

February 9, 2017

**HB 2068**

Enforcement of child support orders against persons in arrearage

Mr. Chairman and Committee Members,

Thank you for the opportunity to provide written testimony and do to other engagements I would have preferred testifying in front of you in opposition to House Bill 2068.

**This bill leaves no room for personal hardship, or appropriate communication between parents. (Loss of job, seasonal or slow work opportunities, unexpected expenses, illness etc.) Life isn't as cut and dried or black and white as big brother would like it to be! DCF is completely inept at maintaining or moving information along as I know firsthand.**

What are we trying to create more criminals (feeds the system per say) or make parents into criminals? Are we trying to penalize a parent into being a nonfactor with their child/children? Children have extracurricular activities outside of school (sports, dance/cheer, school plays, etc). How are they going to get there? Will computers be fed the criteria and automatically trigger the fifteen-day notice and then the revoking fifteen-days later? If you get pulled over for some reason or your car gets impounded and you take a ride to jail for driving on a suspended license (what if you have your children with you)? You're a month late? This bill most likely creates a loss of employment if they had one.

These are questions that really need to be answered so that parents can have an opportunity to stay in control of their lives without the courts imposing will or another state agency involvement.

Let's address the real problem of allowing the "LAW" or statutes to be used in a manner that allows for the reasonable, practical use of this process, rather than continue to make it impossible to change under the current standards. While making it easier for lawyers to make money on the backs of families.

We NEED serious changes to the entire process of child support before any legislator signs on to another process to a broken system. When legislation like this appears where we have a Government agency trying to punitively deal with a parent, this is not acting in the interest of any child, your constituents or the state.

Maybe it would be wise to consider dealing with the unfairness and lawlessness issues before imposing even more coercive measures. My guess is that a lot fewer people would find themselves in arrears if their obligation was more in line with what they can afford and what they themselves agree to. I don't know a single person that wants to be a bad parent.

### **Child Support/Judicial Branches Imposing Committee**

Currently no legislator votes on or even gets to vet these numbers for their constituents. Judges use their positions to enforce these guidelines on a “contempt of court orders”, not what the “law has required” because no legislator has ever voted or vetted these numbers and formulas.

Kansas Supreme Court Order #059 is where the legislature delegated its authority to the Supreme Court to implementing and establishing the child Support guidelines. Nowhere in the Administrative Order does it require the finding be brought back across the street to be vetted by the legislature. They simply take the numbers and the criteria and impose it on the people of Kansas in the 31 judicial districts.

We have had this committee in place and virtually untouched for 30 years of lawyers. Charlie Harris has set on the Kansas Supreme Court Child Support Guidelines Committee since 1990. Linda Elrod has been it on it essentially the same amount of time. No new eyes or ideas and the few new seats they have added are in the super minority and cannot change the current make up of numbers and formula.

Nothing is allowed for regional cost in child support. Cost to live in Wichita, is not the same as in Colby, KC, Topeka or Olathe. This must be calculated for the regions. Financial incentives MUST be removed from the guidelines. This is one of the biggest problems driving the child support industry. We know what the average cost are to raise a child but we can't use the information or get it included in the formula. Discretionary child support adjustments based on bracketed amounts of parenting time must be abandoned. Instead child support adjustments should be part of the calculation and are based on a sliding scale. Anything over 42% parenting time is considered shared parenting. So if one parent has 6/14 overnights and the other has 8/14 overnights, that would now be considered shared custody because there's essentially no difference in costs from 42% to 50%.

Child support is currently based on a mother and father paying for a set number of children. The guidelines do not account for marriage of one party or the other and the income that may or may not include. If mom remarries and dad is footing the bill for everything, there should be a few different options for both parties which should help lower the obligation taking into account that as many as 4 incomes are supporting a child.

We need massive changes to how we calculate these costs and we need new people providing ideas and answers to an old problem that the Judiciary has NO INTEREST IN FIXING because it is getting rich off the backs of these parents and this process.

New thought needs to go into the accounting for bonuses and raises. Currently, a parent is penalized for working hard at the same job, paying child support, and making ends meet. If they get a promotion and make more, they automatically owe more, this has to stop.

### **Parents NOT GETTING Constitutional Rights or Protection**

5% of ALL court cases in this State and Nationally are criminal cases. These are the only people to have or get access to the Constitutions of the United States and the States they live in. All the other courts are Administrative or Courts of Equity and having a right to an attorney, a right to a jury, right of due process and a right to privacy have ALL been eliminated in these courts for citizens. This is the driving

reason why lawyers have the ability to cripple our society and our legislative process and of course our way of life.

The trickery or the understanding we “common folk” need to understand is that you can have these rights if you’re willing to **PAY FOR THEM**. If you can pay an attorney to Appeal the findings or the Order by spending tens of thousands of dollars or more. Wait more than a year, then the process will work. That’s called legalized extortion of our rights.

Parents need their Constitutional Rights to control their own lives without oppression from any government agency until they prove unable to do so on their own, as it relates to supporting their children’s most basic needs. Every parent should remain innocent until proven guilty. Then maybe the state would be better positioned to act as moral authorities?

There is a constitutional dimension to the right of parents to direct the upbringing of their children, and it must be cardinal with the legislature that the custody, care and nurturing of the children reside first in the parents. The child is not a creature of the state, its who nurtures them and directs their destiny that have the right, coupled with the duty, to recognize and prepare them for additional obligations. If the parents adequately care for their children (i.e., is fit), there should be no reason for the state to inject itself into the private realm of the family to further question the ability of a parent to make the best decisions concerning their children.

#### Courts “JUDGES”

I know this bill will negatively affect Kansas parents and families more than it already does. We have made DOMESTIC COURT “**PUNITIVE**”, while subverting the rights of our citizens (no right to a jury of our peers, no right to an attorney, and we have allowed the Judicial Branch to set up “DEBTORS PRISONS” against our constitution (**Kansas Bill of rights #16**), the Supreme Court has ruled that parent have an inherent right to raise their children, yet we have allowed the courts to trump that with “the best interest of the child” legislation.

This bill doesn’t place any clarity or boundaries on the factors for child support, you might as well tell your constituents you are voting to allow the court system (if you are placed in Domestic court because you failed at marriage) to extort monies out of you BY LAW and place undo harm or hardship on them! This is a huge reason for the problems in Kansas Domestic Courts. It’s not all of it – but it is a HUGE part of it.

Respectfully Submitted,

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