

File:
Child support -
Anecdotes

THE WHITE HOUSE
OFFICE OF DOMESTIC POLICY

CAROL H. RASCO
Assistant to the President for Domestic Policy

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February 7, 1995

Mary A. Neet
51 Carpenter St.
Milford, NJ 08848
(908) 995-7601

Ms. Carol H. Rasco
Assistant to the President
Domestic Policy
The White House
Washington, DC 20208

FEB 14 1995

Dear Ms. Rasco:

After listening to the President's State of the Union Address on January 24, I felt compelled to write this letter. I am referring to Mr. Clinton's comments regarding parents who don't meet their child support obligations and his hope of instituting federal legislation that crosses all state lines and forces parents to live up to their responsibilities. As briefly as I can, I would like to tell you the story of my frustration and anger in my four year, inter-state fight to get child support for my three children, ages 15, 13 and 9.

I was married and living in New Hampshire when I first started divorce proceedings in January, 1988. My ex-husband, Douglas Neet was employed by Roadway Express Trucking Company with a yearly income of \$52,000. I moved with my children to New Jersey in June, 1988. I consulted my New Hampshire attorney about moving my divorce proceedings to New Jersey. He advised me to obtain the New Hampshire divorce and have the divorce filed and docketed in New Jersey, where I would be able to modify and enforce the agreement as needed. I consulted with a New Jersey attorney for a second opinion and he confirmed this advice. My divorce became final on April 24, 1990 in New Hampshire. Child support was set at \$300 per week, based on my ex-husband's yearly income of \$50,000. At the time my ex-husband was employed by Coca Cola Corp. and had relocated to Parsippany, New Jersey, in Morris County.

The following is a chronology of events that occurred from 1990 until the present:

- September, 1990 - My ex-husband lost his job at Coca Cola, qualified for unemployment compensation and unilaterally reduced support payments to \$111.75 per week.
- January, 1991 - I hired a New Jersey attorney and filed a petition to enforce the existing order in Morris County, New Jersey.
- February, 1991 - The New Hampshire divorce was filed and docketed in the State of New Jersey. My ex-husband moved to Vermont.

- February thru September, 1991 - Various motions (mine for enforcement of the child support stipulation and his for reduction in support) were heard by the Morris County Court. Each time support of \$300 per week was ordered to be paid through the Morris County probation department, and reduction of support was denied.
- September, 1991 - His total arrearages exceeded \$8,000. All arrearages were satisfied. My ex-husband moved to Pennsylvania. I requested that support payments be transferred from Morris County to the Hunterdon County Probation Department, where the children and I had resided since 1988.
- February, 1992 - Hunterdon County Probation Department Enforcement Court hearing found arrearages in excess of \$1800. My ex-husband was remanded to the Hunterdon County Jail. He paid all arrearages.
- March, 1992 - My ex-husband filed another motion for reduction of support.
- May, 1992 - My ex-husband moved back to Vermont.
- July, 1992 - The Hunterdon County judge ruled that since this was a New Hampshire divorce, New Jersey did not have jurisdiction, despite the fact that the New Hampshire divorce was domesticated in New Jersey and had been litigated on at least four occasions.
- June, 1993 - My ex-husband filed a petition in New Hampshire for modification of support.
- September thru November 1993 - I filed three separate motions to dismiss and have jurisdiction returned to New Jersey.
- December, 1993 - Hunterdon County Probation Department Enforcement hearing found arrearages in excess of \$3,000. My ex-husband stopped all support as of November 16. My ex-husband did not appear at the hearing. A bench warrant was issued for his arrest (only enforceable in New Jersey).
- February, 1994 - All of my motions for dismissal were denied by Sullivan County, New Hampshire Superior Court.
- June, 1994 - Hearing Sullivan County Superior Court, Newport, NH. - Decision to follow.
- August, 1994 - Decision handed down. Effective April 24, 1993 child support obligation was reduced to \$112 per week based on my ex-husband's current earnings (\$20,000 annual salary with Noble Metals, Antrim, NH) to be payable through wage assignment. Total amount of arrearages should be calculated and filed with the court. I received an application from the State of NH, division of Human Services for Child Support services.
- September, 1994 - My attorney requested an audit from the Hunterdon County Probation Department to determine the exact amount of arrearages.
- October, 1994 - The Audit Summary completed. A total of over \$2,600 was owed in support and medical/dental/orthodontic arrearages.
- December, 1994 - Hearing in Sullivan County Superior Court to determine how arrearages will be paid off. Arrearages accrued just since August hearing in excess of \$500. Total arrearages as of 12/16/94 in the amount of \$2,265.38 to be paid at an additional \$20 per week with no interest. All payments to be made via wage assignment payable through New Hampshire Division of Health Services beginning 12/30/94. My ex-husband Doug apprised the court that he no longer worked for

Noble Metals. He is currently a part-time gym teacher in Vermont, with a weekly salary of \$213 per week.

- As of this date, a full 5 months after it was ordered, I have received no payments through wage assignment. Further, my attorney informs me that by law, wage assignment can not exceed 50% of a person's gross pay. At \$213 per week, all I can expect is \$106.50 per week.
- Now, to insure enforcement in Vermont, I have to file a URESA Petition through the Office of Child Support in New Jersey.

To date, my attorney bills have been in excess of \$12,000 (not to mention the personal and vacation days I have used for these litigations as well as travel expenses to and from New Hampshire). Yet I find myself in the same position I was in four years ago - unable to collect support from my ex-husband and frustrated by the lack of reciprocity and enforcement between states. My ex-husband is a 41 year old college graduate. He has no physical or emotional disabilities that prevent him from obtaining employment comparable to that which he held when we were married. I have been employed for the last 5 years at AT&T in Basking Ridge, New Jersey. I bear the full responsibility of rearing three children. I have paid all of their medical, dental, orthodontic bills. I am not on welfare. I receive no food stamps or unemployment compensation. I am not milking any system. Indeed, over the years I have filed for help from the county and the state for many reasons ranging from free milk for my children at school to requesting to be accepted for a sliding scale fee so that I can obtain family counseling. I have always been denied, because I make too much money. My current salary is 35,200 per year.

I feel brutalized and demoralized by the court systems, both in New Jersey (for denying jurisdiction), and in New Hampshire. I find myself governed by a state that has no interest in the well being of my children. New Hampshire seems to be in the dark ages in terms of treatment of dead beat parents. New Jersey always upheld support payments based on my ex-husband's potential for earning as opposed to his actual wages, which New Hampshire has refused to do. The fact that during our marriage, my ex-husband was capable of earning over \$50,000 does not seem to be an issue. Further more, the judge who heard our case in June, 1994 took over 60 days to hand down a decision, knowing that until she did, my three children would receive no support and hadn't received any support payments for over 7 months!

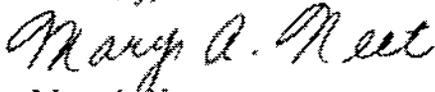
During the last hearing in December, 1994, my ex-husband was 5 weeks in arrears just since the August hearing. The judge ordered all arrearages to be paid off at an additional \$20 per week with no interest. Some of these arrearages go back 4 years!!! This system does not enforce accountability or logical consequences, therefore there is no motivation or incentive for my ex-husband to find full-time suitable employment. Why should he, when the courts are virtually enabling him to commit a crime. Because the victims of his crime are too young to fight for themselves, he is allowed to walk around a free man with a payment plan that will take over 2 years!!

I hope this letter will help in the effort to get federal legislation passed to protect all children in this country and guarantee them the right to child support. We need to find a way to cut through all the bureaucratic red tape, avoid costly attorney fees and institute legislation that allows for reciprocity and enforcement between states. Parents need to be accountable for their actions and responsible to their children by upholding their child support obligations.

I know that my story is not a new one. I know that many women simply give up, because it's too hard to fight the system. I want to be a part of making a change. Please let me know if there is anything I can do to lend a hand, anyone I can call, any letter I can write to make this happen. There has to be a better way!

Thank you for your time and attention. I can be reached on 908-995-7601.

Sincerely,



Mary A. Neet

Copy to: Senator W. Bradley
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