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Hudson

Dad: Falling behind in child support doesn't automatically make you a 'deadbeat'

Posted by: Jerry DeMarco Tags: back child support, Bergen, Bergen County sheriff, child support arrests, child support. child support arrears, deadbeat dad sweep, deadbeat dads, deadbeat moms Posted date: June 24, 2013 | 3 Comments



dads, moms," there is much more than forgotten children and mug shots: The reality is that the children of the mothers and fathers taken into custody in most

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child support enforcement cases in New Jersey never see a dime of the recovered money. I am not faulting Bergen County Sheriff Michael Saudino, whose officers are only executing warrants issued by judges. But let's be careful about assuming that a parent paying child support is better than one who owes.

A FATHER WRITES: Behind the headline "Bergen sheriff rounds up 55 deadbeat

Most child support cases in New Jersey are brought by county Boards of Social Services. When a single parent in New Jersey applies for assistance, food stamps, housing, etc., he or she is required to assign the right to pursue the other parent for child support to the county. The money that is collected goes to reimburse Social Services for that public assistance.

While this is great for the taxpayer the children receive no more financial assistance than they would have if the "obligor" (parent paying the support) weren't in the picture. Many of the men and women "wanted" for child support arrears are people living below the poverty line. They have no ability pay the support ordered by a judge -

or to navigate the court system to correct an order that is supposed to be based on true income. Even with an attorney, an obligor who loses his or her job, is downsized or just simply finds himself or herself making less money has an all-but-impossible

chance of reducing child support or ending it when the child becomes an adult.

Many parents being arrested for non-support owe for children now in their 20's

It is the obligor who must file papers with the court to stop child support when a

child becomes "emancipated." If they don't, the county keeps collecting. The Supreme Court of New Jersey ruled in 2006 that parents jailed for child support arrears are entitled to an attorney.

"The right to counsel is among our most precious of constitutional rights because it is the necessary means of securing other fundamental rights," the court found in Pasqua V. Counsel (186 NJ 127).

 YOU READ IT HERE FIRST: One father who owes \$445,886 in child support and another who's behind \$292,141 in payments head the Top 10 List of Deadbeat Dads in Bergen

County, Sheriff Michael Saudino said today,

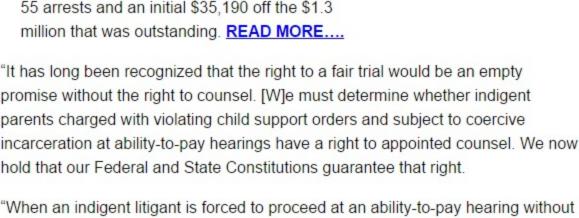
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and 30's with kids of their own.

announcing a three-day sweep that produced 55 arrests and an initial \$35,190 off the \$1.3 million that was outstanding. READ MORE.... "It has long been recognized that the right to a fair trial would be an empty promise without the right to counsel. [W]e must determine whether indigent parents charged with violating child support orders and subject to coercive incarceration at ability-to-pay hearings have a right to appointed counsel. We now hold that our Federal and State Constitutions guarantee that right.

or face incarceration for "willful non-support."

are quick to judge.



and perhaps insuperable undertakings to the uninitiated layperson. The task is that much more difficult when the indigent must defend himself after he has already been deprived of his freedom." Seven years later, some counties in New Jersey are ignoring that ruling. When a parent in New Jersey is locked up for child support arrears, he or she is

brought before a judge - and in most cases is required to pay 10% of the arrears

George Washington did away with the "debtor's prison" approach more than 200

Unemployed? That's no excuse. Homeless? Not good, either. Been in jail? Sorry.

years ago. So "willful non-support" isn't as much punishment as it is coercion.

incarceration. However seemingly simple support enforcement proceedings may be for a judge or lawyer, gathering documentary evidence, presenting testimony, marshaling legal arguments, and articulating a defense are probably awesome

counsel, there is a high risk of an erroneous determination and wrongful

Basically, if you are breathing, you have the money and simply refuse to pay. So you go to jail for two weeks and the judge reviews your case. Still breathing? Haven't paid the 10%? Back you go for another two weeks. After an average of 45 days, the judge will let you go — only to face another arrest warrant two weeks later. Along with the warrant for arrest comes a suspension of your driver's

children's graduations and birthdays and having to explain to their employers why they missed work. Open warrants and child support arrears are, for many, the

Jails throughout New Jersey are teeming with "deadbeat" parents missing their

license and any professional licenses issued by New Jersey.

reason why one parent is not playing a substantial role in the raising of his or her children. The measure of a good parent is not based solely on compliance with a court order. Most definitions of a good parent don't include a financial quota or hold a more wealthy parent as better than one with less means.

innocent until proven guilty — but when it comes to child support enforcement we

When law enforcement makes an arrest we are all reminded that a person is

I am not saying that everyone who owes arrears on child support are victims. I am saying that many of them aren't exactly "deadbeats."

Paul Nichols is the Publisher of the Bergen Dispatch, a North Jersey news site "dedicated to the belief that the free press is the watchdog of our government and

the decline in resources in local journalism poses a threat to the well-being of society." A "computer guy" by trade, Nichols founded and operated one of the first Internet Service Providers in North Jersey and was a security consultant for several Fortune 500 companies. He was also Chief Technology Officer for a

computer software company with offices in New Jersey and Israel.

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3 Comments for Dad: Falling behind in child

rope. If you have a jog that can be garnished and documented, the court will not haul you off to jail. I have seen countless parents get away without paying what is due by being able to verify via a valid job and paycheck that he/she is doing all

However, the issue is with parents who USED to

employed, cash business owners find the most creative ways to work under the radar and then show up claiming no work. At the same time,

many also can't show or demonstrated that they

work and simply don't want to pay. Self

support doesn't automatically make you a

Not really true in most cases. I have sat through countless hearings of other cases and my own. Deadbeat parents are given every opportunity to present their case and, in many cases, too much

he/she can.

Rachel Miscotti

'deadbeat'

have looked for other work. Most can't even muster up where they are during the day. If you think the deadbeat is having a hard time living, how do you think the custodial parent and the children are doing; the parent who houses and feeds these children.? Many of these single moms struggle to work, transport kids to school, get medical care, pay for school supplies and attempt to avoid eviction and foreclosure when the deadbeat has a place to stay. At least jail provides three squares and a bed. Moms facing foreclosure or eviction, who can't feed their

children, can't say that.

Dadzrites

You breed them you feed them.

money the state awards, collects and enforces, the more money it gets as an incentive from the Federal Government under 42 USC Section 658(a) (the Federal child support reimbursement incentive act). Alimony is now considered child support arrears in order to maximize the amount of federal funding the state can receive. The amounts NJ receives is anywhere from 66 cents on a dollar (awarded, collected & enforced) to over \$3.00 for every dollar collected. How you say? Because of the alimony being used to maximize the federal funding received. In one county in Indiana, because of alimony being added to the child support equation, the county receives \$57 for every \$1 of support awarded, collected & enforced. Sounds like taxpayer fraud to me! The state submits its figures to the federal government at the end of every fiscal year (June

Child support is NOT about the child. The more

support employees, law enforcement, politicians, The US Supreme Court ruled as far back as 1927 that judges cannot sit on cases that they have a financial interest in otherwise they will always abuse their contempt powers to extort/extract monies from unsuspecting litigants/taxpayers/voters. The Supreme Ct. ruled that judges must disqualify/ recuse themselves from these types of cases, or their orders would be nullified and they could face felony Official Misconduct charges, impeachment, loss of pension, and even jail time. Judges who sit on

cases whose own orders are allegedly

contemned are extremely biased from the start. Some say that without the judges we cannot award, collect or enforce support (and alimony). That's too bad! Gov't created the problem. They

30th). The feds send the states the

the state employee pension plans.

reimbursement/incentive funding with no strings

Million. The money is put into the general treasury

and is used to balance the budget and balance

Who are the first people paid out of the state treasury and pension funds??? Judges, child

attached. Last year NJ received over \$500

can fix it. Empanel unbiased economists, vocational experts, mental health experts, ever retired lawyers and maybe, maybe retired law enforcement to determine awards, enforcement and collection. Or, elimination of the entire \$10 BILLION per year child support enforcement INDUSTRY and have the money used to pay down ALL support arrears orders which amounts to about the same every year. There is a fictitious claim that \$100 BILLION is owed in support arrears nationwide. (Those numbers are if support was ever maximized to the full amount, and goes back 30 years). By eliminating the support bureaucracy and all the "deadwood" employees and their pensions, all child support arrears nationwide would be

eliminated in 10 years or less.

"You breed them you feed them."

Funny how that applies to men, but not women. A welfare ho can have 7 kids with 7 different men and never be punished for failing to financially provide for her children.. Shame on supposedly liberal women who support a child support system

which locks up low income, who are disproportionately minority and disabled.

David Morris

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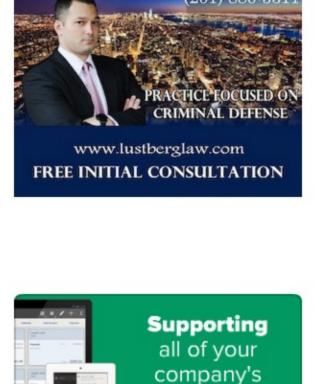
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