

PAY UP DAD DINNER

COWBOY COLLECTORS TIGHTEN THE REINS ON DEADBEAT DADS

How you doing, Mr. Tuggle?" investigator Jim Harrelston says into the phone. "Oh," William Tuggle begins warily, "not real good." "We only got \$50 last month from you, Billy."

Harrelston is gently chiding, almost fatherly, but "Billy" knows better. He's never met Harrelston in person, or been caught in the investigator's watchful gaze, but he knows what it feels like to be trapped by him. Tuggle has been chatting with Harrelston on the phone off and on for a year, and their conversations can quickly turn ugly. Harrelston's long pauses work like his dead-eyed stares, forcing Tuggle to stammer helplessly when it probably would make more sense to keep quiet.

Harrelston is an investigator for a private child support collection agency based in Austin, Texas. Taking advantage of the failure of state governments to collect billions of dollars in unpaid child support, Child Support Enforcement, Inc., is trying to make a profit on finding deadbeat dads (and sometimes moms) and making them pay the debts owed their children.

Harrelston and eight other investigators work the phones from a dingy, cramped office in the basement of an old shopping center, a place CSE's founder, attorney Richard Casey Hoffman, calls the "war room"—though "bunker" might be more appropri-



CSE investigators incite fear in some recalcitrant dads, guilt in others. Jail is the last resort.

ate. A secret code unlocks the office, part of a security system installed after an irate father in New York gunned down four state child-support workers in 1992. But on

BY LAURIE ABRAHAM

this hot fall day, it's Mr. Tuggle who sounds threatened. He owes more than \$7000 in overdue support for his 16-year-old daughter, and Harrelston is on the prowl.

"I had a car problem," Tuggle offers. "A car problem?" "It fell on both of us; the jack broke and the car fell on both of us, two people. I'm working on the [insurance] settlement."

"You got yourself a lawyer?" A former Navy intelligence specialist and repo man, Harrelston leans back in his chair to wait for the answer, the heels of his lizard-skin boots just grazing the floor. A leather knife pouch hangs from his belt.

"Well, a friend of mine—" "Mr. Tuggle, I've been working with you the best I can."

"I've been having a hard time." "I've been real good with you. I haven't added in interest or nothing."

"You've been very nice and generous with me," Tuggle agrees, unctuous, buying time.

"What happened to that job you had at the veterinarian?"

"I can't do that no more. I got high blood pressure, and my nose starts bleeding when I'm under stress."

"You filed for disability?"

"Yes, sir, four or five months ago I filed."

"Who's your worker?"

PHOTOS BY PATTY WOOD

PRIVATE COLLECTION HAS SCANT

"I don't know."

"Have you gotten any letters from Social Security?"

"Not yet, but I got my lawyer working on it, and—"

"Now, sir, you're pulling my leg. I've been working with Social Security for years." Harrelston's voice rises, piercing the low din of the other investigators' phone conversations. (Later, he would discover that, in this case, Tuggle was being honest. He'd filed for disability and been denied.)

A smile begins to form on the lips of Herb Cohen, who sits a few feet from Harrelston and is equally tenacious in tracking deadbeats, though more relentless than intimidating. A pudgy fifth-generation Texan who favors polyester pants, white shirts, and suspenders, Cohen looks like the government bureaucrat he used to be, but he's sniffed out deadbeats as far away as Germany, Russia, and Okinawa.

"The angrier you get, the more hillbilly he gets," Cohen mutters in Harrelston's direction. He obviously enjoys the performance of his Ozarks-born coworker.

"Mr. Tuggle, I need \$500 by tomorrow. No, I tell you what, give you until Friday."

"Then I'll talk to my ex-wife."

"That's what I'm hired to do. What do you want me to tell her?"

"It's because I'm not making no money."

"Why don't you get a job? Do you have family who can help you out?" Silence. "Do you have a TV, sir?"

"I'm going through a lot of problems right now."

"Think of your daughter. Think of her problems, too."

Harrelston finishes the conversation with a flourish, punching out Tuggle's debt on a noisy adding machine—\$6275 when his ex-wife came to CSE, \$7385 10 months later. He tears off the tape in disgust, crumpling it into a ball.

"You need to do whatever you need to do to get \$500 in here by Friday."

"I'll talk to my ex-wife."

"Goodbye, Mr. Tuggle."

Harrelston doesn't much care whether Tuggle's tales are true. He's heard it all before, and because he sees his job as helping children, he concentrates on the other side of the story. American fathers cheat their children out of roughly one-third of the \$15 billion in support they owe each year; 90 per cent of children on welfare are owed child support. Until recently, when state and federal laws began to change, a man could get reported to a credit bureau for defaulting on his mortgage or car loan but not on his children.

In this case, Tuggle's child-support obligation is a measly \$108 a month; for years, he avoided paying consistently. When Tuggle discovered that his wages were to be withheld, he quit his job at a dog grooming shop, and now he says he's too sick to work.

"Come on," Harrelston says, "It's only \$27 a week. I'll bet some of these guys spend that much on cigarettes and beer."



Over the past few years, scores of private companies like CSE have begun working in the shadow of the government child support bureaucracy, pursuing deadbeats on a contingency basis and taking about a third of whatever support they collect. (Small application fees aside, government services are free.) While state agencies remain children's main debt collectors, proponents of privatization gen-



Hoffman (center) and Rhonda Hill confer with CSE lawyer Chris Westall before her ex, Kenny Mad-dux, faces the Bastrop County judge.

erally argue that profit-hungry entrepreneurs do things better and cheaper than government. And as far as child support goes, it's hard to imagine that the private sector could do much worse.

Run by the states and monitored by the federal Department of Health and Human Services, the government's child-support enforcement program began 20 years ago to help defray welfare costs by digging into the pockets of absent fathers whose children were receiving Aid to Families With Dependent Children (AFDC). In 1984, Congress mandated that states assist any parent who asked for help, not just women on welfare, and caseloads skyrocketed.

According to the federal Office of Child Support Enforcement, state IV-D agencies, named for the act that created them in 1975, collect payments for less than one-fifth of the 15.2 million families they serve. The poor showing is not surprising, considering that state workers handle an astronomical 1000 cases each, two to three times more than CSE's collectors. Add to that an inefficient tracking system and laws that prevent child support workers from quickly reaching across state lines to collar deadbeats, and the result is a Kafka-esque nightmare for many women who go to the government for help. Only one dollar in 10 is collected for the one-third of children who do not live in the same state as their absent parents.

Hoffman's company is probably the biggest of its kind, enrolling mothers from New York to California. He says CSE collects from 48 per cent of its clients, whom he cautiously calls "non-custodial parents," or NCPs, the legal term for deadbeats. (In child support parlance, an NCP's better half is the CP, or custodial parent.) The private agency bests the government, in part, because it doesn't take the hardest cases: welfare mothers, who usually don't have court orders for support or legal paternity established for their chil-

SUPPORT ON CAPITOL HILL.

dren, are automatically enrolled in the state programs. Any child support collected for them (after the first \$50) goes directly into public coffers, offsetting AFDC outlays.

President Clinton's welfare reform package, which Congress now plans to consider next year, features a crackdown on deadbeat dads. The bill creates a national registry of child support orders and adds new sanctions, such as restrictions on driver's licenses for nonpayers. But while nobody can argue against tougher enforcement, it's not clear that the states can afford the staff or computer technology necessary to implement any new federal mandates. Despite a series of reforms enacted in 1984 and then again in the Family Support Act of 1988, the IV-D agencies are running in place: collections are made in just 18.7 per cent of cases, a mere 1 per cent increase over 1979. The record is worse for welfare mothers, with collections stuck at 12 per cent.

Considering the crush of cases—more than a million new families sign up for state child support services each year—Hoffman argues that the IV-D agencies should focus their efforts on women who are on welfare, or who are so poor as to be at risk of returning to welfare, and leave everyone else to private companies like CSE. "Ivana Trump is eligible for free service in most states," he rails. But influential groups like the Children's Defense Fund are leery of a larger role for the private sector, and organizations dedicated solely to child support advocacy are often run by middle-class women who themselves fought to be included in the government's program a decade ago. "We shouldn't let the government fail and give our children's money away to entrepreneurs," says Gertrude Jensen, the president of a 25,000-member advocacy group called the Association for Children for Enforcement of Support (ACES). Matching Hoffman soundbite for soundbite, Jensen argues that child support collection should be turned over to the IRS. "Child support should be as sure as death and taxes."

Kenneth Maddux is sitting in the Bastrop County jail, a spartan facility located 35 miles southeast of Austin, along a two-lane Texas highway bordered by gnarled mesquite trees and flat cotton fields.

Nearly \$20,000 behind in child support for his 14-year-old son, Kenny, Maddux was one of CSE's easier catches. "We just called his brother and said we had a package to deliver for Kenneth," say chief investigator Jim Bishop, a long-faced, laconic Texan who keeps the cowboy collectors from losing their cool or flouting the law. "He said Kenneth wasn't there right now, and we thanked him and hung up."

A local constable agreed to pick up Maddux, and the Bastrop County judge, known for throwing the book at deadbeats, sentenced him to a minimum of six months and a maximum of six years in jail, where he will remain until either he pays off his debt or the court decides he's too poor to do so.

Maddux's skin is ashen, his hair a greasy gray-blond, his eyes dull and blood-shot. He's dressed up in a flannel shirt and jeans to talk to a visitor, but his orange prison-issued booties tell the story: he

won't be needing street shoes for a while. Yet Maddux seems strangely unmoved by his dismal situation, expressing not a trace of anger toward CSE, the courts, or his ex-wife, Rhonda Hill. "She's a good mother to that son" is all he says. *That son*, as if Kenny isn't his.

And in any other than the biological sense, perhaps Kenny isn't. Maddux has visited the boy only sporadically since he and Hill divorced, when Kenny was five. At various times, he admits, he's made decent money as an oil rig worker, but he's only paid child support under duress. Now he says he's broke, which CSE concedes may well be true.

But the company didn't go to the trouble of putting Maddux behind bars for nothing. When he was jailed once before for failing to support his son, Kenny Sr.'s mother bailed him out, and the court turned the \$5000 over to Hill. That's what CSE is counting on this time—that Maddux's mother, who supposedly has money socked away from the sale of a small oil business, will come through again and post her son's \$15,000 bond.

Maddux says that's impossible; his mother lives off Social Security. He shrugs when he's asked when or how he expects to be released. "I'm here until I get out," he says, his voice a flat as a Texas cotton field.

Strong-arming grandma to provide for the kids? Hoffman doesn't admit to an iota of guilt about it. "When we put someone in jail, there's a definite expectation that the money will be paid by friends, relatives, anybody," he says.

There is more ambiguity in the child support collection business than Hoffman will acknowledge. Not only in terms of the agency's tactics—which also include using angry family members or old girlfriends as informers—but because the reality is that many fathers lack the means to support their kids, or are completely alienated from children conceived in their teens or early twenties. Yet it's hard to argue with the notion that the responsibility of raising children should fall equally on both parents, and Hoffman never looks past that kernel of truth. "If kids were the number one priority, kids would get paid, period."

A Massachusetts family law attorney for 20 years, Hoffman came to Texas in 1985 to preside over child support collection for the government. Widely credited though he is for improving that state's performance, he went private because he didn't believe government could ever afford to meet the demand. That meant many women would remain desperate for help, and many might be willing to accept the CSE compromise: two-thirds of something—CSE's cut is a third of the support collected—rather than 100 per cent of nothing.

Part movement leader, part pitchman, Hoffman never tires of his topic. Parents who don't support their children are "child abusers," he repeats to anyone who'll listen. He talks of changing social attitudes so that failure to pay child support is damned with the same vigor as drunk driving.

While Hoffman travels the country giving speeches about "winning the child support war," the workers in the trenches—CSE's nine investigators—are engaged in something closer to an elaborate game

TRULY STAY ABOVE THE PRAY.

Democrats usually shun privatization because of their alliance with government workers' unions, and denying assistance to middle-class mothers would be about as politically popular as a middle-class tax increase. Congress's 1984 decision to extend child support assistance to anyone who asked for it grew out of a (continuing) lobbying effort by middle- and lower-middle-class women disgusted that the government only helped welfare mothers.

Then, too, Clinton would run the risk of putting women and children into the hands of entrepreneurs with unproven track records. While CSE has a good reputation, this field has attracted legions of 900-number charlatans and fly-by-night operators who don't have a clue about how to crack child support cases.

Finally, turning the government's child support program into a welfare-only affair would be philosophically troubling for a White House that is trying to spread government largesse to the working poor. The welfare reform plan, for example, increases subsidized child care for near-poor families. Still, the same welfare plan calls for huge improvements in child support collection for families on welfare, and it's impossible to overestimate the difficulty IV-D programs will have meeting those goals without some kind of relief. To take just one example, the plan calls for "universal paternity establishment," when today fathers are legally named for a mere third of the 1.2 million children born out of wedlock each year.

"If anything, Congress is going to be looking to child support collection to help pay for welfare reform, not the other way around," says Darryll Grubbs, who directs an organization representing private child support companies. An attorney who worked for Hoffman in Texas's IV-D program, Grubbs says turning the whole program over to the IRS is politically unfeasible. "We saw what concerns about costs did to health care reform. Nobody is going to support transferring 40,000 state and local child support workers to the federal [IRS] payroll."

There are steps Congress could take that encourage the use of private alternatives but stop short of ousting middle-class women from the government program. In many states, IV-D agencies have the exclusive right to issue wage-withholding orders, or file actions to suspend a deadbeat's professional license. Both tools could be made available to private agencies.

Several states are also hiring private firms to monitor child support payment and issue warning letters when parents fall behind—a seemingly simple approach that has yielded impressive results where it's been tried. A Dallas judge compared two groups of 100 cases each, one with monitoring, the other without. At the end of one year, 60 per cent of the parents in the monitored group were paid in full, compared to 6 per cent in the regular group. Now, state agencies only pursue (nonwelfare) child support cases when a mother files a complaint, and that often doesn't happen until the delinquent dad is thousands of dollars in debt, or long gone.

At the very least, states should be required to cooperate with private entities. As it is now, bureaucrats won't search their vast databases for deadbeats unless a woman is willing to let the government, rather than a private agency, pursue her case. The IV-D programs demand that women use all of their services, or none

of them. The trouble is, of course, that when states give cases their all, many women still end up with nothing.

I'm getting two-thirds of something rather than a hundred per cent of nothing," says Garnet Couch, repeating the CSE mantra. A mother of two, Couch twice filled out dozens of papers for the Texas child support enforcement program—the state lost the first set—but to no avail. For five years, nothing happened—except the state sent her a third set of the same forms to complete. Her ex, Randall Jansky, was not hard to find. Couch knew his address, but as a day laborer, he went from job to job, and sometimes, she suspects, worked under the table for cash.

"CSE got his attention," says Couch, who receives \$47 a week from her ex. "Randy does what he's supposed to do, and I don't have to be the dirty dog who makes the kids' daddy stay away."

"I've got him paying like a slot machine," gloats Cohen, Jansky's investigator. But while Jansky admits he's behind in payments, he disagrees with CSE about how much he owes, and he's tired of having his crank pulled. "I hate Herb Cohen," he spits.

Perhaps to sustain their love of the hunt, the collectors tend to divide the world into two groups: the black hats, the deadbeats, mostly fathers, and the white hats, children. Mothers don't always fit comfortably into the picture. Couch, for example, is remarkable in that she draws so much praise from Cohen. Perhaps it's because she's such a "lady." Sweet-faced and petite, she gets about \$200 a month from her ex-husband—her court-ordered monthly award plus a scant \$4 a month in arrearages—but she's still happy. "You'll have cases where no matter what you do, it's just not enough," Cohen says. "Garnet is different."

Many women who come to CSE are angry and distrustful after years of being jerked around by the system. Because the relationship between the mothers and collectors too often resembled a bad marriage, Hoffman has hired several women to field their calls. Cohen got to know Couch under the old system, but he and his colleagues rarely speak to the mothers anymore, while they cultivate phone relationships with fathers. Every once in a while, one of them slips and calls a father his client.

With this arrangement, it can't help but seem to some women that the investigators are on the wrong side. After Candice Utley enlisted the company's services, the Texas IV-D program began trying to take her ex-husband to court. But Utley says CSE refused to give her any information about his whereabouts, and as a result, the state had to pass on the case. "[CSE] took his word over mine," she says angrily. "They're helping him hide is what they're doing."

"That's ridiculous," Hoffman answers. First, the company makes it a rule not to give out NCPs' addresses to clients; CSE used to be more forthcoming, but one woman hassled her former spouse so much at work that he was fired. The policy can be overridden, but not if it might scuttle a case. Regarding Utley, Cohen worried that a court date might culminate in jail time for her psychiatrist ex, threatening his medical license. "If this gentleman goes to jail, [Utley] basically cuts off

her nose to spite her face," Cohen lectures. "I've got the guy set to pay, and if he doesn't, all bets are off. I'll go after him guns blazing."

Utley's suspiciousness is understandable, but it's the kind of thing that makes Cohen hot—to be doubted like that, to have his motives questioned by someone he's trying to help. For the investigators, the kids are the only ones who truly stay above the fray. Children are the ideal clients: innocent, cheated, silent.

So what of these girls and boys, whom the investigators only know through an occasional snapshot?

Garnet Couch's two children, Brittany and R. J. Jansky, got to go on their first vacation last summer, to an amusement park four hours away from their home near Austin. Brittany, who is nine, is especially happy

her dad is paying. She points out the encyclopedias her mom bought (\$40 down, \$40 a month), which line one wall of the modest brown-brick duplex the family rents.

Despite their improved fortunes, Brittany and 13-year-old R.J. continue to worry about money as if they were an old married couple living on a fixed income. The two children fret over utility bills, scold their mom for filling the grocery cart too high, and monitor the mail for their \$47.52 weekly check. The legacy of their father's financial neglect is a nagging insecurity, an awareness of dollars and cents too acute for a child.

Kenny Maddux says he's "grown to do without [my dad] because he's never been there." Indeed, father and son were closer with Maddux in jail than they had been in years—at least in physical proximity. Kenny and his mother live a few miles from the jail, and for once, the boy had a captive audience in his father. He

decided to visit.

"He looked bad; he looked sick; he looked like he was 60 years old," says teenager Kenny. "He told me three or four times, 'Come back and see me.' But I figured I'd wait a real long time."

So Kenny waited, but meanwhile—to everyone's astonishment—Maddux was mistakenly released from jail, the result of a computer error by the sheriff's department, and he disappeared. "All these years that I wanted him to come see me, and he never did. Then when he was in jail, he was on the other side. I wanted to ask him how it feels." Kenny regrets he never got to say his piece, but he thinks his father got the message. "I did to him what he did to me," he says, flatly.

Cohen's instincts about the psychiatrist were evidently correct. As promised, he sent \$1000 to CSE before Christmas, found a job, and is now

subject to a \$1500 monthly wage-withholding order. The down-and-out Tuggle still hasn't paid a cent (his case has been turned over to a lawyer), while Jansky, the father of Brittany and R.J., continues to cough up \$47 a week, however grudgingly.

As for Maddux, he stayed on the lam until March, when his mother finally came through, although not quite in the manner CSE had hoped she would. A local sheriff arrested Maddux at the gates of the East Hill Cemetery in Fort Stockton, Texas, as he prepared to leave his mother's funeral. Within hours of his return to jail, Maddux posted a \$10,000 bond, an advance on his mother's estate that was promptly turned over to young Kenny. Maddux later used another \$10,000 of the inheritance to settle the rest of his debt to his son—one more mother paying for a father's mistake. ♦