

Public Comment from Glen Baker Submitted 11-29-18

Good afternoon, the first agenda item for possible action on the 30<sup>th</sup> of November is the approval of meeting minutes from June 28<sup>th</sup>. The sixth topic of that particular meeting was ,the discussion and recommendations for language providing that the adoption of child support regulations does not constitute a substantial change in circumstances warranting a modification. I am urging the committee to reconsider this topic. In joint custody arrangements the awards currently are very unfair and very one sided. This committee has seen it fit to change the formula, this change in itself is an acknowledgement of this inequity. Furthermore, when this committee announced that the change would not constitute a change of circumstance, it was basically an advertisement to obligees to rush to court to modify their support awards, thus locking their unsuspecting obligors into three more years of inequitable servitude. During the June 28<sup>th</sup> meeting there was barely any discussion about this provision at all. I can only recall Judge Hoskin remarking that he didn't see any reason why it would matter one way or another, and I believe this to have been an honest assessment by the Judge, but upon hearing from the public about how important this matter may be I believe it is just to revisit the topic.

The second agenda item, Line 4 reads, "Review, discussion and recommendations on the use of the 'relative income of both households' as a factor as drafted in the..." It's important to remember what child support enforcement is essentially. Enforcement at its core is governmental seizure of one's labor allocated to someone else, ostensibly for the benefit of a shared child. That benefit is assumed to be the case, it is never proven on a case by case basis. When viewed in this way, it is reasonable to assume that this seizure would be done so carefully and held to an absolute minimum, sadly this is not the position of the Office of Child Support Enforcement, but their office isn't deciding on this issue today, you men and women are. What I am getting at is this, there is already a provision to allow magistrates to impute income on an obligor of they're underemployed, why the need for a redundant provision that extends the reach of government intrusion into the personal relationships of a paying parent? If an obligor is working in good faith, then their personal lives should remain just that, personal. The invasiveness of child support has grown out of control as is, it has gotten to be a Frankenstein wreaking havoc on individual liberty and due process. Considering the relative income of an obligor is nothing more than seizure of an acquaintance's labor by extension and I pray that this committee rejects any language that allows courts to travel down this road.

On the other hand, the relative income of an obligee MUST be taken into consideration in every case for determining a deviation downward. Please allow for a receiving obligor in a joint custody arrangement to be included as well, as they're by default an obligee when they receive an award from their counterpart. The reasoning behind this is sound, when you're the recipient of the product of someone else's labor, every consideration and circumstance should be taken into account prior to just allocating someone else's labor half haphazardly. The state owes this to it's people, I'd even suggest that this falls into the realm of due process. Personally, I feel that this entire system is a gross intrusion into people's lives, and I'm not alone, Gerald Ford and the politicians in office on both sides of the aisle at the time of the enactment of this Social Security Act all voiced their concerns about how this system could grow into what it has grown into today, but I understand that today is not the day that this battle is waged. Today we can scale back some of these grossly invasive policies, and I ask you to do so here on this action item.

Action item 5, all of the aforementioned applies here as well. There needs to be a whole lot more deviation downward than upward, but that is not what happens in a courtroom. When you seize someone's income and give it away, you throw into disarray the work/life balance that every American takes for granted. For example, if someone is working a job that pays \$30/hour and the OCSE comes along and seizes 22% of the gross, then the OCSE has just downgraded that job's appeal to the worker.

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This is especially true in joint custody where the obligee is taking advantage of the other parent. "It's a miracle that obligors continue to get up and go to work in these cases, which are very common. Extra caution should be taken to favor the obligor, because they're the ones shouldering everything.

Action item 6, principal is income that has already been accounted for, I cannot believe that this item will take more than a minute or two to decide, I am commenting on it just in case. It's double dipping guys. The fact that this is being discussed is evidence of how one sided this system has grown. Item 7 I would just echo the sentiments of Assemblyman Pickard.

Item 8 on the agenda: I'm not sure how this committee is defining the word awards, so I will assume a few things as I proceed. I'd like to see reimbursements from an employer excluded as income. I'm currently trying to get approval for tuition reimbursement, in addition, I do receive a tool allowance yearly from my employer that covers a set amount of money to acquire tools for my job. This isn't income, counting it as such is beyond unfair and punishes people for positive actions. These types of awards deserve to be set aside.

Lastly, action item 10 opens up discussion about possible future items. I again would like to plead with you to revisit the ability to modify upon the adoption of the new guidelines, it is only right to do so. I'd also like to see more discussion about deviating downward on behalf of other minor children. Leaving this to the judgement of a magistrate has and will produce arbitrary deviations that cannot be explained from one courtroom to another.

Thank you,  
Glen Baker