An Ace Up Your Sleeve

Undercover Investigators, Criminal Prosecutors, and Child Support Agency Partnerships
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By

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The CSA Perspective

Janet Schutz Nelson
Chief Legal Counsel, Child Support Services
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Milwaukee County Child Support Services

125,179 Cases
133 Agency Staff
940 Cases per FTE
To help children, CSS supports BOTH parents:
• Reflected in 2011 name change from enforcement
• ACF Pathways to Responsible Fatherhood and New Pathways for Fathers and Families grantee
• Parents’ Alternative Dispute Resolution Program

BUT sometimes it’s just not enough....
Occasional case where NCP has resources, but chooses to use those resources in a manner inconsistent with paying child support?
Longtime cooperative agreement with District Attorney for prosecution of criminal nonsupport cases
But both CSS and DA needed more:

• How assess NCP’s actual ability to pay?
• How verify CP’s statements about NCP earning capacity?
• How to deal with NCP “churning”?
Solution: sworn law enforcement officers

- Variety of helpful skills and abilities
- District Attorney already had investigators on staff used to working with office’s attorneys
But first confirm:

• Funding the investigators permitted under Federal regulations
• Duties identified under cooperative agreement
• Method of determining cost
Federal regulations permit investigator funding

- 45 CFR §304.20(b) – IV-D funding can be used for law enforcement personnel for a variety of activities
- 45 CFR §304.20(b)(3) – Investigation permitted to develop evidence for court actions, assist with warrants, investigate fraud related to child support
- 45 CFR §302.34 – Cooperative agreements to reimburse law enforcement officials for allowable activities are permitted
- 45 CFR §304.21(a)(1),(2) – FFP available for cooperative agreements with law enforcement officials, including training
Extensive list of duties in cooperative agreement:

- Interview CPs, employers, neighbors, relatives and other law enforcement agencies to obtain locate and other information regarding NCPs
- Interview NCPs to encourage compliance, or obtain evidence that there is no ability to pay support, as appropriate
- Investigate possible hidden assets or cash employment
- Serve civil warrants and make arrests
- Prepare applications for search warrants and subpoenas in criminal cases
- Obtain extradition papers to return fugitive criminal nonsupport defendants to State
- Document information obtained and confer with child support attorneys and criminal prosecutors
- Testify in civil and criminal enforcement proceedings as needed
- Maintain law enforcement training and meet annual recertification requirements
- Comply with Child Support Program confidentiality requirements
- Maintain accurate time records for IV-D work

Method of determining costs: actual time accounting
Managing referrals to Investigators

- Determine criteria
- Unit supervisor and manager screen referrals
Rollout issues

• Too few referrals
• Too many referrals
• Why isn’t the child support attorney using all the good stuff we found?
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Impact

• Increase in collection rates
  – Current support up by 3.02%
  – Arrears rate up by 4.55%
• Excellent press coverage
• Word on the street – Child Support has cops!
Criminal Prosecutions

Maureen Atwell
Director, Child Support Division – Waukesha County, WI
Former Child Support Prosecutor – Milwaukee County District Attorney’s Office
Criminal Child Support Charges

Last resort for the worst, most persistent offenders when all other efforts have failed and hard evidence exists that offender has resources and ability to pay but intentionally chooses not to.
Concern

Criminal charges are used in situations where less severe civil remedies would suffice.
Screening criteria require that **ALL** CSA and civil court resources are exhausted and NCP has rejected all services offered with no reasonable explanation.
Concern

Criminal charges wrongfully punish poor NCPs who can’t afford to pay support.
Reality

Screening process requires evidence of assets, resources, employment.
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Reality
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Concern

People don’t deliberately choose not to pay support.
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Reality
Reality

Can you beat child support? Yes you can. This works! - guyQ by AskMen
uk.askmen.com/.../32039-can-you-beat-child-support-yes-you-can-this-wor.html

Child Support Sucks Learn how to legally stop paying. You ... - Fark
www.fark.com/.../Child-Support-Sucks-Learn-how-to-legally-stop-paying-You-p... Fark

Avoid Paying Child Support Legally - The Law Dictionary
thelawdictionary.org/article/avoid-paying-child-support-legally/

How to Not Pay Child Support (with Pictures) - wikiHow
www.wikihow.com/Not-Pay-Child-Support wikiHow

Men, Want to Avoid Paying Child Support? Here Are 5 Tips to Help ...
www.theroot.com/.../men_want_to_avoid_paying_child_support_here_are_5_tips_to... 

Why I REFUSE to pay child support - A Voice for Men
www.avoiceformen.com › Men's Rights › Family Courts

How To Beat The Child Support System - FreeAdvice Legal Forum
forum.freeadvice.com › Forum › FAMILY LAW › Child Support
Concern

Having a criminal record makes NCP less likely to pay.
Reality

Cases prosecuted: over 300
NCPs paying before criminal charges: 0
NCPs paying after criminal charges: approx. 78%
Reality

NCP could not be less likely to pay: screening process selects NCPs with zero percent chance of paying support without criminal charges.

Short of the NCP actually stealing money from the CP, the chances could not be lower.
Concern

Criminal charges will damage NCP’s relationship with the children.
Reality

Criminal child support offenders not typically parent-of-the-year material.

Screening criteria assesses the familial relationship, evaluates if NCP contributes in other ways to the child’s support.
Case study: Daniel Johnson

- Worked as house painter for cash while collecting disability from VA.
- Received $102,000 workers comp settlement, sold to third party to avoid garnishment.
- Came to trial dragging a different leg each day.
Case study: Bradley Wajer

- Failed to support virtually child’s entire life.
- Owned motorcycles, limousine, “party bus,” ATV, other assets.
- Fled to Arizona after being charged, arrested later in Wisconsin after intensive law enforcement search.
- Concurrently convicted of Failure to Support, domestic violence charges, numerous counts of bail jumping.
Case study: Lucas Byrd

- Owed more than $75k in arrears, hid $300,000 inheritance from CSA.
- Serving 4 year sentence for unrelated crime. Wrote to CP: “Court can’t touch me on child support, I’m already in prison.”
- Charged with Failure to Support, threatened with additional prison time, paid all arrearages and costs immediately.
Undercover Investigations

Tara Ferguson, Investigator
Milwaukee County District Attorney’s Office
Child Support Prosecution Unit
Sworn Law Enforcement Officer

• Vested with law enforcement authority by the legislating state
• Has powers of arrest, can refer for criminal prosecution
Investigatory Process

• Research into NCP’s background
• Field investigations and interviews
• Reports
Undercover Operations

- Find evidence of resources, assets, and employment
Surveillance and Arrest

Casimir Pietrzak: Bench warranted for fourteen years, paid nothing. After arrest, paid $12,000.

Matthew Kubicki: Bought heroin on his way to work.
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Surveillance and Arrest

**Contractor:** Bench warranted for two years, arrested with $2,690 in pocket. Paid $8,265 after arrest.

**Tae kwon do Student:** Owed over $595,000. Arrested at tae kwon do class. After arrest paid $70,324.
Surveillance and Arrest

**Taxi driver:** “Disabled” former lawyer, working as taxi driver, collecting disability. Nine children by seven women. Funnels support to own household.

**The Barber:** Observed running his own barber shop. Fled to California, arrested on return from trip to Catalina Island. Paid $5,740.

**Grateful NCP:** Glad we cleared that up! Give me a hug! Have a nice day! 😊
Jail Calls

- Locate absconders
- Record incriminating statements about income, assets, employment.
- Capture admissions of guilt
- Prevent witness intimidation and bribery
Case study: Raul Cardona

- Paid support 1994-96, never paid again. Later claimed he didn’t know about support order.
- Personal trainer to Hollywood elite. Photographed at red-carpet events.
- Documentation obtained: NCP earned over $1 million 2007-2008.
- Arrested driving Mercedes to country club in L.A.
Case study: Robert Davis

- CP to Family Court Commissioner: NCP a pimp. NCP confirms: I’m a pimp.
- Obtained search warrant for NCP’s Facebook
- NCP impregnated child, trafficked cognitively disabled victims
- Convicted of numerous counts sex assault, pimping/pandering, human trafficking, child support. Serving 20 year sentence.
Case Study: Laron Perry

- Arrested on 6-count felony child support warrant
- Jail calls: told his family to dissuade CP from testifying.
- Charged with Felony Intimidation of Witness
- Found guilty at trial of non-support and witness intimidation
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Questions
Contact Us

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