

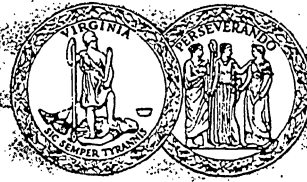
REPORT
OF THE
DEPARTMENT OF WELFARE AND INSTITUTIONS
TO
THE GOVERNOR
AND
THE GENERAL ASSEMBLY OF VIRGINIA



Senate Document No. 23

COMMONWEALTH OF VIRGINIA
Department of Welfare and Institutions
Richmond
1974

COMMONWEALTH OF VIRGINIA



WELFARE AND INSTITUTIONS BLDG.
429 South Belvidere Street
Richmond, Virginia 23220

DEPARTMENT OF WELFARE AND INSTITUTIONS

February 4, 1974

TO: The Honorable Mills E. Godwin, Jr.
Governor of Virginia

and

The General Assembly of Virginia

The report contained herein is pursuant to Senate Joint Resolution No. 125 which was passed by the 1973 session of the General Assembly. This report and its recommendations comprise the response of the Department of Welfare and Institutions to the directive that a study be conducted on the laws relating to the support of children by their parents and recommended amendments be made to best insure that all parents assume their basic responsibility to provide that support

Respectfully submitted,


Robert L. Masden
Acting Director

VIRGINIA DEPARTMENT OF WELFARE AND INSTITUTIONS

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Report of the
Department of Welfare and Institutions

to

The Governor and the General Assembly of Virginia

Richmond, Virginia

February 5, 1974

TO: HONORABLE MILLS E. GODWIN, JR., *Governor of Virginia*

and

THE GENERAL ASSEMBLY OF VIRGINIA

INTRODUCTION

Senate Joint Resolution No. 125 of the 1973 session of the General Assembly directed the Department of Welfare and Institutions to conduct a study of the laws relating to the support of children by their parents. As a part of this study, the Department was also directed to recommend amendments to these laws to insure that all parents will assume their basic responsibilities to support their children.

SENATE JOINT RESOLUTION NO. 125

Directing the Department of Welfare and Institutions to conduct a study of the laws relating to the support of children by their parents.

Agreed to by the Senate, February 9, 1973

Agreed to by the House of Delegates, February 20, 1973

Whereas, all sense of decency, honesty, fair play and human instinct require that both parents of a child contribute to the support of such child; and

Whereas, many loopholes that exist in present laws of the Commonwealth enable many unconscionable parents to avert such basic parental responsibility; and

Whereas, as a result, hundreds of children must be supported by public welfare at great expense to all citizens; and

Whereas, laws that regulate these matters are complex and difficult to amend in such a manner that all achieve desirable objectives and yet protect all basic Constitutional rights; and

Whereas, it seems proper that sufficient consideration should be given to all aspects of this matter in order to determine how these laws ought to be amended; now, therefore be it

Resolved by the Senate of Virginia, the House of Delegates concurring, that the Department of Welfare and Institutions is directed to conduct a study of the laws relating to the support of children and to recommend amendments to such laws as will best insure that all parents assume their basic responsibility to support their children.

All agencies of the Commonwealth, including the Office of the Attorney General and the Division of Statutory Research and Drafting and all agencies of political subdivisions shall assist the Department in this work upon request.

The Department shall conclude its study and make its report to the Governor and General Assembly not later than December one, nineteen hundred seventy-three.

The study was begun by the Department of Welfare and Institutions in the Summer of 1973. At that time an exhaustive survey was made of all current laws relating to the support of children, and an extensive literature search was completed. The existing laws were compiled, as was basic information on programs in other states.

With the completion of this preliminary phase, the study committee cited above was formed by the Department in early Fall. This diverse group was able to provide expertise on all matters relating to the support of children by their parents and the difficulties encountered by individuals attempting to insure that support.

The study committee directed the following activities:

1. A questionnaire was sent to a representative sample of welfare agencies and juvenile and domestic relations district courts in the State in an effort to identify potential problem areas and acquire basic data.

2. Information was obtained from states known to have successful programs for securing child support.

3. Other information was received by the Study Committee, which included potential VALC Study Committee recommendations, hearings of the U.S. Senate Committee on Finance on pending Congressional child support legislation, an AFDC client characteristics study made in Virginia for January, 1973 caseloads, and other pertinent material.

4. A subcommittee was formed to analyze Virginia's existing child support statutes and to make appropriate recommendations for needed amendments.

5. Another subcommittee analyzed the problems relating to the investigation and potential prosecution, if necessary, of absent parents who provide no support for their children.

6. Subcommittee recommendations were made to the entire Study Committee, which acted upon them and achieved a consensus, the results of which are the Department's recommendations in Section I below.

This report is organized as follows:

- Section I — Recommendations
- Section II — Child support Investigation and Enforcement Unit
- Section III — Amendments and Additions to Existing Child Support Statutes in the Code of Virginia
- Appendix I — A Legislative Bill to Provide Enforcement Provisions for and Establishment of the Child Support Investigation and Enforcement Unit
- Appendix II — A Legislative Bill to Provide Appropriate Amendments and Additions to Existing Child Support Statutes
- Appendix III — 1974-76 Biennium Budget Exhibit for the Child Support Investigation and Enforcement Unit
- Appendix IV — Child Support Questionnaire-Social Service Bureaus
- Appendix V — Child Support Questionnaire-Juvenile and Domestic Relations District Courts

- Appendix VI — Collection of Child Support in the State of Washington — GAO Report
- Appendix VII — Statements to the Senate Finance Committee
- Appendix VIII — Social Security Act-Aid to Dependent Children, Title IV A, 1967
- Appendix IX — Regulations for Establishing Paternity and Securing Support as Proposed by the Department of Health, Education, and Welfare
 - AFDC Families by Status of Father, 1961, 1967, 1969, and 1971

Acknowledgement is made of those agencies and individuals who have contributed time, effort, and guidance to this study. As indicated above, the study effort was accomplished with the expertise of State, regional, and local staff members throughout the Department of Welfare and Institutions, as well as members of the Office of the Attorney General and the local Commonwealth's attorneys.

Too numerous to mention are the various groups and individuals in the Department, other than those previously mentioned, who assisted in the acquisition of information and data and in the preparation of this report.

SECTION I - RECOMMENDATIONS

Recommendations are made in two broad categories: the establishment of a Child Support Investigation and Enforcement Unit and amendments to existing child support statutes in the Virginia Code. The justifications for these recommendations are to be found in Section II and Section III of this report.

- A. Establish within the Department of Welfare and Institutions a Child Support Investigation and Enforcement Unit.
 1. State-administered with a central office, and with field offices placed in two large metropolitan areas and throughout the remainder of the State on a regional basis.
 - a. Central office to maintain central bookkeeping and records, provide guidelines for administrative services, and make all inquiries and tracers through Federal, State and private agencies to locate absent parents.
 - b. Field offices to perform functions related to the location of absent parents and the securement of child support from them.
 2. Legal requirements needed by the unit.
 - a. Authority to administratively provide civil enforcement of child support through garnishment of wages, attachments, and recording of liens against personal and real property.
 - b. Subrogation of the Department to rights of the public assistance recipient, so that payment of Public Assistance will constitute a debt to the Department by the individual failing in his or her legal obligation to support the person receiving public assistance.
 - c. Support payments from an absent parent to be made to the Department, rather than to the family, so that the family will always receive a full public assistance grant.
 3. Functions of the unit.
 - a. Investigate the potential for child support in all AFDC cases with an absent parent.
 - b. Locate absent parents whose whereabouts are unknown.
 - c. Secure voluntary support, if possible, with proper authority to compromise child support claims with an individual's ability
 - d. Administratively enforce support with civil procedures, if voluntary support is not obtained.
 - e. Prepare and refer appropriate cases to the Commonwealth's attorney for prosecution.
 - f. Follow up all cases to determine if that support agreed upon voluntarily by the parent or ordered by the court is being made.

The recommendation to establish the Child Support Investigation and Enforcement Unit has as its objective to provide the Department of Welfare and Institutions with a means of investigating and enforcing the responsibilities of absent parents to support their children in such a way that the Department will not solely carry that responsibility in the future. A more detailed explanation of, and justification for, this unit will be presented in Section II.

B. Amendments and Additions to Existing Child Support

Statutes in the Virginia Code.*

1. The balancing of rights and responsibilities of husband and wife.

Each reference to either the husband or wife, but not both, shall be amended to reflect both parents by use of the terms “spouse”, “spouse or parent”, “his or her”, “wife or husband”, or “or accused”, and deleted from Section 20-88 shall be “aged or infirm” to describe the father, as indicated in Appendix II. (§20-61, §20-63, §20-64, §20-65, §20-66, §20-68, §20-70, §20-71, §20-71.1, §20-72, §20-78, §20-79, §20-80, §20-81, §20-83.1, §20-84, §20-88).

2. Amendment of statutes to concur with recent revisions in the Code.

Each reference to “juvenile and domestic relations court” shall be amended to read “juvenile and domestic relations district court”, and references to appropriate court jurisdiction where juvenile courts have not been established shall be deleted, as indicated in Appendix II. (§20-67, §20-71.1, §20-79, §20-88, §20-88.20:2).

3. Amendment of possible redundant statute.

Section 20.70(b), establishing the duty to bring to court parents guilty of failure to support, shall be deleted, as indicated in Appendix II.

4. Repeal of section to conform with recommendation to establish a Child Support Investigation and Enforcement Unit.

Section 20-76, pertaining to “charges for collecting and disbursing support payments”, shall be deleted, as indicated in Appendix II.

5. Amendment to resolve potential constitutional questions.

Added to Section 20-66 shall be “provided that no person shall be sentenced to confinement in his or her absence without representation by counsel, either privately retained or court appointed”, as indicated in Appendix II.

6. Amendment of statutes to concur with recent revisions in the Code.

Each reference to “State convict road force” shall be amended to read “Bureau of Correctional Field Units” or “such institution” and, when appropriate, also include “a State correctional institution for women”, as indicated in Appendix II. (§20-61, §20-63).

7. Amendment of statutes to concur with recent revisions in the Code.

Each reference to “justice of the peace” or “justice” shall be amended to read “magistrate” or deleted, as indicated in Appendix II. (§20-70, §20-71.1, §20-72, §20-87).

8. Amendment of statute to concur with recent revisions in the Code.

Reference to “corporation court” shall be amended to read “circuit court”, as indicated in Appendix II. (§20-67).

* Items in parentheses reference appropriate section of the Virginia Code to be amended.

9. Amendment of statute to concur with recent revisions in the Code.

The age reference to the “support of parents by children” shall be amended to read “eighteen”, as indicated in Appendix II. (§20-88).

10. Amendment of statute to concur with national agreement.

Reference to the “Uniform Reciprocal Enforcement of Support Act” shall be amended by the addition of “Revised”, as indicated in Appendix II. (§20-88.31).

11. Amendment of statute to concur with recent revisions in the Code.

Reference to the authority of the “chief probation officer, or someone designated by such officer in writing”, to “keep accounts relating to support payments” shall be deleted, as indicated in Appendix II. (§16.1-208).

12. Amendment of possible redundant statute.

That portion of §63.1-90.1 (a) indicated in Appendix II shall be deleted.

C. Other Recommendations.

1. It is recommended that existing child support statutes, except as amended above, be retained.
2. It is recommended that the Department of Welfare and Institutions establish administrative procedures to facilitate its access to pertinent information from appropriate State and local agencies, public and private.

The objectives of these recommendations for amendments to existing child support statutes are, in a broad sense, to update those statutes in line with revisions to the Virginia Code in recent years and to remove potential constitutional questions raised by the language of those statutes. More detailed explanations of these changes will be presented in Section III.

SECTION II

CHILD SUPPORT INVESTIGATION AND ENFORCEMENT UNIT

The Study Committee formed by the Department of Welfare and Institutions identified areas of concern in the present enforcement of child support laws in the State of Virginia. These problem areas, to be listed and described in detail below, are directly related to the primary functions of the Child Support Investigation and Enforcement Unit:

1. Investigation of individual AFDC cases as to the potential for the provision of child support by absent parents.
2. Locating absent parents.
3. Assessment and acquisition of voluntary support, if possible.
4. Authority to enforce child support through administrative action.
5. Preparation of individual cases for court action.
6. Follow-up on a consistent basis for all cases in which support is agreed upon or ordered.

Investigation of Child Support Potential

The local welfare agencies in Virginia are viewed by many as providing a service function to their clients. While public assistance grants are critically important to the present and future well-being of the clients, securing this assistance can be considered an administrative function, incompatible with the casework services made available by the individual worker. The social work staff of the agencies receive considerably more training in determining eligibility for assistance and providing social services than in such matters as investigation of potential for financial support and locating an absent parent.

Due to large caseloads, inadequate numbers of staff, and little training in this area, larger agencies in two metropolitan areas have established separate units for investigation of child support from absent parents. These have exhibited signs of success, but the remainder of the State is still without such specialized services. As with credit collection, considerable specialization and training is required.

Locating Absent Parents

When an AFDC case involves an absent parent, the eligibility worker is expected to make an effort to locate that parent. If the parent living with the child cannot provide the absent parent's address, the worker must then contact all available friends, former employers, and previous addresses. This process is time-consuming and burdensome to the average worker, who may find it difficult to perform an adequate job. If the absent parent cannot be located through such efforts, a tracer is sent through the Social Security Administration to identify the individual's last known address. Responses to this tracer often indicate that the address is unknown or provide an address which is no longer accurate. At this point, if the worker has carried the efforts this far, he or she under present practices will suspend further efforts at locating the absent parent.

Assessment and Acquisition of Voluntary Support

As indicated above in the investigation of support potential, local agency staff who now perform this function have neither the training nor the direction to do an adequate job of insuring that each absent parent will provide the maximum child support of which he or she is capable. One difficulty which

often arises in this phase is the establishment of paternity, especially when the father contests this issue. Four types of admissible evidence for determining paternity in court are provided by Section 20-61.1 in the Code of Virginia. The difficulties inherent in court action are described in more detail below.

Another problem is presented by the guidelines available to the worker for determining a fair and equitable amount of support to be provided. A scale for such support, which considers income, standard of living, age and needs of the child, and related factors should be available. Present guidelines are used to compute the support expected from the father as any excess in his income over what is determined to provide for 100 percent of his needs. This may cause a hardship in some cases, and the method of computation has been described as being too restrictive.

Finally, the securing of voluntary support is made more difficult by the knowledge that enforcement through court action is often inconsistent. The absent parent often realizes that if he or she provides no voluntary support, he or she may not be required to pay support through the legal process.

Administrative Authority

The welfare agency has no administrative authority to secure support without court action. With this lack of authority and the difficulties described below relating to court action, the agency is unable to require that the absent parent act in a responsible manner.

Preparation for Court Action

The ability of the welfare agency and the State to enforce our existing statutes is seriously impaired by matters relating to court action. One major difficulty relates to the priority of prosecuting child support cases. The welfare agency presently refers appropriate cases to the local Commonwealth's attorney for prosecution. As can be expected with local Commonwealth's attorneys who are traditionally inadequate in number to meet the demands placed upon them, child support cases are relegated to a low priority. An additional problem is posed by the welfare agency staff's lack of training in the preparation of cases for prosecution. Consequently, the welfare agency handling nonsupport cases has these two major hurdles to overcome even before they reach the court.

Once the case reaches the juvenile and domestic relations district court for prosecution, other obstacles must be overcome. There is a legal difficulty in establishing paternity when an absent father contests this issue. Then, if paternity is established, the father is ordered to make child support payments; however, these payments are not always forthcoming.

If payments are delinquent from the father ordered to provide support, the judge has a number of alternatives available for further court action, such as (1) continuance of a case upon the condition that the obligations are met; (2) if found guilty, placement in a work-release program; (3) imposition of sentence suspended; (4) execution of sentence suspended; and (5) revoking of suspension and placement in the Bureau of Correctional Field Units. This last alternative is used only as a last resort, for if there is any potential for payment while an individual is still working, the court does not wish to disrupt his earning capacity; however, an individual in a correctional field unit can perform services for which his or her dependents can receive between five and twenty-five dollars per week, as provided in §20-63.

Follow-up

Consistent follow-up on all support cases involving voluntary agreements or court-ordered payments is crucial to the continuation of an effective child

support program. This is a need frequently overlooked despite the delinquent behavior of a large proportion of those parents providing child support. The problems of court action and follow-up are intimately related, since the present structure for the enforcement of our statutory provisions for child support is closely tied to court rather than administrative action.

Available Data — State and National

The problem of the nonsupport of children by their absent parents is a national disgrace. This conclusion is supported by the available data from a 1971 Department of Health, Education, and Welfare study cited by Appendix VII and Appendix X. This study indicated the following significant points:

1. Of all AFDC families, 76.2 percent of the fathers were absent from the home, with 27.7 percent for reason of not having been married to the mother and 15.2 percent having deserted. Almost all other fathers were absent for reason of divorce or separation, legal or otherwise.

2. In 50 percent of the AFDC cases in which the father was absent from the home, his whereabouts were unknown.

3. The 1971 study revealed no data on the difficulties in establishing paternity. In a 1955 study efforts to secure support were unsuccessful in almost 60 percent of the sample cases of unmarried parents, because paternity had not been established. However, the large majority of absent parent cases involve a family in which the parents had been married for ten months prior to the birth of the AFDC client. In such cases, support obligations are readily determined.

4. Only 13.4 percent of all AFDC families received any support payments from the absent father.

In 1971 and 1973, the Bureau of Research and Reporting of the Department of Welfare and Institutions conducted characteristics studies for HEW of the sampled January AFDC caseloads throughout the State. This information was made part of the above cited study on a national level. Comparison data on the above national figures are available for Virginia as follows:

1. In January, 1971, 82.5 percent of all AFDC families had the father absent from the home, with 39.8 percent not married to the mother and 18.1 percent having deserted the family.

2. The 1973 study indicates that 59.6 percent of the fathers could not be located.

3. No paternity data is available from either study.

4. Only 12.5 percent of all AFDC families in January, 1973, received any support payments from the absent father.

These Virginia figures are quite comparable to those national figures available; however, data for Virginia indicates that there is a higher illegitimacy rate and a higher rate at which the whereabouts of the absent father are unknown in the State. In addition, fewer absent fathers of AFDC families contribute child support than the national average. The significance of this data will be considered in more depth in the programmatic considerations to be described later in this section.

From the more informal child support questionnaire directed to a sample of social service bureaus and juvenile and domestic relations district courts throughout the State (see Appendices IV and V), the Study Committee received the following information:

1. It was estimated that in 13.5 percent of AFDC and foster care cases, child support has been received from an absent parent during the past fiscal

year. The Court Service Unit Directors reported that 45 percent of the petitions for nonsupport requested and 64 percent of those actually filed lead to court action in which child support is awarded.

2. In three times the above number of cases, there was a potential for child support to be received, but for one reason or another it was not. The primary reasons for which no support was received in these cases were (1) the inability to locate the parent, (2) the leniency of existing laws, and (3) problems in relation to court enforcement and inadequate staff.

3. Estimates on the percentage of child support payments being delinquent ranged from 7 to 100 percent. The same reasons as those stated in No. 2 were given for this situation. The Court Service Unit Directors reported that approximately 60 to 70 percent of that child support which is ordered is actually provided by the parent.

The data cited from the informal questionnaire point out the inconsistencies in enforcement throughout the State and generally support the problems defined earlier in this section. It should be noted that the average estimated percentage of AFDC cases for which support payments are received differed from the 1971 HEW Study figure by only one-tenth of one percent and was relatively consistent with that data actually developed in Virginia in the 1973 study.

Child Support Enforcement Efforts in the State of Washington

The figures cited in the section above indicate that child support enforcement is a national problem, one in which millions of dollars are uncollected each year. Yet, despite the universal nature of this problem, there are states which have been successful in their efforts to enforce child support laws. One program in particular which has received national recognition in recent years is that program being conducted in the State of Washington (see Appendix VI).

Before describing the Washington program, it should be pointed out that the 1950 Social Security Act established a legal responsibility for the Department to notify law enforcement officials of all desertion cases in which Federal public assistance funds were being provided. The 1967 Act (see Appendix VIII) requires that all states establish within state and local welfare agencies a single, identifiable administrative unit having the sole responsibility of collecting child support. According to the General Accounting Office, this responsibility has not been emphasized by HEW, nor has that agency required states to report regularly on the accomplishments of their collection efforts. However, HEW is now establishing regulations, as indicated in Appendix IX. Despite those legal requirements, Virginia has never had a unit whose primary task it has been to collect child support payments.

Prior to May, 1971, the State of Washington utilized common law and statutory procedures to enforce child support by responsible parents through its Collections Section in the State Department of Social and Health Services. However, in May, 1971, a State law was enacted in Washington to hold absent parents responsible for child support, whether a court order directing the parent to pay child support existed or not. Unless an order for support exists, the parent is obligated by law for the full amount of public assistance provided his or her children.

Under this law, the recipient is provided a full public assistance grant without regard to the child support paid by the absent parent. The support payments are assigned to the State, which assumes responsibility for

collection. This collection is accomplished by the Collections Section, which is State-administered and operated by a central administrative office and field offices placed throughout the State.

The Collections Section removes all responsibility for the collection of child support from the local agency providing services. Each case is referred to the Collections Section for investigation; location of absent parents; collection of child support through voluntary contributions, administrative enforcement, or, as a last resort, through court action; and the monitoring of all payment records. Emphasis is placed upon the encouragement of absent parents to provide child support on a voluntary basis. It is the philosophy of the unit that legal action, or even its threat, may cause the absent parent to relocate in order to avoid prosecution. The ability to administratively attach earnings or property of absent parents has made the need for legal action even more remote.

The results obtained by the Washington program are impressive. The General Accounting Office, in its review, reported that Washington was able to establish paternity in 94 percent of the sample cases, as compared to 92 percent in Pennsylvania, 52 percent in Arkansas, and Iowa's 72 percent. It is noteworthy that absent parents were located in 81 percent of the cases. This is to be compared with the national figure of 50 percent. Furthermore, 43 percent of the absent parents were making support payments, while 13 percent were delinquent in payments. Nationally, only 13.4 percent of AFDC families received any support payments from absent parents.

Financially, the program is likewise impressive. One question has often arisen in relation to the establishment of collection units of any type. That is, would the amount of support collected more than offset that expenditure necessary for staff and services to collect the support? Caspar Weinberger, Secretary of the Department of Health, Education, and Welfare has reported that, while no figures are available on a nationwide basis, collection expenses have ranged from 6 cents for each \$1 collected in Massachusetts to approximately 22 cents per \$1 collected in the first six months of a demonstration project in Sacramento County, California. The figure reported for Sacramento County is misleadingly high for two reasons. First, this project was added to already comprehensive efforts on the part of the county which had previously made the easiest collections. Second, the costs of the program can be expected to be higher for the first six months than later.

The ratio of expenditures to collections in Washington is better than 1:5. For the last six months of the 1972-73 fiscal year, Mr. Robert Querry, Supervisor of the Support Enforcement Section, reported a cost of 17.75 cents per \$1 collected. He expects over \$8 million to be collected this year, or 8.2 percent of the AFDC (regular) grant expenditures. In addition, 50 percent of all collection costs is reimbursed by the Department of Health, Education, and Welfare (See Appendix IX). House Resolution No. 1, now before Congress, would increase this reimbursement of collection costs to 75 percent.

The financial return to states for their collection efforts are clouded somewhat by the issue of reimbursement to the Federal government of portions of collections made. At the present time, the Department of Health, Education, and Welfare provides 61 percent of all public assistance funds to AFDC families in Virginia (the remaining 39 percent is provided by the State). Consequently, 61 percent of all child support collections in Virginia must be returned to the Federal government.

However, Congressional interest in the matter of child support collection is quite high at the present time, with two bills now pending which would establish a Federal program for the collection of child support. Some members of Congress wish to remove, or at least reduce, the amount of reimbursement

of support collections made to the Federal government. In fact, House Resolution No. 1 provides that the entire amount of support collections would remain with the State. This would act as an incentive for the development of effective state and local programs. If this bill does not become law, intensive support collection efforts can still return any State several times its expenditures, while at the same time providing a means of compliance with Federal law and regulations and emphasizing the responsibility of absent parents for the financial support of their children.

Child Support Collections in Virginia

The Study Committee formulated the recommendations in Section I by adapting Washington's child support collection efforts to administrative and other considerations in the State of Virginia. Based upon these considerations, a Child Support Investigation and Enforcement Unit in Virginia would need the following allocation for staff to perform the task of collecting all potential child support in the state.

Central Office

<u>No. of Staff</u>	<u>Job Title</u>	<u>Minimum Salary</u>
1	Unit Chief	\$ 12,528
1	Legal Consultant	12,000
1	Training Supervisor	12,000
1	Research and Evaluation Supervisor	12,000
1	Public Information Supervisor	12,000
1	Auditor	12,000
1	Policy Specialist	12,000
2	Administrative Specialist	12,000
1	Accounts Supervisor	10,992
1	Accountant B	9,168
1	Clerk D	6,432
3	Clerk C	5,400
9	Clerk B	4,512
1	Clerk-Stenographer D	6,432
2	Clerk-Stenographer B	5,160
6	Clerk-Typist C	5,400
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Field Office

<u>No. of Staff</u>	<u>Job Title</u>	<u>Minimum Salary</u>
1	Field Supervisor	\$ 11,472
1	Hearing Officer	10,032
6	Field Investigator	9,600
1	Clerk-Stenographer C	5,640
3	Clerk-Typist C	4,704
1	Clerk C	5,400
3	Clerk B	4,512
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The staff recommendations for this unit may need clarification regarding the placement of the legal consultant in the central office and the number of individuals employed in the field offices. There is a requirement by law that the Attorney General or a special counsel designated by him represent all State agencies. The position of legal consultant would fall under the conditions of this law. The legal expertise provided by this person might also be available from the Assistant Attorney General already working with the Department. In addition, the number of personnel recommended for the field offices approximate the staffing patterns in the State of Washington with respect to professional and clerical positions requested.

It should be emphasized that the central office and field offices include no staff persons with responsibilities for the prosecution of irresponsible parents who provide no support for their children. The issue has been raised that the prosecutory efforts at present are insufficient to meet the potential demands. If the Child Support Investigation and Enforcement Unit is established, it is difficult to project its effect upon the need for prosecution. If voluntary agreements and the administrative application of civil enforcement procedures are successful, the need for prosecution may diminish; however, it is possible that these functions may not be as successful as hoped and, as a result of intensified efforts at locating absent parents, many more cases may be identified as needing child support prosecution.

Other factors also influence the projected needs for prosecution. The staff in the field offices will be able to prepare cases in a more professional manner than present agency workers, which will expedite the prosecution efforts of the local Commonwealth's attorneys. In addition, the Office of the Attorney General will be assigning one Special Assistant Attorney General to each regional welfare office for the purpose of assisting in preparing fraud and nonsupport cases for prosecution. These individuals will be an invaluable resource for the training of staff and providing guidance in these matters. The local Commonwealth's attorneys could also be provided financial incentives for prosecution of nonsupport cases, through 50 percent reimbursement of their prosecution costs from the Department of Health, Education, and Welfare.

As a result of these many factors and complex effects, the Study Committee recommends that the need for prosecution be thoroughly studied during the unit's first two years of operation before specific recommendations are made in relation to the prosecution of cases. The State of Washington has found that their efforts in achieving voluntary agreements in conjunction with the use of administrative enforcement has led to prosecution in rare cases and only as a last resort. Attempting to secure voluntary agreements is preferable to the threat of court actions, which often results in flight to avoid prosecution.

The Child Support Investigation and Enforcement Unit would consist of one central office and seven regional offices. The field offices will operate on a regional basis, except for the Richmond and Norfolk regions. Present HEW guidelines mandate separate collection efforts for these two cities; therefore, two offices will operate in each of these two regions—one for each of the cities and one for each of the remainders of the regions. Therefore, staff will be required for nine offices in the seven regions.

The recommended staffing for field offices should be considered an average to be adjusted for differences in client populations and geographic area. Approximately 146 staff members in the field offices (16 staff members in each of the nine offices plus two additional administrators for the Richmond and Norfolk regions) and 33 central office personnel will be needed. Expenditures necessary for these staff personnel are documented in Appendix III, the 1974-76 biennium budget exhibit for the entire unit. As previously noted, 50 percent of these expenditures for the Child Support Investigation and

Enforcement Unit will be reimbursed by HEW under present regulations. If House Resolution No. 1 is passed by Congress, this reimbursement figure will be increased to 75 percent.

The importance of adequate staff can be highlighted by experiences in Washington. The General Accounting Office report indicated that as of April, 1971, if sufficient staff had been available in that state to process a backlog of 6,071 cases, over \$150,000 could have been collected each month.

A comparison of selected data from the State of Washington with that from the State of Virginia indicates that Virginia's projected collections will be lower than that cited for Washington in relation to program expenditures. The following table illustrates the comparative data from the two states:

	<i>Washington</i>	<i>Virginia</i>
Total Population ¹	3,300,222	4,458,506
Percent Poor ¹	10.17	15.49
No. AFDC Families ²	39,919	47,702
Total AFDC Payments/month ²	\$9,360,489	\$8,035,567

¹ according to the 1970 census

² reported by HEW for May, 1973

The table indicates that Virginia's larger population, percentage poor, and number of AFDC families will necessitate a greater amount expended in collection efforts than is expended in the State of Washington. However, the amount collected may well be less than in Washington for such reasons as lower AFDC payments, a higher percentage of illegitimate children in AFDC families, and higher percentages of absent fathers and especially absent fathers whose locations are unknown. Therefore, Virginia will have a greater difficulty in establishing paternity and locating absent parents and will receive smaller payments from absent parents. A projection of the ratio of expenditures to the amount of support collected which takes these factors into account is not possible at this time; however, even if Virginia is not capable of collecting over five times that which it will be spending on these efforts, as Washington has achieved, an expenditure of no more than 30 cents for each \$1 collected is not unreasonable to expect once the program is fully operational, based upon the experiences of other states.

Benefits

The potential benefits from a program such as the Child Support Investigation and Enforcement Unit can go far beyond the financial factors detailed above. A most important benefit is one to which our state agencies, in general, and welfare programs in particular, have paid far too little attention in the past — public relations. Public support for welfare programs has reached a point that surely, if it continues, will result in the demise of social service programs in every sphere of operation. Then, the individuals for whom these programs are so badly needed can only suffer. A program which can result in responsible financial support from a parent to his or her children can create an impetus toward public support and, in the future, more beneficial programming.

More specific benefits can be projected when looking at the individuals involved. Fathers, who have in the past deserted their families and/or provided no support for their children, have only contributed in a most negative and potentially destructive way toward the family structure and emotional makeup of its members. This program may prevent the occurrence of such behaviors in numerous families in the future. It may also bring many of these same fathers

to again view their responsibilities in such a way that they will begin to take a more active role in raising their children. Washington, by billing absent parents during the first month in which public assistance is received by the family, has found that many fathers take steps to resume their parental responsibilities rather than pay such a debt.

Another financial benefit to the family and the Department is derived from the provision for support payments to be made to the Department. This allows for each AFDC family to receive a full public assistance grant each month, not dependent upon the payments received from the absent parent. AFDC families can then better plan their financial futures while having financial anxieties somewhat relieved. This procedure will also reduce the administrative costs of the AFDC program and more easily accommodate the future plans of the Division of General Welfare for the automated data processing of all public assistance programs.

In addition, the establishment of the Child Support Investigation and Enforcement Unit will reduce demands on local welfare agencies, juvenile and domestic relations district courts, and possibly local Commonwealth's attorneys. This will provide each with greater opportunities to perform functions more consistent with their prescribed roles. This unit will allow (1) agency personnel to spend more time in client-related services, (2) juvenile court judges to focus more upon children's problems, and (3) Commonwealth's attorneys to prosecute more criminal cases.

The Study Committee recommends that the Child Support Investigation and Enforcement Unit in its initial efforts provide its activities solely for recipients of public assistance through the AFDC program. When the Unit has been in operation for a sufficient length of time, administrative procedures will have been established and problems will have been resolved. At that time a study can be made of the feasibility and impact of providing support collections services to individuals other than public assistance recipients. These services are available in Washington, and their experiences have indicated that many families can be prevented from becoming welfare recipients when adequate collection efforts are provided. Future prevention efforts of this nature will help to reduce AFDC caseloads.

SECTION III
AMENDMENTS AND ADDITIONS TO EXISTING
CHILD SUPPORT STATUTES IN
THE VIRGINIA CODE

As indicated in Section I, the Study Committee formed by the Department of Welfare and Institutions has made recommendations regarding the current child support statutes for the purpose of (1) having them concur with recent revisions in the Virginia Code, (2) removing potential constitutional questions, (3) repealing possible redundant statutes, and (4) amending them to conform with the recommendation to establish a Child Support Investigation and Enforcement Unit. Each of the recommended amendments and additions are included in appropriate bill form in Appendix II, and the justifications below parallel the statutory categories utilized in Section I.

Rights and Responsibilities of Husband and Wife

In their current form the child support statutes make numerous references to the rights and responsibilities of the father, without having those same rights and responsibilities applicable to the mother. While these statutes may be adequate in the large majority of child support cases (since it is usually the father who is the absent parent providing no support for his children), there are cases in which mothers behaving in a similar fashion should be equally liable to legal sanctions. In a broader perspective, the reference to the father, but not the mother, raises possible constitutional questions which must be resolved before a test case is made in the courts. The amendments do not alter the intent of the statutes toward a father's rights and responsibilities but, instead, broaden their applicability to mothers in an equitable fashion. This same justification applies to the present requirement that a father be "aged or infirm" before his child has the legal responsibility to support him. Therefore, that reference should be deleted in §20-88.

Juvenile and Domestic Relations District Courts

The 1973 session of the General Assembly created a new system of "Juvenile and Domestic Relations District Courts" in the State of Virginia. By July 1, 1973, every political jurisdiction in the State was part of this system. Consequently, references in the child support statutes to appropriate court jurisdiction where juvenile courts have not been established are no longer appropriate, and these references have received the Study Committee's recommendation to be deleted through amendments. In addition, to bring these statutes up to date with the new terminology given juvenile courts, the word "district" has been inserted in the name.

Duty to Bring Nonsupporting Parents to Court

The Virginia Code in §20-70 (b) makes it the duty of police, sheriffs, and probation officers throughout the State to bring before the court all persons who, in their opinions, are guilty of failure to support their families. The Study Committee recommends an amendment to delete this paragraph from the Virginia Code because of its possible redundancy with other statutes stating the responsibilities of these officers and the legal responsibility of all parents to support their children.

Charges for Collecting and Disbursing Support Payments

Each juvenile court in Virginia may charge a five percent fee for collecting and disbursing support payments as provided in §20-76. The Study Committee

recommends the repeal of this statute from the Virginia Code for the following reasons: (1) the recommendation to establish a Child Support Investigation and Enforcement Unit may help to reduce the need to go to court for support orders, (2) the inconsistent way in which this statute has been applied, and (3) the potential for 50 percent reimbursement of prosecution costs from the Department of Health, Education, and Welfare (see Appendix IX).

Sentencing to Confinement Without Appointment of Counsel

As it presently exists, §20-66 would allow for the possibility that an individual could be sentenced to confinement without counsel in his or her absence. This raises a constitutional question on the ability of a court to deprive an individual of his or her liberty by means of confinement without appropriate representation by counsel. The U. S. Supreme Court, in its decision in the case of *Aregersinger vs. Hamlin*, has ruled that this cannot be done, so the Study Committee recommends an amendment to add a provision which would not allow for confinement in such a case.

Bureau of Correctional Field Units

In the 1968 session of the General Assembly, the terminology of "state convict road force" was changed to the Bureau of Correctional Field Units. Therefore, the recommendation is made to amend those statutes cited to concur with this change in terminology. In addition, the balancing of the responsibilities of women and men is accomplished with the recommended amendment to insert the potential for a mother to be confined in a "State correctional institution for women" if she does not provide for the support of her incapacitated husband and/or her children.

Justice of the Peace

In order to update the child support statutes to reflect recent revisions in the Virginia Code, the Study Committee for the Department of Welfare and Institutions recommends that "Justice of the Peace" be amended to read "Magistrate" in all appropriate statutes. In light of the complete system of such courts now in operation in the State, amendments are recommended to remove references to the "Justice" when used as an alternative to juvenile and domestic relations district court jurisdiction.

Corporation Court

The Study Committee recommends that Section 20-67 be amended so that "corporation court" will read "circuit court" and that all references to courts of record be changed to circuit court to comply with the name changes voted into law by the 1973 session of the General Assembly.

Support of Parents by Children

The age of majority for citizens in Virginia is now 18 as a result of recent legislative action by the General Assembly. As parents are now responsible to support their children until they reach that age, it is recommended that the age at which persons of sufficient earning capacity are responsible for providing support to their parents be amended to read "eighteen", not the current "seventeen".

Revised Uniform Reciprocal Enforcement of Support Act

Section 20-88.31 designates the title of the chapter as "Uniform Reciprocal Enforcement of Support Act". The Study Committee recommends the

amendment of this title by inserting as the first word, "Revised". The Act's proper title reads in this way as agreed upon by cooperating states.

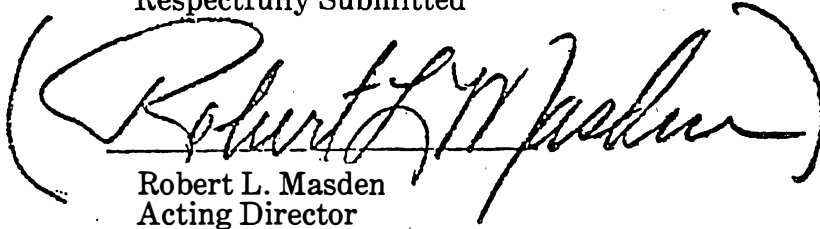
Accounts Relating to Support Payments

Section 16.1-208 allows the chief judge of the juvenile and domestic relations district court to provide for the chief probation officer, or someone designated by him in writing, to receive and disburse support payments. However, the General Assembly in 1973 created a new State system of such courts and in the process, administratively separated the operation of the court and the probation department, now termed the court service unit. Under this new administrative procedure, the clerk of the court and not the chief probation officer, or court service unit director, would be the proper individual to receive and disburse such payments. Therefore, an amendment is recommended to remove this provision in the statute.

Obligation of Man to Support Children Living in the Same Home

The responsibility of a man to support certain children living in the same home is designated by §63.1-90.1. The Study Committee recommends the deletion of the portion of the statute which provides public assistance for those children if such support is absent (see Appendix II). This is possibly a redundant clause that adds nothing to conditions for eligibility stated in other statutes. Children in need of public assistance would be eligible with or without this portion of Section 63.1-90.1.

Respectfully Submitted

A handwritten signature in cursive script, enclosed in large parentheses. The signature appears to read "Robert L. Masden".

Robert L. Masden
Acting Director

APPENDIX I — A LEGISLATIVE BILL TO PROVIDE ENFORCEMENT
PROVISIONS FOR AND ESTABLISHMENT OF THE
CHILD SUPPORT INVESTIGATION AND ENFORCE-
MENT UNIT

A B I L L to amend the Code of Virginia by adding in Title 63.1 a chapter numbered 13, consisting of sections numbered 63.1-249 through 63.1-274, and a chapter numbered 14, consisting of sections numbered 63.1-275 through 63.1-289, providing for care and support of dependent children; means of investigating and enforcing child support laws; providing penalties for violations.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 63.1 a chapter numbered 13, consisting of sections numbered 63.1-249 through 63.1-274, and a chapter numbered 14, consisting of sections numbered 63.1-275 through 63.1-289, as follows:

Chapter 13.

Care and Support of Dependent Children

§ 63.1-249. Purpose. — Common law and statutory procedures governing the remedies for enforcement of support for financially dependent minor children by responsible parents have not proven sufficiently effective or efficient to cope with the increasing incidence of financial dependency. The increasing workload of courts and the Commonwealth's attorneys, has made such remedies uncertain, slow and inadequate, thereby resulting in a growing burden on the financial resources of the State, which is constrained to provide public assistance grants for basic maintenance requirements when parents fail to meet their primary obligations. The Commonwealth of Virginia, therefore, exercising its police and sovereign power, declares that the common law and statutory remedies pertaining to family desertion and nonsupport of minor dependent children shall be augmented by additional remedies directed to the real and personal property resources of the responsible parents. In order to render resources more immediately available to meet the needs of minor children, it is the legislative intent that the remedies herein provided are in addition to, and not in lieu of, existing law. It is declared to be the public policy of this State that this chapter and Chapter 14 be construed and administered to the end that children shall be maintained from the resources of responsible parents, thereby relieving, at least in part, the burden presently borne by the general citizenry through welfare programs.

§ 63.1-250. Definitions. — Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter and Chapter 14 shall have the following meanings:

(1) "Department" shall mean the State Department of Welfare and Institutions.

(2) "Director" shall mean the Director of the State Department of Welfare and Institutions, his designee or authorized representative.

(3) "Dependent child" shall mean any person who meets the eligibility criteria set forth in § 63.1-105 and whose support is required by § 20-61 of this Code.

(4) "Court order" shall mean any judgement or order of any court having jurisdiction to order payment of support or an order of a court of comparable jurisdiction of another state ordering payment of a set or determinable amount of support moneys.

(5) "Responsible parent" shall mean the natural parent or adoptive parent or stepparent of a dependent child.

§ 63.1-251. Payment of public assistance for child constitutes debt to Department by natural parents or adoptive parents or stepparents; limitations;

Department subrogated to rights. — Any payment of public assistance money made to or for the benefit of any dependent child or children creates a debt due and owing to the Department by the natural parent or adoptive parent or stepparents or parents who are responsible for support of such children in an amount equal to the amount of public assistance money so paid; provided, however, that where there has been a court order or final decree of divorce, the debt shall be limited to the amount of such court order or decree. The Department shall have the right to petition the appropriate court for modification of a court order on the same grounds as either party to such cause.

The Department shall be subrogated to the right of such child or children or person having the care, custody, and control of such child or children to prosecute or maintain any support action or execute any administrative remedy existing under the laws of the Commonwealth of Virginia to obtain reimbursement of moneys thus expended. If a court order or final decree of divorce enters judgement for an amount of support to be paid by an obligor parent, the Department shall be subrogated to the debt created by such order, and said money judgement shall be deemed to be in favor of the Department.

Debt under this section shall not be incurred by nor at any time be collected from a parent or other person who is the recipient of public assistance moneys for the benefit of minor dependent children for the period such person or persons are in such status.

§ 63.1-252. Notice of child support debt based upon subrogation to or assignment of judgment; mailing; contents; action on. — The Director may issue a notice of a child support debt accrued and/or accruing based upon subrogation to or assignment of the judgment created by a court order or final decree of divorce. Such notice shall be mailed to the debtor at his last known address by certified mail, return receipt requested, demanding payment within twenty days of the date of receipt. Such notice of debt shall include a statement of the child support debt accrued and/or accruing, computable on the amount required to be paid under any court order or final decree of divorce to which the Department is subrogated or has an assigned interest; a statement that the property of the debtor is subject to collection action; a statement that the property is subject to lien and foreclosure, distraint, seizure and sale, or an order to withhold and deliver; and a statement that the net proceeds will be applied to the satisfaction of the child support debt. Action to collect such subrogated or assigned child support debt by lien and foreclosure or distraint, seizure and sale, or an order to withhold and deliver shall be lawful after twenty days from the receipt or refusal by the debtor of said notice of debt.

§ 63.1-253. Notice of child support debt based upon payment of public assistance; service; contents; warrant; hearing; filing and service of liens; bond to release liens. — In the absence of a court order or final decree of divorce, the Director may issue a notice of a child support debt accrued and/or accruing based upon payment of public assistance to or for the benefit of any dependent child or children. Such notice shall be served upon the debtor or by an officer in the same manner as civil warrants are served. The notice of debt shall include a statement of the child support debt accrued and/or accruing, computable on the basis of the amount of public assistance previously paid and to be paid in the future; a statement of the amount of the monthly public assistance payment; a statement of the name of the recipient and the name of the child or children for whom assistance is being paid; a demand for immediate payment of the child support debt or in the alternative, a demand that the debtor files an answer within twenty days of the date of service to the Director stating defenses to liability under § 63.1-251; a statement that if no answer is made on or before twenty days from the date of the service, the child support debt shall be assessed and determined subject to computation, and is subject to collection

action; a statement that the property of the debtor will be subject to lien and foreclosure, distraint, seizure and sale or an order to withhold and deliver. If no answer is received by the Director on or before twenty days of the date of service, the child support debt shall be assessed and determined subject to computation and the Director shall issue a civil warrant against the debtor. If the debtor, within twenty days of date of service of the notice of debt, files an answer to the Director alleging defenses to liability under § 63.1-251, such debtor shall have the right to a hearing. The decision of the Department in the hearing shall establish the liability of the debtor, if any, for repayment of public assistance moneys expended to date as an assessed and determined child support debt. Action by the Director under the provisions of this chapter to collect such child support debt shall be lawful from the date of issuance of the decision in the hearing. If the Director reasonably believes that the debtor is not a resident of this State, or is about to move from this State, or has concealed himself, absconded, absented himself or has removed or is about to remove, secrete, waste or otherwise dispose of property which could be made subject to collection action to satisfy the child support debt, the Director may file and serve liens pursuant to §§ 63.1-254 and 63.1-255 during pendency of the hearing or thereafter, whether or not appealed; provided, however, that no further action under §§ 63.1-256, 63.1-261 and 63.1-262 may be taken on such liens until final determination after hearing and/or appeal. The Director shall, in such cases, make and file in the record of the hearing an affidavit stating the reasons upon which such belief is founded; provided further, however, that the debtor may furnish a good and sufficient bond satisfactory to the Director during pendency of the hearing, or thereafter, and in such case, liens filed shall be released. If the decision of the hearing is in favor of the debtor, all liens filed shall be released.

§ 63.1-254. Assertion of lien; effect. — Twenty-one days after receipt or refusal of notice of debt under provisions of § 63.1-252, or twenty-one days after service of notice of debt, or as otherwise appropriate under the provisions of § 63.1-253, a lien may be asserted by the Director upon the real or personal property of the debtor. The claim of the Department for a child support debt, not paid when due, shall be a lien against all property of the debtor with priority of a secured creditor. This lien shall be separate and apart from, and in addition to, any other lien created by, or provided for, in this title. The lien shall attach to all real and personal property of the debtor on the date of filing of such statement with the county or city auditor of the jurisdiction in which such property is located.

Whenever a child support lien has been filed and there is in the possession of any person, firm, corporation, association, political subdivision or department of the State having notice of such lien any property which may be subject to the child support lien, such property shall not be paid over, released, sold, transferred, encumbered or conveyed, except as provided for by the exemptions contained in § 63.1-251, unless a written release or waiver signed by the Director has been delivered to such person, firm, corporation, association, political subdivision or department of the State or unless a determination has been made in a hearing pursuant to § 63.1-253 or by a court ordering release of such child support lien on the basis that no debt exists or that the debt has been satisfied.

§ 63.1-255. Service of lien. — The Director may at any time after the filing of a child support lien serve a copy of said lien upon any person, firm, corporation, association, political subdivision or department of the State in possession of earnings, or deposits or balances held in any bank account of any nature which are due, owing, or belonging to such debtor. Such child support lien shall be served upon the person, firm, corporation, association, political subdivision or department of the State either in the manner prescribed for the

service of warrant in a civil action or by certified mail, return receipt requested. No lien filed under § 63.1-254 shall have any effect against earnings or bank deposits or balances unless it states the amount of the child support debt accrued and unless service upon such person, firm, corporation, association, political subdivision or department of the State in possession of earnings or bank accounts, deposits or balances is accomplished pursuant to this section.

§ 63.1-256. Order to withhold and deliver; issue and service; contents; effect; delivery of property; bond to release. — After service of a notice of debt as provided for in § 63.1-252 stating a child support debt accrued and/or accruing based upon subrogation to or assignment of the amount required to be paid under any court order or final decree of divorce, or whenever a child support lien has been filed pursuant to § 63.1-254, the Director is hereby authorized to issue to any person, firm, corporation, association, political subdivision or department of the State, an order to withhold and deliver property of any kind including, but not restricted to, earnings which are due, owing, or belonging to the debtor, when the Director has reason to believe that there is in the possession of such person, firm, corporation, association, political subdivision or department of the State, property which is due, owing, or belonging to such debtor. The order to withhold and deliver which shall also be served upon the debtor, shall state the amount of the child support debt accrued, and shall state in summary the terms of §§ 63.1-257 and 63.1-258. The order to withhold and deliver shall be served in the manner prescribed for the service of a warrant in a civil action or by certified mail, return receipt requested. Any person, firm, corporation, association, political subdivision or department of the State upon whom service has been made is hereby required to answer such order to withhold and deliver within twenty days, exclusive of the day of service, under oath and in writing, and shall file true answers to the matters inquired of therein. In the event there is in the possession of any such person, firm, corporation, association, political subdivision or department of the State, any property which may be subject to the claim of the State Department of Welfare and Institutions, such property shall be withheld immediately upon receipt of the order to withhold and deliver and shall, after the twenty day period, upon demand, be delivered forthwith to the Director. The Director shall hold such property in trust for application on the indebtedness involved or for return, without interest, in accordance with final determination of liability or nonliability. In the alternative, there may be furnished to the Director a good and sufficient bond, satisfactory to the Director, conditioned upon final determination of liability. Where money is due and owing under any contract of employment, express or implied, or is held by any person, firm, corporation, or association, political subdivision or department of the State subject to withdrawal by the debtor, such money shall be delivered by remittance payable to the order of the Director. Delivery to the Director shall serve as full acquittance and the State warrants and represents that it shall defend and hold harmless for such actions persons delivering money or property to the Director pursuant to this chapter. The foregoing is subject to the exemptions contained in §§ 63.1-257 and 63.1-261.

§ 63.1-257. Certain amount of earnings exempt from lien or order; “earnings” and “disposable earnings” defined. — Whenever a child support lien is served upon any person, firm, corporation, association, political subdivision or department of the State asserting a child support debt against earnings and there is in the possession of such person, firm, corporation, association, political subdivision, or department of the State, any such earnings, fifty per centum of the disposable earnings shall be exempt and may be disbursed to the debtor whether such earnings are paid, or to be paid weekly, monthly, or at other regular intervals and whether there be due the debtor earnings for one week or for a longer period. The lien or order to withhold and deliver shall

continue to operate and require such person, firm, corporation, association, political subdivision, or department of the State to withhold the nonexempt portion of earnings at each succeeding earnings disbursement interval until the entire amount of the child support debt stated in the lien has been withheld. As used in this chapter, the term "earnings" shall be construed to mean compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments by any department or division of the State based upon inability to work or obtain employment. The term "disposable earnings" shall be construed to mean that part of the earnings of any individual remaining after the deduction from those earnings of any amount required by law to be withheld.

§ 63.1-258. Civil liability upon failure to comply with order or lien. — Should any person, firm, corporation, association, political subdivision or department of the State fail to make answer to an order to withhold and deliver within the time prescribed herein, or fail or refuse to deliver property pursuant to said order, or after actual notice of filing of a child support lien, pay over, release, sell, transfer, or convey real or personal property subject to a child support lien to or for the benefit of the debtor or any other person, or fail or refuse to surrender upon demand property distrained under § 63.1-261 or fail or refuse to honor an assignment of wages presented by the Director, such person, firm, corporation, association, political subdivision or department of the State shall be liable to the Department in an amount equal to one hundred per centum of the value of the debt which is the basis of the lien, order to withhold and deliver, distraint, or assignment of wages, together with costs, interest, and reasonable attorney fees.

§ 63.1-259. Release of excess to debtor. — Whenever any person, firm, corporation, association, political subdivision or department of the State has in its possession earnings, deposits, accounts, or balances in excess of the amount of the debt claimed by the Department plus one hundred dollars, such person, firm, corporation, association, political subdivision or department of the State may, without liability under this act, release such excess to the debtor.

§ 63.1-260. Banks, savings and loan associations, service effective only as to branch office served. — In the case of a bank, bank association, mutual savings bank, or savings and loan association maintaining branch offices, service of a lien or order to withhold and deliver or any other notice or document authorized by this chapter shall only be effective as to the accounts, credits, or other personal property of the debtor in the particular branch upon which service is made.

§ 63.1-261. Distraint, seizure and sale of property subject to liens. — Whenever a child support lien has been filed pursuant to § 63.1-254 the Director may collect the child support debt stated in such lien by distraint, seizure and sale of the property subject to such lien. The Director shall give notice to the debtor and any person known to have or claim an interest therein of the general description of the property to be sold and the time and place of sale of such property. Such notice shall be given to such persons by certified mail, return receipt requested. A notice specifying the property to be sold shall be posted in at least two public places in the jurisdiction wherein the distraint has been made. The time of sale shall not be less than ten nor more than twenty days from the date of posting of such notices. Such sale shall be conducted by the Director, who shall proceed to sell such property by parcel or by lot at a public auction, and who may set a minimum reasonable price to include the expenses of making a levy and of advertising the sale, and if the amount bid for such property at the sale is not equal to the price so fixed, the Director may declare such property to be purchased by the Department for

such price, or may conduct another sale of such property pursuant to the provisions of this section. In the event of sale, the debtor's account shall be credited with the amount for which the property has been sold. Property acquired by the Department as herein prescribed may be sold by the Director at public or private sale, and the amount realized shall be placed in the State general fund to the credit of the State Department of Welfare and Institutions. In all cases of sale, as aforesaid, the Director shall issue a bill of sale or a deed to the purchaser and such bill of sale or deed shall be prima facie evidence of the right of the Director to make such sale and conclusive evidence of the regularity of his proceeding in making the sale and shall transfer to the purchaser all right, title, and interest of the debtor in such property. The proceeds of any such sale, except in those cases wherein the property has been acquired by the Department, shall be first applied by the Director to reimbursement of the costs of distraint and the sale, and thereafter in satisfaction of the delinquent account. Any excess which shall thereafter remain in the hands of the Director shall be refunded to the debtor. Sums so refundable to a debtor may be subject to seizure or distraint by any taxing authority of the State or its political subdivisions or by the Director for new sums due and owing subsequent to the subject proceeding. Except as specifically provided in this chapter, there shall be exempt from attachment, distraint, seizure, execution and sale under this chapter such property as is exempt therefrom under the laws of this State.

§ 63.1-262. Action for foreclosure or child support lien; satisfaction. — Whenever a child support lien has been filed, an action in foreclosure of lien upon real or personal property may be brought in the circuit court of the jurisdiction wherein such real or personal property is or was located and the lien was filed. Judgment if rendered in favor of the Department shall be for the amount due, with costs, and the court shall allow, as part of the costs, the moneys paid for making and filing the claim of lien, and a reasonable attorney's fee. The court shall order any property upon which any lien provided for by this chapter is established, to be sold by the sheriff of the proper jurisdiction to satisfy the lien and costs. The payment of the lien debt, costs and reasonable attorney fees, at any time before sale, shall satisfy the judgment of foreclosure. Where the net proceeds of sale upon application to the debt claimed do not satisfy the debt in full, the Department shall have judgment over any deficiency remaining unsatisfied and further levy upon other property of the judgment debtor may be made under the same execution. In all sales contemplated under this section, advertising of notice shall only be necessary for two weeks in a newspaper published in the jurisdiction where such property is located, and if there be no newspaper therein, then in the most convenient newspaper having a circulation in such jurisdiction. Remedies provided for herein are alternatives to remedies provided for in other sections of this chapter and Chapter 14.

§ 63.1-263. Satisfaction of lien after foreclosure proceedings instituted; redemption. — Any person owning real property, or any interest in real property, against which a child support lien has been filed and foreclosure instituted, shall have the right to pay the amount due, together with expenses of the proceedings and reasonable attorney fee to the Director and upon such payment the Director shall restore said property to him and all further proceedings in the such foreclosure action shall cease. Such person shall also have the right within two hundred forty days after sale of property foreclosed under § 63.1-262 to redeem said property by making payment to the purchaser in the amount paid by the purchaser plus interest thereon at the rate of six per centum per annum.

§ 63.1-264. Director may set debt payment schedule. — The Director may at any time consistent with the income, earning capacity and resources of

the debtor, set or reset a level and schedule of payments to be paid upon the debt.

§ 63.1-265. Director may release lien or order or return seized property. — The Director may at any time release a child support lien, or order to withhold and deliver, on all or part of the property of the debtor, or return seized property without liability, if assurance of payment is deemed adequate by the Director, or if such action will facilitate the collection of the debt, but such release or return shall not operate to prevent future action to collect from the same or other property.

§ 63.1-266. Director may make demand; file and serve liens, when payments appear in jeopardy. — If the Director finds that the collection of any child support debt based upon subrogation to or assignment of the amount of support ordered by any court order or final decree of divorce is in jeopardy, he may make demand under § 63.1-252 for immediate payment of the child support debt, and upon failure or refusal immediately to pay such child support debt, he may file and serve liens pursuant to §§ 63.1-254 and 63.1-255, without regard to the twenty day period provided for in § 63.1-252; provided, however, that no further action under §§ 63.1-256, 63.1-261 and 63.1-262 may be taken until the notice requirements of § 63.1-252 are met.

§ 63.1-267. Interests on debts due; waiver. — Interest of six per centum per annum on any child support debt due and owing to the Department under § 63.1-251 may be collected by the Director. No provision of this statute shall be construed to require the Director to maintain interest balance due accounts and such interest may be waived by the Director, if such waiver would facilitate the collection of the debt.

§ 63.1-268. Judicial relief; limitations. — Any person against whose property a child support lien has been filed pursuant to this chapter may apply for relief to the circuit court of the jurisdiction wherein the property is located on the basis that no child support debt is due and owing; provided, however, that judicial relief shall not be granted until after a hearing has been requested pursuant to § 63.1-253. It is the intent of this chapter that jurisdictional and constitutional issues, if any, shall be subject to review, but that administrative remedies be exhausted prior to judicial review.

§ 63.1-269. Unidentifiable moneys held in special account. — All moneys collected in fees, costs, attorney fees, interest payments, or other funds received by the Director which are unidentifiable as to the child support account against which they should be credited, shall be held in a special fund from which the Director may make disbursement for any costs or expenses incurred in the administration or enforcement of the provisions of this chapter.

§ 63.1-270. Charging off child support debts as uncollectible. — Any child support debt due the Department from a responsible parent which the Director deems uncollectible may be transferred from accounts receivable to a suspense account and cease to be accounted as an asset; provided, however, that at any time after six years from the date a child support debt was incurred, the Director may charge off as uncollectible any child support debt upon which the Director finds there is no available, practical, or lawful means by which such debt may be collected; provided further, that no proceedings or action under the provisions of this chapter may be begun after expiration of such six year period to institute collection of a child support debt. Nothing herein shall be construed to render invalid or nonactionable a child support lien filed prior to the expiration of such six year period.

§ 63.1-271. Employee debtor rights protected; limitation. — No employer shall discharge an employee for reason that a child support lien or order to withhold and deliver has been served against such employee's earnings;

provided, that this provision shall not apply if more than three child support liens are served upon the same employer and directed to the same employee within any period of twelve consecutive months.

§ 63.1-272. Assignment of earnings to be honored. — Any person, firm, corporation, association, political subdivision or department of the State employing a person owing a child support debt or obligation, shall honor, according to its terms; a duly executed assignment of earnings presented by the Director as a plan to satisfy or retire a child support debt or obligation. This requirement to honor the assignment of earnings and the assignment of earnings itself shall be applicable whether such earnings are to be paid presently or in the future and shall continue in force and effect until released in writing by the Director. Payment of moneys pursuant to an assignment of earnings presented by the Director shall serve as full acquittance under any contract of employment, and the State warrants and represents that it shall defend and hold harmless such action taken pursuant to such assignment of earnings. The Director shall be released from liability for improper receipt of moneys under an assignment of earnings upon return of any moneys so received.

§ 63.1-273. Receipt of public assistance for a child as assignment of right in child support obligation; Director as attorney for endorsing drafts. — By accepting public assistance for or on behalf of a child or children, the recipient shall be deemed to have made an assignment to the Department of any and all right, title, and interest in any child support obligation owed to or for such child or children up to the amount of public assistance money paid for or on behalf of such child or children for such term of time as such public assistance moneys are paid. The recipient shall also be deemed, without the necessity of signing any document, to have appointed the Director as his or her true and lawful attorney in fact to act in his or her name, place, and stead to perform the specific act of endorsing any and all drafts, checks, money orders or other negotiable instruments representing child support payments which are received on behalf of such child or children as reimbursement for the public assistance moneys previously paid to such recipient.

§ 63.1-274. Severability. — The several provisions of this chapter are hereby declared to be separate and severable and if any clause, sentence, paragraph, subdivision, section or part thereof shall for any reason be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other clause, sentence, paragraph, subdivision or section.

Chapter 14.

Child Support — Investigation and Enforcement — Alternative Method

§ 63.1-275. Purpose. — It is the responsibility of the Commonwealth of Virginia through the State Department of Welfare and Institutions to conserve the expenditure of public assistance funds, whenever possible, in order that such funds shall not be expended if there are private funds available or which can be made available by judicial process or otherwise to partially or completely meet the financial needs of care for the children of this Commonwealth. The purpose of this chapter is to provide a more effective and efficient method to affect the support of dependent children by the person or persons who, under the law, are primarily responsible for such support and to lighten the heavy burden of the taxpayer who in many instances is paying toward the support of dependent children while persons who should be held responsible are avoiding their responsibilities.

§ 63.1-276. Payment of public assistance for child constitutes debt to Department by natural parents or adoptive parents or stepparents; limitations;

Department subrogated to rights. — Any payment of public assistance money made to or for the benefit of any dependent child or children creates a debt due and owing to the Department by the natural parent or adoptive parent or stepparents or parents who are responsible for support of such children in an amount equal to the amount of public assistance money so paid; provided, however, that where there has been a court order or final decree of divorce, the debt shall be limited to the amount of such court order or decree. The Department shall have the right to petition the appropriate court for modification of a court order on the same grounds as either party to such cause.

The Department shall be subrogated to the right of such child or children or person having the care, custody, and control of such child or children to prosecute or maintain any support action or execute any administrative remedy existing under the laws of the Commonwealth of Virginia to obtain reimbursement of moneys thus expended. If a court order or final decree of divorce enters judgment for an amount of support to be paid by an obligor parent, the Department shall be subrogated to the debt created by such order, and said money judgment shall be deemed to be in favor of the Department.

Debt under this section shall not be incurred by nor at any time be collected from a parent or other person who is the recipient of public assistance moneys for the benefit of minor dependent children for the period such person or persons are in such status.

§ 63.1-277. Duties of department to enforce child support. — Whenever a local welfare department receives an application for public assistance on behalf of a child or children and it shall appear to the satisfaction of the local welfare department that the child has been abandoned by the other parent or that the parent or foster parent or other person who has a responsibility for the care, support, or maintenance of such child has failed or neglected to give proper care or support to such child, the local welfare department shall take appropriate action under the provisions of this chapter, the abandonment or nonsupport statutes or other appropriate statutes of this State to insure that such parent or other person responsible shall pay for the care, support, or maintenance of such dependent child.

§ 63.1-278. Cooperation by person having custody of child; penalty. — Any person having the care, custody or control of any dependent child or children who shall fail or refuse to cooperate with any local department of public welfare, any Commonwealth's attorney in the course of administration of provisions of this chapter shall be guilty of a misdemeanor.

§ 63.1-279. Payment of support moneys collected to State Department of Welfare and Institutions. — Whenever, as a result of any action brought pursuant to this chapter, support money is paid by the person or persons responsible for support, such payment shall be paid to the State Department of Welfare and Institutions to be distributed for support of dependent children. The Department shall make monthly reviews of nonsupport cases. It shall be the Department's obligation to notify the person responsible for support when such person is in arrears of payment. The person in arrears shall have no more than five days after the Department's notification to pay the arrears.

§ 63.1-280. Department may disclose information to Internal Revenue Department. — Upon approval of the Department of Health, Education and Welfare of the federal government, the State Department of Welfare and Institutions may disclose to and keep the Internal Revenue Department of the Treasury of the United States advised of the names of all persons who are under legal obligation to support any dependent child or dependent children and who are not doing so, to the end that the Internal Revenue Department may have available to it the names of such persons for review in connection

with income tax returns and claims of dependencies made by persons filing income tax returns.

§ 63.1-281. Powers of Department through the Commonwealth's attorney. — In order to carry out its responsibilities imposed under this chapter, the State Department of Welfare and Institutions, through the Commonwealth's attorney, is hereby authorized to:

(1) Represent a dependent child or dependent children on whose behalf public assistance is being provided in obtaining any support order necessary to provide for his or their needs or to enforce any such order previously entered.

(2) Appear as a friend of the court in divorce and separate maintenance suits, or proceedings supplemental thereto, when either or both of the parties thereto are receiving public assistance, for the purpose of advising the court as to the financial interest of the Commonwealth of Virginia therein.

(3) Appear on behalf of the mother of a dependent child or children on whose behalf public assistance is being provided, when so requested by her, for the purpose of assisting her in securing a modification of a divorce or separate maintenance decree wherein no support, or inadequate support was given for such child or children; provided, however, that the Commonwealth's attorney shall be authorized to so appear only where it appears to the satisfaction of the court that the mother is without funds to employ private counsel. If the mother does not request such assistance, or refuses it when offered, the Commonwealth's attorney may nevertheless appear as a friend of the court at any supplemental proceeding, and may advise the court of such facts as will show the financial interest of the Commonwealth of Virginia therein; but the Commonwealth's attorney shall not otherwise participate in the proceeding.

(4) If public assistance has been applied for or granted on behalf of a child of parents who are divorced or legally separated, the Commonwealth's attorney may apply to the court in such action for an order directing either parent or both to show cause:

(a) Why an order of support for the child should not be entered, or

(b) Why the amount of support previously ordered should not be increased, or

(c) Why the parent should not be held in contempt for his failure to comply with any order of support previously entered.

(5) Initiate any civil proceedings deemed necessary by the State Department of Welfare and Institutions or the local department of welfare to secure reimbursement from the parent or parents of minor dependent children for all moneys expended by the State in providing assistance or services to such children.

§ 63.1-282. Petition for support order by married woman with minor or legally adopted children who are receiving public assistance. — Any married woman with minor or legally adopted children who are receiving public assistance may apply to the juvenile and domestic relations district court of the jurisdiction in which she resides or in which her husband may be found for an order upon her husband, if he is the natural or adoptive father or stepfather of such children, to provide for her support and the support of her minor children by filing in such jurisdiction a petition setting forth the facts and circumstances upon which she relies for such order. If it appears to the satisfaction of the court that such woman is without funds to employ counsel, the State Department of Welfare and Institutions through the Commonwealth's attorney may file such petition on her behalf. If satisfied that a just cause exists, the court shall direct that a summons be issued to the

husband requiring him to appear at a time set by the court to show cause why an order of support should not be entered in the matter.

§ 63.1-283. Order; — powers of court. — (1) After the hearing of the petition for an order of support the court shall make an order granting or denying it and fixing, if allowed, the terms and amount of the support.

(2) The court has the same power to compel the attendance of witnesses and the production of testimony as in actions and suits, to make such decree or orders as are equitable in view of the circumstances of both parties and to punish violations thereof as other contempt violations are punished.

§ 63.1-284. Waiver of filing fees. — The court may, upon satisfactory showing that the petitioner is without funds to pay the filing fee, order that the petition and other papers be filed without payment of the fee.

§ 63.1-285. Financial statements by parent whose absence is basis of application for public assistance. — Any parent in the State whose absence is the basis upon which an application is filed for public assistance on behalf of a child shall be required to complete a statement, under oath, of his current monthly income, his total income over the past twelve months, the number of dependents for whom he is providing support, the amount he is contributing regularly toward the support of all children for whom application for such assistance is made, his current monthly living expenses and such other information as is pertinent to determining his ability to support his children. Such statement shall be provided upon demand made by the State Department of Welfare and Institutions or Commonwealth's attorney, and if assistance based upon such application is granted on behalf of such child, additional statements shall be filed annually thereafter with the State Department of Welfare and Institutions until such time as the child is no longer receiving such assistance. Failure to comply with this section shall constitute a misdemeanor.

§ 63.1-286. Scale of suggested minimum contributions. — The State Department of Welfare and Institutions shall establish a scale of suggested minimum contributions to assist localities and courts in determining the amount that a parent should be expected to contribute toward the support of his child under this chapter. The scale shall include consideration of gross income, shall authorize an expense deduction for determining net income, shall designate other available resources to be considered, and shall specify the circumstances which should be considered in reducing such contributions on the basis of hardship. The State Department of Welfare and Institutions shall accept and compile any pertinent and reliable information from any available source in order to establish such minimum scale of suggested contributions, and copies of the scale shall be made available to courts, local offices of public welfare, Commonwealth's attorneys and, upon request, to any other state agency or officer thereof engaged in the administration or enforcement of child support laws in any manner and attorneys admitted to practice in the Commonwealth of Virginia.

It is intended that the use of the scale formulated pursuant to this section be optional, and that no locality, court, officer or agency be required to use said scale unless they so desire.

§ 63.1-287. Central unit for information and administration; cooperation enjoined; availability of records. — The State Department of Welfare and Institutions is authorized and directed to establish a central unit to serve as a registry for the receipt of information, for answering interstate inquiries concerning deserting parents, to coordinate and supervise departmental activities in relation to deserting parents and to assure effective cooperation with law enforcement agencies.

The central unit within the Department shall have as its primary functions:

(1) Investigation of individual aid to dependent children cases as to the potential for the provision of child support by an absent parent or legal custodian.

(2) Location of absent parents or legal custodians.

(3) Assessment and acquisition of voluntary support, where possible.

(4) Authority to enforce child support through administrative action.

(5) Preparation of individual cases for court action existing under all laws of the Commonwealth by the Commonwealth's attorney.

(6) Ensure on a consistent basis that child support continues in all cases in which support is agreed upon voluntarily or ordered by the court.

To effectuate the purposes of this section, the Director may request from State, county and local agencies all information and assistance as authorized by this chapter. All State, county and city agencies, officers and employees shall cooperate in the location of parents who have abandoned or deserted, or are failing to support, children receiving public assistance and shall on request supply the State Department of Welfare and Institutions with all information on hand relative to the location, income and property of such parents, notwithstanding any provision of law making such information confidential.

Any records established pursuant to the provisions of this section shall be available only to the Attorney General, prosecuting attorneys, and courts having jurisdiction in support and/or abandonment proceedings or actions, or agencies in other states engaged in the enforcement of support of minor children.

§ 63.1-288. Department exempt from fees. — No filing or recording fees, court fees, or fees for service of process shall be required from the State Department of Welfare and Institutions by any clerk, auditor, sheriff or other local officer for the filing of any actions or documents authorized by this chapter, or for the service of any summons or other process in any action or proceeding authorized by this chapter.

§ 63.1-289. Severability. — The several provisions of this chapter are hereby declared to be separate and severable and if any clause, sentence, paragraph, subdivision, section or part thereof shall for any reason be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other clause, sentence, paragraph, subdivision or section.

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APPENDIX II — A LEGISLATIVE BILL TO PROVIDE APPROPRIATE
AMENDMENTS AND ADDITIONS TO EXISTING
CHILD SUPPORT STATUTES

A B I L L to amend and reenact §§ 16.1-208, 20-61, 20-63, 20-64, 20-65, 20-66, 20-67, 20-68, 20-69, 20-70, 20-71, 20-71.1, 20-72, 20-77, 20-78, 20-79, 20-80, 20-81, 20-83.1, 20-84, 20-87, 20-88, 20-88.13, 20-88.20:2, 20-88.31 and 63.1-90.1, as severally amended, of the Code of Virginia; and to repeal § 20-76 of the Code of Virginia, the amended and repealed sections relating to powers, duties and functions of probation officers; desertion and nonsupport; penalties for violations; Uniform Reciprocal Enforcement of Support Act; and the obligation of a man to support certain children living in same home.

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-208, 20-61, 20-63, 20-64, 20-65, 20-66, 20-67, 20-68, 20-69, 20-70, 20-71, 20-71.1, 20-72, 20-77, 20-78, 20-79, 20-80, 20-81, 20-83.1, 20-84, 20-87, 20-88, 20-88.13, 20-88.20:2, 20-88.31 and 63.1-90.1 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-208. Powers, duties and functions of probation officers. — In addition to any other powers and duties imposed on them by this law, probation officers appointed hereunder shall:

(1) Investigate all cases referred to him by the judge or any person designated so to do, and shall render reports of such investigation as required;

(2) Supervise such persons as are placed under his supervision and shall keep informed concerning the conduct and condition of every person under his supervision by visiting, requiring reports and in other ways, and shall report thereon as required;

(3) Under the general supervision of the chief probation officer investigate complaints and accept for informal supervision cases wherein such handling would best serve the interests of all concerned;

(4) Use all suitable methods not inconsistent with conditions imposed by the court to aid and encourage persons on probation and to bring about improvement in their conduct and condition;

(5) Furnish to each person placed on probation a written statement of the conditions of his probation and instruct him regarding the same;

(6) Keep records of his work and perform such other duties as the judge or other person designated by him or the Director shall require; *and*

(7) Have the authority of a police officer.

~~The chief judge of the juvenile and domestic relations district court may, in his discretion, provide that support payments be made to and disbursed by the chief probation officer, or someone designated by such officer in writing, and in either case when bonded as provided by § 16.1-16, who shall in that event keep the accounts relating to such support payments.~~

§ 20-61. Desertion or nonsupport of wife, husband or children in necessitous circumstances. — Any husband who without cause deserts or willfully neglects or refuses or fails to provide for the support and maintenance of his wife, or any wife who without cause deserts or willfully neglects or refuses or fails to provide for the support and maintenance of her husband who is incapacitated due to age or other infirmity, and any parent who deserts or willfully neglects or refuses or fails to provide for the support and maintenance of his or her child under the age of eighteen years, or child of whatever age who is crippled or otherwise incapacitated for earning a living, the wife, husband, child or children being then and there in necessitous circumstances, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not

exceeding five hundred dollars, or confinement in jail not exceeding twelve months, or both, or in the case of a husband or father by confinement ~~on the State convict road force at hard labor in the Bureau of Correctional Field Units~~ or on work release employment as provided in § 53-166.1, for a period of not less than ninety days nor more than twelve months *or in the case of a wife or mother in a State correctional institution for women for a period of not less than ninety days nor more than twelve months*; or in lieu of the fine or confinement being imposed upon conviction by the court or by verdict of a jury he or she may be required by the court to suffer a forfeiture of an amount not exceeding the sum of one thousand dollars and the fine or forfeiture may be directed by the court to be paid in whole or in part to the *wife or husband* or to the guardian, curator, custodian or trustee of the minor child or children, or to some discreet person or responsible organization designated by the court to receive it. This section shall not apply to any parent of any child of whatever age, if the child qualifies for and is receiving aid under a federal or State program for aid to the permanently and totally disabled; or is an adult and meets the visual requirements for aid to the blind; and for this purpose any State agency shall use only the financial resources of the child of whatever age in determining eligibility.

§ 20-63. Support payments by county, city or State. — (a) It shall be the duty of the governing body of the county or city within the boundaries of which any work is performed under the provisions of this chapter to allow and order payment at the end of each calendar month, out of the current funds of the county or city, to the court which originally sentenced the prisoner for the support of his ~~wife or her spouse~~ or child or children, a sum not less than five nor more than twenty-five dollars for each week in the discretion of the court during any part of which any work is so performed by such prisoner.

(b) If the prisoner be sentenced to the ~~State convict road force Bureau of Correctional field units or a State correctional institution for women~~ the sum or sums provided for in paragraph (a) shall be paid by the State Treasurer out of the funds appropriated for the payment of criminal costs, and such payments shall begin when such prisoner is admitted to ~~the State convict road force such institution~~ ; provided, however, if the person or persons on whose behalf the sums specified in this paragraph are to be paid has been, or should thereafter be, found eligible for public assistance under any provision of Title 63 of this Code, no such payment shall be made for any month in which the person or persons in whose behalf it was ordered received a public assistance payment or payments. Notwithstanding any other provision of law to the contrary, in determining the amount of assistance to which any person provided for in this paragraph shall be entitled, there shall be excluded from consideration any sums payable under this paragraph.

§ 20-64. Proceedings instituted by petition. — Proceedings under this chapter may be instituted upon petition, verified by oath or affirmation, filed by the ~~wife spouse~~ or child or by any probation officer or by any State or local law enforcement officer or by any State or local public welfare officer upon information received, or by any other person having knowledge of the facts, and the petition shall set forth the facts and circumstances of the case.

§ 20-65. Investigation and report of probation officer or other designated person; dismissal or summons; hearing. — Upon the filing of such petition the court or the judge in vacation may cause an investigation of the case to be made by a probation officer or other person designated for that purpose who shall report thereon to the court and the court, after considering the report and hearing the complaint, may in its discretion dismiss the petition or cause the ~~husband or father spouse or parent~~, as the case may be, to be brought before it by summons or warrant issued by the court, and thereupon it shall proceed to hear and determine the case on its merits. If no such investigation be ordered

the court shall forthwith issue its summons or warrant against the ~~husband or father~~ *spouse or parent* and upon its execution proceed as above provided.

§ 20-66. Contempt proceedings; trial in absence of defendant. — (a) If the person so summoned fails without reasonable cause to appear as herein required, he *or she* may be proceeded against as for contempt of court and the court may, (1) proceed with the trial of the case in his *or her* absence and render such judgment as to it seems right and proper, or (2) continue the case to some future date; *provided, however, that no person shall be sentenced to confinement in his or her absence without representation by either privately retained or court appointed counsel.*

(b) If the trial be proceeded with in the absence of the defendant and judgment of conviction be entered against him *or her*, he *or she* may, within thirty days after the judgment of conviction is rendered, make application to the court to have the case reopened, and after due notice to the original complainant, for good cause, the court may reopen the case and enter such judgment or order as is right and proper.

§ 20-67. Jurisdiction. — Proceedings under this chapter shall be had in the ~~circuit court of the counties and before the police justice or corporation court of the cities~~; *provided that in cities and counties having them, the juvenile and domestic relations district courts, which shall have exclusive original jurisdiction in all cases arising under this chapter, except that any grand jury of any such corporation circuit court may indict for desertion and nonsupport in any case wherein the defendant is a fugitive from the State, and any defendant so indicted or presented and apprehended may be tried by the court in which the indictment or presentment is found or, in the discretion of the court, referred to the juvenile and domestic relations district court in those jurisdictions having juvenile and domestic relations courts.*

§ 20-68. Appeal. — The person accused shall have the same right of appeal as provided by law in other similar cases; *provided that any order of court requiring support of wife a spouse or children shall remain in full force and effect until reversed or modified by judgment of a superior court, and in the interim the order shall be enforceable by the court entering it and the court may punish for violation of the order as for contempt. After the judgment of conviction and entry of order of support from which no appeal is taken the hearing in the appellate court on an appeal from any subsequent order, modification or amendment shall be restricted to the particular matter or order appealed from.*

§ 20-69. Fees of officers. — The ~~justice and the ministerial~~ officers acting under this chapter shall be entitled to the same fees as are now or hereafter allowed in misdemeanor cases.

§ 20-70. No warrant of arrest to issue; duty of officer to bring suspected person before court. — (a) Except as otherwise in this chapter provided, no warrant of arrest shall be issued by a ~~justice of the peace~~ *magistrate* against any person within the terms of this chapter, but all proceedings shall be instituted upon petition as aforesaid, *provided that upon affidavit of the wife spouse or other person that there is reasonable cause to believe that the husband spouse or father parent is about to leave the jurisdiction of the court with intent to desert the wife spouse, child or children the court or any justice of the peace magistrate of the city or county may issue his warrant for him returnable before the court.*

(b) ~~It shall be the duty of the chief of police, sheriff and every probation officer in any city, town or county of this State, when in his opinion any person in his jurisdiction is guilty of failure to support his family, to bring such person before the court.~~

§ 20-71. Temporary orders for support. — At any time before the trial, upon motion of the complainant, with notice to the defendant, the court may enter such temporary order as seems just, providing for the support of the neglected ~~wife spouse~~ or children, or both, pendente lite, and may punish for violation of the order as for contempt.

§ 20-71.1. Attorneys' fees in proceedings under section 20-71. — In any proceeding by a ~~wife spouse~~ under § 20-71 before the ~~special justice~~, the juvenile and domestic relations *district* court or on appeal before a court of record, petitioning to be allowed support for *himself or herself* or the infant child or children of the ~~husband defendant~~, the ~~justice or~~ juvenile and domestic relations *district* court may direct the ~~husband defendant~~, in addition to the allowance to the ~~wife spouse~~ and support and maintenance for the infant children, to pay to the ~~wife's spouse's~~ attorney, upon such terms and conditions and in such time as the ~~justice or~~ court shall deem reasonable, an attorney's fee deemed reasonable by the court for such services as said attorney before said court. Upon appeal of the matter to a court of record, the judge of the court of record may direct that the ~~husband defendant~~, in addition to the fees allowed to the ~~wife's spouse's~~ attorney by the ~~justice or~~ juvenile and domestic relations *district* court, pay to the ~~wife's spouse's~~ attorney at such time and upon such terms and conditions as the judge deems reasonable, an attorney's fee deemed reasonable by the court for such services of said attorney before said court of record, but in fixing said fee such court shall take into consideration the fee or fees directed to be paid by the court from which said appeal was taken.

§ 20-72. Probation on order directing defendant to pay and enter recognizance. — Before the trial, with the consent of the defendant, or at the trial on entry of a plea of guilty, or after conviction, instead of imposing the penalties hereinbefore provided, or in addition thereto, the judge ~~or justice~~, in his discretion, having regard to the circumstances of the case and to the financial ability or earning capacity of the defendant, shall have the power to make an order, directing the defendant to pay a certain sum or a certain percentage of his *or her* earnings periodically, either directly or through the court to the ~~wife spouse~~ or to the guardian, curator or custodian of such minor child or children, or to an organization or individual designated by the court as trustee, and to suspend sentence and release the defendant from custody on probation, upon his or her entering into a recognizance with or without surety, in such sum as the court may order and approve.

§ 20-77. When authority to suspend sentence may be exercised; deduction of certain time from sentence. — The authority of the court to suspend sentences under §§ 20-72 to 20-79 may be exercised at any time after conviction and before the completion of the sentence, and as often as the court may deem advisable and to the best interests of the parties, provided that such period or periods of time as may be actually served by the defendant, ~~either on the roads or while in jail awaiting transfer to the roads~~, shall be allowed against and deducted from the original sentence.

§ 20-78. Continuance of failure to support after completion of sentence. — Any person sentenced under §§ 20-72 to 20-79 who, after the completion of such sentence, shall continue in his *or her* failure, without just cause, adequately to support his ~~wife or her spouse~~ or children, as the case may be, may again be sentenced *on the original petition*, as for a new offense, in the same manner and under like conditions as herein provided, and so on from time to time, as often as such failure or failures shall occur.

§ 20-79. Effect of divorce proceedings.—(a) In any case where an order has been entered under the provisions of this chapter, directing a ~~husband defendant~~ to pay any sum or sums of money for the support of his ~~wife or her spouse~~, or concerning the care, custody or maintenance of any child, or

children, the jurisdiction of the court which entered such order shall cease and its orders become inoperative upon the entry of a decree by the court or the judge thereof in vacation in a suit for divorce instituted in any court of record in this State having jurisdiction thereof, in which decree provision is made for alimony or support money for the ~~wife~~ *spouse* or concerning the care, custody or maintenance of a child or children, or concerning any matter provided in a decree in the divorce proceedings in accordance with the provisions of § 20-103.

(b) In any suit for divorce the court in which same is instituted or pending, when either party to the proceedings so requests, shall provide in its decree for the maintenance, support, care or custody of the child or children, alimony if the same be sought, and counsel fees and other costs, if in the judgment of the court any or all of the foregoing should be so decreed.

(c) Provided, that in any suit for divorce or suit for maintenance and support the court ~~may shall~~ in any decree of divorce a mensa et thoro, decree of divorce a vinculo matrimonii, final decree for maintenance and support, or subsequent decree in such suit, transfer to the juvenile and domestic relations ~~district court, or other appropriate court,~~ all matters pertaining to alimony, maintenance, support, care and custody of the child or children ~~for the enforcement of such decrees, or for the modification or revision thereof as the circumstances may require. All proceedings in such juvenile and domestic relations court shall be in conformity with the provisions of chapter 5 (§ 20-61 et seq.) of Title 20 of this Code, and to the same extent as if the proceedings had originated in such court.~~

§ 20-80. Violation of orders; trial; forfeiture of recognizance. — If at any time the court may be satisfied by information and due proof that the defendant has violated the terms of such order, it may forthwith proceed with the trial of the defendant under the original charge, or sentence him or her, under the original conviction, or annual suspension of sentence, and enforce such sentence, or in its discretion may extend or renew the term of probation as the case may be. Upon due proof that the terms of such order have been violated, the court shall in any event have the power to declare the recognizance forfeited, the sum or sums thereon to be paid, in the discretion of the court, in whole or in part to the defendant's ~~wife~~ *spouse*, or to the guardian, curator, custodian or trustee of the minor child or children, or to an organization or individual designated by the court to receive the same.

§ 20-81. Presumptions as to desertion and abandonment. — Proof of desertion or of neglect of ~~wife~~ *spouse*, child or children by any person shall be prima facie evidence that such desertion or neglect is willful; and proof that a person has left his ~~wife~~ *or her spouse*, or his or her child or children in destitute or necessitous circumstances, or has contributed nothing to their support for a period of thirty days prior or subsequent either or both to ~~his or her~~ departure, shall constitute prima facie evidence of an intention to abandon such family.

§ 20-83.1. Transfer of cases between courts in certain instances. — (a) In the event that a ~~wife~~ *spouse* or dependent child has left the jurisdiction of the court in which the original petition was filed, but is still within the State, and the accused is not within the jurisdiction embraced by such court, on motion of the ~~wife~~ *spouse* or child, ~~or accused~~ or the person having custody of such child, the court in which the original petition was filed may transfer the case to the court having original jurisdiction to hear such petitions in the county or city in this State in which the ~~wife~~ *spouse* or child ~~or accused~~ resides. The court to which such case has been transferred shall have power to enforce such orders and decrees as may have been made in the court transferring the case as though the petition had been originally filed therein, and to make such other orders and decrees as may be necessary to enforce the provisions of this chapter.

(b) In the event that an appeal is pending in a court of record in this State from the decision of any court having jurisdiction to hear such petitions, upon motion of the ~~wife~~ *spouse* or child, or the person having custody of the child, stating that such ~~wife~~ *spouse* or child no longer resides within the jurisdiction of such court of record, such court, upon reaching its decision, may transfer the case to the court having original jurisdiction to hear such petitions in the county or city in which the ~~wife~~ *spouse* or child resides in the same manner and to the same effect as provided in (a) hereof.

§ 20-84. Extradition. — Whenever the judge or ~~justice~~ *magistrate* within whose jurisdiction such offense is alleged to have been committed shall, after an investigation of the facts and circumstances thereof, certify that in his opinion the charge is well founded and the case a proper one for extradition, or in any case if the cost of extradition is borne by the parties interested in the case, the person charged with having left the State with the intention of evading the terms of his or her probation or of abandoning or deserting his ~~wife~~ *or her spouse*, or his or her child or children, or failing to support them, shall be apprehended and brought back to the county or city having jurisdiction of the case in accordance with the law providing for the apprehension and return to the State of fugitives from justice, and upon conviction punished as hereinabove provided.

§ 20-87. Arrest for violating directions, rules or regulations given by judge or justice. — Whenever the chief of police, sheriff or probation officer shall become satisfied that such person is violating the directions, rules or regulations given or prescribed by the judge ~~or justice~~, as the case may be, for his or her conduct, such chief of police, sheriff or probation officer shall have authority to arrest such person after a proper *capias* or warrant has been issued for such person and forthwith carry him before the court ~~or justice~~, before whom he or she was first brought, and such court ~~or justice~~ may thereupon proceed as hereinbefore provided.

§ 20-88. Support of parents by children. — It shall be the joint and several duty of all persons ~~seventeen~~ *eighteen* years of age or over, of sufficient earning capacity or income, after reasonably providing for his own immediate family, to provide or assist in providing for the support and maintenance of his or her mother or ~~aged or infirm~~ father, he or she being then and there in necessitous circumstances.

If there be more than one person bound to support the same parent or parents, the persons so bound to support shall jointly and severally share equitably in the discharge of such duty. Taking into consideration the needs of the parent or parents and the circumstances affecting the ability of each person to discharge the duty of support, the court having jurisdiction shall have the power to determine and order the payment, by such person or persons so bound to support, of that amount for support and maintenance which to the court may seem just. Where the court ascertains that any person has failed to render his proper share in such support and maintenance it may, upon the complaint of any party or on its own motion, compel contribution by that person to any person or authority which has theretofore contributed to the support or maintenance of the parent or parents. The court may from time to time revise the orders entered by it or by any other court having jurisdiction under the provisions of this section, in such manner as to it may seem just.

~~Where such courts have been or shall be established,~~ The juvenile and domestic relations *district* court shall have exclusive original jurisdiction in all cases arising under this section. ~~Where no such courts have been established,~~ jurisdiction for the enforcement of this section shall be vested in the corporation or *hustings* courts in cities and in the circuit courts of the counties. Any person aggrieved shall have the same right of appeal as is provided by law in other cases.

All proceedings under this section shall conform as nearly as possible to the proceedings under the other provisions of this chapter, and the other provisions of this chapter shall apply to cases arising under this section in like manner as though they were incorporated in this section. Prosecutions under this section shall be in the jurisdiction where the parent or parents reside.

This section shall not apply if there is substantial evidence of desertion, neglect, abuse or willful failure to support any such child by the father or mother, as the case may be, prior to the child's emancipation.

Any person violating the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars or imprisonment in jail for a period not exceeding twelve months, or both.

§ 20-88.13. Definitions. — As used in this chapter unless the context requires otherwise:

(1) "State" includes any state, territory or possession of the United States and the District of Columbia, the Commonwealth of Puerto Rico, and in any foreign jurisdiction in which this or a substantially similar reciprocal law is in effect.

(2) "Initiating state" means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced. "Initiating court" means the court in which a proceeding is commenced.

(3) "Responding state" means any state in which any responsive proceeding pursuant to the proceeding in the initiating state is commenced. "Responding court" means the court in which the responsive proceeding is commenced.

(4) "Court" means a juvenile and domestic relations *district* court of this State and when the context requires, means the court of any other state as defined in a substantially similar reciprocal law.

(5) "Law" includes both common and statute law.

(6) "Duty of support" includes any duty of support imposed or imposed by law, or by any court order, decree or judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, judicial legal separation, separate maintenance or otherwise and includes the duty to pay arrearages of support past due and unpaid.

(7) "Obligor" means any person owing a duty of support or against whom a proceeding for the enforcement of a duty of support or registration of a support order is commenced.

(8) "Obligee" means any person including a state or political subdivision to whom a duty of support is owed or any person including a state or political subdivision that has commenced a proceeding for enforcement of an alleged duty of support or for registration of a support order. It is immaterial if the person to whom a duty of support is owed is a recipient of public assistance.

(9) "Governor" includes any person performing the functions of Governor or the executive authority of any state covered by this chapter.

(10) "Prosecuting attorney" means the public official in the appropriate place who has the duty to enforce criminal laws relating to the failure to provide for the support of any person.

(11) "Register" means to file in the Registry of Foreign Support Orders.

(12) "Registering court" means any court of this State in which a support order of a rendering state is registered.

(13) "Rendering state" means any state in which the court has issued a support order for which registration is sought or granted in the court of another state.

(14) "Support order" means any judgment, decree, or order of support in favor of an obligee whether temporary or final, or subject to modification, revocation or remission, regardless of the kind of action or proceeding in which it is entered.

§ 20-88.20:2. Jurisdiction. — Jurisdiction of any proceedings under this chapter is vested in the juvenile and domestic relations *district* courts of this State.

§ 20-88.31. Short title of chapter. — This chapter may be designated and cited as the *Revised* Uniform Reciprocal Enforcement of Support Act.

§ 63.1-90.1. Obligation of man to support certain children living in same home. — (a) A man shall be responsible for the support and maintenance of any *child or* children living in the same home in which he and the natural or adoptive mother of such *child or* children cohabit or live as man and wife ~~if in the absence of such support and maintenance such children would require public assistance for their support and maintenance; provided, however, that, in the absence of actual support and maintenance by such man, such children shall be eligible for public assistance if they otherwise meet eligibility requirements therefor.~~

(b) A pregnancy or the birth of a child during the time a man occupies the status set out above shall not be required as proof of cohabitation.

(c) The obligations imposed herein shall continue so long as such person occupies the status herein described.

2. That § 20-76 of the Code of Virginia is repealed.

#

APPENDIX III — 1974-76 BIENNIUM BUDGET EXHIBIT FOR THE CHILD SUPPORT INVESTIGATION AND ENFORCEMENT UNIT

	1974-75	1975-76
Personal Services	\$ 1,388,316	\$ 1,453,704
Contractual Services	187,000	153,468
Supplies and Materials	25,444	17,749
Equipment Additional	152,022	-
Current Charges and Obligations	149,640	149,640
Subtotal	1,902,422	1,774,561
Less Adjustments	27,766	14,537
Total*	\$ 1,874,656	\$ 1,760,024

The Child Support Investigation and Enforcement Unit will provide the Department of Welfare and Institutions with adequate administrative and service capabilities to investigate nonsupport cases for AFDC clients and acquire appropriate amounts of support from absent parents. This unit will also provide the Department with a means of compliance with the 1967 Social Security Act, which requires all states to establish within state and local welfare agencies a single, identifiable unit having the sole responsibility of collecting child support.

The proposed budget for the 1974-76 biennium reflects this role and the financial needs of the unit so that all potential child support can be collected from absent parents of AFDC clients. The projections below are based upon staffing requirements suggested by the State of Washington with consideration given to appropriate features of Virginia's AFDC population and existing laws.

11 - PERSONAL SERVICE

A total of \$1,388,316 is requested for the first year of the biennium. This entire amount will be required for new positions to staff the Child Support Investigation and Enforcement Unit. For the second year of the biennium, 1975-76, \$1,453,704 is requested for the continuation of salaries and merit increases. Adjustments for turnovers and vacancies are estimated at two percent for the first year and one percent for the second year, or \$27,766 and \$14,537 respectively.

Funding is requested for the following new positions to adequately staff the central office and nine field offices during the 1974-76 biennium.

Central Office — One *Unit Chief* is necessary to assume the overall administrative responsibility for the Unit. Needed to administer the program from the central office are the following personnel: one *Legal Consultant*, one *Training Supervisor*, one *Research and Evaluation Supervisor*, one *Public Information Supervisor*, one *Auditor*, one *Policy Specialist*, two *Administrative Specialist* positions, and one *Accounts Supervisor*. Twenty-three positions are needed to provide the necessary fiscal and clerical supportive services in the central office. These include one *Accountant B* position, one *Clerk D* position,

* Under present Department of Health, Education, and Welfare guidelines, fifty percent of all child support collection expenses are reimbursed by the Federal government.

three *Clerk C* positions, nine *Clerk B* positions, one *Clerk-Stenographer D* position, two *Clerk-Stenographer B* positions, and 6 *Clerk-Typist C* positions. Thus, thirty-three positions are requested to adequately staff the central office.

Field Offices — Sixteen new positions are requested to perform the necessary services in each field office. With nine field offices established in the seven regions, and two additional positions necessary in the Richmond and Norfolk regions, 146 new positions are needed in all.

In each field office, there will be one *chief* to assume administrative responsibility for that office. To perform the functions of investigation and related enforcement activities, six *investigators* are needed. One *hearing officer* is also needed in each office. In addition, eight positions are needed to provide the necessary supportive services of a clerical and fiscal nature; they are one *Clerk-Stenographer C*, three *Clerk-Typist C* positions, one *Clerk D*, and three *Clerk B* positions.

12 — CONTRACTUAL SERVICES

The amounts requested are \$187,000 for the first year, and \$153,468 for the second year of the biennium.

1213 — Professional Services

For the first year of the biennium, \$17,000 is requested, and for the second year, \$8,500, for the purpose of defraying the cost of professional fees relating to the training necessary for unit staff. This training will consist of matters relating to orientation, organizational development, management techniques, policies and procedures, and specific skills development, and will be conducted with on-site sessions and existing Departmental trainers whenever possible.

1240 — Travel

For each year of the biennium, \$78,840 is requested. It is estimated that each local field investigator will average 1,200 miles per month travel in carrying out his or her investigatory and enforcement duties. In addition, each administrator in the central office will average 1,000 miles per month travel in providing leadership in his or her specialty area with the field offices. Also included for these administrators is a per diem of \$150 per month.

1241 — Convention and Education Travel

Fifty-eight thousand dollars is requested for the first year of the biennium, while \$31,000 is requested for the second year. The sums represent the necessary expenditures for travel and per diem for training institutes and seminars, conferences and meetings.

1260 — Communications

Telephone — \$27,360 is requested for the first year and \$28,728 is requested for the second year. These amounts reflect fifteen instruments in the central office and eleven in each field office, with a projected cost of \$20 per telephone per month in the first year. A five percent increase is indicated for the second year's expenses.

Postage — To defray the cost of postage for the central office and field offices, \$5,800 is requested for the first year and \$6,400 for the second year.

13 — SUPPLIES AND MATERIALS

The request of the first year of the biennium is \$25,444 and for the second year \$17,749.

1340 — Office Supplies

For the first year of the biennium, \$17,900 is requested, while \$13,425 is requested for the second year. These amounts are based upon \$100 per staff member for the first year and \$75 per staff member for the second year. These amounts will cover the costs of office supplies, supplies and materials for the Xerox machine.

1380 — Educational Supplies

For the first year of the biennium, \$6,444 is requested, and \$3,222 is requested for the second year. This will cover the cost of reprints, booklets, notebook paper, notebooks, pencils, etc. for staff development seminars and training sessions. This will average \$12 per person per session.

1399 — Other Supplies and Materials

Eleven hundred dollars is requested each year of the biennium to cover supplies which are not anticipated and not numerated above.

16 — EQUIPMENT ADDITIONAL

The amount of \$152,022 for the first year of the biennium is requested.

1610 — Office Equipment

The request for office equipment totals \$150,897. As all staff are requested for the first year of the biennium, these funds are also requested for the first year. This will provide necessary office equipment for the staff of the central office and the nine field offices.

97 Executive Desks at \$150	\$ 14,550
97 Executive Chairs at \$40	3,880
360 Arm Chairs at \$31	11,160
97 Bookcases at \$70	6,790
218 File Cabinets — Five Drawer at \$90	19,620
189 Costumers at \$15	2,835
189 Trash Cans at \$9	1,701
82 Secretarial Desks at \$165	13,530
82 Steno Chairs at \$38	3,116
56 Typewriters at \$525	29,400
23 Adding Machines at \$281	6,463
23 Calculators — Hand, Portable at \$234	5,382
10 Calculators at \$475	4,750
34 Dictating Machines at \$450	15,300
22 Transcribing Units at \$450	9,900
11 Tables — 6 foot at \$120	1,320
10 Tape Recorders and Cassettes at \$120	1,200
	<hr/>
	\$150,897

1670 — Educational Equipment

The amount of \$1,125 is requested for the first year of the biennium. This equipment will be utilized for orientation and staff development seminars.

1 Movie Projector at \$650	\$ 650
1 Projection Screen at \$75	75
1 Overhead Projector & Accessories at \$400	400
	<hr/>
	\$ 1,125

17 — CURRENT CHARGES AND OBLIGATIONS

The amount requested is \$149,640 for each year of the biennium.

1730 — Rent (Space)

For each year of the biennium \$128,880 is requested for office space. For the central office and nine field offices, the cost is projected for 149 staff members at \$6/square foot/year for 120 square feet/person.

1731 — Rent (Equipment)

The amount of \$20,760 is requested for each year of the biennium to pay for rental of the Xerox equipment in the central office and field offices. The central office would have a Xerox 2400 with feeder and sorter, while each field office would have a Xerox 3100. It is anticipated that the central office would process 12,000 copies per month, while each field office would process 3,000 copies per month.

APPENDIX IV — CHILD SUPPORT QUESTIONNAIRE-SOCIAL SERVICE BUREAUS (7 out of 7 responded)

1. Approximately how many AFDC and foster care cases were receiving child support payments from an absent parent during the past fiscal year?

Response: 1905 cases.

What percentage is the above number of total AFDC and foster care cases during that year?

Response: Total cases-13.5% (range from 2.9% to 25%) — Three responses separated AFDC and foster care cases. They indicated that child support payments were being received from 11% of AFDC cases and 28.6% of foster care cases.

2. For how many cases (AFDC and foster care) was there a potential for support but for one reason or another received no support?

Response: 5650 cases — Therefore, there were almost three times more child support cases for which no support was being received (5650 is 2.97 times 1905). If support had been received in these cases, 53.6% of all AFDC and foster care cases would have received support from an absent parent.

3. Rank the following from 1 to 6 in order of importance (1 being the most important) as reasons for which parental support of children was not pursued.

<i>a. inadequate number of staff</i>	<u>4 (tie)</u>
<i>b. refusal of court to take out a petition</i>	<u>4 (tie)</u>
<i>c. no follow-up by court</i>	<u>3</u>
<i>d. laws too lenient</i>	<u>2</u>
<i>e. inability to locate parent after exploration of usual sources</i>	<u>1</u>
<i>f. nonsupport warrant seldom served</i>	<u>6</u>
<i>g. lack of cooperation</i>	<u>8</u>
<i>h. laws difficult to enforce</i>	<u>9 (tie)</u>
<i>i. lack of agency structure</i>	<u>9 (tie)</u>
<i>j. no address, social security trace no help</i>	<u>7</u>

4. Estimate how many of your present cases in which support is agreed upon voluntarily or by court order are in arrears in their payments.

Response: The responses ranged from 7% to 100%.

Rank the following from 1 to 4 as reasons for the above:

<i>a. staff time</i>	<u>3</u>
<i>b. lack of follow-up from court</i>	<u>1</u>
<i>c. loss of contact with parent</i>	<u>2</u>
<i>d. parent out of work</i>	<u>4</u>
<i>e. laws too lenient</i>	<u>5</u>
<i>f. lack of communication</i>	<u>6</u>

5. What percentage of your total staff time (including social workers, eligibility workers, and clerical staffs) is expended on child support cases?

Response: The responses ranged from less than 5% to 25%.

APPENDIX V — CHILD SUPPORT QUESTIONNAIRE-JUVENILE
AND DOMESTIC RELATIONS DISTRICT COURTS
(6 out of 6 responded)

1. Estimate the number of child support petitions requested and the number of actual petitions taken out in the past fiscal year.

*Response: 3401 petitions requested
2384 petitions filed or 70.1%*

2. Approximately how many cases have you had the most recent fiscal year for which child support was actually awarded?

Response: 1605 cases or 47.2% of those petitions requested and 67.3% of those petitions filed.

3. In your court, are parents asked to support children for whom they no longer hold custody (such as children committed to the State Department of Welfare and Institutions and the local Department of Social Services for foster care placement)?

*Response: five — “yes”
one — “usually”*

If so, approximately what percentage of these parents provide any support?

Response: one — “approximately 5%”

one — “10%”

one — “65%”

one — “15-20%”

one — “75%”

4. Are support orders heard and made at the same time as custody hearings?

Response: three — “no”

one — “frequently”

one — “yes, in some cases”

one — “yes”

5. Can you give an estimate of the amount of support which is provided in comparison to that which is ordered?

Response: three — “60%”

one — “70%”

one — “2/3”

one — “75%”

6. In your court, must the address of the absent parent be known before a support petition can be filed?

Response: two — “yes”

one — “yes”, for petitions to be sent to other states or other localities in the state

one — “yes”, with the exception of welfare cases

one — “filed but not heard”

one — “no”

7. Are amounts of support awarded consistently or inconsistently, taking into consideration financial resources of the absent parent?

Response: three — “consistently”

one — “fairly consistent”

one — “inconsistently, as the ability to pay is considered”

one — “yes”

APPENDIX VI — COLLECTION OF CHILD SUPPORT IN THE
STATE OF WASHINGTON-GAO REPORT

The General Accounting Office (GAO) was asked by the Chairman of the House Committee on Ways and Means "to review the problem of absent parents who do not contribute to the support of their dependent children who are receiving assistance under the aid to families with dependent children (AFDC) program. GAO's review was made in Arkansas, Iowa, Pennsylvania, and Washington." Its report was submitted in March, 1972, and found that the program for enforcing child support in the State of Washington was achieving the greatest results.

Paternity was established for all but 6 percent of the sample cases in Washington, while paternity was not established for 8 percent of the sample cases in Pennsylvania, 48 percent in Arkansas, and 28 percent in Iowa. The remaining sample cases were analyzed in the following way:

	<i>Washington</i>	<i>Arkansas</i>	<i>Iowa</i>	<i>Pennsylvania</i>
<i>Parents located:</i>				
Making Support Payments	43	18	19	13
Delinquent in Payments	13	3	26	27
Not Paying	<u>25</u>	<u>18</u>	<u>21</u>	<u>24</u>
	81	39	66	64
<i>Parents identified but not located</i>				
	<u>19</u>	<u>61</u>	<u>34</u>	<u>36</u>
Total	100	100	100	100

Following is a verbatim copy of the GAO summary of child support collection efforts in the State of Washington. This copy has been taken from "Collection of Child Support Under the Program of Aid To Families with Dependent Children", a report submitted on March 13, 1972, to the Committee on Ways and Means of The House of Representatives by the Comptroller General of the United States. The pages of the original report number nine through seventeen.

COLLECTION OF CHILD SUPPORT IN STATE OF WASHINGTON

The State of Washington was more successful in collecting child support for AFDC children than were the other States included in our review. We believe that Washington's success resulted mainly from the inclusion in its child support enforcement program of the following features.

- A separate unit was operated, on a State-wide basis, much like a bill-collection agency.*
- Emphasis was placed on encouraging absent parents to contribute child support voluntarily. Legal action was used only as a last resort.*
- Caseworkers did not become involved in, and had no responsibility for, collection activities.*
- State laws and regulations which emphasize the responsibility of absent parents for the financial support of their children.*

In Washington, State law provides that parents be responsible for the financial support of their children and that the absence of parents from the homes does not relieve them of this responsibility. Within the Washington State Department of Public Assistance, the Support Enforcement and Collections Section is responsible for locating absent parents and for collecting child support. During fiscal year 1970 the Collections Section collected child support totaling \$3.6 million. About \$2.8 million was collected on behalf of children receiving AFDC assistance, and about \$800,000 was collected on behalf of children who were former AFDC recipients. Operating expenses for the year totaled about \$688,000.

Because of Federal financial participation of 50 percent in AFDC cash assistance payments and in the operating expenses of the Collections Section, the efforts of the Collections Section resulted in recoveries of nearly \$1.1 million for fiscal year 1970 by both the State and the Federal Government, as shown below.

	<u>State funds</u>	<u>Federal funds</u>	<u>Total</u>
	_____ (000 omitted) _____		
<i>Collections on behalf of AFDC</i>			
<i>children</i>	<i>\$1,414</i>	<i>\$1,414</i>	<i>\$2,828</i>
<i>Less operating expenses</i>	<u><i>344</i></u>	<u><i>344</i></u>	<u><i>688</i></u>
<i>Net return</i>	<u><u><i>\$1,070</i></u></u>	<u><u><i>\$1,070</i></u></u>	<u><u><i>\$2,140</i></u></u>

Additional public assistance costs most likely were avoided through the collection of about \$800,000 during fiscal year 1970 on behalf of former AFDC children who, without such funds, might have had to revert to the public assistance rolls.

During fiscal year 1971 the Collections Section collected about \$5.7 million on behalf of active and former AFDC cases. The operating expenses during 1971 were about \$904,000.

LEGAL FOUNDATION OF SUPPORT ENFORCEMENT AND COLLECTION PROGRAM

In Washington collection of child support for absent parents is predicated on State laws and regulations which emphasize that parents are responsible for the financial support of their children. Prior to May 1971 common law and statutory procedures governed the remedies for enforcement of support for financially dependent minor children by responsible parents. Because of the increasing public assistance case loads, these remedies were augmented by a new State law which provided additional remedies.

In May 1971 a State law was enacted which provided that an absent parent remain responsible for child support regardless of whether there is a court order directing him to pay such support. If there is not an order for support, the obligation is, by law, the full amount of public assistance paid on behalf of his children.

The preamble to the act states that this act was in addition to, not in lieu of, existing common law and statutory remedies. The act declared it to be the

policy of the State that children be maintained from the resources of responsible parents, which thereby would relieve, at least in part, the burden presently borne by the general citizenry through welfare programs.

The State law provides that, by accepting public assistance on behalf of a child, the parent is deemed to consent to the recovery by the State of the amount specified in any court order or the amount of public assistance paid, whichever is less.

The State generally pays a recipient the full amount of cash assistance under the AFDC program; that is, the State computes the amount of cash assistance without regard to child support. The recipient—as a condition for receiving the full amount of the payment—assigns support payments to the State, and the State assumes responsibility for collection.

The State has based its child support enforcement program on the following features.

- A separate unit (the Collections Section) is operated, on a State-wide basis, much like a bill-collection agency. The Collections Section, which is responsible for locating absent parents and for collecting child support, is set up to quickly locate absent parents and to encourage them to begin regular support payments. The Collections Section's procedures also provide for monitoring absent parents' payment records and for following up promptly when payments become delinquent.*
- Emphasis is placed on encouraging absent parents to contribute child support voluntarily. Legal actions or threatening legal actions are used only as a last resort. Collections Section employees make prompt personal contacts with the parents of newly enrolled AFDC children, to obtain voluntary support payments based on the parents' ability to pay (regardless of the existence of any court orders) or on the amounts specified by court orders.*

Regarding the use of legal action, the State's philosophy is that, to obtain child support, the State must compete successfully for the limited funds of the absent parent. Legal action or even the threat of legal action might cause the absent parent to relocate to avoid prosecution or might discourage him from making voluntary contributions within his means.

- Caseworkers do not become involved in, and have no responsibility for, collection activities. Time spent by caseworkers in locating, and collecting child support from, absent parents means less time for providing services, which is a caseworker's primary interest and concern. A person, other than a caseworker, who is properly trained to carry out location and collections activities and who can devote his full time to these activities can be more effective in achieving collections.*
- State laws and regulations which emphasize the responsibility of absent parents for the financial support of their children.*

WASHINGTON STATE'S SUPPORT ENFORCEMENT AND COLLECTIONS SECTION

The Collections Section's principal activity is to obtain financial support from absent parents who are responsible for, and financially able to contribute to, the support of their children who are not currently — but at one time were — on the AFDC rolls. Child support enforcement efforts are continued to keep these former AFDC recipients from returning to the assistance roles.

A 1971 State law permits the Collections Section to provide support collection services for children who have never received public assistance. Provision of services for these children could result in keeping some of the children from becoming dependent on public assistance.

As of April 1, 1971, the Collections Section had 108 authorized positions — 64 clerical workers, eight investigators, 32 claims collectors, three district supervisors, and a section supervisor. Of these positions, 76 were allocated to eight field offices located throughout the State. The supervisor of the Collections Section informed us that the Collections Section functioned almost identically to a bill-collection agency.

When an AFDC case involves an absent parent, the caseworker refers the case to the Collections Section for action. The supervisor said that, prior to November 1970, caseworkers attempted to locate and obtain support from the absent parent. The caseworkers' primary mission is that of providing assistance to welfare recipients. He stated that caseworkers had not been trained to collect child support.

We were advised by the supervisor that the Collections Section first tried to obtain voluntary support from the absent parent and attempted to avoid taking the case to court. We were informed that support cases were referred to the State law enforcement agencies only if the Collections Section's attempts to secure support had been unsuccessful. A State law passed in 1971 enables the Collections Section to administratively attach the earnings or property of absent parents. According to the supervisor of the Collections Section, this legal provision should further reduce the need for referrals to law enforcement agencies.

Locating absent parents

The Locate Section, a centralized unit operating within the Collections Section, had four employees at the time of our fieldwork. It was established by State law for the purpose of locating absent parents and was authorized to obtain information on absent parents from all State, county, and local agencies.

When the caretaker-parent does not know the whereabouts of the absent parent responsible for child support, the Collections Section's field office requests assistance from the Locate Section. The Locate Section establishes a file on the absent parent and sends inquiries requesting information on the absent parent to State agencies (such as the State Department of Labor, Employment Security, or Licenses) and to Federal agencies (such as the Internal Revenue Service, Selective Service Boards, or military agencies).

Inquiries also might be made of State and Federal law enforcement agencies, labor unions, creditors, friends, or other sources. If the absent parent is located, his file is transferred to the field office having responsibility for collecting support in the area in which the absent parent resides. If the Locate Section exhausts all reasonable leads without success, it notifies the field office that the case has been declared inactive until additional information is received.

Locate Section records showed that, during fiscal year 1970, absent parents were located in 1,819 cases — about 33 percent of its AFDC case load. Also during this period, the Locate Section was unable to locate absent parents in 491 cases — about 9 percent of its AFDC case load. At the close of the year, the Locate Section was attempting to locate the remaining absent parents.

Program accomplishments

During fiscal year 1970 the Collections Section collected child support of

about \$3.6 million from absent parents of children who were receiving or who had received assistance under the AFDC program. These collections represented an increase of about \$760,000, or 26 percent, over the amount collected during fiscal year 1969. During fiscal year 1971 collections totaled \$5.7 million, an increase of about 60 percent over fiscal year 1970.

In recent years the State AFDC case load, the Collections Section's case load, and AFDC assistance payments have increased dramatically, as shown by the following data for January of 1969, 1970, and 1971.

	<u>January 1969</u>	<u>January 1970</u>	<u>January 1971</u>
State AFDC case load	\$ 19,315	\$ 28,984	\$ 37,840
Collections Section active case load	9,515	12,719	21,715
Support collections for month	221,382	271,610	398,968
AFDC assistance payments	3.3	5.7	7.7

In January 1971 the Collections Section was involved in seeking child support in 20,330 active AFDC cases and in 1,385 former AFDC cases. Collection activities had not been started on a backlog of 3,524 cases.

The supervisor informed us that, if sufficient staff were available to process the backlog of cases — 6,071 cases as of April 30, 1971 — additional support payments of \$150,000 could be collected each month. He stated that more systematic procedures and more employees were needed to ensure timely processing of new cases and to reduce the backlog.

As part of our review of the State's collection activities, we examined 50 active cases selected at random from the case loads of three Collections Section field offices. These offices had 56 percent of the Collections Section case load on April 1, 1971. Our analysis showed that, for three cases, paternity had not been established. Our analysis showed also, for the remaining 47 cases involving 47 absent parents,

- that 20 absent parents (43 percent) were making support payments,
- that six absent parents (13 percent) had made payments in the past but were currently delinquent,
- that 12 absent parents (25 percent) had been located but that no support had been obtained, and
- that nine absent parents (19 percent) had been identified but had not been located.

During April 1971 child support payments of \$1,265 were collected on behalf of the cases in our sample. The amount of child support to be paid may be established by a court order or may be negotiated with the absent parent by Collections Section officials. The supervisor stated that, in most cases (about 60 percent), the amount of child support to be paid was established through negotiations. He stated also that Collections Section officials — after considering the ability of the absent parent to pay — often agreed to an amount different from that specified by the court order.

APPENDIX VII — STATEMENTS TO THE SENATE FINANCE
COMMITTEE

By Senator Sam Nunn*

"In the early years of the program, most of the families receiving AFDC payments were composed of needy children whose fathers were either dead or incapacitated. Families receiving assistance because of the absence of the father from the home comprised a minor percentage of the caseload — approximately 30% in 1940. But as the program grew, so did the number and proportion of AFDC families where the father was absent from home. By 1960, absence of the father accounted for 64% of the caseload nationwide, and by 1971, eleven years later, more than 1.9 million of the 2.7 million families receiving AFDC — over three-fourths of the entire caseload — were comprised of children whose fathers had left them. The cost of payments to these families was over \$4 billion per year.

"A 1971 HEW study of the more than 1.9 million AFDC families with absent fathers revealed that the fathers of nearly 25% of these families were not married to the mother and in more than 17% of the instances of absence, the fathers had deserted their families. The nationwide average AFDC payment issued in 1971 was about \$179 per month (for an average number of 2.6 children per family): yet among deserted families, the average payment was about \$201 per month, for an average of three children per family. This was the highest average payment and greatest average family size among all reasons accounting for the absence of the father from the home. The next highest average payment (and equivalent average number of children) occurred among families of parents who had been separated without a court decree. If the absent fathers in these cases had been making significant support contributions to their needy dependents, the average payments, and thus overall program costs to the taxpayers, could have been that much lower.

"Furthermore, in 50% of the AFDC cases in which the father was absent from the home for reasons other than death, the father's whereabouts were unknown. In such cases, there can be no hope of obtaining child support until the deserting parent is located.

"In more than 24% of the absent father cases discovered in this same 1971 study, the absent father was found to be residing in the same county as his dependents, and in another 20% of the absent father cases, the father's residence was found to be in the same or another State. Thus, in a total of more than 44% of all absent father cases, the father's whereabouts were known, and since this figure excludes absent fathers known to be in institutions or outside the country, there exists among this large segment of the AFDC population a clear possibility for obtaining support. This same AFDC study indicates that our current enforcement and collection mechanisms have failed here too, however, since only about 13.4% of AFDC families overall received any support payments from the absent father.

"In any consideration of the problems of obtaining child support, one cannot overlook the importance of ascertaining paternity of deserted and abandoned children as an integral part of any successful child support collection programs. Establishment of paternity is especially important because it reaffirms a basic right which all children should have, the knowledge of their parentage. As early as 1955, in the first nationwide study ever conducted on the subject of support from absent fathers, it was found that

* *Child Support and the Work Bonus* "Hearing Before the Committee on Finance, United States Senate", U. S. Government Printing Office, Washington, 1973.

in nearly three-fifths of the sample cases involving unmarried parents, efforts to secure support had been thwarted by the fact that paternity had not been established. The data compiled further indicated that the greater the formality with which paternity is established, the greater the likelihood that the father would contribute. In cases in which the father's paternity was only informally acknowledged, only 16.6% contributed whereas in cases of paternity ascertained by judicial determination or formal acknowledgement a total of 66% contributed."

APPENDIX VIII— SOCIAL SECURITY ACT

Aid to Dependent Children

Title IV A

1967

Section 402 (a) A State plan for aid and services to needy families with children must -

(17) provide —

(A) for the development and implementation of a program under which the State agency will undertake—

(i) in the case of a child born out of wedlock who is receiving aid to families with dependent children to establish the paternity of such child and secure support for him, and

(ii) in the case of any child receiving such aid who has been deserted or abandoned by his parent, to secure support for such child from such parent (or from any other person legally liable for such support), utilizing any reciprocal arrangements adopted with other States to obtain or enforce court orders for support, and

(B) for the establishment of a single organizational unit in the State agency or local agency administering the State plan in each political subdivision which will be responsible for the administration of the program referred to in clause (A); (18) provide for entering into cooperative arrangements with appropriate courts and law enforcement officials (A) to assist the State agency in administering the program referred to in clause (17) (A), including the entering into of financial arrangements with such courts and officials in order to assure optimum results under such program, and (B) with respect to any other matters of common concern to such courts or officials and the State agency or local agency administering the State plan;

(21) provide that the State agency will report to the Secretary, at such times (not less often than once each calendar quarter) and in such manner as the Secretary may prescribe—

(A) the name, and social security account number, if known, of each parent of a dependent child or children with respect to whom aid is being provided under the State plan—

(i) against whom an order for the support and maintenance of such child or children has been issued by a court of competent jurisdiction but who is not making payments in compliance or partial compliance with such order, or against whom a petition for such an order has been filed in a court having jurisdiction to receive such petition, and

(ii) whom it has been unable to locate after requesting and utilizing information included in the files of the Department of Health, Education, and Welfare maintained pursuant to section 205,

(B) the last known address of such parent and any information it has with respect to the date on which such parent could last be located at such address, and

(C) such other information as the Secretary may specify to assist in carrying out the provisions of section 410;

(22) provide that the State agency will, in accordance with standards prescribed by the Secretary, cooperate with the State agency administering or supervising the administration of the plan of another State under this part_____

(A) in locating a parent residing in such State (whether or not permanently) against whom a petition has been filed in a court of competent jurisdiction of such other State for the support and maintenance of a child or children of such parent with respect to whom aid is being provided under the plan of such other State, and in securing compliance or good faith partial compliance by a parent residing in such State (whether or not permanently) with an order issued by a court of competent jurisdiction against such parent for the support and maintenance of a child or children of such parent with respect to whom aid is being provided under the plan of such other State;

APPENDIX IX — REGULATIONS FOR ESTABLISHING PATERNITY

Part 235 of Chapter II of Title 45 of the Code of Federal Regulations is amended by adding a new section 235.75, as set forth below:

§235.75 Establishing paternity and securing support for children receiving Aid to Families with Dependent Children.

- (a) State plan requirements. A State plan under title IV-A of the Social Security Act must provide:*
 - (1) For a program, with respect to children receiving AFDC, under which the agency will undertake:*
 - (i) to establish the paternity of, and secure support for, a child born out of wedlock, and*
 - (ii) to secure support for a child deserted or abandoned by his parent, from such parent or any other legally liable person, using reciprocal arrangements with other States to obtain or enforce court orders for support.*
 - (2) For the establishment of a single organizational unit in the State agency and in large local agencies to administer the program referred to in subparagraph (1) of this paragraph.*
 - (3) For cooperative arrangements with appropriate courts and law enforcement officials:*
 - (i) to assist the agency in carrying out the program, and with respect to any other matters of common concern;*
 - (ii) to reimburse them for such assistance; and*
 - (iii) to provide them with pertinent information needed in locating putative or deserting fathers, establishing paternity and securing support, including immediate referral of the case record when requested by law enforcement officials, under agreement that such information will be used only for the intended purpose.*
 - (4) That the agency will cooperate with the State welfare agencies responsible for the AFDC program in other States, in locating the parent of an AFDC child against whom a support petition has been filed in another State, and in attempting to secure the parent's compliance with a court order for support, when such parent is now residing in the agency's own State.*
 - (5) That clearance procedures established with the Internal Revenue Service will be used to secure the address of parents of AFDC children whose location is unknown and who are failing to comply with existing court orders for support payments or against whom petitions for orders of support have been filed.*

(6) *That the State agency shall submit monthly statistical reports of paternity and child support activities in the form and containing the information prescribed by the Secretary.*

(b) *Federal financial participation.*

(1) *Federal financial participation at the 50 percent rate is available for the following:*

(i) *Costs, including salaries and expenses, of State or local agency staff engaged in locating and planning with deserting or putative fathers; assessing potentials and determining appropriate actions; developing voluntary support; assisting relatives to file petitions for the establishment of paternity; reuniting families; cooperative planning with appropriate courts and law enforcement officials; collection of support payments, accounting for such funds, and determining the effect of support funds on eligibility or assistance payments*

(ii) *Cost, including direct and indirect, of reimbursing courts and law enforcement officials under plans of cooperation approved by the single State agency for their assistance to the State or local agency in respect to its program to secure support and establish paternity.*

(2) *Federal financial participation at the 75 percent rate is available in the cost of training provided to public welfare staff by court and other law enforcement officials.*

(3) *Federal financial participation is not available in the ordinary administrative costs of the judiciary system.*

APPENDIX X — AFDC FAMILIES BY STATUS OF FATHER, 1961, 1967,
1969, AND 1971*

* Source: Department of Health, Education, and Welfare

Status	Percent of families in-			
	1961	1967	1969	1971
Total.....	100.0	100.0	100.0	100.0
Dead.....	7.7	5.5	5.5	4.3
Incapacitated.....	18.1	12.0	11.5	9.8
Unemployed.....	5.2	5.1	4.8	6.1
Absent from the home:				
Divorced.....		12.6	13.7	14.2
Legally Separated.....	13.7	2.7	2.8	2.9
Separated without court decree.....	8.2	9.7	10.9	12.9
Deserted.....	18.6	18.1	15.9	15.2
Not married to mother.....	21.3	26.8	27.9	27.7
In prison.....	4.2	3.0	2.6	2.1
Absent for another reason.....	.6	1.4	1.6	1.2
Subtotal.....	66.7	74.2	75.4	76.2
Other status:				
Stepfather case.....		1.9	1.9	2.6
Children not deprived of support or care of father, but of mother.....	2.2			
Not reported.....			(1)	.1

¹ Less than 0.05.

