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CHILD SUPPORT

COMMITTEE ON FINANCE
UNITED STATES SENATE
RUSSELL B. LONG, *Chairman*

MAY 16, 1972

Prepared by the staff and printed for the use of the Committee on Finance

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CHILD SUPPORT

The Problem

Aid to families with dependent children (AFDC) offers welfare payments to families in which the father is dead, absent, disabled, or, at the State's option, unemployed. When the AFDC program was first enacted in the 1930's, death of the father was the major basis for eligibility. With the subsequent enactment of survivor benefits under the social security program, however, the portion of the caseload eligible because of the father's death has grown proportionately smaller, from 42 percent in 1940 to 7.7 percent in 1961 and 4.3 percent in 1971. The percentage of AFDC families in which the father is disabled has diminished from 18.1 percent in 1961 to 9.8 percent in 1971. Families with unemployed fathers represented 5.2 percent of the AFDC caseload in 1961, and made up 6.1 percent of the caseload in 1971.

Absent Fathers.—It is those families in which the father is absent from the home that the most substantial growth has occurred. As a percentage of the total caseload, AFDC families in which the father was absent from the home increased from 66.7 percent in 1961 to 74.2 percent in 1967, 75.4 percent in 1969, and to 76.2 percent in 1971.

In terms of numbers of recipients rather than percentages, in 1961, 2.4 million persons were receiving AFDC because the father was absent from the home. By 1967, that figure had grown to 3.9 million and by 1969 to 5.5 million; by the beginning of 1971, 7¼ million persons were receiving AFDC because of the father's absence from the home. By the end of 1971 that figure had grown to almost 8 million AFDC recipients on welfare because of the father's absence. Thus in the past four years, families with absent fathers have contributed more than 4 million additional recipients to the AFDC rolls.

Desertion.—What kinds of families are these in which the father is absent from the home? Basically, these represent situations in which the marriage has broken up or in which the father never married the mother in the first place. In 45.2 percent of the AFDC families on the rolls in the beginning of 1971, the father was either divorced or legally separated from the mother, separated without court decree, or he had deserted the family. In 15.2 percent of the families receiving AFDC at the beginning of 1971, the father had deserted. Applying that percentage to the caseload today, this means that well over 1½ million welfare recipients are getting AFDC because the father has deserted.

Illegitimacy.—The largest single cause of AFDC eligibility is illegitimacy, and this has been the fastest growing category in recent years. In 21.3 percent of the families receiving AFDC in 1961, the mother was not married to the father of the child. By the beginning of 1971, this proportion had grown to 27.7 percent. Applying that percentage to the present caseload, almost 3 million AFDC recipients today are found in families where the father is not married to the mother.

Present Law

The Congress has attempted to deal with desertion and illegitimacy in the past. Present law requires that the State welfare agency establish a separate, identified unit whose purpose is to undertake to establish the paternity of each child receiving welfare who was born out of wedlock, and to secure support for him; if the child has been deserted or abandoned by his parent, the welfare agency is required to secure support for the child from the deserting parent, utilizing any reciprocal arrangements adopted with other States to obtain or enforce court orders for support. The State welfare agency is further required to enter into cooperative arrangements with the courts and with law enforcement officials to carry out this program. Access is authorized to both Social Security and (if there is a court order) to Internal Revenue Service records in locating deserting parents. The effectiveness of the provisions of present law have varied widely among the States, due in part to lack of interest in enforcement by the Department of Health, Education, and Welfare.

In its March 13, 1972 study of present child support programs, the General Accounting Office noted that the Department of Health, Education, and Welfare

> has not monitored the States' child support enforcement activities and had not required the States to report on the status or progress of the activities. Consequently, HEW regional offices did not have information on the number of absent parents or amount of child support collections involved or the progress and problems being experienced by the States in collecting child support. Also, HEW regional officials have not emphasized child support collection activities within the total welfare program. . . . According to regional officials HEW has not emphasized the collection of child support payments because of a shortage of regional staff and because this activity represents a small segment of the total effort needed to administer the AFDC program. Regional officials informed us that they did not, at the time of our fieldwork, have any plans to evaluate the support enforcement programs or impose reporting requirements on the States.

However, the State of Washington appears to have been particularly successful in its efforts to collect child support.

Experience of the State of Washington in Collecting Child Support

In its study of child support collection procedures in four States, the General Accounting Office singled out the State of Washington as being considerably more successful in locating deserting fathers and in collecting child support payments than the other States reviewed. The General Accounting Office report concluded that Washington's success resulted from these four features of its child support enforcement program:

Special Unit.—The State has established a separate administrative unit (the Collections Section) which is operated on a State-wide basis much like a bill collection agency. The Collections Section, which is responsible for locating absent parents and collecting child support,

is set up to quickly locate absent parents and encourage them to begin regular support payments. The section's procedures also provide for monitoring absent parents' payment records and following up promptly when payments become delinquent.

Encouraging Voluntary Payments.—Emphasis is placed on encouraging absent parents to contribute child support voluntarily; legal actions or threatening legal action is used only as a last resort. Prompt personal contacts are made by Collections Section personnel with the parents of newly enrolled AFDC children to obtain voluntary support payments based on the parent's ability to pay (regardless of the existence of any court orders or amounts specified by court orders). Regarding the use of legal action, the State's philosophy is that to obtain child support the State must compete successfully for the limited funds of the absent parent. Legal action or even the threat of legal action might cause the absent parent to relocate to avoid prosecution or discourage him from making voluntary contributions within his means.

No Caseworker Involvement.—Caseworkers do not become involved in and have no responsibility for collection activities. Time spent by caseworkers to locate and collect child support from absent parents means less time for providing services, which is a caseworker's primary interest and concern. A person other than a caseworker who is properly trained to carry out location and collections activities and who can devote full-time to these activities can be more effective in achieving collections.

Legal Debt of Deserting Father.—By State law, AFDC assistance payments made to or on behalf of dependent children constitute a debt payable to the State by the absent parent or person legally liable for support of the children. Although the State had common law remedies for obtaining child support it was of the opinion that these remedies were not effective. Therefore, the State enacted specific legislation to supplement its existing common law remedies.

Legislative Action by the Congress in 1967 and 1970

Action in 1967.—Growing concern over the impact of desertion and illegitimacy on the AFDC rolls led the Congress in 1967 to impose new requirements on the State welfare agencies to establish programs to combat illegitimacy, to establish the paternity of children born out of wedlock, to seek child support from the fathers of such children and from fathers who have deserted their families, to enter into cooperative arrangements with appropriate courts and enforcement officials in order to accomplish these tasks, and to enter into cooperative agreements with other States in locating deserting parents and securing child support payments from them. The Internal Revenue Service was directed to make information available to aid in locating deserting parents. Under the Senate version of the 1967 Social Security Amendments, the tax collector would have had an active role in collecting support payments; but this Senate provision was not accepted by the House conferees.

1970 Finance Committee Action.—In its version of the 1970 Social Security Amendments, the Committee on Finance included several provisions relating to deserting parents. First, the Committee bill would have made it a Federal misdemeanor for a father to cross

State lines in order to avoid his family responsibilities; second, the Committee bill would have provided that an individual who had deserted or abandoned his spouse, child, or children would owe a monetary obligation to the United States equal to the Federal share of any welfare payments made to the spouse or child during the period of desertion or abandonment. In those cases where a court had issued an order for the support and maintenance of the deserted spouse or children, the obligation of the deserting parent would have been limited to the amount specified by the court order.

COMMITTEE ACTION IN 1972

On April 21, the Committee made a number of decisions relating to child support. The Committee provisions designed to enforce the obligations of parents to support their families are described below.

Incentive for Obtaining Support Payments.—Under present law, each dollar of child support payments received by a family on welfare reduces the assistance payment to that family by one dollar. Under the Committee amendment, a cash incentive would be provided for mothers who have obtained child support payments from a deserting husband. In general, one-third of the amount of support payments (including alimony) she is receiving as the result of her own efforts would be disregarded in determining the amount of the welfare payment—that is, for each $3 in support payments received, the welfare payment would be reduced only $2.

Assignment of Right to Collect Support Payments.—In addition to the lack of financial incentive to seek support payments under present law, mothers may have personal reasons for fearing to cooperate in identifying and securing support payments from the father of the child. To protect some mothers and also to allow for a more systematic approach for the collection of support payments, the Committee approved an amendment requiring a mother, as a condition of eligibility for welfare, to assign her right to support payments (including alimony) to the Government (the level of government to which this assignment would be made is left open and is the subject of a staff recommendation later in the pamphlet), and to require her cooperation in identifying and locating the father. Similarly, an applicant for Aid to Families with Dependent Children would have to cooperate in subsequent action to obtain support payments.

Locating a Deserting Parent; Access to Information.—The Government would then proceed to locate the absent parent using any information available to it, such as the records of the Internal Revenue Service and the Social Security Administration. As an aid in location efforts, welfare information now withheld from public officials, under regulations concerning confidentiality, would be made available; this information would also be available for other official purposes. The regulations are based on a provision in the Social Security Act, which since 1939 has required that State programs of Aid to Families with Dependent Children "provide safeguards which restrict the use or disclosure of information concerning applicants and recipients to purposes directly connected with the administration of Aid to Families with Dependent Children." This provision was designed to prevent harassment of welfare recipients. The Committee approved an amendment making it clear that this requirement may not be used to prevent a court, prosecuting attorney, or law

enforcement officer from carrying out its enforcement of child support responsibilities.

Voluntary Approach Stressed.—Once located, the parent would be requested to enter voluntarily into an arrangement for making regular support payments. Primary reliance would be placed on such voluntary agreements as the most effective and efficient means of collecting support, avoiding the need for court action and formal collection procedures. The record of the State of Washington in collecting support payments voluntarily was highlighted in a recent study by the General Accounting Office as a key element in their highly successful support collection program.

Civil Action To Obtain Support Payments.—In the event that the voluntary approach is not successful, the Committee's action provides for strong legal remedies. The amount of any welfare payments made to the family of a deserting parent would constitute a monetary obligation owed to the United States. (The extent and nature of this obligation, and whether it should be assigned to the States for collection, are issues discussed further in this pamphlet.) The government could collect this debt by civil actions including court suit, collection by the Internal Revenue Service, or offset against any amounts owed to the individual by the United States, such as veteran's benefits, social security benefits, or income tax refunds, (but not a burial allowance or a death benefit). The deserting parent's obligation to repay the United States for welfare grants to his family would accrue interest at an annual rate of 6 percent in the same manner as delinquent tax obligations.

Criminal Action.—The Committee has provided for Federal criminal penalties for an absent parent who has not fulfilled his support obligation to his family and the family receives Federally matched welfare payments. His obligation to support will be that imposed by State law or, if lower, the amount agreed upon as part of a voluntary agreement. The sanctions could include a penalty of 50 percent of the amount owed or a fine of up to $1,000 or imprisonment for up to one year or a combination of these.

Incentives for States and Localities to Collect Support Payments.—Under present law, when a State or locality collects support payments owed by a father, the Federal Government is reimbursed for its share of the cost of welfare payments to the family of the father; the Federal share currently ranges between 50 percent and 83 percent, depending on State per capita income. In a State with 50 percent Federal matching, for example, the Federal Government is reimbursed $50 for each $100 collected, while in a State with 75 percent Federal matching the Federal Government is reimbursed $75 for each $100 collected. Under the Committee amendment a financial incentive would be provided for that unit of State or local Government succeeding in collecting support payments by giving them an additional 25 percent of the total of the amount used to repay 12 months' worth of welfare payments (although this amount could never exceed 25% of the amount actually collected); this additional amount would be subtracted from the Federal share. Thus, for example, for each $100 collected in a State with 50 percent Federal matching, $25 (instead of $50) would go to the Federal Government, with the other $25 of the Federal share going to that unit of government—State or local—that collected the support payments.

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Identifying the Father.—In 1967 Congress enacted legislation requiring the States to establish programs "to establish the paternity" of AFDC children so support could be sought. The effectiveness of such program was greatly curtailed both by non-administration by HEW and by Court decisions which prevented State welfare agencies from requiring that the mother cooperate in identifying the father. The Committee has approved an amendment providing that a State may not be precluded from seeking the aid of the mother in identifying the father of the child. (This matter is further discussed later in this pamphlet.)

Leadership Role of Justice Department.—To coordinate and lead efforts to obtain child support payments, the Committee action would require each U.S. Attorney to designate an assistant who would be responsible for child support. This Assistant U.S. Attorney would assist and maintain liaison with the States in their support collection efforts and would undertake Federal action as necessary. The Attorney General would be required to submit a quarterly report to Congress concerning his activities.

The Committee proposal requires that records be maintained of the amounts of support collected and of the administrative expenditures incurred in the collection effort. Amounts collected but not otherwise distributed would be deposited in a separate account which would finance the expenses of the Federal collection efforts. An authorization for an appropriation would be included for the contingency of a deficit in this fund. The Department of Health, Education and Welfare would be required to reimburse the Departments of Justice and Treasury for their expenses in this area out of this account. Such reimbursement would, as far as feasible, be made out of the amounts recovered by the Federal Government.

OTHER AREAS FOR CONSIDERATION

1. Assignment and Enforcement of Support Rights; Relationship Between Different Levels of Government

The Committee decision was that as a condition of Aid to Families with Dependent Children eligibility a mother would assign her support rights to "the Government."

Staff Suggestion.—The staff recommends that this assignment of family support rights be to the Federal Government and that the Department of Justice be authorized to delegate these rights to those States which have effective programs of determining paternity and obtaining child support as certified by the Attorney General. (The Committee might wish to allow the Attorney General to delegate such collection rights to counties that have effective programs even though the State does not).

The States, as agents of the Federal Government, would have available to them all the enforcement and collection mechanisms available to the Federal Government. If these mechanisms are utilized, however, the Federal Government would have to be reimbursed on a cost basis (for example, out of amounts collected). Support monies received would be distributed to the Federal, State, and local governments according to the Committee decision described above. Any monies recovered in excess of the current and prior would be paid to the families.

Examples of the amounts sought and the distribution of funds recovered are illustrated in the table below:

	Welfare payment received by family	Federal share of welfare payment	Amount specified in court order	Did State obtain money?	Amount sought	Distribution of funds: [1]		
						Federal	State	Family
1.	+200	$100	$300	Yes	$300	50	$150	$100
1.	$200	$100	$300	Yes	$300	$50	$150	$100
2.	$200	100	300	No	300	200	----------	100
3.	$200	100	150	Yes	150	38	112	----------
4.	$200	100	150	No	150	150	----------	----------
5.	$200	100	75	Yes	75	19	56	----------
6.	$200	100	75	No	75	75	----------	----------
7.	$80	40	100	Yes	100	20	60	20
8.	$80	40	100	No	100	80	----------	20
9.	$80	40	25	Yes	50	12	38	----------
10.	$80	40	25	No	50	50	----------	----------

[1] In a State receiving 50% Federal matching.

If the Attorney General found that the State did not have an effective program, the collection rights would remain with the Federal Government and would be enforced by Federal attorneys in either State or Federal Courts. OEO lawyers would be made available to assist Justice Department attorneys in carrying out their responsibility. In this situation both the Federal and State share of assistance payments would be retained by the Federal Government.

H.R. 1 provided that the Federal share for State expenses for establishing paternity and securing support should be increased from 50 to 75 percent. The staff recommends the adoption of this provision but with a proviso that there be no Federal participation in such State programs which do not meet the Attorney General's standards of effectiveness.

2. Financial Obligation of a Deserting Parent

Present Practice.—It is difficult to describe in any categorical manner the legal obligation of a parent to support his spouse and children. The obligation is usually phrased quite generally and applied by the courts to individual fact situations. State criminal statutes for desertion are often put in terms of failure to provide "necessaries." For instance, California's Penal Code makes it a felony to fail to provide "necessary clothing, food, shelter, or medical attendance." Similarly, statutes providing civil liability are general in terms and the courts issue support orders under such guidelines as "reasonable and proper for the comfortable support" (Pennsylvania) or "necessary for the support, maintenance, and education of the children" (California).

The standards which will determine the amount of support are either spelled out by statute or have been developed by case law. The Uniform Civil Liability for Support Act, which has been adopted by a number of the States, summarizes these factors when it declares that:

> When determining the amount due for support the court shall consider all revelant factors including but not limited to:

(*a*) The standard of living and situation of the parties;
(*b*) The relative wealth and income of the parties;
(*c*) The ability of the obligor to earn;
(*d*) The ability of the obligee to earn;
(*e*) The need of the obligee;
(*f*) The age of the parties;
(*g*) The responsibility of the obligor for the support of others.

Many State statutes, following the provisions of the Uniform Desertion and Non-Support Act. authorize suspension of criminal proceedings for failure to support on the condition that the parent comply with a support order which is then decreed by the court.

Amount of Obligation.—Under present law, a father who deserts his family is under no Federal obligation to pay back any portion of the welfare payment made to the mother and children he abandoned.

The Committee decided on April 21 that there should be some sort of financial obligation on the parent who deserts his family which would enure to the Federal Government, but did not specify how the obligation would be determined.

Staff Suggestion.—The staff recommends that the obligation for any month should be the lesser of the assistance paid to the family or the amount specified in a court order or voluntary agreement. However, in no instance could this amount be less than $50 unless the assistance paid was less than this amount. Moneys collected pursuant to the assignment mechanism would be credited toward meeting this liability. A waiver of all or part of the Federal obligation might be allowed upon a showing of good cause.

3. Establishing Paternity of Children Born Out of Wedlock

Present Law.—Under present law States are required as part of their AFDC plan to develop a program for preventing or reducing the incidence of births out of wedlock in addition to attempting to establish the identity of the child's father. The Department of Health, Education, and Welfare has no idea what has been done under this provision. Other provisions of the law applicable to desertion cases also apply to births out of wedlock.

Present Practice.—The children who are illegitimate because their parents have never married present a serious problem as to their support and care. At common law such a child was a "son of nobody" and neither parent could be held responsible for it. The original laws imposing support of the child on a parent were enacted solely to prevent the community from having the child as a public charge. In many States, it is possible for the State's attorney, or the public welfare authorities, to bring an action against the man who is accused of being the father of the child. If the mother of the child cannot afford her own attorney, she has recourse to such a procedure.

Whether the action is brought by the State's attorney or by the mother of the child, the court procedure is essentially the same. The reputed father is brought into court by a summons or by a warrant of arrest, depending upon whether the law of the State makes the action a civil or a criminal one. There is usually a preliminary hearing before a justice of the peace, county judge, or similar officer, There may then be a trial by jury. The accused is required to give a bond as security pending the actual determination of paternity only if the judge has

reason to believe that the man is the father of the child. Such actions may be brought in the county where the child was born or where the father resides. They must be brought within a certain time, usually 2 years, after the birth of the child.

After a man has been adjudged to be the father of an illegitimate child, he is usually expected to assist with its support and to pay the expenses of the mother's confinement. The amount of support varies according to the State statutes.

Elements of Consideration.—In a book entitled *Illegitimacy: Law and Social Policy*, Harry D. Krause, Professor of Law at the University of Illinois, points out that many States still establish paternity under criminal proceedings. He notes, however, that more recently States have adopted civil proceedings in which the object is to obtain support of the child born out of wedlock. The chief consequence of this is that proof of paternity need measure no higher than a preponderance of the evidence.

Professor Krause stresses that the child has a right to have his paternity ascertained in a fair and efficient manner, and this means that legislation must recognize that the interest primarily at stake in the paternity action is that of the child. He notes that the mother's short-term interests may conflict with the long-term interests of the child in having his paternity established for support, inheritance, and other purposes. Since the child cannot act on his own behalf in the short time after his birth when there is hope of finding its father, Professor Krause feels a mechanism should be provided to ascertain the child's paternity whenever it seems that this would both be possible and in the child's best interest. As examples of times when establishment of paternity would not be in the best interests of the child, he cites the following:

> . . . The best interests of the child will usually require that the hopeless "deadbeat" *not* be pursued. A paternity action also would not be productive if it would interfere with the child's adoption by outsiders. Another obvious exception would be the case of the illegitimate child born to a married woman—at least until the mother's husband has legally disclaimed the child.

Professor Krause believes that contrary to rather widely held beliefs, paternity can be ascertained with reasonable assurance.

He summarizes his recommended method of establishing paternity in the following way:

> . . . An informal pre-trial hearing before a "referee" should become routine in all paternity matters. To provide jurisdiction to the court, it may be convenient to require that an accusation of paternity be formally filed either by the mother, the child's representative or the child welfare authorities. Having obtained jurisdiction, the court would order blood grouping tests to be performed on all parties. Most frivolous cases would end at this point on the basis of a blood test exclusion. If an exclusion is not established, the parties would be summoned before the referee (a representative having been appointed for the child) who would informally review the evidence. . . . The evidence should include all available medical evidence, such as the non-exclusionary blood test results, expertly evaluated in terms of its value as indicating a probability of paternity. On the basis of his review of the evidence, the referee would recommend (1) that the father

acknowledge the child, (2) that the parties compromise, or (3) that the action be dismissed. No one would be bound by the referee's recommendation, but it seems likely that the recommendation would be followed by many. A case would proceed to trial only if any party decided not to follow the referee's recommendation.

Objection to requiring a mother's cooperation is often raised on the grounds that as a practical matter, a mother cannot be compelled to cooperate in identifying the child's father. From Professor Krause's standpoint, the interests of a child in establishing the identity of his father are more important than the immediate short-term interests of the mother. He concludes:

> . . . There is no reason why the uncooperative mother should not be subject to all the usual remedies applied to reluctant witnesses. Insofar as the interests of her child are concerned, the uncooperative mother would be neither more nor less than a hostile witness holding the key to the child's case. In short, the mother should be subject to a statutory duty to name the father, if that information is necessary to allow the decision whether a paternity action should be brought. If a case actually is brought, the mother should be required to testify. Of course, no harm would be done—and some good would result—if the proceeding to determine paternity would remain largely confidential.

Professor Krause deals at great length with the value of blood typing in establishing paternity; he reports that the biological reliability of expertly performing blood tests has been estimated to be extremely high. An individual may be excluded from the possibility as a father on the basis of blood tests; in addition, the probability of his being the father can also be computed quite precisely on the basis of blood typing:

> We may conclude that even if blood typing cannot establish paternity positively in *medical* terms, the positive proof of paternity may reach a level of probability which is entirely acceptable in *legal* terms. In other words, blood typing results should be admissible as evidence even if an exclusion is not established. They should be entitled to whatever weight the fact that an exclusion was not established in a particular case should have—and that weight should be computed by an expert in terms of statistical probabilities. To put it very simply, if the blood constellation of father, mother and child is such that only a small percentage of a random sample of men would not be excluded as possible fathers, then it is of considerable significance that this particular man (if he has been linked with this mother by other evidence) is not excluded. That "significance," of course, falls short of the absolute certainty involved in an exclusion but, in a given case, may equal that of other types of circumstantial evidence.

Blood grouping tests must be conducted expertly in order to avoid error; the possibility of error can be all but eliminated if appropriate and well-known medical procedures are followed by experts. However, sufficient facilities to perform expert blood typing are not currently available to the courts. They could be made available by having specialized blood typing laboratories meeting the highest professional standards within a few hours of air mail shipment from any part of the

country. Three laboratories under U.S. Army control now do blood testing for use in paternity matters.

Committee Action Thus Far.—The Committee has already agreed to require the cooperation of mothers in establishing paternity of children born out of wedlock who receive Aid to Families with Dependent Children. It has been suggested that 75 percent Federal matching be provided for the separate unit in the State dealing with collection of support payments and establishing paternity.

Staff Suggestion.—It is recommended that a father not married to the mother of his child be required to sign an affidavit of paternity if he agrees to make support payments voluntarily in order to avoid court action. Most States do not permit initiation of paternity actions more than 2 or 3 years after the child's birth; this affidavit will serve as legal evidence of paternity in the event that court action for support is later necessary.

It is not recommended that there be any requirement in Federal law that blood tests be mandatory, but it is recommended that the Department of Health, Education, and Welfare be authorized and directed to establish and arrange for regional laboratories that can do blood typing for purposes of establishing paternity, so that the courts would have this expert evidence available to them in paternity suits.

4. Attachment of Federal Wages

The Attorney General of California has recommended that legislation be enacted permitting assignment and attachment of Federal wages and other obligations (such as income tax refunds) where a support order or judgment exists. He recommends that such a provision be applicable to non-welfare cases as well.

At the present time, the pay of Federal employees, including military personnel, is not subject to attachment for purposes of enforcing court orders, including orders for child support or alimony. The basis for this exemption is apparently a finding by the courts that the attachment procedure involves the immunity of the United States from suits to which it has not consented. In a 1941 case (*Applegate* v. *Applegate*), the Federal District Court for the District of Columbia explained this position in this way:

> While the Congress has seen fit to waive the immunity of the United States from suit in the case of certain money claims against it and also in case of many of the corporations created by it, it has so far never waived that immunity and permitted attachment or garnishee proceedings against the United States Treasury or its Disbursing Officers. This cannot be done either directly, or indirectly through the appointment of a sequestrator or receiver or by contempt order against the debator defendant. *McGrew* vs. *McGrew*, 59 App. D.C. 230, 38 F. 2d 541.
>
> This is not a question of any right of personal exemption on the part of the defendant Applegate but of the sovereign immunity of the United States from suits to which it has not consented.

In 1971, the Administration, commenting on a proposal to permit the attachment of retirement pay of military personnel in connection with court orders for child support or alimony, opposed the proposal as extraneous to the bill being considered but noted:

> If there is sufficient reason to attach retired pay, the same reason undoubtedly exists for an attachment provision applicable to other Federal pays and annuities. Accordingly, the broader subject of attachment of all Federal pays and annuities for support of dependents may well deserve Congressional attention as a matter in its own right. (House Report 92–481. p. 24).

Staff Suggestion.—It is recommended that the Committee authorize in the statute that Federal wages be subject to garnishment in support cases.

If the Committee wishes to take a more limited step, it is suggested that the Attorney General be authorized to order the withholding of support payments from the pay of Federal employees (or from other types of payments due by the Federal Government to the absent parent). While such withholding would be made only with respect to support payments for which the mother had assigned the rights to the Government, the procedure could be used even if the collection efforts were being made by the State rather than by the Federal Government. In such cases, however, the State would have to reimburse the Federal Government for the costs involved in connection with the attachment.

Because the withholding of Federal pay would be done only upon the order of the Attorney General of the United States, the suggested provision would simply avoid the issue raised by the Courts with respect to the immunity of the United States from suits by other parties.

Chart A

NUMBER OF CHILDREN RECEIVING AID TO FAMILIES WITH DEPENDENT CHILDREN MONEY PAYMENTS BY STATUS OF FATHER, JUNE OF SELECTED YEARS, 1940 TO DATE

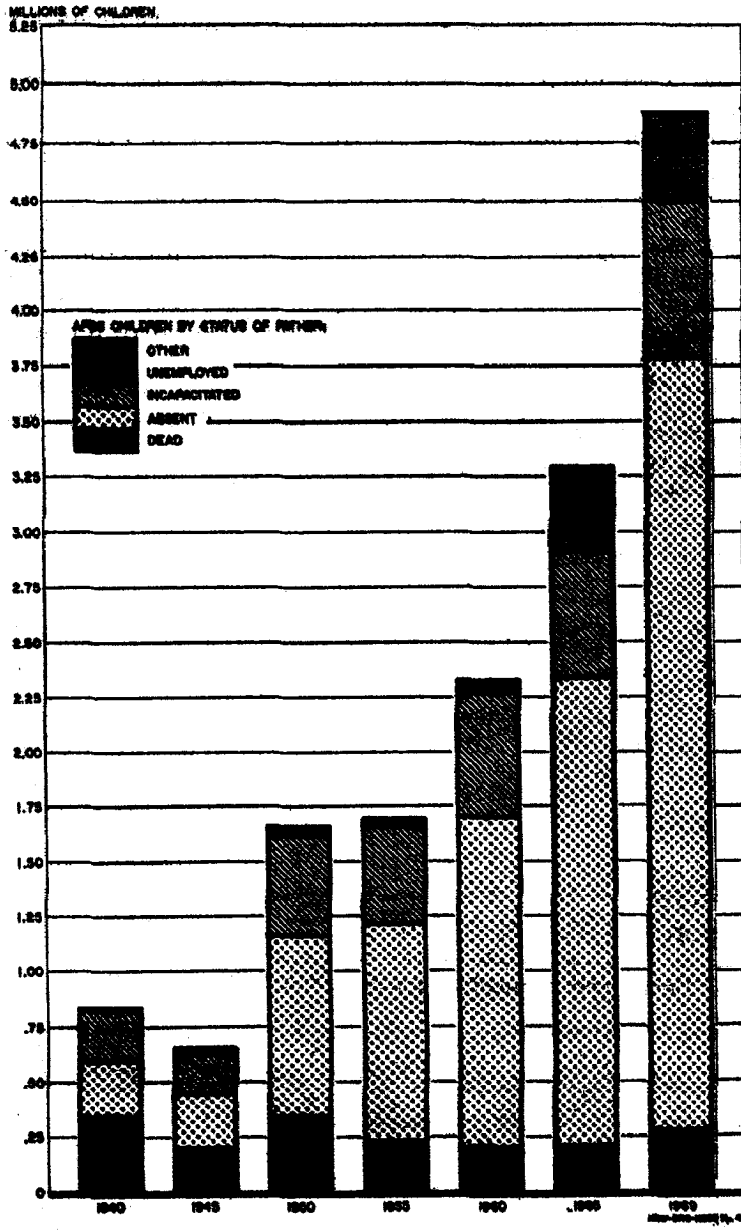

TABLE 1.—AFDC FAMILIES BY PARENTAGE OF CHILDREN, 1969

Parentage	Number	Percent
Total	1,630,400	100.0
Same mother and same father	1,101,300	67.5
Same mother, but 2 or more different fathers	468,300	28.7
Same father, but 2 or more different mothers	4,500	.3
2 or more different mothers and 2 or more different fathers	39,600	2.4
Unknown	16,700	1.0

Source: Department of Health, Education, and Welfare.

TABLE 2.—AFDC FAMILIES WITH SPECIFIED NUMBER OF ILLEGITIMATE RECIPIENT CHILDREN, 1969

Number of children	Number	Percent
Total	1,630,400	100.0
None	906,900	55.6
1	346,600	21.3
2	174,800	10.7
3	89,500	5.5
4	50,500	3.1
5	27,100	1.7
6	15,200	.9
7	10,200	.6
8	4,200	.3
9	2,200	.1
10 or more	1,300	.1
Not reported	1,900	.1

Source: Department of Health, Education, and Welfare.

TABLE 3.—AFDC FAMILIES BY STATUS OF FATHER, 1961, 1967, AND 1969

Status	Percent of families in—		
	1961	1967	1969
Total	100.0	100.0	100.0
Dead	7.7	5.5	5.5
Incapacitated	18.1	12.0	11.5
Unemployed	5.2	5.1	4.8
Absent from the home:			
Divorced	13.7	12.6	13.7
Legally separated		2.7	2.8
Separated without court decree	8.2	9.7	10.9
Deserted	18.6	18.1	15.9
Not married to mother	21.3	26.8	27.9
In prison	4.2	3.0	2.6
Absent for another reason	.6	1.4	1.6
Subtotal	66.7	74.2	75.4
Other status:			
Stepfather case	2.2	1.9	1.9
Children not deprived of support or care of father, but of mother		1.3	.9
Not reported			(1)

[1] Less than 0.05.
Source: Department of Health, Education, and Welfare.

TABLE 4.—AFDC FAMILIES BY WHEREABOUTS OF FATHER, 1969

Whereabouts	Number	Percent
Total	1,630,400	100.0
In the home	297,500	18.2
In an institution:		
Mental institution	6,900	.4
Other medical institution	6,200	.4
Prison or reformatory	53,500	3.3
Other institution	1,300	.1
Not in the home or an institution; he is residing in:		
Same county	311,300	19.1
Different county; same State	86,200	5.3
Different State and in the United States	128,100	7.9
A foreign country	18,000	1.1
Whereabouts unknown	630,600	38.7
Inapplicable (father deceased)	90,800	5.6

Source: Department of Health, Education, and Welfare.