15-04

Former foster-care youths and their advocates asked Alameda County supervisors to reconsider layoffs that they said will virtually eliminate a program that offers crucial resources to help foster children transitioning into adulthood.

One advocate also questioned the legality of the layoffs to the Independent Living Skills Program, saying the federal funds that pay for those jobs can't be shifted elsewhere. Most of the program's small staff will be laid off as of Friday, and child welfare workers are slated to take up their duties.

Program staffers questioned why their jobs are being cut at all. Three of the five positions being cut are covered by federal funds. County social-services officials are also laying off two county-funded support staff who work with the program. And the program's coordinator, Leonard Moncur, is set to retire at the end of February, leaving two grant-funded workers who work out of ILSP's offices to offer limited services.

"ILSP was a consistent family for me," said Charvett Blincoe of Oakland, who said she moved around to several different homes as a foster child, but was able to find the support she needed through the program.

Others said the social workers who would replace the ILSP's current staffers -- who include two former foster kids -- can't relate in the same way and don't have the time to provide the same support. The program's main staffers are available around the clock, former participants said.

Carolyn Maynard said her social worker told her not to worry about college because she'd either end up pregnant or on drugs, despite a near-perfect high school grade-point average. But the program taught Maynard, a sophomore studying political science at California State University, Hayward, how to succeed, she said.

The program offers an array of services, from teaching youths life skills to helping foster youth obtain birth certificates, find housing and get into college. It is currently serving 380 youths.

Pleas to save the program came just hours after the board recognized two foster youths for their accomplishments. One of the youths said she had used it.

Social Services Agency Executive Director Chet Hewitt said his agency is reviewing the cuts to make sure they meet federal and state guidelines. County Counsel Richard Winnie said his preliminary determination is that the county has not violated federal law.

Board President Gail Steele, who said she was unaware the layoffs were part of a \$14 million package of cuts the board approved on Jan. 27, said she would also like to revisit the cuts.

Contact Michele R. Marcucci at [mmarcucci@angnewspapers.com](mailto:mmarcucci@angnewspapers.com).

## State high court may hear child support case

<http://www.sunherald.com/mld/thesunherald/news/local/7952177.htm>

**Jack Elliott Jr., Sun Herald - AP, 02-14-04**

**JACKSON** - The Mississippi Supreme Court will decide by next month whether to hear the appeal of a man ordered to pay child support for a daughter he says he never knew he had or ever seen.

The case, as described by the state Court of Appeals last year when it ordered Joseph Griffith to pay child support, raised questions about the rights of men who have for a variety of reasons, including the deception of the mother, established a substantial relationship with a child.

The Appeals Court, in its 9-1 decision in September, ruled, however, that the case dealt only with paternity. The Supreme Court said Thursday it would decide by March 12 whether to hear the appeal.

Sue Ann Pell brought the paternity lawsuit in Warren County Chancery Court against Griffith as she was getting a divorce from Sonny Pell, who several years earlier she had claimed was the father of her daughter, Stephanie.

Sonny Pell, according to the court record, had married Sue Pell before Stephanie was a year old, believing the child was his.

The court record showed Sonny Pell didn't discover he wasn't the father until the couple filed for divorce - when Stephanie was 4 - and he sought custody. It was during the divorce proceedings that Sue Pell raised the issue of Griffith being the biological father.

The Pells were divorced in 2002. Sonny Pell has appealed, challenging the Warren County chancellor's decision that he had no legal standing to seek custody or visitation.

Griffith was shown by a blood test to be the child's biological father. Chancellor Jane Weathersby in 2002 ordered Griffith to pay child support.

Sonny Pell joined Griffith in a motion that sought to have Sonny Pell named the child's legal father and Griffith give up his parental rights. The chancellor denied the motion.

Appeals Judge Leslie Southwick, writing for the court, said the chancellor refused to consider the issue of custody that was rightly to be addressed in the separate divorce case.

Appeals Judge Kenneth Griffis, in the lone dissent, said custody and support for the child were central issues in both the divorce and paternity cases. He said while the majority of the Appeals Court may have ruled correctly, the child may be better served by a consolidation of the cases.

Griffis said the chancery judge in the divorce case found an unusual domestic situation where the child legally then had two fathers. He said Mississippi law does not provide for dual fatherhood.

## Welfare fraud cases lead to three arrests

<http://www.recordonline.com/archive/2004/02/13/brf141.htm>

**Liberty, Record Online, 02-13-04**

Three people were charged Wednesday with collecting public assistance benefits they weren't entitled to, police said.

Sullivan County sheriff's deputies, together with the county district attorney's office and the Sullivan County Welfare Fraud Unit, conducted the investigations as part of an effort to curb welfare abuses.

In one case, police charged Melissa Broadnax, 32, of Monticello, with third-degree grand larceny, third-degree welfare fraud, first-degree offering a false instrument for filing and misuse of food stamps, all felonies.

Police said Broadnax falsified information on applications for public assistance, failed to report that her daughter was no longer in her house, and failed to report that she had received child support.

Police said Broadnax defrauded the county Department of Social Services of \$8,770.

Another case involved a Monticello couple, Leonard and Elizabeth Fore, ages 46 and 49 respectively, police said.

Police said the Fores defrauded the country of \$3,698 by filing false applications and failing to report work income. All three suspects were released on bail pending court appearances.



## **Foster ruling to cost state millions**

**A federal judge orders back payments for homes where kids live with relatives.**  
<http://www.sacbee.com/content/news/story/8254476p-9185108c.html>

**Denny Walsh, Sacramento Bee Staff Writer, 02-12-04**

In a ruling that will cost California and its 58 counties more than \$80 million, a Sacramento federal judge has ordered the payment of unlawfully withheld foster care benefits for children living with relatives.

The ruling applies to an estimated 18,000 foster children statewide removed by court order from parental homes and living primarily in the homes of grandparents.

"This is a huge victory for the neediest among us," said Barbara Jones, a Legal Aid Foundation lawyer who pursued the matter on behalf of a Los Angeles woman acting as her grandson's foster parent. "No segment of society needs our help more than these children, most of whom have been abused, neglected or abandoned by their parents."

On Tuesday, U.S. District Judge Frank C. Damrell Jr. ordered payments in appropriate foster care cases that were active on or after March 3, 2003 - the date of an appellate ruling - going back to Dec. 23, 1997, when the state submitted a plan rejected by the U.S. Department of Health and Human Services that made relatives eligible for foster care benefits.

According to Damrell's 25-page order, the California Department of Social Services estimates that \$30 million will have to be taken from the state general fund and another \$42 million from county treasuries to cover the back payments. The federal government will be obligated to match those amounts.

According to a court declaration from a department official, the counties also will have to underwrite more than \$10 million in administrative costs to determine who is eligible.

The judge gave the state agency 60 days to direct county welfare departments to find the beneficiaries. The file review must be completed within eight months, Damrell ordered.

Enedina Rosales, the Los Angeles grandmother whose Legal Aid attorneys pursued the case after the state dropped it, was denied foster care benefits because the parental home from which her grandson was removed was not eligible for welfare benefits.

The state challenged that federal requirement five years ago in a suit filed against Health and Human Services.

Rosales later entered the suit on the side of the state. Her 5-month-old grandson was placed in her care after being removed from his parents' abusive home. Rosales had to quit her job to care for the baby, who suffered from respiratory ailments requiring frequent emergency treatment. She was denied foster care benefits because of the federal agency's interpretation of the law, and was forced to apply for regular welfare, which is less than foster care benefits.

According to AARP, there are approximately 1.5 million foster homes like Rosales' throughout the nation. In support of her, the organization filed friend-of-the-court briefs in the district court in Sacramento and with the 9th U.S. Circuit Court of Appeals.

In the brief, the former American Association of Retired Persons said that even though "grandparents - primarily single, poor, African American grandmothers - have stepped in to rescue these children," many of them "are not in good health and, even if they are employed, have low-skilled, low-paying jobs."

Foster care benefits "are essential for grandparents to be able to provide food, shelter and other necessities" such as health care, AARP said. The federal agency's interpretation "discourages kinship care providers who provide better care for these children." Damrell deferred to Health and Human Services' interpretation and threw the case out in 2000.

The state did not appeal, but Rosales did, and the 9th Circuit reversed Damrell and sent the case back to him to decide the scope of relief for foster parents.

Rosales and her attorneys then found themselves pitted against not only the federal agency but also the state, their former ally. Both governments argued strongly against retroactive relief, throwing up a multitude of legal reasons and insisting that it was unjust to burden them with the costs and logistics of going back more than six years.

Larry Bolton, acting chief deputy director of the state Department of Social Services, said Wednesday there had been no decision on whether to appeal the retroactive element of the ruling.

State Deputy Attorney General Frank Furtek had warned Damrell in an October brief that retroactive application of the appellate opinion would add to the state's budget woes and "the costs would be profound. The state has no current appropriation or authorization to make this additional payment, and the funds would need to be tapped from other state welfare funds."

"Further," he said, "the administrative obstacles associated with identifying eligible recipients prior to April 2003 are monumental." But Damrell said he had to weigh all these problems against the "public interest in compensating foster care families who have been denied ... benefits to which they were entitled for six years."

Jones sees trouble ahead. "The (Bush) administration chose not to appeal the 9th Circuit's opinion to the Supreme Court," Jones said. "Instead it is trying to use the budget to legislate these benefits out of existence." The Bush budget for fiscal 2005 proposes to amend the law so the benefits can be denied legally.

The proposal would "leave foster children who live with relatives behind," Jones said in a reference to Bush's much-touted goal to "leave no child behind."

Yolanda Arias, another Legal Aid Foundation lawyer representing Rosales, said the administration "has not given a good reason that justifies continuing a policy that hurts abused and neglected children and the relatives who care for them."

The Bee's Denny Walsh can be reached at (916) 321-1189 or [dwalsh@sacbee.com](mailto:dwalsh@sacbee.com).

**Boy Allegedly Abducted By Father  
School Failed To Notify Mother Of Child's Absence**  
<http://www.thebakersfieldchannel.com/news/2813325/detail.html>

[thebakersfieldchannel.com](http://thebakersfieldchannel.com) , 02-02-04

RIDGECREST, Calif. -- A Ridgecrest's woman's 10-year-old son, Alec, is missing, and authorities fear the boy's father has abducted the child and taken him out of the country.

"I said goodbye. I gave him a kiss -- we kiss each other goodbye every morning before school," said mother Elaine Jackson. "He rode off down the road."

Jackson says when Alec left for school on Tuesday morning, he took his bicycle and his usual route through the desert to school. He never arrived, and the elementary school didn't call to let her know.

"He normally comes home at 3:30 p.m., and I didn't know until about 3:40 that something was wrong," Jackson said. Because her ex-husband Lowell Jaks had been telling people he and his son were moving out of the country, Elaine knew her worst nightmare had come true -- her son had been abducted by his father.

Jackson gained full custody of her son because of the father's threats to flee the country.

Investigator Charles Brown said they believe the two have left the United States.

"He sold his things and told people that he and his son were leaving," Brown said.

No Amber Alert was issued in this case, even though it was clear to the authorities that Jaks planned to take his son out of the country.

"We asked repeatedly (for it), but they just decided it didn't meet the criteria," Jackson said.

Jackson must now face the reality that she may not be able to see or hear from Alec for an indeterminate amount of time.

If you have any information about the disappearance of Alec Jaks and his father Lowell Jaks, call 911.

**News from the San Joaquin Valley**  
<http://www.sfgate.com/cgi-bin/article.cgi?f=/news/archive/2004/02/02/state1057EST0041.DTL>

[SFGate.com](http://SFGate.com), AP, 02-02-04

RIDGECREST, CA - A parents rights advocate is wanted by police, suspected of abducting his own son, officers said.

Lowell Anton Jaks, 52, has a \$100,000 felony warrant out for his arrest after Alec Norman Jaks disappeared last Tuesday morning on his way to Pierce Elementary School.

Elaine Jackson, Lowell Jaks' ex-wife and the child's mother, had asked for a protective order on Jan. 21, when she first started suspecting her husband intended to take her child away.

Her suspicions began three weeks ago, when she drove with her son past a passport photos store and the 10-year-old told her he'd applied for a passport there with his dad.

A week later, Jaks placed ads in the local paper seeking to sell most of his belongings, and got rid of his dogs, Jackson said.

She still allowed her son to ride to school on his bike, but when he didn't come home at the end of the day, she called the school, and found out he'd never arrived. "I immediately called the police," Jackson said.

Police in Chino, 112 miles from Ridgecrest, on Saturday found a silver-gray pickup that Lowell Jaks rented from the Ridgecrest Enterprise Rent-A-Car.

Jackson is afraid Jaks, who speaks some Spanish, took their son out of the country.

Jaks founded the nonprofit Alliance for Non-Custodial Parents Rights in 1994, soon after his marriage to Jackson, because he had been married before and did not want to pay child support for his daughter. The organization's Web site gives tips on how to avoid paying child support.

A 2002 Associated Press article about violence among divorced fathers quotes Jaks, the president of the organization, as saying: "None of these guys are poster children. But when you cause this much pain to so many men, there are going to be repercussions. A certain percentage are going to crack."

## Officers sweep county for deadbeat parents

[http://www.timesrecordnews.com/trn/local\\_news/article/0,1891,TRN\\_5784\\_2607082,00.html](http://www.timesrecordnews.com/trn/local_news/article/0,1891,TRN_5784_2607082,00.html)

By Jessica Langdon Times Record News, 01-27-04

Child Support Numbers:

The Attorney General's Child Support in Wichita County

- n Collected \$18 million in child support last year
- n Handles 11,000 child support cases
- n Serves Wichita County and 13 surrounding counties

Door-knocking didn't turn up the deadbeat parent Wichita County officers wanted, but things turned around fast when they paid a visit to a pet cemetery.

They found the dad - and made their first arrest in a roundup of parents who owe thousands of dollars in child support. Eight officers broke into teams of two Monday afternoon and fanned out.

The Texas Attorney General's Office armed them with a list of 30 people it wanted - in the state's first child support roundup of the year. The attorney general wants them because they haven't paid child support, have been served warrants, and haven't shown up for hearings, Public Information Officer Janece Keetch said. It's a last resort, but there have to be consequences for not paying, she said.

"They've been given plenty of opportunities to appear in court," Deputy Kenny Lemons said, "and they're behind by lots and lots of money." One man alone owed \$29,000, he said.

The first arrest came about an hour into the sweep.

No one was home at the two places officers tried first, places where the man might have been living. But a stop by his child's school led to a big clue - he might be working at the Sunrise Pet Cemetery on FM 369, the child told police. That's exactly where they found him, handcuffed him and showed him to the back of a patrol car.

"That's one. Twenty-nine more," Lemons said as he got ready to take the man to the Wichita County Jail.

A visit to a house a little while later turned up more than two officers expected.

Sgt. Donny Johns and Deputy Constable Garland Prince could tell someone was home at 415 Juarez. Johns went to the front and Prince covered the back. Almost immediately - "I had four run," Prince said. It happened in a flash. He said he got three people back in the house, but chased one man for three blocks, ending back near the same house.

"He had marijuana on him," Prince said, plus an outstanding warrant. The runner and another person were arrested, he said, but the officers still hadn't gotten the deadbeat dad they came for.

So they went back to the house and tried again. It was much easier this time. "He opened the door," Prince said, and they arrested him. "We got three for one," Johns said.

By Monday evening, the Sheriff's Department had six people behind bars on Attorney General's warrants and two on outstanding felony warrants, Lt. David Duke said. He said Child Protective Services picked up a 7-year-old, whose dad had a warrant, to make sure the child was taken care of.

Duke said those are just one day's results, and the rest of the week will bring more.

"Word to the wise: To anyone who has an outstanding warrant for child support, you need to come turn yourself in to the Sheriff's Department this week," he said.

Keetch said the arrests often help families because judges will typically order bonds on the civil warrants to go to the children and parents who haven't gotten their child support payments. Bonds can range from \$1,000 to the full amount the parent owes in back child support payments.

"It's interesting when people are faced with jail time, they do come up with the money," she said.

Keetch said in the past, one of the attorney general's "10 Most Wanted" was arrested in Kentucky. "He came up with \$92,000 to pay to his children," she said.

It all comes down to getting kids what they need, Lemons said, and the cause was important enough to the Sheriff's Department to dedicate eight officers to it. "When they're not getting that money," Lemons said, "it's up to somebody to help them get it, and that's us."

**Crime reporter Jessica Langdon can be reached at (940) 763-7530 or by email at [langdonj\(at\)TimesRecordNews.com](mailto:langdonj(at)TimesRecordNews.com).**

## Ford contests own law He helped pass child support rule

[http://www.gomemphis.com/mca/local\\_news/article/0,1426,MCA\\_437\\_2597954,00.html](http://www.gomemphis.com/mca/local_news/article/0,1426,MCA_437_2597954,00.html)

**Marc Perrusquia, [Commercial Appeal](#), 01-23-04**

Locked in a bitter feud over his court-ordered child support payments, state Sen. John Ford is asking a judge to invalidate the Tennessee child support rules that he helped pass into law last year.

Already, the legal battle playing out in a Memphis courtroom has drawn attention from state Atty. Gen. Paul Summers who has intervened to defend against Ford's constitutional challenge of the rules.

On Thursday, Ford's Nashville legislative office announced the Memphis Democrat would chair a public hearing next week to re-examine rules resulting from last year's law change. One ethics expert called that move possibly one of the worst cases of unethical behavior he'd ever seen by a public official.

What Ford's public meeting notice didn't say is that he's privately contesting a woman's petition in Shelby County Juvenile Court that could greatly increase his support of her 9-year-old daughter.

Lawyers representing Dana M. Smith say Ford should pay more because he has recently incurred a dramatic increase in income - possibly earning more than \$250,000 a year - yet Ford contends his support should be held in check because he's responsible for five other children.

"The fact that he has his own interest in it, it doesn't sound like it's good policy," said Bill Allison, spokesman for The Center For Public Integrity, a private, Washington-based watchdog group.

"The people that it could ultimately hurt are children. And I think that in some ways, makes it worse."

Ford did not respond Thursday to messages left at his Nashville and Memphis offices.

In fighting Smith's petition for more support, Ford exercised a seldom-used legal ploy on Dec. 16, filing a constitutional challenge to state child support rules that he says should be held "void and unenforceable."

By law, Summers now must defend the rules, and his office has begun steps to take testimony and collect evidence in what is expected to be a months-long process.

As parties in the court slug it out, Ford is moving to bring the child support rules, labeled unfair by many prior to last year's law change, back into Nashville's legislative limelight. As chairman of a powerful Senate committee that guides the state's social services policy, Ford plans to revisit the matter next week.

The weekly agenda for the General Welfare Committee, released Thursday, says the body will hear Wednesday from DHS Commissioner Virginia Lodge, who will give an "update on Child Support Guidelines." The rules were revised last year through the Senate Judiciary Committee, yet Ford notified DHS on Jan. 14 that he wanted an explanation of the new rules, records show.

Ford's court challenge attacks the enforcement of a law he sponsored and guided through the General Assembly last year.

The law, which took effect last summer, requires courts to consider reducing child support for fathers who, like Ford, are supporting several dependents. The law gives judges the option to deviate from traditional rules and consider reducing a parent's payments by giving credit for other children that the parent is supporting.

The problem with the law, Ford says in legal papers, is that DHS isn't implementing rules as proscribed by the General Assembly and "has usurped the responsibility and powers" of the legislature.

Attorney David Caywood, who is representing Ford in the Juvenile Court proceeding, said he knows nothing about the senator's planned public meeting but said DHS's enforcement of the law has left some children with inadequate support.

"They don't treat all children equally," Caywood said. "That's the bottom line to it."

Leading to last year's law change were complaints of noncustodial parents with multiple dependents who contended they were unfairly punished with excessive child support orders.

Some argued in court challenges that the state cheated some children out of adequate support because the state didn't allow courts to consider children not under support orders when setting payments. Because of that, most of a parent's resources flowed to the children under court supervision and little went to members of new families, they argued.

When Ford introduced a bill to change that, he found support in the House among leaders such as Speaker Pro Tem Lois DeBerry, and Reps. Henri Brooks and Kathryn Bowers, all Memphis Democrats.

But his public position now is entwined with a personal interest.

Caywood said Ford currently is supporting five other children, factors that could hold his support in check or lower it.

Ford introduced his bill last February, four months after Smith petitioned Juvenile Court for an increase in Ford's \$500-a-month support of her 9-year-old daughter. Smith's petition lingered for a year before lawyers asked for sanctions against Ford in November for allegedly failing to respond to evidence requests. The development triggered Ford's constitutional challenge.

Lawyers for Smith, a former county employee who sued Ford in 1995 for sexual harassment and won a jury verdict following a 7-day trial, say Ford's support should be raised because of a dramatic increase in his income.

They are relying on a report that Ford earned more than \$250,000 in 2001, nearly double any income previously disclosed to the court. Caywood confirmed the amount is alleged in court papers but said he doesn't know the source of the allegation.

**Marc Perrusquia: 529-2545**

**Deadbeat dad must pay up or go to prison**  
**Court attempts to collect \$100,973 from former Portage woman**

[http://nwitimes.com/articles/2004/01/21/news/porter\\_county/6fb0e784cfaf29df86256e2200128b61.txt](http://nwitimes.com/articles/2004/01/21/news/porter_county/6fb0e784cfaf29df86256e2200128b61.txt)

**BOB KASARDA, Times Staff Writer, 01-21-04**

VALPARAISO -- It's the kind of case Porter Circuit Court Judge Mary Harper said she finds frustrating.

The 56-year-old man before her, Bernard Larson, never made an attempt to pay the \$100,973 he owes in child support and his four children are now adults.

"One would wonder if that would be merely a Class C felony," she said.

Recognizing those types of decisions are up to lawmakers, Harper went on Tuesday to do what she could and approved an agreement aimed at using the threat of prison time to convince Larson to begin paying the overdue child support.

Harper sentenced Larson to eight years behind bars, but suspended all but two years. Thirty days of the balance is to be served doing community service and the remainder will be spent on probation.

Larson, of Sheridan, Ill., already has served enough time in the county jail to be released in about six months, said Porter County Public Defender Matthew Soliday.

Once out, Larson will be required to begin paying \$150 a week toward his child support debt. His children are now 23, 32, 33 and 35.

Porter County Prosecutor James Douglas said he recognizes there is only a slim chance Larson will start paying his debt, but said there is even less of a chance if he is sent to prison for the entire eight-year sentence.

If Larson fails to comply with these payments or other terms of his probation, Douglas said he would be back in court and could ask for Larson to be sent to prison. Larson could be required to complete the nearly six-year balance of his sentence.

The mother of the four children, who will receive any money paid by Larson, did not come to court Tuesday. Douglas did not know her current address, but said she had lived in Portage and earlier in Lake County with Larson.

The case has been pending since 1997, Douglas said. Larson could not be located and arrested until September.

He pleaded guilty in December to the Class C felony offense of failure to provide support to dependent children.

Bob Kasarda can be reached at [bkasarda@nwitimes.com](mailto:bkasarda@nwitimes.com) or (219) 462-5151, ext. 345.

## **Making Federal Cases Out of Common Crimes**

**Robbers, pimps, wife-beaters, deadbeat dads and carjackers all have been targeted by Congress.**

**These offenses could be prosecuted locally.**

<http://www.latimes.com/news/nationworld/nation/la-adna-fedcases18jan18,1,6966691.story?coll=la-headlines-nation>

**Jeff Donn, Associated Press Writer, LA Times, 01-18-04**

The federal government has broadly extended its power in recent decades to fight common crimes, from murder to unpaid child support, and critics say needless federal prosecutions waste money, jeopardize civil rights and divert law enforcement from true national threats.

Such cases "clog the federal courts and utilize very limited federal resources in matters that are being prosecuted very well by local authorities," said former U.S. Atty. Gen. Edwin Meese III, who chaired a 1998 study sponsored by the American Bar Assn.

Others worry about freedoms. "The historical fear against federalizing crime has always been we don't want a national police power," said Gerry Moohr, a law professor at the University of Houston. "We're very near that."

An Associated Press review of the latest government data shows a sixfold increase in federal spending for criminal justice since 1982. Washington's share rose from 12% to 18% of total justice spending at all levels of government: local, state and federal.

U.S. attorneys' legal staffs tripled and new yearly caseloads doubled in the more expensive federal courts.

Yet the trend has gone largely unnoticed beyond legal circles.

Consider the case of Eric King, who would once have been left to the scrutiny of state law enforcers.

The Dallas mortgage broker, who was said in court papers to earn around \$40,000 annually, had accumulated \$331,000 in unpaid child support in New York over less than eight years. Four years ago, when he had already negotiated a settlement, federal agents arrested him. He was prosecuted as a criminal deadbeat.

Even his federal prosecutor, Bill Silverman, acknowledges that some colleagues believe that this kind of case is "sort of beneath the federal system." Defense appellate lawyer Richard Greenberg adds terms like "foolish," "high-handed" and "a bad use of resources."

But it was legal. King was charged under a 1992 law making it a federal crime to dodge child support payments owed in another state. The law is grounded in the so-called commerce clause of the U.S. Constitution.

These few words say Congress may "regulate commerce ... among the several states." The clause has been used to assert federal jurisdiction over just about any crime when people or goods cross state borders, whether strictly for business or not.

King's lawyers argued that withheld child support has no important effect on interstate commerce. A federal judge, Robert W. Sweet, agreed and dismissed the charges — only to be overruled on appeal. Convicted of a felony, King is awaiting sentencing. His lawyer, Ken Warner, said his client would not comment.

It is unclear, Sweet wrote, why the government even decided to prosecute King for the settled claim. He noted, however, that King's "father is a well-known participant in litigation in this district."

The son of boxing promoter Don King, Eric King had worked for his father in New York before moving to Texas. King's father — the pugnacious wheeler-dealer with the unbending hairdo — had repeatedly frustrated the same U.S. attorney's office that prosecuted his son. The father was acquitted first in a 1985 federal tax-dodging case and then in 1998 on federal charges of cheating an insurer.

Now in private practice, Silverman, who prosecuted the son, denies using that case to pursue any vendetta or extra publicity flowing from the King name. He says the federal government simply needs to help when deadbeat parents live in another state.

Many other common crimes once handled by states — including rape, drug trafficking and murder — have also come under federal authority over the years.

Congress has created so many national crimes in so many sections of legal code that no one has an exact count. There are about 3,500, according to legal surveys. More than 45% have come onto the books since 1970, around when President Nixon declared the first national war on crime.

More than 30 federal agencies now have authority to make arrests. In the latest federal data, the justice work force has doubled since 1982 to 194,000. The number of U.S. attorneys and assistants tripled to 5,300. They handled 67,000 new criminal cases in 2002 — more than twice the number 20 years before.

States also bulked up personnel, spending, caseloads and inmate populations — but not as fast as Washington, the AP review shows.

"I'm on the conservative side and normally support law and order, but the feds are just way out of control," said John S. Baker Jr., a former congressional aide and local prosecutor who teaches law at Louisiana State University. "They're alcoholics; you can't stop them."

Federal criminal law burgeoned through both Republican and Democratic presidencies. Often, new national law sprang from domestic crises: the rise in crime rates in the 1980s, the terrorist attacks of 2001.

National emergencies weren't necessary, though. There's hardly a type of criminal that Congress hasn't targeted in past decades, often by overwhelming votes with little debate: armed robbers, pimps, carjackers, along with mileage cheaters (Federal Odometer Act), wife-beaters (Violence Against Women Act) and animal-rights militants (Animal Enterprise Protection Act).

**Jim Untersshine, GZS of LB, gndzerosrv@pavenet.net, www.gndzerosrv.com**

"It's politically tempting. It's an easy mark," said retired Sen. Fred Thompson, a Tennessee Republican who chaired the Committee on Governmental Affairs. "You'll get very little push-back from people who oppose it."

Others defend Congress, even when it acts partly out of symbolism.

"In a democracy, it's appropriate for the federal government to be most heavily involved in problems that the public views as most threatening," said Tom Stacy, a law professor at the University of Kansas.

During the 1960s, for example, federal convictions for civil rights violations brought a measure of justice after state juries returned dubious acquittals in racial violence cases.

As the world changes, new threats arise, so even critics of the federalizing trend acknowledge a need for federal action in certain cases to keep pace or fill a gap.

Backers say federalization has promoted efficient use of new technologies like DNA typing. They view the federal role as essential in finding terrorists, controlling corporate and computer crime, and breaking up sophisticated criminal gangs, which often hide their money through complex multi-state or international transactions.

Still, there must be limits, critics say.

"The federal system is the Cadillac, and we shouldn't be using it for off-road driving — for things for which it is ill-suited," said Paul Rosenzweig, a researcher with the Heritage Foundation, a conservative think tank.

The authors of the U.S. Constitution gave the federal government a mandate over just a few national crimes, including treason, counterfeiting and high-seas piracy. In both theory and past practice, the power to punish local criminals rested predominantly with the states.

States and local communities still carry that load, at least in terms of numbers of cases. Though expanded, the federal role in crime-fighting is still spotty.

Consider the Child Support Recovery Act under which Eric King was convicted. Spurred by reports of tens of thousands of parents skipping home states to evade payments, Congress clamped down with federal prison sentences of up to two years. Over the last year, just 260 parents — an average of five per state — were prosecuted under this law, Justice Department data show.

Ronald Goldstock, a former federal inspector general and New York City prosecutor, said Congress often outlaws "the crime du jour" — and then quickly moves on.

Some critics want sunset provisions on federal laws so they expire within a few years, unless shown to be worthwhile.

Others want the courts to more closely scrutinize claims of federal jurisdiction. In 1995, for example, the Supreme Court ruled that carrying a gun around a school, however dangerous, was not an act of interstate commerce.

More recently, federalization critics have challenged use of the post-Sept. 11 USA Patriot Act's broadened powers of investigation to chase more mundane criminals like telemarketing scammers.

Shortly before the 2001 terrorist attacks, Rep. Donald A. Manzullo (R-Ill.) offered a bill to force a federalization review of every proposed crime. It would be checked for whether it bears on core federal duties and how well it is already handled by the states.

Now, "other priorities have overtaken this legislation," said Manzullo spokesman Rich Carter. The bill quietly died.

## Utah's adoption laws ensnare poor parents here

<http://www.dadsdivorce.com/mag/essay.php/020204Utah.html>

**Mary Mitchell, Chicago Sun-Times, 01-15-04**

Every child has a father. And I don't believe that father should be treated like a mere sperm donor when a mother puts a child up for adoption. But that is precisely what is happening in Utah, a state that has the most aggressive adoption laws in the country.

Each year, hundreds of pregnant women go to Utah to have their babies. They relinquish their rights as mothers, usually without the father's knowledge. Some fathers are trying to fight back.

Utah's strict adoption laws have been challenged by fathers in North Carolina, Alabama and Arizona. Now they may soon be challenged in Illinois.

"I think the reading of the law is too close to the edge for comfort," said Phillip Lowry, a lawyer who specializes in adoptions in Utah. "It opens the adoptive parents to heart-wrenching drama when these natural fathers come out of the woodwork."

After seeing a commercial about The Adoption Center of Choice in Utah, a 23-year-old Chicago woman who suffers from depression decided to place her 7-month-old son with the agency.

Eula McNulty became depressed after she gave birth to her son, but she did not seek medical attention because she was overwhelmed by her parental responsibilities, she said. In fact, McNulty felt desperate. And the baby's father was in a Louisiana jail.

"I had gotten so depressed that I cried all the time," she said. "It was stressful. I went to my family and asked them if they could keep him for a while. Everybody said no."

The day after McNulty called The Adoption Center of Choice, she got a visit from a social worker with Lutheran Family Services. Two days later, she got a call from The Adoption Center asking her to come to Utah.

"They assured me that the father would be contacted," McNulty said. "I was afraid to tell him."

### **Grandmother's door open**

McNulty had been romantically involved with the baby's father, Carlos Orr, for six years. Although Orr is in jail, his mother looked out for his child. Since the paternal grandmother in Chicago was already foster mother of two children, her door was always open.

But McNulty didn't tell the grandmother she intended to surrender her baby. And The Adoption Center of Choice did not contact the child's father.

According to Larry Jenkins, the lawyer representing The Adoption Center of Choice, birth fathers do not have to be contacted under certain circumstances.

"It really depends on how old the kids are, what kind of relationship the kids have had, or if the birth mom was married. Fathers don't have to be notified if they never established a relationship with the children," he said.

On Dec. 10, 2003, McNulty flew to Utah using an E-ticket provided by The Adoption Center. One prospective adoptive family backed out, and McNulty was introduced to another on Dec. 12.

"We all went to dinner that night. They had three kids, and I felt comfortable with them," McNulty said. "Basically, he was adopted by the 15th of December."

She was given an envelope with \$1,300 in cash and sent back to Chicago. McNulty's remorse started the next day.

"I called Linda [the adoption agency's representative] that night and told her I made a mistake. I shouldn't have made such a decision so quickly,"

McNulty said. "She basically told me to go to work, get out and go shopping."

And, Jenkins explained, "Under Utah law, once she signs away her rights, it is effective immediately and cannot be revoked."

### **Caught up in adoption mill**

It sounds like non-refundable baby selling to me. The idea that an adoption agency would pay mothers cash for their babies is abhorrent.

McNulty is not the only poor, desperate woman who went to Utah. Another woman who is too ashamed to let her name be used took her young twins and an infant to that state. She was given \$1,800 in cash, supposedly to cover her travel and meal expenses. The children's father is fighting to get them back.

I don't know if Utah's adoption law is the latest weapon to be used by women when their relationships break apart. I hope not.

Like hundreds of other babies in that state, too many black children are being caught up in this adoption mill. Obviously, if the fathers had married these mothers in the first place, their parental rights could not be trampled upon.

"Whatever the mother does doesn't affect the father's rights," said a spokesman with the Illinois Department of Children and Family Services. "The father has to take legal action to re-establish custody of the child."



But that's the Catch-22, isn't it? Neither the mother nor the father has the money it takes to wage a custody battle against upper-middle-class adoptive families.

McNulty is filled with regret, and Orr and his family intend to get the child back.

"I thought it would help me feel better," she said. "I thought it would make it much better for [the baby]. Half the time now, I don't get out of bed."

### **Untershines celebrate 50th anniversary**

<http://www.sunherald.com/mld/thesunherald/living/occasions/anniversaries/7629341.htm>

#### **The Sun Herald, 01-04-04**

John Lawrence and E. Ann Untershine celebrated their 50th wedding anniversary on Nov. 28, 2003, at Landry's Seafood House in Biloxi. The couple were married November 28, 1953 in Sacramento, Calif. at Mather Air Force Base. She is the former E. Ann Maginn.

The reception dinner was hosted by their children: four sons, David and his wife Leslie and their daughter Jennifer, James and his daughters Julia and Rachel, Ronald and his wife Wendy and their children Sara, Emma, Adam and Thomas; Mark and his wife Sandra and their daughter Alyssa.

John retired from Litton Industries/Ingalls Shipbuilding after 28 years of service. John and Ann have resided in Biloxi for the last 31 years.

The couple have seven grandchildren.

**S.D. County objects to helping pay federal fine**  
**State penalized for not updating child support collection system**  
[http://www.signonsandiego.com/news/metro/20031225-9999\\_2m25child.html](http://www.signonsandiego.com/news/metro/20031225-9999_2m25child.html)

**Helen Gao, Union-Tribune Staff Writer, 12-25-03**

San Diego County is joining with other counties to try to overturn a state budget provision requiring them to pay \$52 million in federal fines for California's failure to have a computerized child support collection system.

The fiscal 2004 budget adopted under then-Gov. Gray Davis allows the state to bill counties for 25 percent of a \$208 million federal penalty.

San Diego County's share would be \$3.3 million.

County officials said they cannot afford the expense, especially because the state has cut revenues to local governments.

"It's just one more thing that is being dumped on counties in California to deal with at a time when we have a full plate," said county Board of Supervisors Chairman Greg Cox, who also is first vice president of the California State Association of Counties.

The association has lobbied Gov. Arnold Schwarzenegger to drop the budget provision. He has not made a decision, but the state so far has not billed counties, an association official said.

"Obviously, the \$3.3 million is not going to make or break San Diego County, but when you add all these together, at some point services are going to be impacted because we have not had the revenues we have had historically," Cox said.

If San Diego County is forced to help pay for the federal penalty, the money would come out of an \$11 million reserve that covers contingencies for such departments and offices as the sheriff's, district attorney's, probation, emergency services, medical examiner's and child support services.

W. Harold Tuck Jr., a deputy chief administrative officer who oversees the county's public safety agencies, said he opposes using the reserve funds. That money may be needed to cover additional state revenue cuts and expenses from the October wildfires. "That \$3 million could go to a variety of things in San Diego County," Tuck said.

However, if the state bills the county, the reserves will be used, he said.

The federal government has been fining California hundreds of millions each year since 1997 when its effort to create a statewide child support collection system collapsed and cost taxpayers \$157 million.

A federal law enacted in 1988 required states to have such a system by Oct. 1, 1997, to track parents who move from county to county or state to state to avoid paying child support.

California and South Carolina are the only states that do not have statewide child support collection systems.

Lynn Cavanaugh, a spokeswoman for the California Department of Child Support Services, said she could not reach officials in the California Health and Human Services Agency, which administers child support services, or the governor's office for comment on whether the counties would be billed for the federal fine.

State officials have estimated that California has about a million cases of uncollected child support. In fiscal 2003, California collected \$2.4 billion for child support, of which \$157 million came from San Diego County.

San Diego County has about 139,000 active child support cases and, for the first time last fiscal year, met the federal standard of collecting at least 40 percent of money owed.

One in six residents in the county has contact with the Child Support Services Department.

California's 58 counties now use five separate computerized collection systems, resulting in duplicated efforts in tracking parents who don't pay their child support.

"The whole thing is just a nightmare for families," said Geraldine Jensen, president of the Association for Children for Enforcement of Support.

California is trying for a second time to develop an integrated collection system under an \$801 million, eight-year contract signed in July with IBM Corp.

Putting the system in place is expected to eventually cost \$1.3 billion.

Thomas Boardman, the county's director of Child Support Services, is wary of the project, a sentiment echoed by the Child Support Directors Association of California.

The state has had a history of fiascos when it undertook large-scale computer projects at the Department of Motor Vehicles and the California state university system.

"The vast majority of computer projects this big fail," said Boardman, who previously served as the county's chief technology officer.

Helen Gao: (619) 718-5181; [helen.gao@uniontrib.com](mailto:helen.gao@uniontrib.com)

## **The foster care mess**

*Some children are put in harm's way for a buck.*

<http://www.presstelegram.com/Stories/0,1413,204~21479~1822229,00.html>

**LB Press Telegram, 12-10-03**

A wronged father called L.A. County's foster care system "legalized kidnapping" for profit, and a pattern of disturbing evidence shows that he isn't far from the truth.

A two-year investigation by the Los Angeles Newspaper Group (an organization that includes the Press-Telegram) found that the system has taken thousands of children away from their parents in cases where it may not have been necessary or advisable, sending them to homes that are sometimes more dangerous than the ones they left.

### **The reason?**

It appears to be a twisted system of financial incentives that rewards states and counties for placing additional children in foster care from \$30,000 to \$150,000 for each child.

The reward system, which one expert called the "perverse incentive factor," has led L.A. County and others to whisk children away from their parents when alternatives might have worked as well or better, such as parenting classes and family counseling. It is also thought that the financial incentives are making workers less likely to pursue claims of neglect and abuse.

In some extreme cases, children have been taken from their parents for little or no reason. The father who accused the county of kidnapping spent \$150,000 in legal fees before the county admitted its mistake and returned the daughter it had wrongfully taken from him. In that context, his comments actually sound restrained.

In the LANG investigation, experts inside and outside the foster care system said that as many as half of the county's 75,000 children in foster care and adoptive homes may not really need to be there, and the money motive is probably to blame. With the right kinds of services, many of those children could have stayed with their parents or relatives.

The number of children in L.A. County foster care has more than doubled since the 1980s, and as a result the system is now overburdened, strained and dangerous. Previous studies have shown that children in L.A. County's foster care system are three times more likely to be killed than children in the general population. Since 1991, 660 children in foster care have died; 160 of those deaths were homicides.

In many cases the system is still working as intended, when it moves abused and neglected children, born to parents who never should have had them, into better homes. But it is also much too quick to remove children in less harmful situations where other solutions could be used.

### **There is hope.**

Child advocates are optimistic that L.A. County's new foster care director, David Sanders, will undertake the reforms and changes necessary to fix this badly broken system. This week the presiding juvenile court judge, Michael Nash, called on county attorneys, judges and social workers to determine which children in foster care could be safely returned to their parents or relatives. And the U.S. Congress next summer is scheduled to hear legislation that would change the way funding is allocated, and give states and counties more flexibility to utilize services that could help keep more families together.

Among other changes, these reforms must take the price tags off children's heads and force the system to treat them as human beings, not dollars in a budget.

## **Child support burdened by the new system Rush to meet deadline leads to mass confusion**

[http://www.lsj.com/news/local/031207\\_childsupport\\_1a-6adtxt.html](http://www.lsj.com/news/local/031207_childsupport_1a-6adtxt.html)

**Adam Emerson, Lansing State Journal, 12-07-03**

A \$459 million computer system meant to make life easier for families paying and receiving child support is so riddled with problems it could be years before it works effectively, child-support leaders say.

In some cases, parents who pay support are getting notices that they're not.

Money isn't reaching the families who need it.

And an already big bureaucracy inside county court offices has grown statewide, making answers hard to find, families say.

Even state leaders concede Michigan's Child Support Enforcement System was rushed to completion. But they were facing \$147 million in federal fines that would have jumped by \$60 million if they didn't get all 83 counties on the same system by Sept. 30.

It's that race that created a high-maintenance system with problems that will take months to fix, officials say.

"It's hard to see any discernible progress," said Jeff Albaugh, president of Michigan's Friend of the Court Association.

"Clients will see some improvements at mid- to late next year. But it'll take three to five years before we see huge, material, obvious results."

Marilyn Stephen, director of the state Office of Child Support, acknowledges the problems the state is scrambling to correct - and will spend millions more in the next three years to do so.

The system processes \$30 million in child-support payments weekly, but in a number of cases it fails to process them correctly.

Every two weeks, Bruce Chandler of Munith pays toward his \$4,000 child-support arrearage. The state processes the money and then, because of a computer glitch, sends it back to him. So the Ingham County Friend of the Court, seeing the money didn't reach its destination, warned him he was behind in his obligation.

Chandler said when he contacted his caseworker to complain, "She knew when I called that I was just the next one in line."

At a time when local officials are stepping up child-support enforcement, the new system is leading Chandler and thousands like him to ask questions. Here are some of the answers.

### **Why the need for a statewide enforcement system? What is happening in other states?**

The 1996 federal welfare-reform law, noting that child support was processed in a splintered way by local governments, required each state to create a central office to process support by 1999. Nearly all of the states, facing multi-million-dollar penalties if they missed the deadline, rushed to finish their plans.

Most experienced problems like Michigan's. Thousands of checks were delayed in Nevada. North Carolina made \$5 million in emergency payments to frustrated families. In Ohio, among the latest to make the switch, critics say the system has delayed checks, sent the wrong amounts or sent money to the wrong people.

Stephen, a former Jackson County prosecutor who joined the Office of Child Support last year, said Michigan was faced with an "impossible task."

"The nearest a state that I know has completed a system was in five years," Stephen said. "It was done in Michigan in 2 1/2 years." Critics of the rushed implementation point out that the deadline had loomed since 1996.

The U.S. Department of Health and Human Services, which oversees states' child-support enforcement, certified Michigan's system last month. It was one of the last states to comply. With that certification, Michigan will get back \$35 million of the \$68 million in fines it's already paid.

Now the state must show the federal government the system works effectively every year, or it could face penalties, such as a reduction in federal funding.

### **What is this system supposed to do? What are the problems?**

The system is meant to streamline child-support payments and enforcement under a state umbrella. County Friends of the Court had been the traditional overseers of the operation.

With \$7 billion in child-support owed in Michigan, the state promised the system would automate actions against parents who don't pay. It would be easier to issue bench warrants, seize taxes and yank licenses from deadbeats.

But what resulted when Ingham, Eaton and Clinton counties switched to the system in June was frustration for many.

For instance, the system misread about 3,000 of 21,000 addresses in Ingham County, delaying checks and court notices. Elsewhere, tax returns seized from deadbeats were sent back to them.

Of the 800,000 child-support cases in the state, 250,000 clients call the state hot-line each week, Stephen said. Some just want to inquire about payments. But more than 15,000 clients call the Friends of the Court.

**Jim Untersshine, GZS of LB, gndzerosrv@pavenet.net, www.gndzerosrv.com**

Counties can do little to help them, Friends of the Court say. After the computer conversion in Ingham, calls to caseworkers tripled at the same time their ability to resolve problems and release money ended.

"Every time there's a problem, I have to beg someone at the state to make a change," said Donald Reisig, Ingham County's Friend of the Court.

#### **When will people start to see the system's benefits?**

Stephen predicts that Friends of the Court and families will see more benefits in a year.

But Albaugh, the state's Friend of the Court Association president and Calhoun County Friend of the Court, isn't convinced.

He said while problems are fixed monthly, new ones continually surface.

Karen Murton, 40, of DeWitt Township only recently received two checks the state cashed on Oct. 14 and Oct. 22. Her ex-husband has been sending \$250 checks to the Lansing disbursement unit every week. But they weren't reaching Murton and her two children, ages 9 and 7, who had been receiving support under the previous county system.

Murton finally got the checks - money she relies on monthly - after Clinton County Friend of Court pushed the state to act.

"People receiving support are having their telephones shut off, their electricity shut off," she said. "These are single parents - male and female. This has caused a lot of problems."

One of the worst problems, court workers say, involves those who are paying off an arrearage, as ordered by a judge.

After the state switch over, the computer didn't recognize the payment arrangements parents had made with county judges. It saw only arrearages. Some people were threatened with having their driver's licenses revoked or their debt reported to a credit bureau.

Stephen said it could be months before that problem is corrected.

#### **When will the problems be fixed? And whose job is it to fix these problems?**

Fixes have been made monthly for some problems - such as the garbled addresses. But after this week, no more will be made until May.

That's because the state has hired Bermuda-based Accenture to fix and maintain the system installed by another vendor.

Denver-based Policy Studies Inc., which state leaders say performed an "impossible task" in installing and launching the system by Sept. 30, lost the bid to maintain its own software.

Accenture has to learn the system before it can begin repairing and upgrading it. So only "emergency fixes" will be made before May, said James Fricke, the state's director of the system.

The move to Accenture is not a knock against Policy Studies Inc., Stephen said. The state wanted to go with a "better value" and Accenture will better perform long-term enhancements to the software, she said.

Controversy swirled in 2000 when the state canceled its bidding process on the statewide computer system and issued a no-bid, multimillion-dollar contract to Policy Studies. The firm was uniquely qualified to complete the task on a tight deadline, state leaders said.

Policy Studies proposed building a statewide system by adapting one used in Wayne County, and it had developed a precursor to the current system.

Policy Studies' contract with Michigan ends Dec. 31. This time, the state wanted "a level playing field" in bidding out the project, Stephen said.

#### **How much will this cost taxpayers?**

Accenture secured a three-year, \$44 million contract for basic maintenance to the system. Enhancements to the system will cost the state an additional \$7 million to \$10 million each year for the next three years.

Local officials question hiring Accenture to maintain a system it didn't put in place.

"What you need on a system like this is stability," said Barbara Hamm, head of the family division of the Ingham County Prosecutor's Office, which establishes the initial child-support order. "It's got to be reliable. Right now, it isn't.

"It's affecting people.

"It shouldn't be this difficult."

Contact staff writer John Schneider for matters related to child-support enforcement. He can be reached at 377-1175 or [jschneid@lsj.com](mailto:jschneid@lsj.com).

## Foster care cash cow

'Perverse incentive factor' rewards county for swelling system, critics say

<http://www.dailynews.com/Stories/0,1413,200~20954~1814532,00.html>

Troy Anderson, Daily News Staff Writer, 12-06-03

Up to half of Los Angeles County's foster children were needlessly placed in a system that is often more dangerous than their own homes because of financial incentives in state and federal laws, a two-year Daily News investigation has found.

The county receives nearly \$30,000 a year from federal and state governments for each child placed in the system - money that goes to pay the stipends of foster parents, but also wages, benefits and overhead costs for child-welfare workers and executives. For some special-needs children, the county receives up to \$150,000 annually.

"Called the 'perverse incentive factor,' states and counties earn more revenues by having more children in the system - whether it is opening a case to investigate a report of child abuse and neglect or placing a child in foster care," wrote the authors of a recent report by the state Department of Social Services Child Welfare Stakeholders Group.

Since the early 1980s, the number of foster children in California has gone up fivefold, and doubled in the county and nation. About one in four children will come into contact with the child welfare system before turning 18, officials say.

This has overwhelmed social workers, who often don't have time to help troubled families or monitor the care children receive in foster homes.

The hundreds of thousands of children who have cycled through the county's system over the years are six to seven times more likely to be mistreated and three times more likely to be killed than children in the general population, government statistics reveal.

Officials acknowledge that more than 660 children embroiled in the county's foster care system have died since 1991, including more than 160 who were homicide victims.

'Could have stayed home' "The county's foster care system makes Charles Dickens' descriptions look flattering," said Mark Rosenbaum, legal director at the American Civil Liberties Union of Southern California.

David Sanders, who took over as director of the Department of Children and Family Services in March, said experts estimate up to 50 percent of the 75,000 children in the system and adoptive homes could have been left in their parents' care if appropriate services had been provided. He said DCFS comes into contact with nearly 180,000 children each year.

"There were probably issues the kids and their families were facing, but if they had some kind of support services, the kids could have stayed home," Sanders said. "At the extreme, there are clearly parents who never should have had their children. They torture their children and everyone in the community would agree that they should not have their children.

"On the other end, you clearly have situations where families have done things, but may be under stress one day, have every intention of taking care of their children and are not dangerous, but involvement by child protective services ends up being much too intrusive."

The Daily News' investigation of the child-welfare system, which is shrouded in secrecy by confidentiality laws, involved the review of tens of thousands of pages of government and confidential juvenile court documents, studies, computer databases and several hundred interviews.

As the investigation progressed, state and county officials acknowledged that the financial incentives built into the laws encourage the needless placements of children in foster care, and officials have started taking steps to reform the system.

Social worker Anthony Cavuoti, who has worked 14 years for the county, said DCFS employees use the most liberal of guidelines in deciding whether to remove a child from their home. Some parents have had their children removed for yelling at them, allowing them to miss or be late to school or having a dirty home.

"The service that DCFS now provides is worse than the abuse that most abused children ever experienced. The trauma they inflict on ordinary children is unspeakable."

Overeager caseworkers Sanders said he thinks caseworkers have sometimes been too eager to remove children from their homes - a practice he is trying to change.

"I think children should only be removed when there is an imminent risk. I've said consistently that we do have too many children who have been removed," he said.

"We need to provide the kind of supports to keep these kids at home."

As early as 1992, the state's Little Hoover Commission cited experts who estimated that 35 percent to 70 percent of foster children in California should never have been removed from their families and have suffered deep psychological trauma as a result. On any given day, a total of 175,000 children are now in the state child protective system.

In recent months, parents in several states have filed class-action lawsuits and testified before Congress, alleging that thousands of their children have been wrongfully taken from their homes.

State and county officials admitted recently that they have placed too many children in foster care, especially poor and minority children. California has 13 percent of the nation's total child population, but 20 percent of its foster children, statistics show.

Minorities make up 85 percent of foster children in the county and 70 percent statewide. Experts say so many minorities are placed in foster care because the federal government pays for most of the costs of caring for foster children from poor families while states and counties are expected to pick up most of the tab for foster children from wealthier homes.

"That's exactly right," Sanders said. "The eligibility for foster care reimbursements is poverty driven."

State and county officials say not enough has been done to help troubled families and the system has deteriorated into an "adversarial and coercive" one that places too much emphasis on investigating families for alleged mistreatment and removing their children.

About 80 percent of foster children in the state and county are removed for "neglect," which experts say is often a euphemism for poverty-related conditions, such as dirty or cramped homes, a lack of money to provide enough food, clothing and medical care to children or a single mother who works more than one job, can't afford child care and leaves her children unattended.

The Reason Public Policy Institute, a Los Angeles think tank, released a report in 1999 that found the current child protective system undermines parental authority, wrongfully accuses hundreds of thousands of innocent families and leaves many children at risk of mistreatment.

The study's author, Susan Orr, a former U.S. Department of Health and Human Services child-abuse researcher, said too many unfounded allegations drain the system's resources.

She noted that nearly 50 percent of child-abuse deaths occur in families that have had some contact with children's services agencies. That statistic, say experts, shows the system is failing in its basic mission of protecting children from truly abusive parents.

'Legal kidnapping' A review of more than \$25 million in foster care lawsuit settlements and judgments in Los Angeles County since the early 1990s found about half involved the unnecessary removal of children and their subsequent mistreatment or wrongful deaths, according to the county's own admissions of wrongful seizures in county Claims Board documents or assertions by the families' attorneys.

In a Daily News review of 139 claims against the county - an action that usually precedes the filing of a lawsuit against the county - 26 of the claims involved allegations of wrongful seizures of children. In two cases, parents alleged their children were seized by the county for financial gain because local governments receive revenue for every child taken into the system.

Parents also have alleged in dozens of recent appeals to state appellate courts that their children were needlessly taken from them.

"It's legal kidnapping to make a profit," said Lancaster resident John Elliott, a 54-year-old former Warner Bros. special-effects technician, who filed a claim alleging social workers made false allegations against him and placed his daughter in foster care.

After he spent \$150,000 fighting to get his daughter back, the county ultimately admitted it was mistaken in taking his daughter and returned her to him.

"They tell lies to keep your kids in the system," Elliott said. "My daughter was abused the whole time she was there. It's a multibillion-dollar business. It's all about profit."

Santa Ana attorney Jack H. Anthony, who won a \$1.5 million verdict in 2001 in a case involving the death of a foster child burned in scalding bathtub water, said parents often call asking him to file lawsuits over the unnecessary placement of their children in foster care. But social workers are generally immune from liability for the wrongful placement of a child in foster care, Anthony said.

"It's very difficult to hold anybody responsible for making a negligent decision to take the children," Anthony said. "In most of the cases I see, the children would have been better off had they not been taken from their parents."

No clear standards For years, DCFS had no clear standards defining what child abuse or neglect was. The decision whether to remove a child was often left up to overworked social workers' hunches about how safe children were in their parents' homes, Sanders said.

Bruce Rubenstein, DCFS deputy director from 1991-97, said the department intimidated social workers into removing children for little or no reason after a couple of high-profile cases where children returned from foster care to their parents were murdered.

"The word was, 'Remove everybody. Remove all the kids.' It's pretty fundamental that the county was breaking up families that didn't need to be broken up," Rubenstein said. "Only new leadership giving clear messages can free that department from this sickness."

DCFS recently began training social workers in a research-based tool called "structured decision-making," which Sanders hopes will help them make better decisions about when to remove a child. The method has been successful in reducing unnecessary foster care placements in other states and counties.

The stakeholders report found the vague definition of neglect, unbridled discretion and a lack of training form a dangerous combination in the hands of social workers charged with deciding the fate of families.

Despite a quadrupling in reporting of child mistreatment cases since 1976 due to greater awareness of the child abuse problem in the nation, the number of actual cases of abuse and neglect annually has remained flat.

Unfortunately, experts say in explaining the large number of false accusations, the DCFS Child Abuse Hotline has become a weapon of choice for malicious neighbors and angry spouses and lovers in child custody disputes.

"A lot of people use child protective services for revenge," Cavuoti said. "About half of the cases we get are completely bogus. They are just people calling to get back at a neighbor."

While about 7,500 children enter the county's foster care system each year, only a small percentage are reunified with their families. A recent study found that nationwide 76 percent of children are returned home from foster care within a year. But in Los Angeles County, only 19 percent are returned home within a year of entering foster care.

Troy Anderson, (213) 974-8985 troy.anderson@dailynews.com

### **MORE KIDS IN THE SYSTEM**

Since the 1980s, the number of children in the child-protective system has sharply increased, government figures show:

- Nationwide, the number of children in foster care doubled from 273,500 in 1986 to 540,000 in 2003.
- In California, the number of children increased more than 400%, from 32,288 in 1983 to 175,000 in 2003.
- In Los Angeles County, the number increased from 42,894 in 1986 to approximately 75,000 in 2003.

SOURCE: Daily News research



## **Divorcées and Social Engineers**

### **Fathers face off against the marriage movement.**

[Reason, vol. 35, no. 7, December 2003, pp. 24-26.]

**Cathy Young, Reason, 12-01-03**

It is now a truth more or less universally acknowledged that children are better off when they have fathers and when their fathers are actively involved in their lives. But where do we go from there? Should the government be promoting fatherhood, marriage, and two-parent families? Or should it simply get out of the way and stop hindering fathers who want to do right by their children? The debate has pitted fathers' rights activists against advocates for marriage and "responsible fatherhood."

The government's fatherhood programs, an offspring of the Clinton era, are thriving under Bush. One Bush-era innovation is marriage promotion: The government has spent millions on programs to encourage poor people on welfare to get married and to help them develop better "marriage skills," an effort that has drawn criticism both from feminists who worry about women being pressured to stay in abusive marriages and from libertarians less than thrilled by social engineering. More recently, some fathers' rights activists have declared the administration's efforts part of an insidious machine that undermines rather than bolsters family and fatherhood.

The first salvo was fired by Stephen Baskerville, a political science professor at Howard University, in a May column for National Review Online that decried "government as family therapy." The government, Baskerville wrote, actively undermines marriage by allowing no-fault divorce and pursuing "one of the most dishonest and destructive policies ever foisted on the public: child-support enforcement."

In his view, government programs aimed at inculcating "life skills" and improving relationships simply serve to bring even more of the family under state control. "Here we see the culmination of a government perpetual-growth machine that has been building for decades: Destroy the family through welfare and no-fault divorce; then evict and criminalize the fathers; then institutionalize the children as state wards through various 'services' to relieve single mothers."

Just a week later, the National Review site published an acid response from Tom Sylvester, a research associate with the Institute for American Values (co-founded by David Blankenhorn, author of the much-discussed 1995 book *Fatherless America*). Sylvester depicted Baskerville as an extremist spokesman for a "small but vocal group" of disgruntled divorced fathers, and went on to laud the Bush administration's pro-marriage programs as a much-needed effort to strengthen families and thus ultimately help the cause of limited government. More recently, in October, the MensNewsDaily site has featured a roundtable discussion between marriage advocates and fathers' rights activists, including Baskerville and Sylvester.

The fathers' rights activists, so often dismissed as angry men, make some excellent points-including some aspects of their critique of the "marriage movement" and the "responsible fatherhood" advocates. Blankenhorn's writings, for instance, are based almost entirely on the assumption that the primary cause of fatherlessness is men walking away from their wives and children. He and other conservatives believe that the answer to father absence is for men to embrace their responsibilities and for society to hold them responsible. In Blankenhorn's striking metaphor, "Men do not volunteer for fatherhood as much as they are conscripted into it by the surrounding culture."

In fact, two-thirds of divorces are initiated by wives. This isn't just a matter of who officially files for divorce: As Arizona State University psychologist Sanford Braver reports in his 1999 book *Divorced Dads*, about two-thirds of the time it's the wife who wants out of the marriage. In many cases, non-custodial fathers find their relationships with their children thwarted by their ex-wives.

To some extent, government policies contribute to the situation. Despite nominally gender-neutral child custody laws, in practice fathers are still at a disadvantage. What's more, the courts and the government are far more interested in enforcing child support than in enforcing non-custodial parents' access to the children.

Some thought-provoking studies, particularly by University of Iowa law professor Margaret Brinig, suggest that women are more willing to end their marriages because they know they are likely to get sole custody of their children. Brinig and other scholars have also found that more frequent joint custody awards correlate with lower divorce rates.

Unfortunately, many fathers' rights activists undermine their cause by resorting to extreme rhetoric. Baskerville, for instance, claims that courts, lawyers, and bureaucrats have a vested interest in promoting divorce and "ripping away" fathers from their children: As he put it on *The O'Reilly Factor* in October 2000, "the more children they take away from their parents, the more business there is for their courts and for those who are the recipients of their patronage."

When Sylvester pointed out in the MensNewsDaily roundtable that a spouse, not the state, files for divorce, Baskerville's retort was even more extreme: "This is like saying the German state was not involved in the Holocaust because its victims were often turned in by their neighbors."

Baskerville, whose diatribes against the "divorce industry" have appeared not only in conservative publications but in libertarian ones such as *Liberty*, makes a good case that divorce increases government control over families. Once a couple has split up, the courts become involved in decisions that were previously made between husband and wife: whether to send the children to a private school, what kind of religious training they should get, how much money to spend on their clothing and other expenses-and, no less important, how much time each parent will spend with the children. But is there anyway to avoid that?

Baskerville argues that the spouse who elects to leave the marriage-except on clear grounds of "fault," such as adultery, physical violence, or substance abuse-should forfeit child custody, possibly with little or no access to the children. But not every divorce without an officially recognized "fault" is frivolous, as some fathers' rights activists would suggest.

Baskerville's proposal would force many people to choose between losing their children and remaining in an emotionally intolerable marriage. And one can imagine a disaffected spouse waging psychological warfare to push the other to file for divorce, or making false allegations of physical abuse or other "faults."

Yet there is no getting around the fact that the "marriage movement" supports extensive entanglement between state, therapy, and family. Obviously, we're not talking about shotgun marriages arranged by Big Brother. But in a federally funded pilot program in Oklahoma, cited as a model by marriage promoters, workshops that teach communication, conflict resolution, and other marriage skills are virtually mandatory for welfare recipients.

Principles aside (such as the quaint idea that the government shouldn't be micro-engineering people's private lives), it's hard to imagine that this approach could be effective. Even voluntary, individualized marital counseling is far from a surefire way to keep a marriage together. A large workshop that offers one-size-fits-all solutions to people with distinct personalities and problems doesn't hold out much promise.

Besides, low marriage rates and high divorce rates in low-income communities are related to plenty of economic and social factors that have nothing to do with poor communication. While the problem of fatherlessness is real, a federal initiative that throws taxpayer money at untested programs and turns Uncle Sam into a marriage counselor is not a real solution.

In a culture that values personal freedom, there is no real "solution" to the problem of divorce. Yet there are ways to minimize its negative effects, such as creating policies that ensure both parents have a meaningful post-divorce role in the children's lives. Joint custody, the alternative preferred by more moderate fathers' rights advocates, may not be a panacea, but for all its drawbacks, it would accomplish that goal.

Contributing Editor Cathy Young ([cathyyoung2@cs.com](mailto:cathyyoung2@cs.com)) is a columnist for The Boston Globe and author of *Ceasefire! Why Women and Men Must Join Forces to Achieve True Equality* (Free Press).

## **Child support overhaul criticized at House hearing**

<http://www.startribune.com/stories/587/4181031.html>

[Jean Hopfensperger](#), **Star Tribune**, 10-29-03

A plan to overhaul Minnesota's child support system by recalculating the way the state determines payments drew criticism as unrealistic during a House committee hearing Tuesday. However the plan's architect said it was more fair than the current system.

The plan proposes a number of changes, including:

- Allowing noncustodial parents to set aside a portion of their incomes, slightly more than the poverty line, before calculating any support.
- Basing the support on the income of both parents, instead of the income of only the noncustodial parent.
- Linking child support to the amount of time a parent spends with his/her child.

The architect of the plan, Georgian economist R. Mark Rogers, said it offers an "economically sound" way to calculate child support payments. For the first time, payments would be based on research on the cost of raising children, instead of the income of the noncustodial parent, he said. And it would be more fair to both parents, he said.

But critics charged that the plan didn't reflect the real cost of raising children. They said it could significantly reduce child support granted to many families, and it might not comply with federal guidelines. Plus the plan is tremendously complicated, they said.

"The state will have to put satellite offices of H&R Block in every child support office,," said Donald Enockson, chairman of the family law section of the Minnesota Bar Association.

The plan, which was introduced last session, is one of at least two that the Legislature will hear in 2004, said Rep. Mary Liz Holberg, R-Lakeville, chairwoman of the House Civil Law Committee.

Holberg said that child support is a high priority issue in the House Republican caucus. Indeed, broad interest was evident Tuesday in a hearing room packed with people waiting to testify or simply monitoring the issue.

Holberg said she hoped to glean some "guiding principles" for changing the child support system from Tuesday's hearing, as well as from others in the future.

But the bill was uniformly opposed by those who testified. They included a family mediation expert, family law attorneys, a child support consultant to the Minnesota Department of Human Services, and an advocacy group for parents not receiving child support.

"It's going to reduce the amount of child support, inundate a [child support] system that already is struggling and push more parents onto public assistance," said Jen Peterson, who heads a local chapter of an organization that tries to get noncustodial parents to pay child support called ACES -- Association for Children for Enforcement of Support.

The bill was supported by fathers' rights groups such as R-Kids, which did not testify Tuesday. Tim Kinley, president of R-Kids, said he supports the bill because it is based on the cost of raising children, rather than the noncustodial parents' income, and because it would encourage both parents to stay involved in their children's lives.

"Right now there is a cost incentive [for mothers] to leave, rather than get through difficult times and stay together," he said.

The bill, H.F. No. 664, may be viewed at the Legislature's Web site at <http://www.leg.state.mn.us> and clicking on "Legislation and bill status."

## Indiana overhauls child-support payment system

Amount shaped by time parent spends with child

<http://www.courier-journal.com/localnews/2003/10/21/in/wir-front-child1021-11309.html>

[Harold J. Adams](#), *The Courier-Journal*, 10-21-03

The Indiana Supreme Court has approved a sweeping change in the way child-support payments are calculated — one aimed at providing a financial incentive for noncustodial parents, usually fathers, to see their children more often.

The bottom line: The more time noncustodial parents spend with their kids, the less money they will pay to the custodial parent in child support.

The new rules, which take effect Jan. 1, will apply to all future custody arrangements and could be used to modify payments due under some existing child-support orders.

The changes are billed by the court as a move toward fairness to noncustodial parents who are often shortchanged under current rules. But some divorce attorneys believe they will give custodial parents an incentive to minimize the time children spend with the other parent. Others fear a parade to county courthouses to seek changes in existing custody orders.

The Indiana changes are similar to a proposal considered earlier this year by the Kentucky General Assembly. It died in the House Judiciary Committee but is expected to be offered again when the legislature meets in January.

The current Kentucky rules don't provide a credit for a noncustodial parent. Computations are based solely on the relative incomes of the parents.

The changes in the Indiana guidelines were made under the rule-making authority of the state Supreme Court and are the result of almost two years of work by the Domestic Relations Committee of the Indiana Judicial Conference, the organizing body of all Indiana judges.

The committee's chairman for the past seven years has been Clark Circuit Judge Daniel Donahue, whose final act in that capacity was to present the changes to the Supreme Court on Sept. 4.

In a recent interview, Donahue said the new guidelines will provide a child-support credit to the noncustodial parent that will be pegged to the number of times a child spends the night with that parent each year.

Existing rules provide a standard credit of 10 percent, which was originally based on a standard of visitation every other weekend, or 52 overnight visits a year. But in 2001 the Supreme Court increased the minimum standard to 100 overnights per year, though the 10 percent credit continued to be based on the 52-visit standard.

The Domestic Relations Committee recognized that more time with a child often translates into higher child-care expenses and concluded that the 10 percent credit was outdated, Donahue said.

"We had to be fairer than we had been to the noncustodial parents by recognizing those expenses," he said. "When the (2001 change) went into effect, it had the effect of encouraging the noncustodial parent to spend more time with their kids."

**UNDER CURRENT** rules, child-support payments are based primarily on an individual parent's share of the total adjusted gross income of both parents. The new rules abandon the fixed 10 percent standard in favor of a sliding scale. Depending on the relative incomes of the the parents, the new rules could even result in the custodial parent making support payments to a noncustodial parent who spends a lot of time with the child.

Parents who hold to the traditional standard of visitation every other weekend would get the minimum credit; those spending less time than that with their children would get no credit. Small increases in the credit will be awarded for every five overnight visits above 51 each year.

Donahue said the new rules recognize that some child-care expenses — such as for food or transportation — move with the child from parent to parent, and will "encourage dads even more to spend more time with the kids."

But some attorneys are concerned that the financial adjustments will backfire.

"I'm afraid it's going to create more problems," Jeffersonville attorney Les Merkley said.

He predicted that custodial parents who now agree to let children spend more than the minimum time with the other parent will start resisting.

"Once they see their child support is going to be decreased, they're going to hold firm on those parenting guidelines," he said. "I see it as decreasing parenting time."

Donna Bowles of Jeffersonville, whose divorce was finalized last November, said she is happy with the child support she receives from her ex-husband for her two teenage daughters.

**SHE SAID** her youngest daughter spends every other Saturday night with her father, who gets the 10 percent credit on his child-support payments. Their older daughter is away at college.

Bowles said the idea of a larger credit is fine but added, "I would have to feel that the visitation by the (noncustodial) parent would have to be a substantial amount for there to be a reduction in the amount of child support paid to the custodial parent."

She said the threshold for a larger credit should be in the range of 30 to 50 percent of the parenting time.

Ben Bowman of Floyd County, who is now going through a divorce, said he is paying child support to his wife based on an agreement the couple reached after they separated in November.

Bowman said he sees his 2½ year old daughter every day and keeps her overnight about once every other week. "Right now it's not an issue," he said of the amount he pays.

But he said he can see how the new rules will help other noncustodial parents.

"For anybody that maybe child support's hurting them, that's definitely going to be a plus for them," he said. "Hopefully it'll be more of an incentive for some parents to spend more time with their kids."

Linda Lorch, a New Albany attorney, expressed mixed feelings about the new rules.

**"I GUESS** I think it's a good idea that the court has recognized that there is more sharing of time with children than there has been in the past," she said.

But she said she shares Merkley's concern about how custodial parents will react.

"One of my concerns is will it make parents be less willing to agree to shared time schedules," she said. "If it reduces mom's standard of living, is she less likely to agree to that?"

Robert Monday, Indiana coordinator of the Children's Rights Council — a national group that advocates financial equity and more parenting time for noncustodial parents — said such concerns are unwarranted.

Monday, who is president of Parents and Children's Equality, the Indianapolis-area affiliate of the Children's Rights Council, participated in the debate that helped shape the new rules.

"The more sharing of the parenting time you have, the more sharing you have of expenses, and it's easier on both parents," he said. "Yes, it's a reduction in child support in some cases, but it's also a reduction in cost" to the custodial parent.

Jeffersonville attorney Rebecca Lockard said it's good to give a larger credit to parents who do more than the minimum with their children.

She said the hard part will be predicting how much time the noncustodial parent will spend with the child.

"If you predict that this person is going to have 107 overnights and they end up only having 50, then we're going to have to go back and do another change," she said.

**THE RULES** do provide for a reduction of the credit if parents don't live up to their agreement, and Donahue acknowledged that such cases may arise.

But he added: "Being fair is not always being easy."

Some lawyers also voice concern that courts will be flooded in January with noncustodial parents who already spend a lot of time with their children and will want to receive the larger credit.

"I think that there will be parents that want to go back to court to have that issue addressed if they are seeing their children more" often, Lorch said. But Donahue said his committee set a high bar for modifications to existing child-support orders.

First, the existing order must have been made at least 12 months earlier than the request to modify it. Second, modifications will be granted only if the new rules would result in a difference of more than 20 percent in the amount of child support owed.

**IN KENTUCKY**, the plan considered by the General Assembly was proposed by the Kentucky Child Support Guidelines Commission, which was established by the legislature to study possible changes. It would have required a credit if a child spends more than 40 percent of the nights each year with the noncustodial parent.

It would have permitted a credit, at the discretion of the judge, when the figure is between 30 percent and 40 percent. Harrison Circuit Judge Robert McGinnis, the commission's chairman, said he hasn't heard of any opposition to the change. He said the measure simply didn't get out of committee last year in a short legislative session. The commission plans to offer the same proposal again in January.

"And I'd say the chances are a lot higher of getting through this time," he said

## **Child support case will not be heard**

[http://www.onlineathens.com/stories/102103/new\\_20031021020.shtml](http://www.onlineathens.com/stories/102103/new_20031021020.shtml)

**Associated Press, Athens Banner-Herald, 10-21-03**

**ATLANTA-** The U.S. Supreme Court refused without comment Monday to consider a case testing whether Georgia requires divorced parents who don't have custody of their children to pay too much child support - often about 20 percent of their income.

"We knew it was a long shot," said attorney Daryl Lecroy, who asked the court to take the case on appeal.

"Considering that they have addressed other social issues recently, we felt this issue affected a vastly larger number of people than the same-sex kind of concerns," he said.

Lecroy was appealing a decision in April by Georgia's Supreme Court, which held that the existing child support guidelines are sound.

Last year, Superior Court Judge C. Dane Perkins ruled in Atkinson County that the guidelines serve only to bankrupt divorced parents.

The ruling came in a case filed by a mother, Michelle Sweat, who was required to pay more than \$500 a month to her ex-husband, who had custody of their three children.

Perkins said the guidelines would reduce Sweat "to poverty status" and ruled them unconstitutional.

The state Supreme Court overturned that ruling, saying the guidelines ensure "that adequate support is provided for Georgia's children whose parents have divorced or separated."

## **AG hopeful to stress child support; not original, foe says**

<http://www.clarionledger.com/news/0310/07/m14.html>

**The Associated Press, Clarion Ledger, 10-07-03**

Republican attorney general candidate Scott Newton says he will go after deadbeat parents to collect unpaid child support and also will begin an "Unsolved Murder Unit" if elected Nov. 4.

Newton spoke at a news conference Monday with Michigan Attorney General Mike Cox, who began a child-support division in his state and has collected \$700,000 in back child-support since January.

"I admire Mike's effort in recovering the money owed to Michigan's children," Newton said. "I will use his model of aggressive pursuit of deadbeat parents in order to collect the money owed to the over 100,000 Mississippi children that do not receive the child support they deserve."

Last year, the Mississippi Department of Human Services collected more than \$21 million in past-due child support by intercepting state and federal tax refunds.

As of August, there were 335,000 child-support cases open in the state.

Newton, a former FBI agent, faces Democratic district attorney Jim Hood in next month's general election.

Morgan Shands, Hood's campaign manager, released a statement Monday saying Newton's plans were unoriginal.

"It is time Scott Newton came up with an original idea," Shands said.

"Jim Hood, over a month ago, issued a plan in which he said that, as attorney general, he would aggressively prosecute deadbeat parents."

Newton refuted Shands' suggestion Monday.

"We've been talking about this stuff from the very beginning," he said.

## Partner in service

Policy Studies has strong commitment to child support programs

[http://www.rockymountainnews.com/drmn/business/article/0,1299,DRMN\\_4\\_2317306,00.html](http://www.rockymountainnews.com/drmn/business/article/0,1299,DRMN_4_2317306,00.html)

**Vicky Uhland, RockyMountainNews.com, Special To The News, 10-03-03**

Policy Studies Inc. isn't a stereotypical government contractor.

The privately held Denver-based company is certainly large enough: It employs 1,000 people, has offices in 21 states and reports 2002 revenues of more than \$100 million.

But Policy Studies isn't a bottom-line-oriented company out to get every penny it can from the government, said President Robert Williams. It doesn't cop an us-versus-them attitude. In fact, Williams said, PSI prefers to partner with its government clients.

"With government contracts, it's so hard to break through the formalities of the procurement process and contract and get into the partnership mode. We have a little bit different philosophy of how to do business," Williams said.

"We have a strong commitment to the programs we're serving. It makes our clients feel like we're more aligned to what they're trying to achieve."

PSI's values-driven philosophy is dictated in large part by the social-services business it specializes in. Much of its work is in outsourced child support enforcement programs in all 50 states. PSI does everything from tracking down deadbeat parents to administering health insurance for indigent children.

PSI also runs job-training centers, develops research and policy analysis for a variety of social services programs, and designs and installs computer software. It helps courts and other justice system agencies run more smoothly, and it provides management consulting services for governments ranging from Mongolia to Kosovo.

"It's not an easy company to explain," Williams said. "All of these pieces really reinforce each other."

Williams and two partners began PSI in 1984. They came from the academic world. Williams has a doctorate in public policy from Princeton University, and his partner, David Price, PSI's vice president in the research and consulting division, has a doctorate in international relations from the University of Denver. The third partner, Betty Schulte, left the company 10 years ago.

PSI began as a part-time research and consulting company committed to socially useful work. It did theoretical research for state human services programs, helping them obtain research grants for everything from food stamps to aid for dependent children.

Then, Williams said, "I started work on a national research project for formulas for setting the amounts of child support. It really got me introduced to the child support program."

With his nationwide contacts, PSI started competing for outsourced child support program bids in the late 1980s. In 1991, it got a contract to run a small southeast Tennessee child support enforcement office. The contract almost doubled the PSI staff to 29.

"Outsourcing was the major focus of our growth during the '90s," Williams said.

Today it accounts for about 80 percent of PSI's business.

Projects include a \$200 million, 2 ½-year revamping of Michigan's automated child support enforcement system, and a statewide child support information call center in New Mexico that Williams speculates handles 1,200 to 1,500 calls a day. The technology side of the business began because the social services programs PSI was running typically had large and complicated computer systems.

"We had to have a sophisticated (computer operation) just to support our own operations," Williams said.

Technology accounts for about 10 percent of PSI's business, but Williams would like to see PSI's software development and Web site design team grow. However, software purchased with federal funds can't be proprietary, so "that doesn't give you any incentive to develop something that might be of great benefit. It kind of stifles innovation," Williams said.

Research and development makes up the remaining 10 percent of the PSI revenue pie. The company has about 50 shareholders, including senior managers and professional staff, and one outside investor, Endeavour Capital of Portland, Ore., which owns a little more than 25 percent of the company, Williams said.

PSI sales traditionally grow 20 percent to 30 percent a year, with a 5 percent to 10 percent profit margin, although Williams predicts revenues will be flat this year.

The core of PSI's work will remain in outsourcing, an area that Virginia Deputy Commissioner for the Department of Social Services Nick Young said has seen flat growth for the past 10 years. Four to five companies work in child support agency outsourcing, Young said.

That includes the \$519 million, publicly held company Williams said is his biggest competitor: Reston, Va.-based Maximus.

"Not all companies want to do full-service child support (enforcement)," Young said. "They have to exercise extreme behavior modification, i.e., making adults do something they don't want to do. It makes the job very difficult."

PSI has worked in Virginia for nine years, and runs the state's child support enforcement offices in Hampton and Chesapeake. In addition, PSI helped Virginia develop its test program for the National Database of New Hires.

**Jim Untershtine, GZS of LB, gndzerosrv@pavenet.net, www.gndzerosrv.com**

Employers are now required to report a new hire within 20 days, and the information goes to a database that matches it against people who owe child support. States then send out income withholding information to employers, and the employers collect the money and send it to the state. Within 48 hours it's dispersed to resident parents. In Virginia, that amounts to 13,000 checks a day totaling \$1.5 million in child support, Young said.

Williams said 70 percent of all child support payments are now collected this way. PSI processes 30 percent of the reports nationwide. PSI also administers a child paternity program in Virginia and four other states.

In Colorado, PSI administers such programs as the Welfare to Work offices in Boulder and Colorado Springs, and a federal initiative that links faith-based nonprofit organizations with work-force centers.

"Policy Studies is a very good partner, very dependable, with a lot of integrity," said Kathryn Otten, targeted projects coordinator for the Colorado Department of Labor and Employment. "When I have an idea, they're the first ones to say, 'Let's try it,' and they go out and get the information. They really are about the program."

**Policy Studies Inc.**

- Headquarters:  
Denver
- Business:  
Contracts with government social services departments in areas such as child support enforcement programs, administering health insurance for indigent children, running job-training centers, research and policy analysis, design and installation of computer software, management consulting.
- President:  
Robert Williams
- Employees:  
1,000 nationwide, 160 in Colorado
- Operations:  
Offices in 21 states, contracts in 50 states
- 2002 revenues:  
\$100 million

## Update: easing the way for Mexican-American reparations

<http://www.overlawyered.com/archives/000326.html>

Walter Olson, OverLawyered.com, 09-14-03

The California legislature, probably the nation's busiest when it comes to stoking the fires of reparations litigation, has now passed and sent to Gov. Gray Davis a bill reopening the statute of limitations so as to allow state residents of Mexican descent to sue over forced deportations of their ancestors (or in a few long-lived cases themselves) during the 1930s. The intended targets of such litigation (see [Jul. 28](#)) include local governments and business groups that are said to have collaborated in the deportation campaigns. The legislature has already employed the tactic of reopening statutes of limitation in order to promote "claims for Holocaust victims insurance claims, Armenian Genocide victims, World War II slave labor and braceros". ("Bill gives 1930s deportees until 2007 to seek damages", San Francisco Chronicle, [Sept. 12](#)).

Posted by Walter Olson at September 14, 2003 04:36 PM | [TrackBack](#)

### Bill gives 1930s deportees until 2007 to seek damages

<http://sfgate.com/cgi-bin/article.cgi?f=/news/archive/2003/09/12/state2124EDT0199.DTL>

SFGate.com, 09-12-03

SACRAMENTO (AP) -- Californians of Mexican descent who were forcibly deported to Mexico during the Great Depression will have until 2007 to seek damages for losses to their families and homes under a bill headed to Gov. Gray Davis.

The bill, by Sen. Joe Dunn, D-Garden Grove, allows residents and their descendants who still live in California to take their cases to court by Dec. 31, 2006. It passed the state Senate 27-8 on Friday.

The bill, concerning a little-discussed chapter in the state's history, allows claims against governmental authorities and organizations who acted with them to force residents out of the state.

Backers say thousands of U.S. citizens and residents of Mexican descent were forcibly moved in vans and trains to Mexico during the 1930s and 1940s. In some cases, reports the Mexican American Legal Defense and Educational Fund, a supporter of the bill, local governments in Southern California placed liens on family homes to pay for their transportation.

The bill provides a special new statute of limitations for the deportation cases, similar to those used for claims for Holocaust victims insurance claims, Armenian Genocide victims, World War II slave labor and braceros.

On the Net: Read the bill, SB933, at [www.senate.ca.gov](http://www.senate.ca.gov)

## Reparations demanded over deportation of Mexicans in 1930s

<http://www.overlawyered.com/archives/000165.html>

Walter Olson, OverLawyered.com, 07-28-03

Latest on the reparations bandwagon: A suit was filed earlier this month in Los Angeles Superior Court on behalf of an estimated 400,000 people of Mexican descent, seeking damages for the "irreparable loss" suffered during deportation campaigns in the 1930s. Representing the plaintiffs, and seeking class action status, are the [Mexican American Legal Defense and Educational Fund](#) and the Beverly Hills law firm of [Kiesel, Boucher & Larson](#). ("Lawsuit seeks reparations for 1930s-era expulsion from California", CNN, [Jul. 16](#)).

Update [Sept. 14](#): legislature passes bill to facilitate suits.

Posted by Walter Olson at July 28, 2003 04:46 PM | [TrackBack](#)



## Bill Number: SB 933 Amended

[http://info.sen.ca.gov/pub/bill/sen/sb\\_0901-0950/sb\\_933\\_bill\\_20030909\\_amended\\_asm.html](http://info.sen.ca.gov/pub/bill/sen/sb_0901-0950/sb_933_bill_20030909_amended_asm.html)

### BILL TEXT

AMENDED IN ASSEMBLY SEPTEMBER 9, 2003  
AMENDED IN ASSEMBLY SEPTEMBER 2, 2003  
AMENDED IN SENATE MARCH 26, 2003

### INTRODUCED BY Senator Dunn

(Principal ~~co~~author: Assembly Member  
coauthors: Assembly Members Montanez and Nunez)  
(Coauthors: Senators Cedillo, Escutia, and Romero)

**FEBRUARY 21, 2003**

An act to add Section 354.9 to the Code of Civil Procedure, relating to civil actions.

### LEGISLATIVE COUNSEL'S DIGEST

SB 933, as amended, Dunn. Victims of wrongful or coerced repatriation.

Existing law authorizes various persons to bring civil actions for damages under specified circumstances.

This bill would authorize a victim of unconstitutional, wrongful, or coerced repatriation, defined as any United States citizen or legal resident of Mexican descent who was coerced, forced, or falsely induced to emigrate from California during the period from 1929 to 1944, inclusive, or the victim's heir or beneficiary, to bring a legal action to recover damages in any court of competent jurisdiction in this state. This provision would apply if the victim was coerced, forced, or falsely induced to emigrate by any city, county, or state governmental authority, or anyone acting under color of that authority, including, *but not limited to*, any private individual or business entity. The provision would also apply only if that person resides in this state and has a claim arising out of that unconstitutional, wrongful, or coerced repatriation, as specified. The bill would also provide that any action brought pursuant to this provision may not be dismissed for failure to comply with the applicable statute of limitations or to exhaust any applicable administrative remedies or governmental tort claims procedures, if the action is commenced on or before December 31, 2006.

*This bill would specify that its provisions are severable.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

### THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 354.9 is added to the Code of Civil Procedure, to read:

#### **354.9.**

(a) The following definitions govern the construction of this section:

- (1) "Victim of unconstitutional, wrongful, or coerced repatriation" means any United States citizen or legal resident of Mexican descent who was coerced, forced, or falsely induced to emigrate from California during the period from 1929 to 1944, inclusive, by any city, county, or state governmental authority, or anyone acting under color of that authority, including, but not limited to, any private individual or business entity that conspired with any city, county, or state governmental authority, or anyone acting under color of that authority, to violate the California constitutional or property rights of that person.
  - (2) "Damages" means any and all damages for any harm, loss, or detriment sustained by any victim of unconstitutional, wrongful, or coerced repatriation by reason of the coerced, forced, or falsely induced emigration from California by any city, county, or state governmental authority, or anyone acting under color of that authority, including, but not limited to, any private individual or business entity that conspired with any city, county, or state governmental authority, or anyone acting under color of that authority, to violate the California constitutional or property rights of any victim of unconstitutional, wrongful, or coerced repatriation.
- (b) Notwithstanding any other provision of law, any victim of unconstitutional, wrongful, or coerced repatriation, or the heir or beneficiary of a victim of unconstitutional, wrongful, or coerced repatriation, who resides in this state and has a claim arising out of the victim's coerced, forced, or falsely induced emigration from California by any city, county, or state governmental authority, or anyone acting under color of that authority, including, but not limited to, any private individual or business entity that conspired with any city, county, or state governmental authority, or anyone acting under color of that authority, to violate the California constitutional or property rights of any victim of unconstitutional, wrongful, or coerced repatriation, may bring a legal action to recover any damages in any court of competent jurisdiction in this state, which court shall be deemed the proper forum for that action until its completion or resolution.
- (c) Any action brought under this section may not be dismissed for failure to (1) comply with the applicable statute of limitations, or (2) exhaust any applicable administrative remedies or governmental tort claim procedures otherwise provided by any statute, if the action is commenced in any California court of competent jurisdiction on or before December 31, 2006.

*SEC. 2. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.*

## County could deplete reserves

<http://www.whittierdailynews.com/Stories/0,1413,207~12026~1628746,00.html>

**Michelle Rester, Whittier Daily News, Staff Writer, 09-12-03**

Los Angeles County officials are expected to deplete nearly all of the county's reserves to cover \$180 million of the \$273 million in funding the state has taken away.

No layoffs or cuts in programs or services are expected, but county officials say there could be problems down the road because there are no plans yet for how to rebuild the reserve account.

"It's put us at risk in future years, but we'll just have to get through a year at a time," said Debbie Lizzari, assistant administrative officer. "However, we've also heard the state budget problem is again growing for next fiscal year, and we don't know what the impact to L.A. County will be."

The transfer reduces the reserves to \$23.1 million, Lizzari said.

The largest hit from the state amounts to \$160 million in lost vehicle license backfill dollars for the three-month gap from the decision to triple the car tax until it takes effect. The state has promised to pay back the money, but has until Aug. 15, 2006, according to a county report.

The VLF cut, however, was a one-time slash. As a result, the county chief administrative office chose to eat the costs rather than make more cuts to departments and services.

"We didn't want to cut ongoing programs in order to fund that, so we reached into our reserves," Lizzari said.

The state also has deferred reimbursement of more than \$10 million in mandated programs, and has also required counties to pay 25 percent of the state's federal penalties for not having a single child support system in California.

In addition to using surplus funds, some county departments made adjustments to avoid further cuts. The Arts Commission, however, was cut by \$100,000 because the state ended its share of the funding.

The District Attorney's Office and the Sheriff's Department each lost \$500,000 for the Community Oriented Policing Programs. Cutting law enforcement and public safety is never a good idea in the mind of county Supervisor Michael Antonovich.

"The supervisor's point of view is that we're already under-funding public safety, period, and this only adds to the issue," said Angela Mazzie, Antonovich's budget deputy. "Yesterday was the Sept. 11 anniversary, which underscores the fact we need to ensure we're giving these guys all the proper funding so that they can do the job they signed up to do."

The county Board of Supervisors is expected to decide Tuesday whether to approve the budget changes.

*Michelle Rester can be reached at (626) 962-8811, Ext. 2127, or by e-mail at [michelle.rester@sgvn.com](mailto:michelle.rester@sgvn.com)*

## Vote No on the Recall Tuesday, October 7, 2003

Women Lose If the Recall Passes

<http://www.canow.org/recall.html>

### Rosemary DaSilva, NOW Political Affairs Director

The recall is bad for women of California. It is an attempt to recall the gains women have made in expanding civil rights, reproductive freedoms, and workers' rights. The recall of Governor Gray Davis is also a recall of advancements made to ensure safety, health, and equal opportunity for all women. This recall election poses a threat to issues of importance to California NOW, such as paid family leave, rights for domestic partners, and protections against discrimination. California NOW views the closing of voting polls in traditionally African- and Latin- American communities as an attack on democracy. The process of fair elections is impeded by the closing of polling places and relying on disenfranchised voters. The percentage of voters that could select the next governor could be as little as 10%. Is this democracy? This recall could set a dangerous precedent not only in California but for the rest of the country.

At a cost of approximately \$67 million, the recall of the governor is threatening the financial well-being of California. According to financial analysts, the recall would cause an increase in borrowing costs for the taxpayers of California. This increase may not occur immediately, but it will eventually trickle down to the taxpayers. Is it still considered democracy when it only takes 12% of the voters who voted in the last election to determine whether or not to hold a recall election and to cause the state to pay over \$60 million for a special election? California NOW doesn't think so!

### Vote NO to Recall Governor Gray Davis on Tuesday, October 7th!

Then vote for the candidate you feel will best represent women.

Visit the California Secretary of State's website at [www.ss.ca.gov](http://www.ss.ca.gov) to view all 135 candidates who will appear on the recall ballot.

*The following is a list of the 6 leading candidates and their websites:*

Cruz Bustamante (D) – [www.noonrecallyesonbustamante.com](http://www.noonrecallyesonbustamante.com)

Arianna Huggington (I) – [www.ariannaforgov.com](http://www.ariannaforgov.com)

Peter Camejo (G) – [www.votecamejo.com](http://www.votecamejo.com)

Arnold Schwarzenegger (R) – [www.joinarnold.com](http://www.joinarnold.com)

Tom McClintock (R) – [www.tommclintock.com](http://www.tommclintock.com)

Peter Ueberroth (R) – [www.peterforgovernor.com](http://www.peterforgovernor.com)

The only two candidates to serve in the state legislature are Cruz Bustamante and Tom McClintock. The only years they served simultaneously were in 1997 and 1998 as assembly members. The following is a list of bills and how each of them voted, according to California NOW's legislative report card. (Bills in the legislative report card are selected based on a wide range of issues, and each of them went to a floor vote in both houses of the legislature).

#### 1997

**AB 38** – Prohibits specified health care service plan contracts from restricting maternity benefits for inpatient hospital care to a time period less than 48 hours following (Supported by CA NOW) Bustamante supported and McClintock opposed.

**AB 160** – Requires health insurers that provide coverage for prescription drugs to include coverage of FDA-approved prescription contraceptive methods. (Supported by CA NOW) Bustamante supported and McClintock opposed.

**AB 257** – Amends the California Fair Employment and Housing Act to include sexual orientation within the unlawful bases for discrimination in employment and housing accommodations. (Supported by CA NOW) Bustamante supported and McClintock opposed.

#### 1998

**AB 1870** – Expands the purposes for which leave may be taken to include care of an employee's child who is unable to attend school or day care for health reasons. (Supported by CA NOW) Bustamante supported and McClintock opposed.

**AB 2177** – Requires paid child care to be available to any CalWORKS participant with a dependent child 12 years of age or younger. (Supported by CA NOW) Bustamante supported and McClintock opposed.

**SB 1735** – Clarifies that the Proposition 209 language in the California Constitution does not prohibit public sector outreach programs targeting women and minorities. (Supported by CA NOW) Bustamante supported and McClintock opposed.

Since 1998 Tom McClintock has had an average score of 18.5% on our legislative report card and Cruz Bustamante was elected to the office of Lt. Governor of California, therefore, did not continue to vote on legislation. Cruz Bustamante has a pro-choice voting record, and Tom McClintock has an anti-choice voting record, according to organizations that look solely at reproductive rights.

## California Approves Sweeping Domestic Partnership Bill

<http://www.gfn.com/news/story.phtml?sid=14330>

[Gay Financial Network News](#), 09-02-03

The California Senate approved groundbreaking legislation just before the holiday weekend that would give same-sex couples who register as domestic partners new rights and responsibilities similar to those enjoyed by married couples.

On Thursday, Gov. Gray Davis reiterated his longstanding pledge to sign the legislation, which will keep California a national leader in gay rights.

Although Davis is facing a recall election in California in October, his stance on gay rights continues to enjoy popular support. On Friday, a Field Poll showed 72 percent of Californians support domestic partnership laws granting same-sex couples legal recognition and rights; the poll also showed Californians evenly split on the issue of gay marriage.

The legislation, approved by the Senate in a 23-14 vote, would treat domestic partners the same as married couples in child custody cases, child support, spousal support and property acquisitions and give partners the right to make funeral arrangements.

Democrats supplied all the yes votes and Republicans voted no. Three senators did not vote.

The legislation by Assemblywoman Jackie Goldberg, D-Los Angeles, would require couples whose partnership lasts longer than five years or involves children to go to court to break up, like a divorce married heterosexual couples must go through.

The bill, also known as the Domestic Partner Rights and Responsibilities Act, would also give domestic partners access to a variety of programs reserved for married couples, including family leave, health coverage and married-student housing.

It now returns to the Assembly for approval of Senate amendments, which included removing a provision that would have allowed joint filing of state income taxes.

Geoffrey Kors, executive director of Equality California, called the bill "an important measure that will provide critical protections for tens of thousands of Californians."

Opponents argue the bill undermines Proposition 22, a ballot measure approved by voters in 2000 that defines marriage as being between a man and a woman.

Sen. Pete Knight, a Republican from Palmdale and Proposition 22's author, said the bill puts "the state in the position of promoting a same-sex marriage" and undermines the initiative, which is also known as the Defense of Marriage Act, or DOMA.

About 22,000 couples have registered with the secretary of state as domestic partners. Under the law, opposite-sex couples who include one person 62 or older can also register.

### Gay Marriage on the Table in Massachusetts

The Massachusetts Supreme Judicial Court is expected to issue a decision this fall in a suit filed by seven gay couples seeking the right to marry. Because of the makeup of its court and its past gay rights decisions, legal experts and advocates have predicted that Massachusetts could become the first state in the country to legalize gay marriage.

On Monday, House Speaker Tom Finneran, a socially conservative Boston Democrat, predicted the Legislature will react with a constitutional amendment to ban these unions if the state's high court approves gay marriage.

Under the process laid out in the state constitution, no amendment could be placed on the ballot until 2006 at the earliest, meaning that thousands of couples could potentially get married between a favorable court decision and the voters' verdict.

Any amendment would have to be approved by a joint session of the House and Senate before this two-year session ends, in December 2004, and again during the 2005-2006 legislative session.

This lengthy process may have the effect of voters rethinking their position against gay marriage, according to gay-rights proponents. Instead of voting on whether to deny gay couples' rights in the future, voters would be deciding whether to strip gay couples of rights that had already been granted.

"You will have families who are married and settled," said state Sen. Cheryl Jacques, D-Needham, who is a lesbian. "I think that's a big step for people to say that should be undone. Opponents of gay marriage will be asking others to affirmatively undo families."

The high court, which heard oral arguments in the case in March, was expected to issue a decision by early July, under a 130-day deadline for a verdict. The court filed a waiver, however, and has given no indication about when the decision may be issued.

## **Officer Opens Fire During Confrontation With Suspect**

**Man Shoved Hands In Pants, Officials Say**

<http://www.channelcincinnati.com/news/2442508/detail.html>

**ChannelCincinnati.com, 08-30-03**

CINCINNATI -- A confrontation between a police officer and a suspect turned violent early Friday.

A Lincoln Heights police officer fired at a suspect about 2:15 a.m. in the 700 block of Chamberlain Avenue in Lincoln Heights, WLWT Eyewitness News 5.

The shots did not hit the suspect, who was arrested after the officer fired.

The incident began when officers stopped a car because they were looking for suspects in a homicide investigation, WLWT reported.

Police said the driver of the car raised his hands, but the person in the passenger seat ran off.

An officer chased the suspect for about five minutes before he stopped and faced the officer, WLWT reported.

According to police, the suspect shoved his hands in his pants, and when the officer told him to raise his hands, the suspect abruptly pulled them out of his pants.

The suspect's actions led the officer to believe the man was pulling out a gun, so the officer fired, police officials said.

It is not clear how many shots were fired, WLWT reported.

The man was arrested and charged with obstruction of justice. He is wanted also on charges of failing to pay child support, according to WLWT.

The names of the officer and the suspect have not been released, and additional details are not available.

Stay tuned to WLWT Eyewitness News 5 and ChannelCincinnati.com for updates throughout the day.

## Fathers' Rights California Gubernatorial Candidate Warren Farrell Addresses Rally in Front of LA Court

<http://mensnewsdaily.com/archive/newswire/nw03/mnd/newswire082903-farrell.htm>

Glenn J. Sacks, MND Newswire, 08-29-03

Men's and fathers' rights California gubernatorial candidate [Warren Farrell](#) addressed a spirited protest rally against [anti-father family court bias](#) Tuesday in downtown Los Angeles. The demonstration was held in front of the huge Los Angeles Superior Court building, dubbed "[deadbeat dad court](#)" for the way it handles and manhandles tens of thousands of largely low income and minority fathers. The pugnacious [Farrell](#), like David standing in the shadows of the monstrous Goliath, decried the way the family court system allows decent fathers to be driven out of the lives of the children who love them and need them.

[Farrell](#), a best-selling men's issues author who was once a leading member of the National Organization for Women, explained that America has gone from a "women's crisis to a men's crisis" and that now, three and a half decades after the rise of the feminist movement, many of America's worst gender inequities work against men and fathers.

One of 135 candidates on the ballot in the October 7 recall election, [Farrell](#) detailed his research on the importance of fathers and put forth his long-term solution to relieving California's highly publicized budget crisis--keeping fathers in children's lives. Farrell noted that the way family courts allow divorced dads to be driven out of their children's lives leads to high levels of violent crime and teenage pregnancy--social pathologies which "cost California billions for prisons, courts and social services." Farrell put forth a package of reforms to solve this problem, including the rebuttable presumption of joint custody and placing legal limits on post-divorce move-aways.

[Farrell](#) also called for addressing the [boy crisis in education](#), forming a state commission on the status of men and [men's health](#), "female empowerment rather than victim power," legislation to combat [paternity fraud](#), universal prenatal care, and "restraining the Government-as-Substitute-Husband." Farrell believes his program will help women as well as men, and says his candidacy represents an important step in building a men's and fathers' rights vote which politicians will seek.

The rally drew major media attention, including CNN, Fox News, the *New York Times*, and others. A coalition of men's and fathers rights groups sponsored the event, including the [National Coalition of Free Men Los Angeles](#), [Veterans Fighting Paternity Fraud](#), the Coalition for Blacks' Best Interest, Pops on Point, [My Child Says Daddy](#), and [Women Against Paternity Fraud](#).

Other speakers included Warren Williams of the Coalition for Blacks' Best Interest, who decried a family court system which separates fathers from their children, and [Daryl Crismon](#), a paternity fraud victim who was trapped in a default judgment several years ago and who is being compelled to pay for a child whom DNA tests have shown is not his.

[Crismon](#) brought his 10 year-old daughter to the speaker's podium and showed the crowd her painful dental ailment, a condition which he says he needs \$5,000 to fix but cannot get because of the judgment against him. He explained that the state has put a lien on his house so he is unable to refinance or borrow money, and that the state has revoked his driver's license and threatened him with jail.

"Every day when my little girl goes to school the kids tease her about her teeth so badly she's afraid to smile," he said.

Marc Angelucci, president of the [National Coalition of Free Men Los Angeles](#) and the rally's principle organizer, told the crowd "this rally is about unity," referring to the many men's and fathers' groups which came together to voice their concerns.

[Dianna Thompson](#), Executive Director of the [American Coalition for Fathers and Children](#) said that [women have a special responsibility](#) to help the fathers' movement and asked "as mothers and grandmothers, how could we not help?" She also decried the ways the paternity establishment system often forces fathers to pay for children who aren't theirs.

Nationally-syndicated men's and fathers rights radio talk show host Glenn Sacks praised [Thompson](#) as being the "voice of the voiceless" and criticized the media for shutting out men's and fathers' views. He noted:

"I receive thousands of letters from men who are victims of this system. Men whose children have been moved hundreds or thousands of miles away from them, against their will. Men whose exes violate their visitation rights and poison their children against them. Men who the child support system is bankrupting to pay for children they can't even see. Men who've been falsely accused of domestic violence and who have lost all contact with their children even though they've never been convicted or even charged with any crime. If a father falls behind on his child support the system comes down on him like a ton of bricks, but when his visitation rights are violated the courts don't do a damn thing about it."

Farrell, whose books include [Father and Child Reunion](#), [Women Can't Hear What Men Don't Say](#), [The Myth of Male Power](#), [Why Men Are The Way They Are](#), and [The Liberated Man](#), has been published in more than 50 countries and 10 languages. The International Biographic Centre of London ranks him as one of the world's top 2000 scholars in the 20th Century, and *The Financial Times* selects him as one of a hundred top "Thought Leaders" in the world. The *Chicago Tribune* described Farrell as "the Gloria Steinem of Men's Liberation" and the *Boston Globe* calls him "the sage of the men's movement."

*Story filed by Glenn J. Sacks*

## Victims of multiple slaying-suicide identified

[http://www.gomemphis.com/mca/local\\_news/article/0,1426,MCA\\_437\\_2216280,00.html](http://www.gomemphis.com/mca/local_news/article/0,1426,MCA_437_2216280,00.html)

### Commercial Appeal, 08-28-03

A man upset with his child's mother after being arrested for not paying child support shot three people before killing himself Wednesday night, police said.

The estranged couple's young child saw his father shooting people in the house at 4908 Kimball before running outside, police Lt. Joe Scott said.

The boy was safe with family Thursday morning, he said.

Police said James Hudson, 35, was angry at his estranged girlfriend, Jennifer Braddock after he was arrested for not paying child support.

After bonding out of jail, Scott said, Hudson went to Braddock's home armed with a handgun.

As he broke into the home early Wednesday evening, Hudson shot William Norman, 55.

Braddock had let Norman stay in her home as a favor because he needed help, Scott said.

Then Hudson shot Braddock and Jennifer Jones, 37, before shooting himself.

Jones was one of Braddock's co-workers, Scott said.

The shooting spree took all of about five minutes, Scott said.

And he said he was unaware of any protective orders Braddock might have had against Hudson.

## Suspect at large after police chase

<http://www.freelancenews.com/news/newsview.asp?c=71823>

[Erin Musgrave](#), Staff Writer, [freelancenews.com](http://freelancenews.com), 08-27-03

A high speed police chase through a residential neighborhood Monday left the suspect at large, San Benito County Sheriff's deputies said.

Deputy David Zander attempted to stop Larry Casterena around San Benito Street and Union Road when the suspect fled, reaching speeds up to 80 mph and running the stop sign at the intersection at Cienega Road and Eastview Drive, said Sgt. Mike Stephens.

"(Casterena) tried evading into the parking lot of the Mormon Church across from the high school football field, where there was a minor collision," Stephens said.

When Zander pulled up beside Casterena's car, trying to stop the suspect from escaping, Casterena opened the door into the officer's car, accounting for the fender bender Stephens said.

"He then fled on foot, leaving behind a toddler in the back seat," he said. Zander followed the suspect on foot while other deputies attended to the child, he said.

Casterena, who had a no-bail child support warrant for his arrest, ran through the high school football area towards the river, where he was last seen, Stephens said.

He is now also wanted for felony child endangerment and felony evading, Stephens said.

Anyone with information about Casterena's whereabouts is urged to contact the Sheriff's Department at 636-4080.

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Erin Musgrave is a Free Lance staff writer. E-mail her at [emusgrave@freelancenews.com](mailto:emusgrave@freelancenews.com) or call her at 637-5566, ext.336

## Davis to OK rights for same-sex couples

No position yet from top GOP recall rival

<http://www.sfgate.com/cgi-bin/article.cgi?file=/c/a/2003/08/17/MN298917.DTL>

[Bob Egelko](#), SF Chronicle, 08-17-03

Gov. Gray Davis pledged Saturday to sign a domestic-partners bill that would give thousands of same-sex couples many of the same rights as married couples -- including community property, child support and access to divorce court -- and would thrust California to the forefront of the national debate over gay rights.

The bill would put registered domestic partners in California on a par with members of civil unions in Vermont, the only other state with a comparable law, said Equality California, which backs the measure. Its implications are potentially greater because of California's size and influence. "I think this will spread to other states looking to find a way that same-sex couples and their children can be protected," said Geoffrey Kors, executive director of Equality California. He said census figures show that 100,000 same-sex couples -- one-sixth of the nation's total -- live in California.

The bill by Assemblywoman Jackie Goldberg, D-Los Angeles, passed the Assembly in June on a 41-32 vote, the bare majority needed, and is pending in the Democratic-controlled state Senate, where passage is likely.

If the bill is approved by the Senate, Davis said Saturday he would sign it "to continue the progress we've made toward ensuring fairness for all Californians."

"As governor, I will continue to do everything within my power to honor the dignity, humanity and privacy of every Californian, regardless of their ethnicity, religion, national origin, gender or sexual orientation," Davis said in a statement.

An opponent, Randy Thomasson, executive director of Campaign for California's Families, called the bill "gay marriage by another name." He said it would be challenged in court under Proposition 22, the ballot measure approved by California voters in 2000 that prohibited state recognition of same-sex marriage.

Citing the endorsement of the bill by Democratic Lt. Gov. Cruz Bustamante, who is seeking to succeed Davis if voters recall the governor, Thomasson said both Davis and Bustamante "are rejecting the people of California, who voted overwhelmingly three years ago to protect marriage for a man and a woman."

Kors and Davis said the legislative counsel's office, which advises the Legislature on legal issues, has concluded the measure would not violate Prop. 22.

The leading Republican in the Oct. 7 recall election against Davis, actor Arnold Schwarzenegger, is a self-described supporter of gay rights but isn't prepared yet to take a position on the domestic-partner bill, a campaign spokesman said Saturday.

The gay-rights movement gained a huge legal victory in June when the Supreme Court struck down sodomy laws in Texas and 12 other states. Earlier this month, the California Supreme Court upheld second-parent adoptions, used by same-sex couples in as many as 20,000 adoptions, according to advocacy groups.

On the national political front, former Vermont Gov. Howard Dean is trumpeting his state's civil unions law in his campaign for the Democratic nomination for president.

But in the wake of the Supreme Court ruling, President Bush and congressional conservatives have revived discussion of a constitutional ban on same-sex marriage, an issue on which the public remains sharply divided, according to opinion polls. A federal statute called the Defense of Marriage Act, signed by former President Bill Clinton, already prohibits federal recognition of any state's same-sex marriages. And while domestic partner laws have been proposed in nearly a dozen other states, none has passed.

In contrast to Davis' apparent about-face on several issues while facing a recall election -- such as his intentions to sign consumer privacy legislation and a driver's license bill for illegal immigrants that he had previously opposed -- Saturday's announcement was consistent with his support for gay rights.

He has signed measures expanding gays' and lesbians' protections against job and housing discrimination; banning discrimination based on sexual orientation in public schools; and, starting in 1999, allowing same-sex couples to register with the state as domestic partners, with a gradually expanding list of rights.

### 20,000 REGISTERED COUPLES

About 20,000 couples have registered as domestic partners, according to state figures quoted by Equality California. They include an unknown but probably modest number of opposite-sex couples older than age 62 who do not want to marry, but are covered by the law. Their current rights include inheritance; hospital visitation; the right to make medical decisions for an incapacitated partner; the right to sue for wrongful death, and the right to adopt a partner's child.

Goldberg's bill goes further and provides virtually all of the benefits, and obligations, that the state can legally offer to unmarried couples.

They include a partner's right to community property -- half the income and property acquired by the other partner during the relationship -- and to child custody, child support and alimony after separation, on the same terms as spouses.

The bill also provides a Family Court proceeding, similar to divorce, for domestic partners who split up after at least five years of partnership, or who have children or substantial property together. Other domestic partners would end their legal relationship by filing a statement with the secretary of state, as current law allows.

**Jim Untershrine**, GZS of LB, [gndzerosrv@pavenet.net](mailto:gndzerosrv@pavenet.net), [www.gndzerosrv.com](http://www.gndzerosrv.com)

Page 80



In addition, the bill would give domestic partners the same rights as spouses over a deceased partner's autopsy and funeral arrangements; would allow one partner to refuse to testify against the other in court, and would make each partner responsible for the other's debts to third parties.

The bill would not provide some major benefits available to spouses under federal law, including the right to file joint tax returns, to collect a spouse's Social Security benefits, and to be treated equally with spouses in private workplace insurance coverage.

Staff writer Mark Martin contributed to this article. / E-mail Bob Egelko at [begeko@sfchronicle.com](mailto:begeko@sfchronicle.com)

## **IBM gets state child support contract**

[http://www.bayarea.com/mld/cctimes/content\\_syndication/local\\_news/6306354.htm](http://www.bayarea.com/mld/cctimes/content_syndication/local_news/6306354.htm)

**Peter Felsenfeld, Contra Costa Times, 07-15-03**

State officials signed an eight-year, \$801 million deal with IBM on Monday for a statewide computer system to streamline the child support collection process.

The powerful technology will enable officials to locate and track noncustodial parents who owe money, as well as simplify the collection and distribution of payments.

Once in place, it will relieve California taxpayers from massive fines. The state has been paying penalties since it missed a 1997 deadline to implement an automated system.

Those payments will total \$1.3 billion by 2006, according to a report last year from the California State Auditor. This year, the damage is \$207 million.

The pain should end in 2006, when the first phase of the IBM plan is complete, said David Maxwell-Jolly, project manager for the state Department of Child Support Services.

That phase involves placing every county on one of two existing systems. The systems will then be linked to create one large database, hopefully which will satisfy the federal demand for a unified approach.

"We're confident the system will allow us to get out from under the penalties, and also do more effective locating activities," Maxwell-Jolly said.

After that, officials will use the database as the foundation for the permanent IBM program, which will include case management and accounting functions.

Only South Carolina and California continue to pay federal penalties.

California abandoned its last attempt to meet federal guidelines in 1997, when a system developed by Lockheed Martin failed a test run in several counties. That project wound up costing taxpayers \$111 million.

The new IBM contract brings no guarantees for success either.

"It's a risky proposition," Maxwell-Jolly said. "This is the most complicated financial management system the state has ever tried to implement."

But department officials hope the two-phase approach will allow them to meet their goals comfortably and incrementally, Maxwell-Jolly said.

IBM is confident its technology will prove beneficial. The company has set up similar child support collection technology in Wisconsin and Missouri, said spokeswoman Michelle McIntyre.

"It's the same as what California is going to get, and those systems are working out very well," McIntyre said.

In addition, the state's Franchise Tax Board contracts with IBM for technology to locate people who have not paid taxes. To date, the system has resulted in \$50 million collected, McIntyre said.

No other companies submitted bids for the California child support contract. Six groups answered a preliminary proposal invitation but eventually decided not to respond with formal bids.

Paul Guyer, a principal analyst in the state legislative analyst's office, said the department can legally enter into negotiations with a single responder.

To avoid the fines, state child support officials still have one more obstacle to overcome: They need technology that provides a single statewide payment collection and disbursement center.

That step is relatively easy, Maxwell-Jolly said, and the department will start soliciting proposals this year.

In Contra Costa, officials are already busy moving to the largest state system, called CASES. The staff is overloaded now learning the new technology, but so far they like what they see, said Caroline Kelley, public information officer for the county Child Support Services Department.

"It's a better system," Kelley said. "It tracks information better and it's more user-friendly."

## FEDS FINE STATE

May 1, 1997: State abandons automated child support collection system developed by Lockheed Martin. Failure costs taxpayers \$111 million.

Oct. 1, 1997: Federal deadline passes to implement automated child support collection system.

1998: State pays \$12 million federal fine.

1999: State pays \$26.9 federal fine.

2000: State pays \$65 million federal fine.

2001: State pays \$111 million federal fine.

2002: State pays \$157.4 million federal fine.

2003: State pays \$207 million federal fine.

*Peter Felsenfeld covers Contra Costa County. Reach him at 925-977-8506 or [pfelsenfeld@cctimes.com](mailto:pfelsenfeld@cctimes.com).*

## **IBM says wins \$801 million contract from California Agency**

<http://in.tech.yahoo.com/030715/137/2604y.html>

### **Reuters, 07-15-03**

SAN FRANCISCO (Reuters) - International Business Machines Corp. on Monday said it was awarded an \$801 million, 8-year contract from the California Department of Child Support Services to build a computer system to track child support payments.

Armonk, New York-based IBM said it will build, operate and manage the system, to be known as the California Child Support Enforcement system.

Accenture Ltd. and American Management Systems Inc. will serve as subcontractors on the project. American Management Systems will help convert records from the computer system, and Accenture will design and build the new system.

An IBM spokeswoman said the company did not yet know how much of the contract would ultimately be handled by subcontractors. The new statewide computer network will allow authorized state child support workers to track and locate parents who are not making child support payments required by law, IBM said, adding that the system will enable more efficient collection and distribution of support payments.

A spokesman for the California Department of Child Support Services said the department processes some \$2 billion in child support payments every year, currently through a patchwork of 58 state counties and multiple different computer systems.

He said the new computer network will help the state comply with federal law, with a system that integrates child support enforcement, collection and distribution.

IBM has helped build similar computer system for Missouri and Wisconsin.

Shares of IBM rose 53 cents to close at \$85.42 on the New York Stock Exchange

## Lentz guilty in death of ex-wife

<http://www.washtimes.com/metro/20030707-101139-7856r.htm>

**Jon Ward, Washington Times, 07-07-03**

A federal jury convicted a former naval intelligence officer from Fort Washington of kidnapping resulting in death yesterday for the disappearance of his ex-wife in 1996.

The jury of eight women and four men found that Jay Lentz, 43, lured his ex-wife, Doris Lentz, 31, to his home on the pretense of picking up their daughter, Julia, then 4. Mrs. Lentz's body was never found.

Prosecutors argued that Lentz's motive was to end a contentious relationship and relieve himself of more than \$40,000 he owed Mrs. Lentz in child support.

Lentz could be sentenced to death. Jurors are scheduled to return to U.S. District Court in Alexandria on Monday to begin the penalty phase of the trial.

Julia Lentz was in the courtroom watching as her father listened to the verdict yesterday morning. After it was read, Lentz shook his head a few times, but his relatives and those of Mrs. Lentz showed no reaction.

The jury issued a verdict less than an hour after convening for the first time in nearly two weeks.

Jurors sent U.S. District Judge Gerald Bruce Lee a note June 23 saying they were deadlocked, but he urged them to continue working. The panel resumed deliberations the next day without reaching a verdict and agreed to reconvene when Judge Lee returned from a scheduled vacation.

Mrs. Lentz was last seen April 23, 1996. Friends testified that she left her apartment in Crystal City to pick up the couple's daughter from Mr. Lentz's house in Fort Washington.

Mrs. Lentz was a former congressional aide for the Paralyzed Veterans of America when she disappeared. She married Mr. Lentz in 1989, and the couple was divorced in 1995.

Most of the evidence in the case was circumstantial, including testimony that Lentz abused his ex-wife. The prosecution's main piece of evidence was a nickel-size drop of Lentz's blood in Mrs. Lentz's car.

Mrs. Lentz's blood-spattered 1994 Toyota Celica was found in a high-crime neighborhood in the District five days after her disappearance, with her keys and purse inside. However, two DNA experts who testified for the defense said they could not find Lentz's blood, even with the help of ultraviolet light and magnification.

Defense attorneys suggested to the jury that Mrs. Lentz was the victim of a carjacking.

Prosecutors, however, called Lentz an "abusive, controlling, manipulative" husband.

At the time of his ex-wife's disappearance, Lentz was a salesman at Dictaphone in Tysons Corner. The day after his ex-wife disappeared, April 24, he and his ex-wife were scheduled to show up at a custody hearing in a Maryland court.

One of Lentz's coworkers, Joy Fosher, testified that Lentz told her "he would kill [Mrs. Lentz] before he let her take his child."

"He was dead serious," Mrs. Fosher said.

Mrs. Lentz left her apartment April 23, intending to pick up Julia at Lentz's house. Prosecutors said Lentz had sent Julia to Indiana to visit his parents.

An airline employee testified that travel records showed that Julia was not due to return from Indiana for four more days.

"He wanted his little daughter out of town so he could take care of business in town," Assistant U.S. Attorney Steven Mellin told the jury during closing arguments last month.

The day before Mrs. Lentz disappeared, Lentz stopped mail delivery to his home and asked a real estate agent to stop showing his house to potential buyers.

In an interview last year, Lentz told The Washington Post that he found out April 23 that his daughter would not be returning until two days later and called his ex-wife to tell her. He said he did not know where Mrs. Lentz had gone the evening of April 23.

After Mrs. Lentz disappeared, Lentz and Julia moved to Greenfield, Indiana, where he taught at Greenfield Central High School until December 2000.

In April 2001, he was indicted and taken into custody in Indiana by Arlington County Police and FBI agents. Since then, he had been held in Alexandria jail.

## Audit finds more DHS failings

<http://www.pressherald.com/news/state/030704audit.shtml>

[Paul Carrier](#), Portland Press Herald Writer, 07-04-03

AUGUSTA — The state Department of Human Services and two other state agencies misspent or failed to document 32.5 million in federal funds in the fiscal year that ended June 30, 2002, according to a report issued Thursday by state Auditor Gail Chase. The amount includes \$18.9 million in federal welfare money that DHS received and spent in recent years without recording how the money was used. Chase first disclosed the \$18.9 million problem back in May, prompting Baldacci to hire PricewaterhouseCoopers, a prominent accounting firm, to track the missing millions.

Almost all of the deficiencies detailed by the state Department of Audit Thursday involve DHS, the largest agency in state government. State auditors sample state spending and accounting practices every year to ferret out problems, primarily in federally funded programs.

All told, more than \$32 million of the \$32.5 million in improper or unexplained spending occurred at DHS, according to the report. The remaining \$315,000 was spent by the Department of Environmental Protection and the Department of Defense, Veterans and Emergency Management, although sloppy accounting practices were uncovered at other state agencies as well.

State auditors found "very serious deficiencies" in five DHS programs dealing with welfare, medical care, child support, foster care and adoption, according to the report. The problems included undocumented spending, "inappropriate use of funds, transfers to and from funds, late and incorrect federal reports of expenditures and unallowed costs charged to federal programs," the report said.

The report said state agencies submitted incorrect financial reports and sometimes filed them late. Expenditures were reported incorrectly. Federal grant money was misspent. Duplicate payments were made. Expenses were charged to the wrong programs. Money was given to ineligible programs or to the wrong people. And some spending could not be explained because of shoddy record keeping.

"We agree with the auditor that our fiscal system of checks and balances needs to be strengthened and improved," DHS spokesman Newell Augur said in response to the report. "We want to work to resolve that," Augur said, because "having sound internal controls is essential to the work that we do."

Chase said Friday it is not surprising that DHS was the biggest offender because that agency gets more federal money than any other agency in state government. She said DHS does not have enough qualified people on its fiscal team to properly manage the agency's finances.

But Lee Umphrey, the spokesman for Gov. John Baldacci, said the latest disclosures illustrate "systemic problems" at DHS, underscoring the need for sweeping reforms there. Baldacci has proposed merging DHS and the Department of Behavioral and Developmental Services, which provides mental-health services.

The Legislature is expected to decide whether to consolidate the two agencies during the next regular legislative session in 2004. PricewaterhouseCoopers has yet to issue its final report on the \$18.9 million discrepancy, but Baldacci and his finance commissioner, Rebecca Wyke, both said last week the outside investigators have uncovered no evidence that the money was stolen. Chase said Friday that was true for the balance of the \$32.4 million as well.

Federal officials from the U.S. Department of Health and Human Services announced in May that they would investigate how the state spent the \$18.9 million. They later told state officials that PricewaterhouseCoopers will be allowed to complete its review before the federal government decides how to proceed.

Although Chase's office has been issuing annual audits for years, historically they have garnered little attention from lawmakers. That is expected to change this year because Chase has focused a lot of attention on the \$18.9 million and she has revised the jargon-filled annual report to include summaries written in plain English.

Senate President Beverly Daggett, D-Augusta, said the new summaries will help lawmakers use the annual report to track the performance of state agencies. Meanwhile, Baldacci's finance chief said Thursday the administration has taken steps to ensure that deficiencies are corrected, in part by beefing up the professional staff in the state controller's office.

The auditor's report concludes that the state mental-health agency and the state defense and veterans agency kept federal funds longer than federal rules allow. The report says the Department of Education distributed federal grants to school districts without adequately monitoring how the money was spent. The Department of Environmental Protection failed to get required reports from grant recipients, according to the auditor's report.

At the Department of Labor, rehabilitation counselors have too much control over key spending decisions, the report says. Auditors found that the Department of Transportation does not properly document whether contractors comply with federal regulations on highway projects. And the report says the state treasurer's office failed to monitor how other state agencies draw down federal funds. State bureaucrats challenged some findings and said corrective steps will be taken in other cases. But progress can be slow. In some cases, problems dating back to 2000 have yet to be corrected.

## Thousands Of Cases Of Prosecutor Misconduct Found

<http://www.news-leader.com/today/0626-Thousandso-90115.html>

Michael J. Sniffen, Associated Press, 06-26-03

Washington — State and local prosecutors stretched, bent or broke rules so badly in more than 2,000 cases since 1970 that appellate judges dismissed criminal charges, reversed convictions or reduced sentences, according to the first national study of prosecutorial misconduct.

The study, "Harmful Error," found 223 prosecutors around the nation who were cited by judges for two or more cases of unfair conduct but only two prosecutors who had been disbarred in 33 years for mishandling of criminal cases. There are about 30,000 local prosecutors in 2,341 jurisdictions.

A product of three years of research by the Center for Public Integrity, a private ethics watchdog group, the study also found 28 cases involving 32 defendants in which judges concluded that misconduct by prosecutors contributed to the convictions of innocent people who were later exonerated. Some of these innocent defendants had been convicted of murder, rape and kidnaping; some had been sentenced to death before exoneration spared them.

Charles Lewis, executive director of the center, said that by focusing only on cases in which appellate judges found misconduct the study presented "an extremely conservative and undoubtedly understated picture of the problem." The study also excluded federal prosecutors.

Astoria, Ore., District Attorney Joshua Marquis, a National District Attorneys Association board member, said the cases that were cited emerged "from a universe of millions." The results suggested that the problem was "episodic, not epidemic" and that prosecutors "are and should be subject to a high degree of scrutiny by trial and appellate judges, defendants and defense lawyers, the press and bar associations and ultimately the voters," Marquis added.

Project director Steve Weinberg, a University of Missouri journalism professor on leave, said researchers found and analyzed 11,458 appellate rulings in which prosecutor misconduct was raised as an issue.

In 2,017 cases, appellate judges found misconduct serious enough to order dismissal of charges, reversal of convictions or reduction of sentences. In an additional 513 cases, at least one judge filing a separate concurring or dissenting opinion thought the misconduct warranted reversal.

In thousands more cases, judges labeled prosecutorial behavior inappropriate but characterized it as "harmless error" and allowed a conviction to stand or a trial to continue.

Among prosecutors repeatedly cited by appellate judges was Nels C. Moss Jr., assistant circuit attorney in St. Louis and later trial prosecutor in neighboring St. Charles County in Missouri. In 33 years of trying cases, Moss' conduct was formally challenged on appeal in 25 cases. In eight cases, judges reversed convictions, declared a mistrial or issued some other ruling against the prosecution. In 17 others cases, judges found Moss committed prosecutorial error but affirmed a conviction or allowed a trial to continue.

Moss told researchers he was "a hard-hitting but honest prosecutor" who tried more than 400 cases, many of them high-profile affairs, and "obviously ... those convicted are dissatisfied with the outcomes."

In many cases, the report said, "the prosecutor becomes the judge and the jury" deciding whether to charge, which charges to bring and what terms to offer in return for a pretrial guilty plea. "Usually there is no public record," Weinberg said.

The study found the following types of misconduct:

- Making inappropriate or inflammatory comments in front of the jury.
- Introducing or trying to introduce inadmissible or inflammatory evidence.
- Mischaracterizing evidence or facts to the court or jury.
- Excluding jurors on the basis of race, ethnicity, gender or other discriminatory grounds.
- Making improper closing arguments.
- Hiding, destroying or tampering with evidence, case files or court records.
- Failing to disclose exculpatory evidence.
- Threatening, badgering or tampering with witnesses.
- Using false or misleading evidence.
- Harassing, displaying bias toward or having a vendetta against a defendant, including denial of speedy trial and selective or vindictive prosecution.
- Improper behavior during grand jury proceedings.

## Ten-year hell is over for a loving father

After going to jail, a hunger strike and 130 court appearances, Mark Harris finally has his family back

[http://observer.guardian.co.uk/uk\\_news/story/0,6903,982508,00.html](http://observer.guardian.co.uk/uk_news/story/0,6903,982508,00.html)

Amelia Hill, [The Observer](#), 06-22-03

Mark Harris has made 130 court appearances in 10 years, before 33 judges. He has picketed judges' houses and spent more than three months in jail.

His crime? He wanted access to his three young daughters. Last week, in a ruling seized on by an army of militant fathers, Harris learnt that he had triumphed.

'The last decade has been absolute hell and devastation,' said Harris, a driving instructor from Devon, in an exclusive interview with *The Observer*. 'My kids have missed their father being part of their childhood and I've missed watching them grow.'

His battle has become a cause célèbre for divorced and separated fathers who claim their relationships with their children have been torn apart by a legal system that is automatically prejudiced against them.

Harris's nightmare began in 1993, when his wife of 10 years left the family home with their children as he was watching a football match in a local pub. The girls were two, four and six at the time. 'I still saw my children, dropping them off at school and picking them up most days, like I'd always done,' he said.

But the arrangement deteriorated and Harris's visits were blocked. The situation improved in 1994 after a court granted him unrestricted access, but by October 1996 the girls complained that they weren't getting on with their mother's new partner and asked to live with their father.

After this request, all access with Harris was severed by the court. He appealed, but the earliest date a hearing was granted was the following April.

'In the meantime, I wasn't allowed anywhere near my children,' he said. 'I was reduced to standing on the corner when they were being driven to school so I could wave at them. It was the only way I could let them know I still existed and be sure that they were still all right.'

When the case came to court, Harris found that his former wife had complained that his attempts to maintain contact constituted harassment. The judge set an injunction preventing him from 'harassing, pestering or upsetting' his ex-wife and froze all contact between him and his children until a new hearing in July.

When the case came back to court, the judge accepted that the 'deep wishes of three intelligent girls' was to have contact with their father. Yet, in a 65-page judgment, he found that Harris's former wife had been left with a 'feeling of being stalked and harassed' by his attempts to contact his children, and jailed him for four months.

When Harris was released after 45 days, he determined to keep to the letter of the law, but then his children contacted a mutual friend and asked him to ring them. 'They didn't understand why I had dropped all contact. What was I supposed to do?'

Because Harris replied to his children's request, when the case came back to court contact was again refused.

By November 1998 tentative contact was restored for the first time in two and a half years. 'It was a complete shock, seeing them again,' he said. 'They behaved like complete strangers.'

Still, the meetings went well and at the next court hearing the court welfare officer suggested upping the number of visits. Harris's ex-wife, however, disagreed, saying that the meetings were too disruptive. 'She didn't have to give examples of what was disruptive and no one listened to what the children said about wanting to see me,' said Harris. Visits were reduced to one every two months.

Faced with seeing their father for just six days a year, the girls gradually stopped visiting. 'That's just not enough contact to hold the interest of small children,' said Harris. 'I was completely devastated.'

So he started protesting. At first, this consisted of a small handful of passionately determined fathers targeting the homes of judges who had denied them contact with their children.

'It was extreme, but my life had been ripped apart and my relationships with the three people I loved more than anything in the world had been stretched to the point of collapse,' he said.

In January 2001 Harris attended a hearing designed to build the number of visits up again. His barrister told him to expect a fine and a telling-off for the protests. Instead, Mr Justice Munby gave Harris 10 months in Pentonville Prison, where he went on a short hunger strike. Released after 84 days, he was told to employ a court-approved psychologist to represent him at £100 a day. The psychologist backed Harris and in January he saw his youngest daughter, now 12 years old, for the first time in more than six years.

'My other daughters said they wanted nothing to do with me, which hurt desperately, but they had been through hell and I understood that,' he said.

On 22 March, the last supervised visit took place and Harris was optimistic that the next court hearing would find in his favour. Then he received a phone call from his eldest daughter, now 16, saying she loved him and wanted to live with him. 'She had packed her stuff and that of my youngest daughter and wanted me to pick them up,' said Harris. In breach of all orders, Harris agreed to collect them.

Once back at his home, he contacted a High Court emergency hotline. A judge returned his call and granted a temporary order followed by a three-month trial period of residency, which last week became permanent.

Now Harris's eldest daughter lives with him, his youngest daughter moves between both parents, and his middle daughter visits twice a week.

'I have been completely vindicated,' he said. 'But although we are a family again we have deep scars and traumas that we will never entirely get over.'

## **City To Sic Detectives On Deadbeat Parents**

**EXCLUSIVE: Deadbeat parents are soon going to be hunted as though they're criminals.**

**DAVID SEIFMAN, New York Post, 06-21-03**

Starting July 1, the task of stalking child support evaders is being transferred from the Administration for Children's Services to the Human Resources Administration.

And sources say HRA Commissioner Verna Eggleston intends to pursue her new responsibility very aggressively.

"They're going to be staking out people, doing undercover work," said one source. "They'll be going after cars, boats, houses."

In a memo, Eggleston even suggested forcing deadbeat parents whose kids are on welfare to take jobs to pay off their debts.

"We are already proceeding with . . . both voluntary and court-ordered work assignments and job training," Eggleston wrote.

Although ACS set collection records by taking in about \$2.5 billion in support payments over seven years, about \$250 million a year couldn't be tracked.

One insider said ACS resources were limited.

"This isn't to disparage them, but they did mostly computer matches," said the insider. "They don't have law-enforcement capabilities."

The threat of arrest, loss of income, suspension of driver's licenses and loss of professional or occupational licenses hasn't deterred the worst deadbeats.

First in the "Hall of Shame" is Dr. David Lawrence Adams, who has two kids and owes at least \$1,462,292. He's been sought for three years and "may have fled to Israel," according to ACS.

Tonya Pinkins, an actress whose last known address was in Los Angeles, became the first woman to make the list last month. She owes \$104,680.

Child-support collections had been an HRA function until 1996, when the Giuliani administration reconfigured ACS.

As part of her initiative, Eggleston also plans to ask that judges require deadbeat parents to pay the health insurance premiums for their children.

Many of those kids are now on Medicaid.

"This is very weakly enforced right now," said one official

## Defense Panel Debates Spying Safeguards

[http://story.news.yahoo.com/news?tmpl=story&u=/ap/20030619/ap\\_on\\_go\\_ca\\_st\\_pe/pentagon\\_spying\\_2](http://story.news.yahoo.com/news?tmpl=story&u=/ap/20030619/ap_on_go_ca_st_pe/pentagon_spying_2)

**Michael J. Sniffen, Associated Press, 06-19-03**

ARLINGTON, Va. - A Defense Department advisory panel debated Thursday whether requiring a judge's approval would adequately protect innocent people from a massive surveillance system the Pentagon is developing to predict terrorist attacks.

At its first public hearing, the Technology and Privacy Advisory Committee heard invited witnesses offer mild to sweeping criticism of the surveillance program.

"Shutting it down is the only wise action," said Jay Stanley of the American Civil Liberties Union. But Stewart Baker, former general counsel at the National Security Agency, said the project just needed some tweaking.

The advisory panel was set up in February after Congress barred use of the program against U.S. citizens without additional congressional permission.

The panel and its witnesses struggled with whether a judge could play a role in decisions to use the surveillance program that panel member Zoe Baird, a corporate lawyer, said would be "looking at individuals in ways the government has never done before."

The project — Terrorism Information Awareness — is developing computer software that can search million of computer records worldwide for patterns of behavior by incipient terrorists. Records could include passport applications, visas, work permits, driver's licenses, car rentals, airline ticket purchases, arrests or reports of suspicious activities.

Other databases that the program developer, the Defense Advanced Research Projects Agency, wants to make available to U.S. agents include financial, education, medical and housing records and biometric identification databases based on fingerprints, irises, facial shapes and gait.

James X. Dempsey, a witness from the Center for Democracy and Technology, which advocates online privacy, suggested the panel might recommend requiring a judge's approval for each data search. Or, he said, a search could get under way but a judge would have to give permission for further investigation of any names that turned up.

Former Attorney General Griffin Bell, a panel member, asked if the standard for approving such a search might be reasonable suspicion, which is used for U.S. border searches. That would be less restrictive than the standard required for criminal search warrants, which is probable cause to believe a crime has been committed.

David Sobel, a witness from the Electronic Privacy Information Center, said he did not think judges would help because Congress would likely set a lenient standard like that in the recently enacted USA Patriot Act: "the mere assertion by the government that this is a terrorism investigation." Sobel said that "turns judges into rubber stamps."

Panel member Floyd Abrams, a civil rights and media attorney, objected that judicial review of this system would encounter "an inescapable problem. Unlike a criminal search warrant, here by definition you start with crimes that have not occurred by people who haven't committed them." He questioned whether judges could evaluate the wisdom of the criteria the operators used for their search.

Witness Paul Rosenzweig of the conservative Heritage Foundation said the panel should recommend that citizens be guaranteed a way to correct data about them in the system.

"People really fear the lens of government will fall on them for no good reason," Rosenzweig said.

Citing advance actions of the Oklahoma City federal building bombers, Rosenzweig said if system operators just searched for people who both rented trucks and bought ammonia, they would turn up "a lot of farmers in Nebraska." He doubted the system would work unless investigators had very specific information about the people they were seeking, but in such detailed instances he thought the system could be useful.

Stanley, Sobel and Rosenzweig all cautioned that a system originally designed to search for terrorists would come under pressure over time to be used much more widely, such as the search for deadbeat fathers who fail to pay child support.



## Cuts Imperil Child-Support Checks

Layoffs loom at county agencies as the state copes with budget gap. With fewer caseworkers, Southland collections could go from bad to worse.

<http://www.latimes.com/news/yahoo/la-me-support8jun08,0,5394698.story?coll=la-newsaol-headlines>

Hugo Martín - Sue Fox, LA Times, 06-08-03

Only three years after California overhauled its beleaguered child-support system, the state's budget crisis is expected to inflict layoffs, hiring freezes and spending cuts on agencies in some counties that already have among the state's worst records for collecting child support.

Anticipating a \$40-million cut in funding to child-support agencies statewide, San Bernardino County, with a collection rate of 36%, has issued layoff notices to 60 child-support workers. In Los Angeles County, which collects just 32% of court-ordered child support, officials say they may cut as many as 300 child-support worker positions. San Diego County, with the state's worst collection rate at 31%, plans to put a staff expansion plan on hold.

Child-support workers and advocates decry the cuts under Gov. Gray Davis' proposed budget, saying they will lower collection rates, force more families to seek public assistance and cost the state more in the long run.

"Anything that reduces payments will harm children and increase child poverty," said Geraldine Jensen, president of the Assn. for Children for Enforcement of Support, a national advocacy group based in Ohio. "It will only increase costs in every other social services agency in the state."

The expected cuts in child-support services are one of the many repercussions of the state's \$38.2-billion budget shortfall that has prompted Davis to pass a hefty share of the pain onto the state's 58 counties. The deepest cuts, county officials say, may be felt by the poor, the handicapped, and those who rely on child-support services.

The governor's revised 2003-04 budget plan would withhold nearly \$100 million from county mental health programs for children in special education. The programs are mandated by the state, so California must eventually pay the bill. But to conserve cash in the short term, the governor would delay reimbursing counties until the economy improves.

Davis' latest plan also assumes that vehicle license fees would be raised, bringing in an additional \$4 billion per year. But even if those fees are increased, there may be a two- or three-month delay before the Department of Motor Vehicles starts collecting the additional revenue, said Pat Leary, a Sacramento lobbyist for the California State Assn. of Counties.

That prospect has cities and counties on edge. Many local governments rely on the license fees to fund public safety programs, and they fear that even a short gap in funding could deprive them of substantial revenue. Los Angeles County, for instance, could lose \$63 million to \$189 million, depending upon how soon the fee is increased.

For many Southern Californians, the state's budget crisis has real-life implications.

Michelle Cawley, a homemaker from Big Bear Lake, worries that the layoffs in the Department of Child Support Services of San Bernardino County could weaken her chances of collecting seven years of unpaid child support — nearly \$32,000, court records say — from her ex-husband.

"That is going to hurt a lot of families that need their support," she said.

County child-support agencies help determine paternity, seek court orders demanding child support and attempt to collect. The agencies can ask a judge to garnish the wages of a delinquent parent, freeze assets, claim tax refunds and confiscate passports and driver's licenses.

Cawley, a hairdresser, had three children before her divorce in 1997. Even though her husband worked in the same town, she said she could not get him to make regular child-support payments. Soon after the divorce, Cawley said she moved into a ramshackle mobile home and relied on food pantries to feed her children.

Court records show that a judge issued a bench warrant against Cawley's ex-husband for failure to pay the money. San Bernardino County sheriff's officials confirmed that Cawley's ex-husband was arrested in April and released after two days in jail. He could not be reached for comment.

Cawley has remarried and had two more children with her new husband, who works at a lumberyard in Big Bear Lake. Had it not been for her new husband's tax refund, she said, they would not be able to enroll her oldest son, Jake, in Little League.

Cawley predicts the county's low collection rate will only worsen with additional staff layoffs.

"There are going to be nearly no collections," she said. "It's already bare bones."

Before 2000, the district attorney in each of the state's 58 counties was responsible for helping parents collect delinquent child support. But the individual counties lacked uniform regulations and had such poor records of collecting child support that the state stripped prosecutors of the responsibility.

In its place, the state created a department that supervises child-support services in each county under a new set of guidelines. Since the system was overhauled, state officials have reported steady improvements in collection rates. The new state program is expected to collect a record \$2.3 billion statewide this year, a nearly 7% increase over last year. With improved state funding, several county child-support departments began adding staff.

County officials now fear that the progress made over the last three years may suffer a serious setback. For counties such as Los Angeles, San Bernardino and San Diego, cuts will mean fewer resources to collect child support.

"It's just like the chief of police of Los Angeles saying, 'If I can't have more cops, I can't reduce crime,' " said Cory Nelsen, director of San Bernardino County's Department of Child Support Services.

"Well, if I can't get child-support workers, I can't collect child support."

Nelsen and other child-support officials blame their historically low collection rates on heavy caseloads and funding inequities.

Statewide, child-support agencies have an average of 148 cases per employee, according to officials. But in counties such as San Bernardino and Los Angeles, that figure is about 300.

In San Bernardino County, Nelsen said he planned to increase his staff of 615 to about 1,000 when the state crisis struck. Now, Nelsen said, the county plans to lay off 60 employees, including 20 probationary workers.

For Norma, a single mother in South-Central Los Angeles who cleans houses, the fallout from the budget crisis may directly affect how much money she has for food and clothing.

Norma said she has been trying for 13 years to locate the father of her two boys. As soon as she discovered his address — through a chance meeting between one of her sons and his father — she took it to Los Angeles County's Department of Child Support Services. But the state budget cuts may hamper the agency's efforts to help Norma, whose last name has been withheld because the agency has not established the paternity of her children and the man she says is the father could not be reached for comment.

"I finally found out where he lives," she said. "He hasn't paid anything. No child support at all. And I've been struggling all these years with my kids."

For Los Angeles County, the proposed state budget cuts amount to a \$10.6-million reduction — enough to pay for 300 lawyers, investigators, clerks and other child-support workers. If the governor's budget is approved, the county would probably lay off those workers, leading to an estimated \$46-million drop in collections, said Philip Browning, director of the county's child-support services.

Meanwhile, California is facing multimillion-dollar federal penalties for its failure to create a statewide automated child-support system. Davis now wants to pass some of that cost on to the counties.

"It all stems from the state's failure to initiate a child-support system statewide, which they were supposed to do years ago," Leary said. "Why should counties have to pay a portion of this penalty? It's just plain not fair."

## 'I'd rather face jail than pay CSA'

<http://icwales.icnetwork.co.uk/0100news/0200wales/page.cfm?objectid=13029371&method=full&siteid=50082&headline=%27I'd%20rather%20face%20jail%20than%20pay%20CSA%27>

**Darren Devine, The Western Mail (UK\_Wales), 06-04-03**

A COMPANY owner has vowed that he will go to jail rather than pay the Child Support Agency on behalf of any of his staff who are denied access to their children.

Pat Lyons, who owns P.J.L. Surveys, a civil engineering firm in Port Talbot, has made the pledge on behalf of fathers who are unfairly blocked from seeing their children.

All 12 of Mr Lyons' staff were given contracts saying that after 26 weeks of employment his firm will not pay the CSA on their behalf if they are being denied access in breach of a court order.

Mr Lyons, 43, who has been through his own separation, said he would go to jail and allow the Government to fold his company, which has traded in South Wales for more than 20 years, before he would breach the contracts.

He said the problem of men being denied access to their children is "destroying small businesses".

Men who find themselves in this position often under-perform in the workplace because their personal problems make it difficult for them to devote themselves to the job, he argues.

Two years ago, Mr Lyons paid the salary of Mark Harris, from Plymouth, when he was sent to prison for 10 months for waving to his children and breaking injunctions preventing him seeing them.

Mr Lyons said, "The situation with seeing the children must not be grey at all.

"It must be absolutely that the mother is out 100% not to comply with the court order and the court order must be in place.

"If that father is told by a court that he must see his children and if he is rightly turning up to see his child and that child is being held back by the mother, we will take on the issue with him.

"We will support him as an employee. In supporting him, we will provide him with the use of our telephones to ring organisations that will help.

"We will tell him he can use our internet service to access information.

"We will also tell him that if he is not seeing his children we will aggressively fight the CSA for him, which includes telling the CSA we will not deduct this payment. I will write to them and tell them.

"I will fight this organisation head on. I'm prepared to go to jail for justice.

"I would go to jail before I would back down on this issue."

A spokesperson for the Department of Work and Pensions said Mr Lyons would be breaking the law and could be prosecuted if he refused to make payments to the CSA for one of his staff.

Fathers for Justice, which campaigns for better rights of access and custody for men, backed Mr Lyons's stance.

Spokesman and founder Matt O'Connor said there is no legal presumption to contact for parents, despite obligations to pay a child's maintenance.

But family law specialists Hugh James solicitors, based in Cardiff, said the law is there to protect everyone and the suitable response from fathers is to attempt to have contact orders enforced.

Solicitor Malcolm Stevens said, "Men often feel aggrieved when they are prevented from seeing children whilst at the same time they are being required to make child maintenance payments.

"They often want to strike back at the parent who has care of the child by refusing to pay.

"That, however, is not the responsible and correct way of going about the problem."

But Fathers for Justice says courts are almost never willing to jail mothers who refuse to abide by contact orders.

The group criticises the courts for jailing mothers when they fail to send their children to school and refusing to punish them when they prevent their child from seeing their father.

Mr Lyons says he was moved to take such a radical stance because of what he regards as the mistreatment of fathers by family courts.

Mr Lyons, who sees his son Ashley Davies Lyons, 6, on weekends, said, "Throughout, industry the costs are borne through under-utilisation of staff. My business has run at 30% below capacity because of this problem."

He added that at the moment all his staff who are separated are being given proper access and he has not yet had to follow through his contractual commitment.

## From 'Why did he?' to 'Did he?' in 28 days

[http://courtvtv.com/trials/peterson/053003\\_ctv.html](http://courtvtv.com/trials/peterson/053003_ctv.html)

Harriet Ryan, Court TV, 06-01-03

A few days after he took Scott Peterson's case, defense lawyer Mark Geragos stood on the steps of the Stanislaus County courthouse surrounded by his new client's family and predicted public opinion of the murder suspect was about to change.

"I think it's only a matter of time before we're able to turn America's head around," Geragos told scores of reporters eager to gobble up any speck of information about Peterson and the killing of his pregnant wife, Laci, and unborn son.

At the time, Geragos' forecast seemed about as likely as June snow in Modesto. In the hot, dry California city and across the nation, Peterson was Public Enemy #1. When he was arrested, a throng of angry citizens greeted his arrival at the county jail with bloodthirsty chants and signs reading MURDERER. The front page of the New York Post showed Peterson in shackles beneath the headline "MONSTER IN CHAINS." And the California attorney general pronounced the case against Peterson "a slam dunk."

But in the 28 days since Geragos became Peterson's attorney, an improbable, but unmistakable shift in the public discussion of the crime has occurred. The question is no longer "How could he do it?" but "Did he do it?"

The change seems clearly the result of a series of press leaks — some directly credited to the defense side and others to unspecified sources — including speculation that Laci Peterson died at the hands of a Satanic cult and Thursday's revelation by MSNBC that the coroner found a plastic tape "noose" around the neck of the Petersons' unborn son, Conner, when his body was found on the eastern shore of the San Francisco Bay.

Geragos denied being the source of that leak and even volunteered to swear to it on the witness stand, but steamed prosecutors made clear they thought the defense was to blame. In court papers filed just hours after the report, prosecutors said the new information "skewed" toward Peterson's legal team and asked a judge to release the entire coroner's report publicly so "the media will see what the actual facts are."

Whoever the source, the report concerning the condition of baby Conner's body fit nicely with the Satanic cult theory of the murders advanced first through defense leaks and then openly by Geragos. About two weeks after the lawyer took over Peterson's case, NBC reported that the defense had information about cults operating in the Modesto area and speculated that Conner Peterson was cut from his mother's body during a Satanic ritual. Other reports citing defense sources indicated that when Peterson's body was recovered on the bay shoreline, it was mutilated in a manner consistent with ritual sacrifice, and still other outlets reported that the defense was chasing its own prime suspects, some apparently connected with a strange brown van and a suspicious man with 666 tattooed on his arm.

Although no one knows when Peterson's trial will begin, nor where it will be held — the defense is expected to ask for a change of venue — the leaks are likely the first effort to influence the panelists who will some day, in some courthouse, sit in judgment of Scott Peterson.

"There's been a concerted effort to try to change the hearts and minds of potential jurors," said Loyola Law School professor Laurie Levenson. "The strategy is to create questions now and hope that it will translate into reasonable doubt later."

Not all legal experts agree on its wisdom, however. Miami jury consultant Sandy Marks, who worked for the defense in the trials of Timothy McVeigh and William Kennedy Smith, said that, while putting the defense story out in the public arena can be useful, timing the release of information is important.

"Jurors — and people in general — have a short memory. This will only be good for the next week or two. If he's got substantial stuff, why leak it now? Let's save it for right before trial," Marks said.

Los Angeles criminal defense lawyer Harland Braun, who initially represented Robert Blake, disagreed.

"If you've got anything, get it out there or you are going to lose the jury," said Braun, no stranger to defending clients by going on the offense. Long before Blake was arrested, Braun released documents and audiotapes portraying Blake's murdered wife as a conniving grifter. In defense polling done after he made the information public, 80 percent of those surveyed believed Blake guilty, but 90 percent had a negative opinion about his alleged victim, Braun said.

Putting the information out is essential, Braun said, because jurors consider public opinion along with the law and evidence as they deliberate, and few panelists want to buck conventional wisdom with their verdicts.

"They are going to worry about what their neighbors think. Nobody wants to be regarded as a buffoon," said Braun.

Chicago-based jury consultant Paul Lisnek said the long window before the trial could actually help the defense to make the Satanic cult theory — which he described as "pretty far out there" — sound "more palatable."

"The more people hear something, the more reasonable it sounds. If you put this cult theory out now, by the time the trial happens, it will have become part of their reality and jurors will say, 'Oh yeah, the Satanic theory, I've heard about this,'" said Lisnek.

The volume of leaking may come to an end soon, however. Superior Court Judge Al Girolami, who is overseeing the case, has voiced concern about the massive media coverage and said he is leaning toward imposing a gag order, perhaps as early as next Friday.

## Marriage Profitable for Unwed Parents

<http://www.washingtontimes.com/national/20030528-120401-4473r.htm>

**Cheryl Wetzstein, Washington Times, 05-26-03**

Marriage could be a direct path out of poverty for many poor young couples who have babies out of wedlock, say researchers who have analyzed data from a national study on "fragile families."

In financial terms alone, single mothers who married would see an increase of \$10,199 to \$11,599 in their median family incomes, said Heritage Foundation analyst Patrick F. Fagan, who wrote the report with colleagues Robert Rector, Kirk A. Johnson and Lauren R. Noyes.

These findings support the Bush administration's plan to allocate up to \$300 million a year in welfare funds for pro-marriage education and activities in low-income communities.

"By encouraging marriage, we're encouraging a policy that will benefit all of us," Mr. Fagan said.

Marriage is an income-builder for these couples because it is more permanent and stable than cohabiting, according to numerous other studies on the matter. Even though as many as half of new parents live together, only 9 percent marry within a year. Thus, within a few years, most relationships split up and mothers and children live in poverty.

The Heritage Foundation report's findings may be discussed today as the Department of Health and Human Services (HHS) opens a three-day Washington conference on welfare reform.

The focus of today's session will be marriage, family structure and children's well-being. Wade F. Horn, HHS assistant secretary for children and families and a proponent of marriage in welfare reform, is scheduled to speak at the conference at the Marriott Wardman Park Hotel.

In February, the House passed its bill to reauthorize welfare reform. The Senate Finance Committee is expected to have a similar bill near the end of June.

Feminist and antipoverty groups have criticized the idea of using welfare funds to promote marriage.

Such a policy "coercively intrudes on fundamentally private decisions" and heightens risks for abuse of women, said the National Organization for Women's Legal Defense and Education Fund.

"And most importantly," the group added, it "sends the message that the way out of poverty for women is dependence on someone else to act as a breadwinner, rather than economic self-sufficiency."

But researchers at the Heritage Foundation, a Washington-based conservative think tank, said "new light has been shed" on the topic by the ongoing Fragile Families and Child Well-Being Study, conducted by researchers with Princeton and Columbia universities.

The five-year, ongoing project involves some 4,700 new parents who are low-income and typically unmarried. It seeks to answer questions about these "fragile" families' relationships and activities as well as how they are affected by policies on family formation and child well-being.

Almost 50 percent of the unwed couples are romantically involved and living together, and an additional 23 percent are romantically involved, the university report shows.

In addition, the fathers had median annual earnings of \$17,500 and 67 percent had at least a high school degree. Only a minority were reported to have problem behaviors — 12 percent of the mothers reported having recently argued with their partners about substance abuse and less than 2 percent said their partners had slapped or harmed them.

Using computer simulation, the Heritage researchers concluded that marriage would significantly reduce poverty in these families.

For instance, 55 percent of single mothers who work part time live in poverty. If these mothers married, however, their poverty rate would plummet to 17 percent, the researchers wrote.

Marriage has a significant impact for single mothers who don't work. These welfare mothers who remain single will live in poverty 100 percent of the time because welfare benefits rarely, if ever, lift a family out of poverty, the researchers said.

"By contrast, if the mother marries the child's father, the poverty rate drops dramatically to 35 percent. In other words, nearly two-thirds of the non-married fathers ... earn enough by themselves to support a family above poverty without any employment on the part of the mother," they said.

Couples who are romantically involved and swept up in the "magic moment" of a child's birth would be good candidates for pro-marriage activities funded under welfare reform, the researchers concluded.

## Larry Wachowski vs Family Law

<http://www.thesmokinggun.com/archive/wachowski1.html>

### Smoking Gun, 05-21-03

MAY 21--Hours before last Wednesday's blockbuster opening of "The Matrix Reloaded," a Los Angeles judge froze the business assets of one of the movie's directors, the result of an increasingly contentious divorce battle between reclusive Hollywood power Larry Wachowski and his wife of nine years.

In addition, new court filings provide a rare and detailed glimpse into the lucrative financial deals struck by Wachowski and his brother Andy, the duo responsible for jointly writing and directing the trio of futuristic "Matrix" movies.

On May 14, Los Angeles Superior Court Judge Rolf Treu signed the below restraining order barring Larry Wachowski, 37, from receiving any "monies, property, or anything of value" from the two film production companies he co-owns with his 35-year-old brother.

The freeze was ordered after lawyers for Thea Bloom, Larry's estranged wife, alleged that since Wachowski had not been entirely forthcoming with details of his financial situation, an eventual "orderly distribution" of community property could only occur if his current corporate assets were enjoined (married in October 1993, Bloom filed for divorce last December).

In connection with the restraining order request, Bloom's counsel filed previously confidential correspondence detailing deals the Wachowskis negotiated in connection with "The Matrix Reloaded" and "The Matrix Revolutions," scheduled for release later this year.

Along with a [comprehensive letter](#) from Bloom's counsel, Dena Kleeman, to Wachowski's divorce attorney, we've also included letters from Wachowski's business attorney describing his client's [movie](#) and [video game](#) deals.

The letters disclose that the Wachowskis were paid \$5 million for the last two "Matrix" scripts and got \$6.6 million for directing the flicks. Larry, one letter discloses, also gets 5 percent of the "gross receipts" of the films, which are expected to each generate hundreds of millions of dollars.

On a final note, despite recent reports that Larry Wachowski's marriage may have cratered due to his purported fondness for cross-dressing and S&M play, Bloom's filings do not mention such hijinks. Though she does note that her husband "has been [extremely dishonest](#) with me in our personal life" and that the couple's separation was "based on very intimate circumstances concerning which I do not elaborate at this time for the reasons of his personal privacy." (15 pages)

## Hunger Strike against ex-wife

Daniel K. Chang, [dkychang@yahoo.com](mailto:dkychang@yahoo.com), 05-15-03

I am currently working for a company in Montvale, NJ. I got divorces twice and have two daughters from different mothers. All my troubles came from first ex-wife Yee-Sang Yen. In a sense my second marriage was ruined by ex-wife Yen. I have a Ph.D in computer science from City University of New York. I have protested only once before May 16th. That's in 1989 because the Chinese government killed thousands of peaceful protesting students and others.

I just want to mention the cruel treatments from the Middlesex County's Child Support Enforcement Unit in the attached file. Due to them, my driving license is still suspended. They want my money and at the same time they don't want me to drive.

It's easier to talk than to write about myself. I am currently taking two weeks of vacation plus another bought two weeks of vacation to stage my hunger strike. I want to finish this business one way or the other within these four weeks. By the end of those four weeks, if I don't report to my company, I'll lose my job.

Daniel K. Chang  
e-mail: [dkychang@yahoo.com](mailto:dkychang@yahoo.com)  
home phone 732-752-1008,  
cell phone 732-319-7025

### **Hunger Strike against ex-wife Yee-Sang Yen of 37 Woodfern St., Edison, NJ and Middlesex County Child Support caseworkers Dawn Mitchell, S. Andrews, Wright,...**

I started working for a company in May 2001; I am now still working for the same company. My employer and I have cooperated 100% with Middlesex county and other county child support departments.

My case was transferred to Middlesex County Child Support Department (hereinafter the Department) in September 2001, one month later the Department reported my case to credit bureau(s). Thereafter my credit rating was ruined and I even can't get a new credit card though the banks sent me the invitation letters for application.

My employer did payroll conversion at the end of year 2001, and didn't forward the Department the money, but I sent the Department a bank check of \$1230 on March 14, 2002. But the Department revoked my driving license on April 30, 2002, and arrested me on May 10, 2002 for non-support!

During October/November 2002 I took a leave of absence without pay. My employer forwarded half monthly pay of \$445.32 to the Department, short of \$179.67 even though my paycheck had enough money to cover the total \$624.99. Without informing my employer or me, the Department just revoked my driving privilege and issued a bench warrant against me. After numerous phone calls and faxes to ask the Department how much I needed to forward to it (At that time I didn't know since at my company employees don't get pay stubs in paper), the caseworkers just ignored my requests. So I took a look into the company web site to see my payment history and calculated that I needed that \$179.67 to forward to the Department. So on January 16, 2003 I sent a bank check of \$179.67 to the Department. On January 31, 2003, the Department sent two sheriffs to break my door to arrest me for non-support the second time!

The followings are my demands:

1. I do not owe any money to ex-wife Yee-Sang Yen.
2. If I have a job, fair monthly support money will be sent to the child, Olivia Chang, directly without going through any child support department.
3. The Middlesex Child Support Department repairs the damage it caused to my credit, and informs the Motor Vehicle Services to erase all my driving suspensions and restore my driving privilege immediately.
4. The Middlesex Child Support Department reimburses me the following: \$282 for restoring my driving licenses, the cost of repairing the door damaged by the sheriffs, \$280 taken from my wallet, \$20 for getting home from the Middlesex County Court to home.

P.S. Even after ex-wife Yen and I separated, I still sponsored her to get her permanent resident card so she could legally stay in this country. (Attorney's phone 212-686-3838 Helen Wepman) It is to be known that in case I died, Alice Chang (973-244-8984), my other daughter from my other marriage, is my only and total (100%) beneficiary; also my body should never be connected to any device or revived because I just want to die once.

Daniel K. Chang, Ph.D.