

Testimony Colorado HB06-1267 Concerning child support

March 20, 2006

- I'm Dr. Charles Corry. I head up the Equal Justice Foundation in Colorado Springs. I speak in opposition to HB06-1267.
- As written and passed by the House this bill promotes slavery and fraud, not child support. I wrote a letter to Senator Mitchell with my concerns and you have a copy of that letter before you.
- At the outset I'd like to be clear that I have no personal experience with paternity fraud or child support problems. This is simply one of the paths my research has lead me down and I appear only as a research scientist to present my results.
- In the hope you might listen to me, let me elaborate on my research background
 1. My doctorate is in geophysics, not one of the easier degrees to get.
 2. I m a senior Fellow of the Geological Society of America
 3. If you Google on famous earth scientists there are 157 of us included there from a survey of five centuries. At 67 I m one of the few living scientists listed there.
 4. I m listed among the 50,000-odd in Marquis Who s Who in the World and have been for nearly a decade. For perspective, US Senators Allard and Salazar, and Governor Owens are not.
 5. Those politicians are listed in Who s Who in America, where I ve also been included for almost a decade.
 6. I m also in Who s Who in Science and Engineering and similar tabulations.
 7. I think some of you get the EJF newsletter so it should be obvious I m not listed because I won a popularity contest.
- The rule of law and due process all presume a man is innocent until proven guilty. HB06-1267 takes the opposite approach and assumes a man is guilty unless, within a very short time he can prove himself innocent.
- Since 1960 misguided legislation has driven the percent of children born to unmarried mothers from 5% to 35% presently. That is 35 out of every 100 children are presently born out-of-wedlock and that is the primary population HB06-1267 appears to address.
- Today only about 15 out of every 100 children are born and reach the age of 18 in an intact family largely due to destructive legislation of which HB06-1267 is another example.
- Rather than address the root problems associated with children who lack both biological parents, ideologues and legislators are taking the approach that ever more draconian measures to enforce child support are somehow a cure.
- Child support legislation has already restored debtors prisons, a practice abandoned centuries ago. The logic of how a man in prison can support a child escapes me. Or how can a man whose driver's and professional licenses have been taken work to pay child support? And there

are few things more destructive of a father-child relationship, if one exists, than putting dad in prison.

- In Section 2, p. 2 lines 15-18 and p. 3, lines 1-4 HB06-1267 makes it impossible for a man to introduce genetic evidence that he is not the father unless he does so before a paternity order is entered.
- Typically, and under federal law, a man has 30 days to respond and challenge a paternity action. However, it is extremely common for men not to receive the notice, e.g. wrong address, name spelled wrong, wrong name given, moved, and in Colorado Springs he may have been deployed.
- Even if a man does receive the notice it may be impossible for him to respond and get a DNA test. Kind of hard to do that for a soldier in combat or a sailor at sea.
- As a result 30% to 70% of paternity orders are entered on a default basis. In many cases we encounter the first a man hears about such an order is years later when his wages are garnished for support of a child and a woman he has never heard of. In one recent case a default judgement had been entered against a Colorado man who was sterile from birth.
- Clearly these cases rarely involve any father-child relationship. Even if the man did know the woman, it is typically only a casual relationship in the kinds of cases that would fall under HB06-1267. And requiring a man to pay child support doesn't seem to me the best way to try and enforce a non-existent father-child relationship even if the man is the father.
- In those few cases where the man does try to be a father to a child in these situations it is almost a sure bet the mother will get a protection order against him and do everything in her power to keep him away if there is any doubt about paternity.
- Aside from these arguments there is the indisputable fact that 30%, nearly one out of every three genetic tests prove the man isn't the father of the child in question.
- Doug Richardson's case is another we've worked on and an article from the front page of today's Detroit News is before you. He was eventually forced to pay child support to the biological father of his ex-wife's child and his case is but one example of thousands.
- Because of my research I am frequently contacted by genetic testing laboratories and currently list 18 of them. All of them find the same 30% exclusion rate with very little variance and 99.99% or better accuracy. In 2001 the American Association of Blood Banks, who certify such laboratories, reviewed 46 such labs and found an exclusion rate of 29.06%. And the sample size is not small. Upwards of 400,000 DNA paternity tests are now run every year in the United States. Most of these tests are because of paternity claims.
- Many of these cases are blatant paternity fraud. Rather than presume innocence, HB06-1267 presumes guilt and places the responsibility for proving innocence on the defendant.
- Statistically we are looking at one in three cases where the man is not the biological father. Practically the odds for potential fraud are even higher because women tend to name the man with the deepest pockets in these cases. And in many cases, e.g., WIC applications, they name more than one man. Additionally, I've heard of cases where more than one man is paying the woman child support for the same child or the child doesn't exist, died, or is living with

someone besides the mother. In other cases the woman is, or is attempting to collect child support in more than one state.

- Widespread paternity fraud is an unaddressed problem that HB06-1267 would compound.
- With HB06-1267 you would make it virtually impossible for a man, who can prove beyond a reasonable doubt that he is not the father of a child if given reasonable time and notice, to escape paying support for another man's child. The inevitable result would be slavery for many men with paternity claims against them under this bill.
- Even in death a man is presumed guilty under HB06-1267.
- Section 4, p. 3, lines 14-21 would allow any woman to bring action against a deceased man on the basis of a mere allegation. To wit p. 3, lines 14-15 *"If a man who is alleged to be the natural father is deceased..."*
- The wording of this bill specifically contemplates a woman bringing action against the widow of the man and no prior evidence is required. A mere allegation is sufficient.
- Obviously, it is dead soldiers, sailors, airmen, and Marines that this law will be used against. What better target for paternity fraud than a man killed in action in defense of his country? Especially if he is lost or buried at sea, blown to bits by artillery, his aircraft augers in and only tiny pieces remain, or he is missing in action, presumed dead and no genetic testing is possible.
- I might mention that I'm a former Marine and my eldest son is a disabled veteran of the Marine Corps. So I'm a bit sensitive about these issues.
- What I expect to happen if HB06-1267 passes is that his coffin, full of sand, is sent home to his native state, and women in Colorado Springs, Fountain, and Security file paternity actions against his widow or parents. I deal daily with stories of women who cold-bloodedly murder their lovers and children. Paternity fraud is hardly a crime to such women and no penalty attaches to filing a false claim.
- The widow or the fallen soldier's parents probably don't live in Colorado and would be forced to spend the survivors benefits and insurance money on attorneys and travel even if they receive timely notice of the paternity actions against their son or loved one.
- More likely a default paternity order will be ordered against his estate and the widow and her children left to starve under HB06-1267 with the added injustice of an unproven claim of infidelity by the man she loved.
- The only fair way I've been able to find to stop most paternity fraud is to require proof of paternity before a child support order can be entered. A quaint concept: Innocent until proven guilty and the burden of proof is on the plaintiff. But HB06-1267 is the antithesis of those bedrock principles of justice.
- Pages 3 to 6 of my letter to Senator Mitchell propose reasonable modifications to current statutes that would provide for speedy resolution of paternity while preserving individual rights. But no amendment to incorporate those simple principles of justice is before you.
- The value of science is in its ability to predict. As a leading scientist let me predict some outcomes if this bill is passed:

Paternity fraud will increase — Already at incredible levels this bill would make the problem worse. There is no penalty for filing a false paternity claim and if a woman can get a default judgement this bill would make it virtually impossible for a man to reverse it as innocence is no defense once the order is entered under HB06-1267.

Child support collections will not increase — Slaves are notably uncooperative and rebellious. Most child support arrearages now are simply phony accounting and “deadbeat dads” are largely a myth.

Birth rates will continue to decline — Below replacement rates now, men will take ever more care not to sire a child.

Marriages will continue to decline and more children will be born out-of-wedlock — A man enslaved to pay for another man’s child is not likely to marry and start a family of his own.

Prison populations will increase — It becomes a federal felony when court-ordered child support falls \$5,000 or more in arrears irregardless of whether the man is the biological father or not. Also, slaves tend to be violent. And kids with single-parent mothers end up in prison far more often than kids from two-parent homes.

- HB06-1267 is appalling legislation and I urge you to vote against it.