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CALIFORNIA FAMILY SUPPORT COUNCIL

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March 23, 1990

Subcommittee on Human Resources
Committee on Ways and Means
U. S. House of Representatives
1102 Longworth House Office Building
Washington, DC 20515

RE: Implementation of The Family Support Act of 1988 (Field Hearing San Diego, California, March 26, 1990)

Mr. Chairman, Members of the Committee:

In my capacity as President of the California Family Support Council, I am submitting this letter and a copy of a recently-adopted Resolution from the Council, requesting Congress to amend the Family Support Act of 1988, relieving IV-D agencies of any responsibility to initiate downward modifications of existing child support orders.

It is absolutely absurd a law was passed that requires a Child Support Enforcement agency to review and initiate downward modifications of valid child support amounts. This new provision is contradictory to the goals of the Child Support Enforcement Program.

In the state of California, procedures are already available for easy access to the courts for purposes of modifying existing court orders. The process does require that the obligor initiate the action--not the agency representing the child, or the over-burdened taxpayer.

Your immediate action to amend Sec. 466(a)(1)(A) through (C) of the Family Support Act of 1988 is requested.

STEPHEN H. KENNEDY, President
California Family Support
Council

SHK:ce

Attachment: Resolution

cc: Robert J. Leonard, Chief Counsel (6 copies)
California Judge's Association
U. S. Senator Alan Cranston
U. S. Senator Pete Wilson
Members of Executive Council, California Family Support Council

SAN DIEGO STATE UNIVERSITY 1897

CALIFORNIA FAMILY SUPPORT COUNCIL

RESOLUTION

Whereas, the Family Support Act of 1988 provides that a state must undertake periodic reviews of all child support orders and initiate adjustments of such orders in accordance with established guidelines or initiate such review and adjustment at the request of either parent subject to the orders; and

Whereas, the foregoing law may require the IV-D agency to initiate downward modifications even when opposed by the custodial parent and without regard to the best interests of the child; and

Whereas, the goals of the IV-D program to insure that all children are supported adequately by their natural parents have not yet been achieved; and

Whereas, the foregoing law ignores the role of effective advocacy on issues in the adversarial judicial system including the role of the court to resolve such issues after full presentation of facts and arguments; and

Whereas, the requirement that the same agency advocate both for and against modification may create a conflict of interest; and

Whereas, the prospect of exposure to automatic initiation of downward modification proceedings will create a chilling effect to the willingness of custodial parents to participate in the IV-D program and will tend to nullify the outreach components of the IV-D program; and

Whereas, under existing law many child support issues are not resolved by rote application of financial guidelines or mathematical formulae;

Now, therefore, be it resolved that the California Family Support Council formally request that Congress amend §466(a)(10)(A) through (C) of the Family Support Act of 1988 to relieve IV-D agencies of any responsibility to initiate downward modifications or to adjust child support orders downward so long as the state plan provides unrepresented obligors with a simple, inexpensive and expedient procedure to obtain appropriate administrative or judicial review of their child support orders; and

Be it further resolved that the President of the California Family Support Council forward a copy of this resolution to the Office of Child Support Enforcement and to each member of the California Congressional Delegation; and

Be it further resolved that the President of the California Support Council provide a copy of this resolution to each Support Enforcement Association in the United States.