

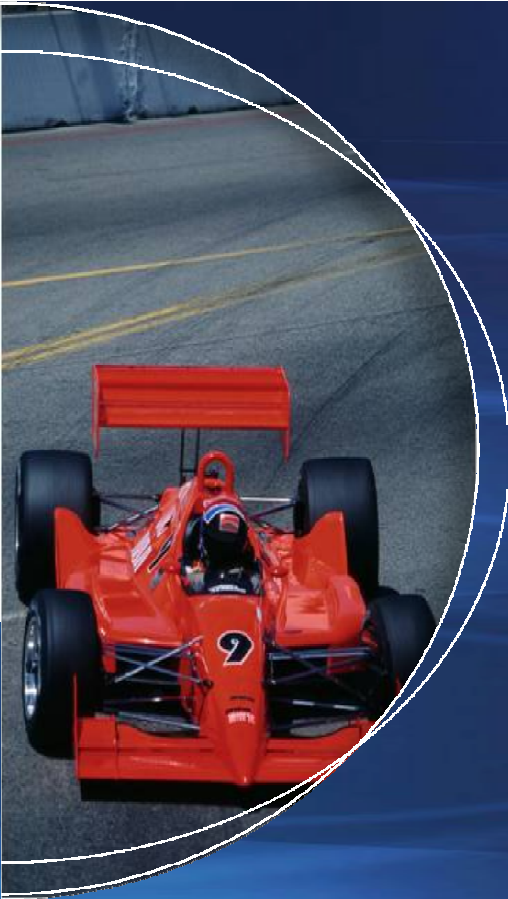
ERICSA: Leading the Race for Stronger Families!



Hard to Enforce Cases Catching the Fugitives

William Conway, BS, MS
Investigator, Indiana 10th Judicial Circuit Prosecutor
(Monroe County)

ERICSA 49th Annual Training Conference & Exposition • April 1 - 5 • Indianapolis Hyatt Regency



Your Legal Status

- Law Enforcement Officer

- Access to law enforcement data bases
 - National Crime Information Center (NCIC)
 - IDACS (Indiana State level system)
 - Law Enforcement on Line
- Authority to Arrest
- Armed



- Civilian Employee

- ISETS / ICES
- BMV Records
- Public Records / open data bases



- Attorney



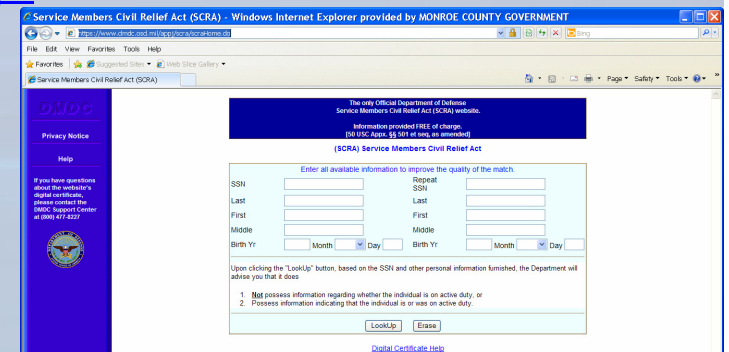
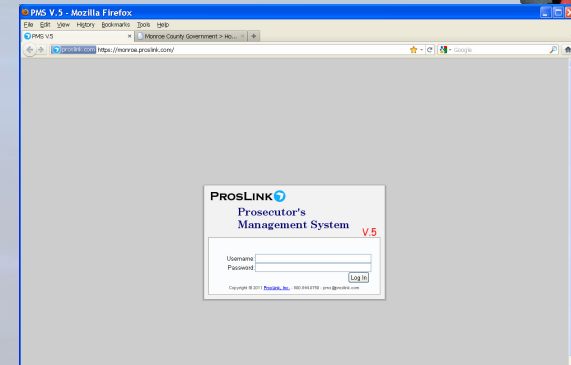
Case Type

- Criminal Felony
 - Nonsupport or some unrelated criminal warrant
 - Extradition Authority / Distance
- Civil Writ
 - No central data base
- Lost Contact / Missing Parent or Unidentified (CP or NCP)



Check Data Bases

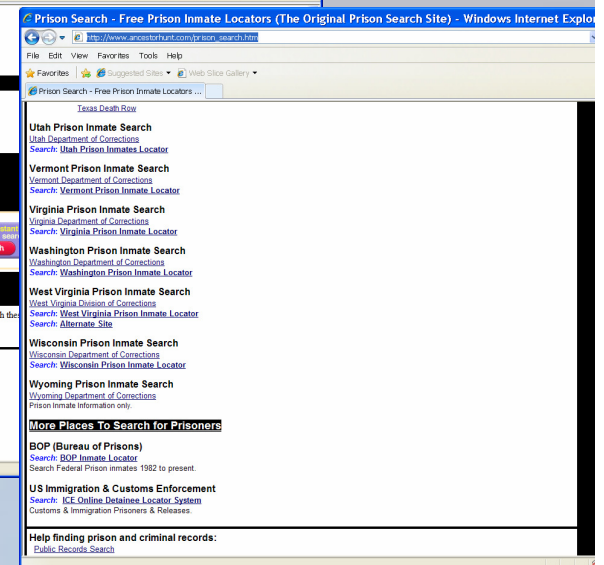
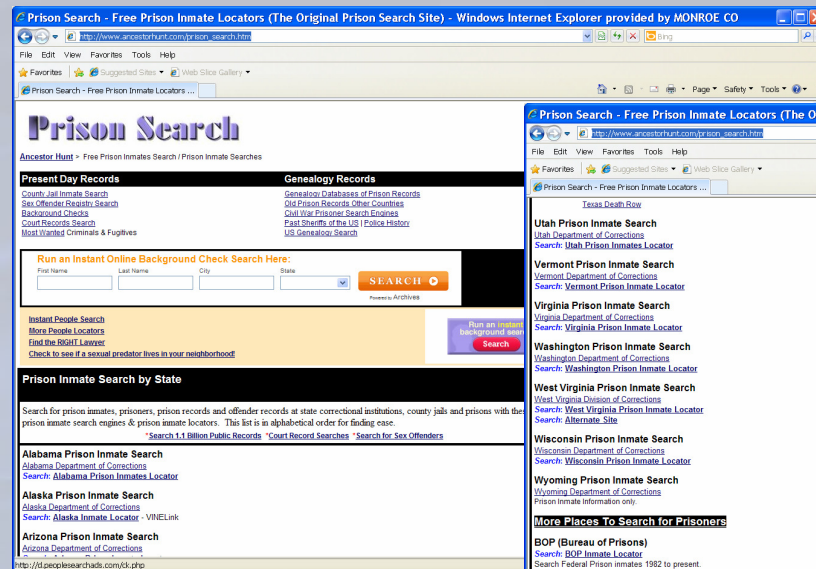
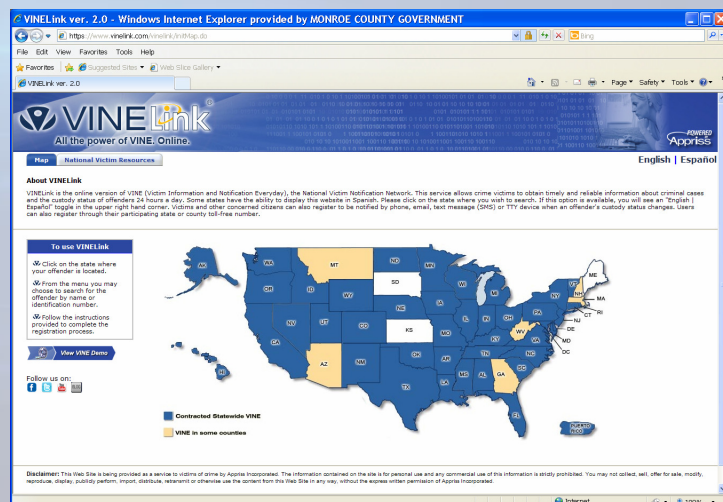
- NCIC / IDACS
 - Current Warrants
 - Criminal History / Recent Arrests
 - ICE (Immigration Customs Enforcement) Status
- State Driver's History
 - Can run all 50 states by region
- Proslink
 - Pending cases / court appearances
- Odyssey Court Management System
 - Public Access <http://mycase.in.gov/>
 - Secure Access <https://mycase.in.gov/securepa/Login.aspx>
 - Pending cases / court appearances
- Military Active Duty Status
 - <https://www.dmdc.osd.mil/appj/scra/scraHome.do>



Check Data Bases



- Local sheriff's booking / jail records
 - Separate county on-line inmate systems
- Local Sheriff and Police Report System
 - Lists victims and witnesses with contact information
- Department of Corrections / Federal Prison inmates
 - http://www.ancestorhunt.com/prison_search.htm
- Vinelink <https://www.vinelink.com>



Check Data Bases

- Review your local file
- ISETS
 - Parent Locate Files
 - New Jobs
 - New address
- ICES
 - Assistance
 - Food Stamps
- Employer support network.

```

Session A - [24 x 80]
File Edit View Communication Actions Window Help
LOGON ISETS I105WLC
12/19/11 18:05:20 MASTER MENU MONROE
INDIANA SUPPORT ENFORCEMENT TRACKING SYSTEM
INDIANA CHILD SUPPORT DIVISION
-----
01 - ISETS MAIN MENU 06 - UTILITY MENU
    
```

```

Session A - [24 x 80]
File Edit View Communication Actions Window Help
ASEMM1 I105WLC ISETS 105 I105WLC
12/19/11 18:06:00 MAIN MENU
INDIANA SUPPORT ENFORCEMENT TRACKING SYSTEM
INDIANA CHILD SUPPORT DIVISION
-----
01 - CASE INITIATION 13 - SCHEDULING
02 - INQUIRY FUNCTIONS
03 - CASE MANAGEMENT
04 - PARENT LOCATE FUNCTIONS
05 - FINANCIAL
06 - EMPLOYER/
07 - SYSTEM MA
08 - DOCUMENT
09 - FILE LOC
    
```

```

Session A - [24 x 80]
File Edit View Communication Actions Window Help
ASEMAP I105WLC ***TAX/CONFIDENTIAL DATA*** ISETS 105 I105WLC
12/19/11 18:06:48 PARENT LOCATE FUNCTIONS MENU
-----
01 - WORKLIST MAINTENANCE 09 - MPI DATA UPDATE
02 - CASE INQUIRY 10 - MEDICAL INSURANCE
03 - MPI ADDRESS MAINTENANCE 11 - BOND INQUIRY
04 - AP SUPPLEMENTAL UPDATE 12 - LIEN INQUIRY
05 - PLS EVENT MAINTENANCE 13 - MANUAL LOCATE SOURCES
07 - CLOSE PLS ACTIVITY 14 - FCR AND LOCATE MENU
08 - INCOME HISTORY MAIN
ENTER NUMBER OF SELECTION
    
```

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Session A - [24 x 80]
File Edit View Communication Actions Window Help
ASEQ0A I105WLC ISETS 105 I105WLC
12/19/11 18:07:37 INQUIRE CASE/PARTICIPANTS
-----
** KEY IN LAST NAME FIRST NAME (0) MI(0) SEX(0) DOB
NAME
** OR ** CASE #, IF KNOWN
** OR ** PARTICIPANT MPI NUMBER, IF KNOWN
** OR ** PARTICIPANT SSN, IF KNOWN
** OR ** CAUSE NUMBER, IF KNOWN
** OR ** IV-A #, IF KNOWN
** OR ** OLD IV-D #, IF KNOWN
** OR ** FILE #, IF KNOWN
IF THE SPELLING OF THE LAST NAME IS UNCERTAIN,
A PHONETIC SEARCH OPTION CAN BE SELECTED AFTER THE NAME SEARCH.
ENTER-CONTINUE
    
```



Check Data Bases

- Local Probation Office list
- Local Parole office list
- Sex Offender Registry
 - <http://www.icrimewatch.net/indiana.php>
 - <http://www.nsopw.gov>
- Investigative data base (ACCURINT / LEXIS NEXIS, etc)
- N,DEX (Via Law Enforcement on Line)
- Photo (driver's license / mug shot)
- Copy of the warrant



64908
Monroe County

STATE OF INDIANA
FAILURE TO APPEAR WARRANT
If applicable, Warrant expires:

The State of Indiana
vs.
Raymond C Lady III

Case Number: 53C03-0301-FD-00037
Warrant Type: Felony Arrest Warrant
Warrant Number: 53C03-0301-FD-00037 - 2

Raymond C Lady III	Alias:	DOB:	Height:	Weight:
409 E Lincoln St Apt B Upper Findlay OH 43840		01/09/1974		
Indiana License #:	Plate:	Gender:	Eye Color:	Hair Color:
Glitch #:	Disfanchise Photo:			Race:

Failure to Appear for Original Offense(s) of:

Offense Code:	Unsub:	Offense:	Offense:
01/10/2003	Felony D	33-46-1-5	NONSUPPORT OF A DEPENDENT CHILD

TO: The Sheriff of Monroe County and any Law Enforcement Agency WHEREAS:

☒ The defendant failed to appear in court on 11/10/2009.
☒ A warrant without bond has been issued for the defendant.

You are hereby commanded to arrest Raymond C Lady III forthwith, and hold that person to bail in the Monroe Circuit Court of Monroe County, in the State of Indiana, for Failure to Appear on the above offense(s). And for want of bail, command that person to the jail of Monroe County, and thereafter without unnecessary delay to bring him/her before the Court.

Warrant Bond Amount: \$
Warrant Bond Type: \$
Split Bond Amount: \$
Split Bond Type: \$
Hold Without Bail / Bond: Hold Without Bail Or Bond

WITNESS THE CLERK AND SEAL OF SAID COURT on this the 10th day of November, 2009.

RECEIVED
NOV 10 2009
MONROE COUNTY
SHERIFF'S OFFICE

RETURN
I have served as commanded by arresting Raymond C Lady III on this the ____ day of _____, 20____.

Monroe County Sheriff's Department Law Enforcement Agency/Office
COPY



A circular inset image showing a red Ferrari Formula 1 car, number 2, driving on a track. The car is viewed from a front-three-quarter angle, showing its aerodynamic features and the driver's helmet. The track surface is dark asphalt with yellow and white markings.

- Check all data bases for leads
- Contact agency in the area of your subject

- Knock on doors and talk to people in person

- Lease and Property records

- Maintain contact with the relatives and friends
 - Someone will get tired of the attention
 - Remove their support network

Microsoft Excel - CaseActivityLog11

File Edit View Insert Format Tools Data Window Help

Arial 10 B I U

	A	B	C	D	E	F	G	H
2	Case/Cause:				Subject:			
3	Alias/Other:				SSN:		DOB:	
4	SID(s):				FBI #:			
5								
6								
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10	Time/Date	Summary of Events						
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Ready Sheet1/ NUM

- ☐ Start Activity Summary
 - ☐ NCIC / IDACS
 - ☐ III Criminal History
 - ☐ Driver's License
 - ☐ Froslink
 - ☐ CISOO
 - ☐ NDEX
 - ☐ Mugshot
 - ☐ Court Dockets
 - ☐ DOC record
 - ☐ ACCURINT
 - ☐ ISETS
 - ☐ INTACT Files
 - ☐ Probation & Parole
 - ☐ Copy of Warrant
 - ☐ Sex Offender Registry
 - ☐ Service Civil Relief site / military active duty ??
 - ☐ Full Credit Bureau Record ?????
 - ☐ Vine Link / Federal Prison ?????
 - ☐ Monroe Recorder's Records
 - ☐ BPD / Sheriff Report System
-

Additional Options

Wanted Posters (local paper / stores / restaurants & bars)

Tip lines / tip area in your office (dead beats and CPs hang together)

Subpoena phone records

Called / received numbers

Cell tower locations

Live tracking of cell phone ????

Credit card records ... if used

Physical or electronic Surveillance

Cost / Manpower Considerations

Recording of verbal service / Affidavit of service

This is a low priority for most agencies, so you will need to be the energy to get the interest in finding / arresting them.



STATE OF INDIANA | OFFICE OF MONROE COUNTY PROSECUTING ATTORNEY | 10TH JUDICIAL CIRCUIT

 **Chris Gool**
Prosecuting Attorney

Child Support Division
One City Centre
120 West 7th Street, Suite 210
Bloomington, IN 47404

MAIN 812-349-2675
FAX 812-349-2045
www.co.monroe.in.us/prosecutor

Name: HENDERSON, BART KELLY.
Date of Birth: 07-10-1961
Race: White
Sex: Male
Height: 6-02
Weight: 185
Hair: Brown
Eye: Blu
Tattoos:


Photo date 06-28-2008

Wanted for
Felony Non-Support of a Dependant Child
53C05-0111-CF-00896
If you see this person call your local police or 911



Questions?



William Conway, Investigator
Indiana 10th Judicial Circuit (Monroe County) Prosecutor's Office

Office Phone: 812-349-4635

wconway@co.monroe.in.us

William.conway@leo.gov

Backup Slides



Indiana Code 35-46-1-5 Nonsupport of a dependent child



Sec. 5. (a) A person who knowingly or intentionally fails to provide support to the person's dependent child commits nonsupport of a child, a Class D felony. However, the offense is a Class C felony if the total amount of unpaid support that is due and owing for one (1) or more children is at least fifteen thousand dollars (\$15,000).

(b) It is a defense that the child had abandoned the home of his family without the consent of his parent or on the order of a court, but it is not a defense that the child had abandoned the home of his family if the cause of the child's leaving was the fault of his parent.

(c) It is a defense that the accused person, in the legitimate practice of his religious belief, provided treatment by spiritual means through prayer, in lieu of medical care, to his dependent child.

(d) It is a defense that the accused person was unable to provide support.

Indiana Code 35-50-2-6 Class C felony; nonsupport of child as Class D felony

Sec. 6. (a) A person who commits a Class C felony shall be imprisoned for a fixed term of between two (2) and eight (8) years, with the advisory sentence being four (4) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).

(b) Notwithstanding subsection (a), if a person has committed nonsupport of a child as a Class C felony under IC 35-46-1-5, upon motion of the prosecuting attorney, the court may enter judgment of conviction of a Class D felony under IC 35-46-1-5 and sentence the person accordingly. The court shall enter in the record detailed reasons for the court's action when the court enters a judgment of conviction of a Class D felony under this subsection.

Indiana Code 35-50-2-7 Class D felony

Sec. 7. (a) A person who commits a Class D felony shall be imprisoned for a fixed term of between six (6) months and three (3) years, with the advisory sentence being one and one-half (1 1/2) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000)



18 United States Code 228

18 USC CHAPTER 11A - CHILD SUPPORT

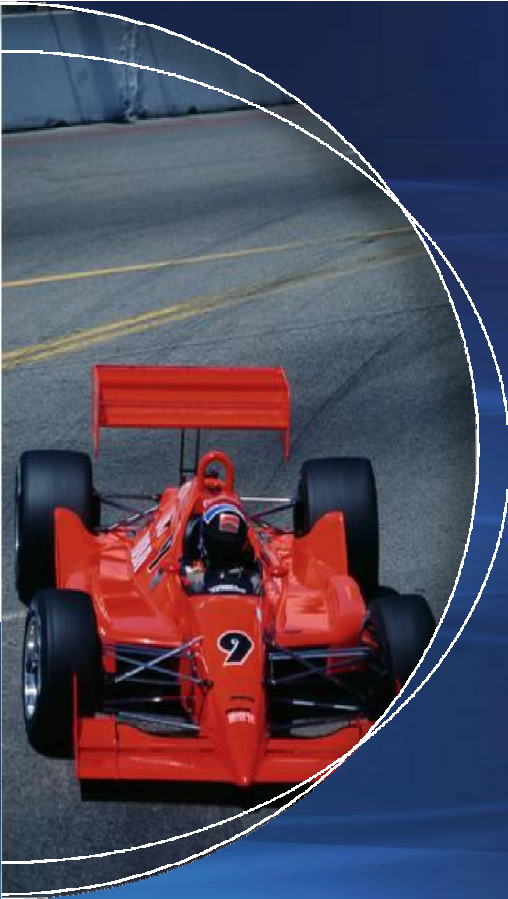
02/01/2010



Sec. 228. Failure to pay legal child support obligations

- (a) Offense. - Any person who - (1) willfully fails to pay a support obligation with respect to a child who resides in another State, if such obligation has remained unpaid for a period longer than 1 year, or is greater than \$5,000; (2) travels in interstate or foreign commerce with the intent to evade a support obligation, if such obligation has remained unpaid for a period longer than 1 year, or is greater than \$5,000; or (3) willfully fails to pay a support obligation with respect to a child who resides in another State, if such obligation has remained unpaid for a period longer than 2 years, or is greater than \$10,000; shall be punished as provided in subsection (c).
- (b) Presumption. - The existence of a support obligation that was in effect for the time period charged in the indictment or information creates a rebuttable presumption that the obligor has the ability to pay the support obligation for that time period.
- (c) Punishment. - The punishment for an offense under this section is - (1) in the case of a first offense under subsection (a)(1), a fine under this title, imprisonment for not more than 6 months, or both; and (2) in the case of an offense under paragraph (2) or (3) of subsection (a), or a second or subsequent offense under subsection (a)(1), a fine under this title, imprisonment for not more than 2 years, or both.
- (d) Mandatory Restitution. - Upon a conviction under this section, the court shall order restitution under section 3663A in an amount equal to the total unpaid support obligation as it exists at the time of sentencing.
- (e) Venue. - With respect to an offense under this section, an action may be inquired of and prosecuted in a district court of the United States for - (1) the district in which the child who is the subject of the support obligation involved resided during a period during which a person described in subsection (a) (referred to in this subsection as an "obligor") failed to meet that support obligation; (2) the district in which the obligor resided during a period described in paragraph (1); or (3) any other district with jurisdiction otherwise provided for by law.

ERICSA: Leading the Race for Stronger Families!



Hard to Enforce Cases

Tex Ritter

tex.ritter@co.nevada.ca.us



Creative Enforcement



Tex Ritter, Director, Sierra Nevada Regional
Dept. of Child Support

Tex.Ritter@co.nevada.ca.us

Creative Enforcement



- What to do with Trusts
- Probate Trusts
- Spendthrift Trusts
- Turnover Orders
- Foreclosure of Lien
- Alter Ego
- Self Employed
- Fraudulent Transfers
- JLPP (inventory, assets, accounts receivables)

Trusts



- “When one or more persons for whose benefit an accumulation of income has been directed is or are destitute of other sufficient means of support or education, the proper court, upon application, may direct a suitable sum to be applied thereto out of the fund directed to be accumulated for the benefit of such person or persons.” CA Civ. Code § 726.

Trusts



- “The judgment debtor's interest as a beneficiary of a trust is subject to enforcement of a money judgment only upon petition...by a judgment creditor...The judgment debtor's interest in the trust may be applied to the satisfaction of the money judgment by such means as the court...determines are proper, including...sale of the judgment debtor's interest, collection of trust income, and liquidation and transfer of trust property by the trustee.” CA Code of Civ. Pro. § 709.010 (b)

Trusts



- “If the beneficiary has the right under the trust to compel the trustee to pay income or principal...for the benefit of the beneficiary, the court may...order the trustee to satisfy all or part of the support judgment...” “(d) This section applies to a support judgment notwithstanding any provision in the trust instrument.”

CA Probate Code § 15305 (b)

Turnover Orders



- Order to take property into possession then levy
- Turnover Order (may be *ex parte*)
- Seizure Order
- Sale; Let the levying officer handle (Sheriff)

Pending Lawsuits and Probate



- Notice of Lien
- Probate request for special notice
- Collections against Insurance Proceeds
- Worker's Comp case, obtain collection beyond lien amount

Motion to Secure Payment



- File in child support action-
- A court has the authority to enforce its own orders. (IC 31-2-11-8)
- Child Support debts have priority over debts owed to other creditors. (IC 31-16-19-3)

Appoint a Receiver



- A judgment or order made or entered pursuant to this code may be enforced by the court by execution, the appointment of a receiver, or contempt, or by any other order as the court in its discretion determines from time to time to be necessary. CA Family Code § 290

Contempt



- Every court shall have the power to do all of the following: to compel obedience to its judgments, orders and process and to the orders of a judge out of court, in an action or proceeding pending therein

Foreclosure on Real Property



- File an Abstract of Support Judgment
- Notice in writing pursuant to a Writ of Execution
- (120 Notice requirement for real property that is a dwelling).
- Exemptions
- Requires a court order for sale

Foreclosure



- Preliminary Title Report
- Legal Description
- Appraisal
- Instructions
- Order for Sale of Real Property

Foreclosure



- Excess Proceeds payable to creditors on a first in time basis even if you are not the foreclosing creditor.

Other Actions



- Drug Asset Seizure/Asset Forfeiture Actions
- Annuity cash-out.
- Petition court Insurance Proceeds
- Structured Settlement attachments.

Alter Ego



- CA CCP § 187 “When jurisdiction is, by the Constitution or this Code, or by any other statute, conferred on a Court or judicial officer, all the means necessary to carry it into effect are also given; and in the exercise of this jurisdiction, if the course of proceeding be not specifically pointed out by this Code or the statute, any suitable process or mode of proceeding may be adopted which may appear most conformable to the spirit of this Code.”

Alter Ego



- A trial court has the authority to amend a judgment in order to add additional judgment debtors. Code of Civil Procedure section 187
Dow Jones Co., Inc. v. Gerard Avenel and Avenel Imports, Ltd., 151 Cal. App. 3d 144 (1984)

Self Employed



- Tools
- Order for Examination of Judgment Debtor
- Work Search/Seek Work Orders
- Restraining Orders

Fraudulent Transfers



- Uniform Fraudulent Transfer Act Indiana Code 32-18-2
- A transfer of property (made before or after the obligation was incurred) is fraudulent if made:
 - With actual intent to hinder, delay or defraud a creditor, or
 - Without reasonable equivalent value
- Includes future creditors (IC 32-18-2-14)

Fraudulent Transfers



- Remedies of creditor: (IC 32-18-2-17)
- Avoidance of transfer
- Attachment
- Injunction
- Appointment of a receiver
- Any other relief as the circumstances require

Shortcuts



- IWO, wage assignment, garnishment, execution of wages
- Notice of Lien (Interstate Lien) OMB From
- Can be used against personal property and can be used in intra- or inter-state

Shortcuts



- Administrative Subpoena (OMB forms) Notice to Consumer not needed speeds up collection of business records.
- 3rd party OEX (Order for Examination of a judgment debtor)

Judgment Lien on Personal Property



- General Lien attaching to all property (IC 31-16-16-2)
- Accounts receivable
- Chattel paper
- Equipment
- Inventory
- Farm Products
- Negotiable Instruments of Title (Bills of Lading)

JLLP



- Covers sales with inventory (ABC licenses for the sale of a Cocktail Lounge 'liquor license' sales usually involve inventory).

Involuntary Petition in Bankruptcy



- 11 USC § 303
- You need to have at least two child support cases and debt which exceeds \$12,300.
- Need three separate entities (two CP's and the LCSA either TANF or foster care).
- The NP must have assets to make it worthwhile.

Project Save Our Children



- <http://www.fbi.gov/hq/cid/cac/recovery.htm>
- Federal Felony
- Investigated by FBI
- Arrears in excess of \$10,000 or over 2 years delinquent
- A pattern of interstate flight to avoid paying child support

Project Save Our Children



- More likely to take case where there is a nexus to other federal crimes, such as bankruptcy fraud, bank fraud, deception in obtaining a loan, federal income tax charges or some other federal crime
- No statute of limitations in statute



FEDERAL BUREAU OF INVESTIGATION

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Contact Us

- Your Local FBI Office
- Overseas Offices
- Submit a Crime Tip
- File an Internet Crime Complaint
- More Contacts

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- What We Investigate
- Intelligence
- Information Technology
- Fingerprints, Forensics & FBI Training
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Be Crime Smart

- Wanted by the FBI
- E-Scams & Warnings
- More Protections

Use Our Resources

- For the News Media
- For Law Enforcement
- For Communities
- For Researchers
- More Services

Visit Our Kids' Page

Investigative Programs Crimes Against Children

Child Support Recovery Act

Not all crimes against children involve physical violence. Some, such as the failure to pay child support, effect the economic well-being of the child. The Child Support Recovery Act (CSRA) of 1992, makes the willful failure to pay a past due support obligation with respect to a child residing in another state a federal misdemeanor offense. The Deadbeat Parents Punishment Act (DPPA) of 1998, amended the CSRA of 1992. The DPPA established felony violations for traveling in interstate or foreign commerce to evade a child support obligation or for failing to pay a child support obligation which is greater than \$10,000 or has remained unpaid for a period longer than two years. Previously, child support cases involved only a misdemeanor violation with a penalty of less than one year imprisonment.

When the CSRA became law in 1992, the FBI was given primary investigative jurisdiction. However, Special Agents of the Office of Investigations in the Office of the Inspector General, United States Department of Health and Human Services (DHHS), have also been given authority to investigate violations of the CSRA. Attorney General Janet Reno updated CSRA prosecutive guidelines and procedures to be followed by Department of Justice personnel in the enforcement of the CSRA. The guidelines make the United States Attorney in each judicial district responsible for determining which cases will be selected for investigation and prosecution. The FBI cannot accept individual complaints from lawyers, advocacy groups, or from individual citizens. According to the AG guidelines, the FBI can only open cases upon referral from a United States Attorney's Office (USAO).

The Attorney General's guidelines are intended to ensure effective prosecution of the CSRA by providing a means for selecting egregious cases which states are unable to handle because of the

[Kidnappings](#)[Online Child Pornography](#)[CAC Coordinators](#)[National Sex Offender Registry](#)[State Sex Offender Registry Web Sites](#)[Federal Statutes](#)[Child Support Recovery Act](#)[National Center for Missing and Exploited Children](#)[Investigating Crimes Against Children Brochure Text Only Version](#)[Investigating Crimes Against Children Brochure Portable Document File \(PDF\) Version](#)[Additional Resources](#)[CAC Homepage](#)

FIDM



- Any accounts can be seized to satisfy arrears, even if in paying or agreed status
- File claim of exemption
- Sole issue is financial hardship

Creative Enforcement



- Questions, Comments Suggestions?
- Please fill out your speaker forms.
- Thank ERICSA.

FELONY NONSUPPORT

BRINGING OUT
THE
BIG GUNS



Developing the Program



- Goals of the Criminal Sanction
 - Provide Options after Contempt
 - Get the attention of the Obligor
 - Force a change of lifestyle
 - Provide for long term monitoring
 - Probation can last beyond emancipation
 - Probation Terms more detailed

Developing the Program



- Establish a Threshold
 - Limit the number of cases
 - Establish guidelines to follow regardless of the Custodial Parent's wishes
 - Save the criminal sanction for the worst cases
 - Monroe County - \$5,000.00
 - Establish a case screening system

Developing the Program



- Determine Case Processing Procedures
 - How many will you file
 - Victim Involvement and Assistance
 - Determine a Standard Plea philosophy
 - Punishment
 - Probation
 - “Giving Enough Rope”
 - Monitoring Probation after Sentencing

Preparing the Nonsupport Case



- **IC 35-46-1-5**

- **Nonsupport of a dependent child**

35-46-1-5 Sec. 5. (a) A person who knowingly or intentionally fails to provide support to the person's dependent child commits nonsupport of a child, a Class D felony. However, the offense is a Class C felony if the total amount of unpaid support that is due and owing for one (1) or more children is at least fifteen thousand dollars (\$15,000).

NONSUPPORT ACROSS THE NATION



- No consistency unlike most other crimes
 - Misdemeanor/Felony
 - \$\$\$/General Duty To Support
 - Civil Criminal Lines can become blurry
 - Simplicity/Very Specific Provisions for Bond, Evidence, Sentence, Terms of Probation
 - Almost all States have differing levels depending on various factors – time, arrearage, age of child, etc.

Preparing the Nonsupport Case



- Start at the beginning
 - Case depends upon your investigation
 - No police involvement
- Use your civil testimony
 - Lay a foundation in contempt proceeding
 - Record your hearings
 - No Fifth Amendment Rights
 - Note “Stupid Respondent Statements”

Preparing the Nonsupport Case



- Investigation
 - Payment Histories
 - Look for large gaps in payments
 - Difficult to prove cases where payments have been consistent with small gaps
 - Failure to pay must be within the previous 5 years

Preparing the Nonsupport Case



- Investigation
 - Employment
 - Subpoena Records before filing
 - Look for ability to make a certain level of income
 - Prior income levels
 - Changing income levels after enforcement
 - Look for reasons for leaving employment
 - Check for unemployment benefits

Preparing the Nonsupport Case



- Investigation
 - Check for Direct Support to Custodial Person
 - Support defined as “food, clothing, shelter or medical care”
 - Violation of Court ordered method of payment is irrelevant
 - Must be more than token contributions

Preparing the Nonsupport Case



- Investigation
 - Prior Incarceration
 - Cannot use Criminal Sanction for incarcerated periods
 - Check for work release periods
 - Criminal Histories
 - Nonsupport may be nonsuspendable

Preparing the Nonsupport Case



- Investigation
 - Credit Reports
 - Information on possible defenses
 - Information on spending habits
 - From loans
 - Credit checks
 - Information on payments showing priorities
 - Banking locations

Preparing the Nonsupport Case



- Investigation
 - Bank Accounts
 - Available Assets
 - Income history
 - Spending habits
 - Debit card records
 - Shopping records
 - Travel records

Preparing the Nonsupport Case



- Investigation
 - Asset purchases
 - Real Estate
 - Automobiles and other vehicles
 - Quality and age
 - Down payments
 - Monthly payments
 - Store credit cards
 - Store Savings cards

Preparing the Nonsupport Case



- Investigation
 - Custodial Parent
 - Information only the CP knows
 - Sympathetic circumstances
 - Custodial Parent efforts to protect the child from the effects of the NCP's failure to pay

Preparing the Nonsupport Case



- Investigation
 - Employment Opportunities
 - Want ads
 - Newspaper
 - Help wanted signs
 - Temp Services or Workforce Development
 - Job skills
 - Jobs declined

Filing the Charge



- Format depends on local practice
- Who files the charge differs by State
- Elements can be totally different
- 50 States and 50 different criminal approaches
- See the State Statute information

Plea Agreement Proposal



- Establish Philosophy
 - Punishment
 - Probation in order to “give enough rope”
 - Consider Flexibility to establish permanent solutions
 - Permit modifications prior to disposition
 - Permit emancipation prior to dispositions
 - Consider goals of plea agreement

Plea Agreement Proposal

- a. Defendant shall make child support payments as follows:
 - i. \$69.00 per week pursuant to the existing current support order in Cause Number 53C07-0005-JP-00329;
 - ii. \$51.00 per week to be applied to Defendant's accrued support arrearages in the sum of \$20,088.00 as of 11/30/2006.
 - iii. A Child Support Income Withholding Order shall be issued by the State under Cause Number 53C07-0005-JP-00329, in the total weekly amount of \$120.00;



Plea Agreement Proposal



- Defendant shall perform fifteen (15) hours of Road Crew or Public Restitution for each week that Defendant fails to pay child support in the amount of \$120.00 as required. Defendant shall schedule said Road Crew or Public Restitution within two (2) weeks of the missed Child Support payment and successfully complete said Road Crew or Public Restitution as scheduled without further order of the Court or the Probation Department;

Plea Agreement Proposal



- Probation shall be supervised for the first three (3) months and shall then become unsupervised. However, if at any time the Defendant falls more than 8 weeks behind on payment of current child support plus the arrearage as ordered by the court herein, the probation shall become supervised and remain so at the discretion of the probation officer. If Defendant is in violation of probation in other respects, the probation may be supervised, at the probation officer's discretion.

Plea Agreement Proposal



- The conviction shall be reduced to a Class D Felony upon successful completion of probation by defendant and upon payment of all child support arrearage as established herein, upon written application by Defendant. The conviction may additionally be reduced to an A Misdemeanor at the sole discretion of the Court.

Monitoring Probation



- IV-D Prosecutor should monitor probation compliance
 - Probation has no Payment History access
 - Employment information can be essential
- Establish a Calendaring System for periodic monitoring
- Establish a protocol with Probation to obtain the filing of Petitions to Revoke when appropriate

Monitoring Probation

- Establish consistent expectations for probation compliance
 - Consistent violations threshold to file a PTR
 - Consistent response to filing of PTRs
 - Let the hammer fall fast and hard upon multiple violations



Program Results



- Consistent felony filing determination and dispositions result in the grapevine effect, resulting in meaningful deterrence
- Felony Defendants develop the habit of compliance
- Reoccurring defendants serve in DOC and not in the county jail

FEEL FREE TO KEEP IN TOUCH AND DISCUSS YOUR CASES

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