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Commentary - Child Support Enforcement A Fraud By Bruce Eden

After reading the article "NYS Child Support Collections Top \$1.5 Billion" (The North Country Gazette, 2/25/06), the words that come to mind are "fraud", "scam", "extortion", "racketeering" and "government oppression".

The state talks a good story about how all the increased child support enforcement and collections benefits the children. This is pure fantasy. The monies that the state awards, enforces and collects are directly proportional to how much it receives from the federal government as incentive reimbursement funding. And that amount is in the several hundreds of millions of dollars. The monies that the state receives for child support enforcement has no strings attached. The state uses this funding to bolster their state employee and judicial pension plans. Sounds like a massive conflict of interest and criminal conspiracy to me. The U.S. Supreme Court held in *Tumey v. Ohio*, *Ward v. Monroeville* and *Gibson v. Berryhill* that judges cannot sit on cases where they have a pecuniary interest in them because it would be a demonstration of actual bias. *continued on page 2*

Parental Alienation Exists

By Dr. Monty Weinstein

Parental Alienation is the systematic and methodical removal of the children by the custodial parent from the non custodial parent. This phenomenon, while not defined in the DSM IV manual, exists and is alive and well in the courts throughout the U.S. While many political groups that believe in single parenting, rather than shared parenting, deny the existence of this phenomenon, one has only to turn to the victims of this process - the non custodial parent - who has lost all decision making and parenting rights regarding his child. The way to combat this is to bring in teams of experts with multidisciplinary comprehension of this process and challenge the system that allows these devastating techniques to take hold of our children. Many family court judges do not want to recognize the existence of PAS because it is much easier to make decisions predicated on tunnel vision rather than go in depth to the causal relationships between ex-spouses and children.

Dr. Weinstein is one of the foremost experts on parental alienation and has been working with families for over forty-five years. He is on the board of directors of the National Association for Psychology and is on the editorial board and writes a column for the APA publication, "Annals of The American Psychotherapy Association."

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Yet, judges, or state employed judicial hearing officers, in the domestic relations courts, sit on these cases every day. This has created a tyranny by having the state criminalize a civil matter. As stated in the article, it says that the district attorneys are getting into the act in prosecuting people for child support arrearages. Again, this is a blatant due process and equal protection violation. When were the payor parents told, at the inception of the child support matter, that the matter would be converted from a civil case into a criminal case? When were they read their Miranda rights, such as right to remain silent about their financial situation, or given their right to trial by jury or right to appointed, competent effective counsel to defend them properly. As can be seen by this lack of substantive due process, the entire child support enforcement mechanism is a fraud and a scam that smacks of racketeering. If any debt collection agency did this for any other debt, they would be facing massive fines and criminal charges. They would be put out of business immediately.

New York State claims it is going after so-called "deadbeats" by criminalizing child support delinquencies and jailing those with large arrearages. Sounds good. However, if one were to investigate the situation they would find that most of the state's largest delinquent child support obligors are unemployed, underemployed, undereducated, disabled, minorities, or deceased. That's right--deceased! The state needs to keep those numbers on its books in order to maximize the federal funding it receives.

According to a 7-year longitudinal academic study done by Arizona State University that became the book, "Divorced Dads--Shattering the Myths", it was uncovered that less than 5% of all delinquent child support payors are true "deadbeats"--those with the expensive sports cars and trophy wives half their age. So, where is the child support "deadbeat" hysteria? There is none. It is being contrived by the federal and state governments in order to control families, steal children, and eliminate fathers from families so that the state can become the "super-parent". It is another tyrannical government program to extract money from taxpayers to support the government's own largesse.

The state defrauds the taxpayers by claiming they are doing it "for the children". The government never does something for its citizens without a quid pro quo. In the U.S. Supreme Court case *DeShaney v. Winnebago County Board of Social Services*, the high Court ruled that the state owes no duty to protect its citizens. So, the question begs: "Why is the state discriminating against one-half of the population to enforce child support?" It is obvious. It is not about the children or getting people off of welfare. It is about how much money the states can rake in so they can appropriate more money from the feds to balance their own budgets.

Federal child support enforcement laws were designed solely for TANF (Temporary Assistance for Needy Families) and for welfare families. It was never designed for the "never-welfared" middle class. However, child support bureaucrats and other hangers-on testified before Congress that they needed to bring the middle-class into the fray in order to receive maximum benefits from the federal

government in order to bolster state budgets. Interestingly, not one child support payor, or any advocacy group for child support payors was allowed to testify before Congress and the New York State legislature (or for any other state for that matter) in devising child support enforcement legislation. Again, we see a pattern of racketeering conspiracy and government tyranny at the expense of innocent taxpayers.

There is a large hue and cry across the country to curtail divorces because it threatens the very fabric of our society. The reason is because one parent is allowed to divorce the other without any grounds. One parent can divorce and abuse the legal system to win the divorce, all of the money and assets of the marriage, and win custody of the children (with all the attendant financial benefits that come with this). It's all because of child support. Child support enforcement has created the "divorce state". Not only does child support increase the amount of divorces because of the financial windfall to the custody-winning parent, it threatens society. Child support enforcement laws are in reality a threat to national security.

The time has come for lawmakers to take a second look at the draconian child support enforcement laws in this country because these laws are not constitutional. Child support enforcement laws are a threat to national security. To stop this threat, lawmakers either need to eliminate or seriously curtail child support enforcement against innocent taxpayers, or they must tax child support the way alimony is taxed. This would immediately slow down divorces in this country. This is because the custodial parent, (in over 80% of all cases it is the mother--further gender discrimination against males), would think twice about divorcing on grounds that their marriage is not satisfactory, before having to pay the additional large income tax burden.

How to Join the NPRA

Joining the NPRA is easy. Please visit our website at www.npra.info for more information.

You can contact the NPRA founders at the following telephone numbers and emails:

Dr. Monty Weinstein 718-382-1293

Drmonty1@aol.com

Karen Wagner 678-480-1550

HappyChildren@comcast.net

"There are those who fight for a day, and are good.

There are those who fight for many years, and are very good.

But there are those who fight for a lifetime - those are the indispensable ones."

Bertolt Brecht

"Together we make a difference!"

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