

Child support proves hard to collect

by KAYE BARTON

County officials who enforce child support payments say Sharon Casto's case is not a typical one. But that is small comfort to the Boring woman.

Mrs. Casto says her former husband has not made a monthly support payment in the 2½ years since their divorce. Her fight to collect the amount decreed by the divorce court has involved three court appearances, a complicated tangle of red tape and a growing distrust of the judicial system's ability to carry out its mandates.

Mrs. Casto, who has remarried, said her former husband is a systems analyst with a master's degree in mathematics. He was ordered in the divorce decree to pay \$300 a month in support for their two children.

He would now be more than \$9,000 in arrears, she said, except for a legal provision which allows a custodial parent to attach a lien to any real estate owned by a former spouse who is delinquent in child support payments.

By attaching the liens, she has collected approximately \$5,000 of the delinquent amount in cash settlements. "If it wasn't for that provision, we'd be out of luck," she said.

FOUR TOOLS

Dennis Fennel, who directs the support enforcement division of the Clackamas County District Attorney's office, said few child support cases prove so difficult to resolve.

"We have four enforcement tools which help us collect support payments," Fennel explained. The first tool is a simple letter to the "obligor," the parent who is obligated to make support payments.

In the overwhelming majority of cases, the obligor is the father, Fennel said. A letter will be sent informing him that his support payments are delinquent.

"This letter causes him to be aware that we are watching the case," Fennel said. It is often an effective stimulant which prods the delinquent father to make his overdue payment.

County District Attorney James O'Leary likened the letter to a bill sent out by private industry. "Many citizens need reminders before they pay their bills," O'Leary pointed out. "Our letter of delinquency is similar to a statement sent out by Sears, for example."

The second tool Fennel uses, if the first has not been successful, is a "citation to show cause" document. The father is called before the judge to explain why he should not be held in contempt of court for his refusal to make support payments.

UNABLE TO PAY

This is a civil procedure carried out before the judge



Sharon Casto checks court dates.

without a jury. Fennel said he handles several show cause hearings each week.

"If the obligor can establish that he's been unable to pay — perhaps he was incapacitated or hospitalized — the judge may find him not in contempt of court," Fennel explained.

Another common occurrence in the hearings is an ex-

planation made by the delinquent father that he has been unemployed, or that due to seasonal work or some other factor he has been unable to make regular payments.

In such cases Fennel said the judge is likely to postpone the matter for a period of 30 to 90 days to allow the person time to return to work and resume payments.

A third enforcement tool available to his team is the wage assignment. Fennel described the provision as special legislation which allows a judge to deduct 25 percent of the obligor's net earnings from his paycheck to be applied toward the delinquent support payments.

The law provides that the 25 percent deduction will continue until the delinquent amount has been paid in full. Deductions are then reduced to the monthly amount originally ordered by the court.

One limitation of the wage assignment tool, according to Fennel, is that it can only be used if the father is employed by someone else so his wages can be attached. "If he is unemployed or self-employed, the wage assignment doesn't help us," he said.

Mrs. Casto claims her former husband is well aware of this limitation and is capitalizing on it. He is not employed in the field for which he was trained, computer programming.

UNEMPLOYED STUDENT

"He isn't working at all," she said. "He's living on welfare and taking nurse's training at Clackamas Community College."

Mrs. Casto attributes her former husband's staunch refusal to make support payments to his animosity against her over their divorce. "But I don't think that's right," she said. "He helped bring those children into the world and he should accept responsibility for that."

Fennel used the fourth enforcement tool, a charge of criminal non-support, against Mrs. Casto's former husband. In November, 1978, he was tried for the Class C felony before a judge and jury.

He was found "not guilty" of the charges, a verdict which exasperates Mrs. Casto. "I have a document which says he is supposed to pay me \$300 a month. The court records show he has never paid it. He has ignored the court order, and yet they say he isn't guilty."

AT COURT'S MERCY

Mrs. Casto mentioned what she feels is another inconsistency in the system. "My ex-husband has twice taken me to court trying to have the amount of his

payments reduced," she said. "The first time, in May, 1978, he didn't even show up in court, and yet I had to pay my attorney's fees and court costs."

Mrs. Casto said she's at the mercy of a system in which ultimate justice is impossible. "I couldn't afford to go to court, but I couldn't afford to stay home, either," she said.

Eileen McSkimming, support supervisor for the circuit court's office, agreed with Fennel that most cases are not as difficult as Mrs. Casto's. Her department has more than 2,200 active cases on file, which means they are maintaining some form of regular payment.

She has referred an additional 1,300 cases to the DA's office. These are files which have been marked delinquent and in which the custodial parent has filed a complaint and pressed charges for non-support.

These figures do not include the 1,700 non-support cases within the county which are supervised by the welfare department because the mother is receiving some form of welfare assistance.

Fennel said the DA's support enforcement division is highly effective in stimulating support payments. "I think the mere presence of the division serves as a reminder of the father's obligations," he said.

Clackamas County spent approximately \$77,000 to enforce and collect child support payments from July through September, 1978. During the same period, more than \$1.5 million was collected in support payments and disbursed to the custodial parents.

But these figures do little to comfort Sharon Casto. She is left with what she feels is a worthless court order. "If this legal document can't be enforced, can I ever trust any contract I make?" she asked.

Board gets lower auto bid second time around

by KAYE BARTON

A high school board meeting seems to have little in common with a fishing trip. But board members at Sandy Union High School District's meeting Monday night winced at the bid that got away.

The board routinely advertises for bids on surplus vehicles owned by the district. Bids had been solicited twice on a 1967 Chevrolet sedan formerly used as the high school nurse's car.

Only one offer was received on the first attempt last year from the district's transportation supervisor Chuck Markwell. Markwell bid \$105 for the vehicle, and the board voted not to accept his offer.

Board members felt the bid was too low, according to the district's business manager Jim Smith.

Smith was instructed to advertise a second time and to solicit telephone bids from salvage yards in hopes of getting a higher offer.

The highest bid made by a salvage yard was \$45. A single sealed bid was again in evidence at Monday night's meeting.

As Smith opened the bid to read to board members, he murmured, "I think most of you can guess who the bidder is."

Sure enough, Markwell had submitted a second bid, substantially lower than his first. Board members were seemingly left without an alternative, and they unanimously, though reluctantly, accepted his second bid of \$65.

Board members also accepted a bid on a second surplus vehicle, a 1966 Dodge

bus. Three offers were received on the bus, for \$251, \$569, and \$1,550.

The board accepted the highest offer, from Dennis Powers at Bud Wynn's Custom Shop in Port Orford. One board member quipped, "Can he use a 1967 Chevrolet?"

The board also approved contracts for two new staff members for the high school, Mark Kuntz and Welcome Rumbaugh.

Kuntz will fill a drama teaching vacancy left by the resignation of Diane Sonderskov. He is a 1978 fall term graduate of the University of Washington with a bachelor of arts in drama.

Rumbaugh will serve as director of the high school's career center. He holds a Ph.D. in Career Guidance and has recently served as Director of Career Information for the state of Kansas.

The career center position is funded by a federal career-vocational grant for a term of 95 days, according to Dennis Crow, administrative assistant at the high school. Crow is drafting grant proposals which will renew funding of the position for next school term.

Superintendent Jack Peters reported that Redland School District intends to send all but nine of its currently enrolled students to Sandy High in 1979-80.

Negotiations are underway between the Redland district and David Douglas High School in Portland to provide for next year's Redland freshman and the nine students who, opted not to attend Sandy High next term.

However, Peters said

several Redland parents have requested permission to send younger siblings of currently enrolled students to Sandy High to allow the children within a family to attend the same high school.

Peters said there may be as many as nine younger siblings, which would compensate for the nine currently enrolled Redland students who opted against Sandy. He said the Sandy district had agreed to accept the returning Redland students, but Redland hadn't agreed in writing to send them.

The Redland Board also met this week and was expected to vote on the matter. Also to be decided is the amount of tuition to be paid by Redland students who attend Sandy High.

Thefts keep police busy

Numerous thefts have occupied Sandy police recently, including a \$55 loss reported by the Wizard of Hair beauty shop in Heritage Square. The theft occurred Jan. 13 between 6 and 7 p.m., according to owner Jack Gordon of Hoodland. The currency was taken from the cash box.

Kevin Stewart, principal at Sandy Elementary School, reported to police that he apprehended a student who was removing \$13 from the handbag of a teacher.

The boy was taken to the police department and held

until his mother arrived. Juvenile authorities were notified.

Brenden Dock, 15, of Sandy, reported the theft of a \$200 bicycle Jan. 13 from the Quartermaster recreation center. Dock was inside the center playing games at approximately 5 p.m. when the theft occurred. Police are investigating leads.

Lonnie Willis, 18, of Sandy, was issued a misdemeanor citation for shoplifting Jan. 13, for allegedly taking a 99-cent package of cookies from Mt. Hood Fruit Market.

Reba Dent of Boring was

arrested Jan. 14 at approximately 9 p.m. and charged with driving while under the influence of intoxicating liquors. She was issued a citation and released.

Geannette Pumpelly of Sandy reported Jan. 13 that a bullet had been shot through her roof and landed on her bed sometime during the previous night. Police investigated the damage and took the .30 caliber bullet as evidence.

Burglars net big haul

SANDY — Sheriff's deputies said over \$850 of personal items were stolen in a burglary at a Sandy residence last week.

Joy Omev, 43080 Wildcat

Mountain Drive reported a small jewelry box, a purse, a watch, penny jar and a transcript were stolen from her home while she and her family were at a friend's house.

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