

John R. Stoutimore
— Attorney at Law —
222 W. Exchange Ave., Ste. 205
Fort Worth, Texas 76106
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House Ways and Means Committee
Subcommittee on Human Resources
April 27, 1999

Testimony of John R. Stoutimore, Attorney at Law

SUMMARY

1. At the time of John Rabon's divorce, Mrs. Rabon was given custody of the three children and Mr. Rabon was ordered to pay support by wage withholding.
2. Texas Child Protective Services subsequently placed the children with Mr. Rabon after determining that Mrs. Rabon had abused and neglected them.
3. In Texas, the Title IV-D agency is the Office of the Attorney General (OAG). Mr. Rabon requested the OAG's assistance in terminating his child support payments and obtaining support from Mrs. Rabon.
4. After confirming that the children lived with Mr. Rabon, the OAG wrote Mr. Rabon's employer and instructed the employer to cease child-support withholding.
5. The OAG did not file a motion to terminate Mr. Rabon's child support obligation. Consequently, Mr. Rabon's child support *liability* remained in effect.
6. Further, the OAG did not file suit to obtain child support payments from Mrs. Rabon.
7. Because Mr. Rabon's child support *liability* did not terminate when his employer ceased withholding, Mr. Rabon's 1998 income tax refund has been seized for "child support arrearage." The children remain with Mr. Rabon.

A LETTER WITH FURTHER DETAIL IS ATTACHED.

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March 30, 1999

Men's Health Network
Attn: Ms. Tracie Snitker
P.O. Box 75972
Washington, DC 20013

Re: **John Rabon**
SSN 457-29-9805
Office of the Attorney General (OAG) No. 0504792461

Dear Ms. Snitker:

In my family-law practice, I have met several child support obligors who have complained of (1) the OAG's wrongful seizure of income tax refunds to pay non-existent child-support arrearages; and (2) the OAG's refusal to seek modification of child support orders when the subject children have begun to reside with the obligor.

John Rabon's case is a prime example. At the time of the Rabons' divorce, Mrs. Rabon was given custody of the three Rabon children and Mr. Rabon was ordered to pay support via wage-withholding.

In February 1998, a Child Protective Services (CPS) caseworker determined that the children had been abused and neglected in their mother's care, and the children were sent to live with Mr. Rabon without court action. Shortly thereafter, Mr. Rabon requested the OAG's assistance in terminating his child support payments and obtaining support from Mrs. Rabon. The OAG asked Mr. Rabon to confirm his actual CPS-authorized custody of the children, so Mr. Rabon obtained a confirmation letter from the CPS caseworker. This 5/12/98 letter is attached as EXHIBIT A.

Based upon the CPS letter and other information provided to the OAG, the OAG wrote Mr. Rabon's employer on 6/1/98 and instructed the employer to cease withholding. This letter is attached as EXHIBIT B.

Now, by letter dated 3/5/99, the Department of the Treasury has notified Mr. Rabon that \$1,071.00 of his income tax refund for 1998 has been withheld because of a

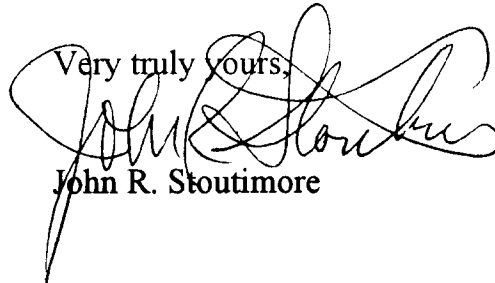
child support arrearage asserted by the OAG. This letter is attached as EXHIBIT C.

Mr. Rabon insists he had no notice whatever of any claimed arrearage and is now attempting to obtain a full return of the monies withheld. Too, he is considering filing a pro-se suit to terminate any technical arrearages as of the date the children began living with him, and to obtain support for the children from Mrs. Rabon. It appears to me that the OAG *should* file the case for him. Two issues present themselves:

1. First, when the OAG learned that the children were living with Mr. Rabon, why didn't it file a motion to terminate Mr. Rabon's child-support obligation and obtain support payments from Mrs. Rabon? The OAG knew that merely terminating the employer's withholding would not terminate Mr. Rabon's support liability, and it also knew that such letter would not obtain any support whatever from Mrs. Rabon.
2. Secondly, although the OAG letter obtained temporary relief for Mr. Rabon, such relief was short-lived given that the OAG subsequently seized his tax refund. The OAG *could* assert that Mr. Rabon was already in arrears when the OAG instructed the employer to stop withholding--but if that were the case, the OAG should not have stopped the withholding. Hence, we must conclude that the OAG seized Mr. Rabon's income-tax refund over a paper-arrearage that arose *after* the employer stopped withholding. In other words, the OAG letter *caused* the arrearage.

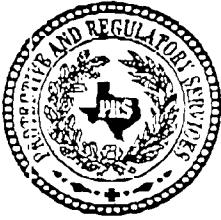
Having experienced the OAG's reluctance to perform its duties in cases such as this, I believe any effort to correct these errors through local OAG personnel will be met with hostility or, at best, inaction. Can you provide me with a contact person responsible for investigating the OAG's actions in this case and obtaining relief for Mr. Rabon and the Rabon children?

Please feel free to call or fax me at the above address. My e-mail address is STOUTIMORE@aol.com.

Very truly yours,

John R. Stoutimore

encl. Exhibits A, B and C

cc: John Rabon
2614 Pasteur #F201
Dallas, TX 75228



TEXAS DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES

EXECUTIVE DIRECTOR
James R. Hinc

BOARD MEMBERS

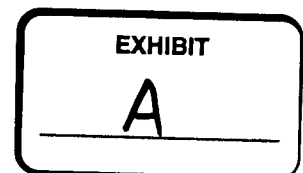
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Houston
- Bill Sheehan
Dumas

May 12, 1998

To Whom It May Concern:

This letter is to verify that Mr. John Rabon has been the caretaker for his minor children Jeffery DeWayne, Dorthy Gail, and David James Rabon. He has been responsible for the basic necessity and care of these children since February 23, 1998.

S. A.
Sylvanus Akpan
CPS Caseworker





Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

Dallas Northeast Child Support Division
10260 N. Central Expressway, Suite 210
Dallas, Texas 75231
Phone (214) 696-6044
(800) 687-8238
Fax (214) 696-5399

June 1, 1998

ATTENTION PAYROLL DEPT.
DALLAS COUNTY COMMUNITY COLLEGE
701 ELM ST, STE. 600
DALLAS, TEXAS 75202

RE: JOHN RABON
SSN: 457.29.9805
OAG CASE #: 0504792461

COPY

Dear Employer:

Effective the date of this letter please CEASE TO WITHHOLD CHILD SUPPORT FROM THE ABOVE-MENTIONED EMPLOYEE & ATTORNEY GENERAL CASE NUMBER.

Thank you for your prompt attention to this matter.

Sincerely,

Isabel Lugo
Isabel Lugo
Financial Specialist

cc: JOHN RABON
file

EXHIBIT

B



DEPARTMENT OF THE TREASURY
 FINANCIAL MANAGEMENT SERVICE
 P.O. BOX 1686
 BIRMINGHAM, AL 35201-1686

ATTENTION: YOUR FEDERAL PAYMENT HAS BEEN REDUCED

03/05/99

RABON, JOHN P
 7073 ST REGIS
 DALLAS TX 75217-1369

Dear RABON, JOHN P:

Your payment due from the paying agency referenced below has been reduced by the amount shown below as "Amount of this Offset" to satisfy in whole or part your delinquent debt owed to the United States.

Your delinquent debt was referred to the U.S. Department of the Treasury's Financial Management Service by the Creditor Agency referenced below for this process, known as administrative offset. Administrative offset is authorized by the Debt Collection Act of 1982 and the Debt Collection Improvement Act of 1996.

The Creditor agency has previously notified you of the amount and nature of your debt and has made demand upon you for payment. You were notified of the creditor agency's intent to collect your debt by administrative offset if you failed to pay your debt, and the rights available to you. Your failure to resolve this debt has resulted in this offset. If you have any questions regarding this offset, or wish to avoid future offsets against your Federal payments by repaying any remaining debt, please contact:

OFFICE OF ATTORNEY GENERAL OF TEXAS At: (214) 696-6044 TIN NO: 457-29-9805
 In the State of: Texas Call: Toll Free (800) 252-8014
 Nationwide Call: Toll Free Debt Trace No: A00920777
 OFFICE OF ATTORNEY GENERAL OF TEXAS 04-07E CHILD SUPPORT DIVISION
 CHILD SUPPORT UNIT 0407E 10260 N CNTRL EXP STE 210
 DALLAS, TX 75231 Acct Num: 457299805
 Offset Amount this Creditor: \$1071.00 Creditor: 02 Site: TX

Sincerely,

Debt Management Services
 Financial Management Service, U.S. Department of the Treasury (800) 304-3107

PAYEE NAME: RABON, JOHN P TYPE OF PAYMENT: EFT
 PAYING FEDERAL AGENCY: Internal Revenue Service
 PAYMENT AMOUNT BEFORE OFFSET: \$2955.00 PAYMENT DATE: 03/05/99
 AMOUNT OF THIS OFFSET: \$1071.00 applied to delinquent debt
 FOR OFFICIAL USE ONLY: 0000003783A0092077745729980500611189038A

EXHIBIT
 C

