

Alaska's Statewide Law Enforcement Seizure Program

One of the biggest challenges in child support enforcement is enforcing the obligations of highly mobile individuals who may be difficult to locate. At some point in time, a portion of these individuals may come into contact with State or Federal law enforcement agencies, presenting a unique opportunity to enforce their child support obligations by seizing assets while they are in custody. This kind of program requires close cooperation and communication between law enforcement and child support enforcement agencies, and can pay significant dividends for children.

A program of this type that has a proven record of success is the Statewide Law Enforcement Seizure Program, operated by Alaska's Child Support Enforcement Division (CSED). In 1997, CSED initiated the program with the Anchorage Police Department (APD) to seize property and funds from arrested individuals who owe past due child support.

Under the program, whenever the APD Property Section holds property or funds valued at more than \$100 and owned by an arrested individual, they contact CSED Investigators to determine if the individual has a child support arrearage. If there is an arrearage, CSED Investigators will send a garnishment—an Order to Withhold Property for Child Support—to the APD Property Section; there is no minimum arrearage used in deciding whether a garnishment should be issued. If necessary, the seized property is auctioned. The garnishment itself is hand delivered when possible, although more remote agencies receive the garnishment by fax and a hard copy via first class certified mail. Once the funds or proceeds from property are collected, the amount is subtracted from the obligor's arrearage. Due to the program's success with the Anchorage Police Department, CSED has begun working with other Federal, State and local law enforcement agencies, which have begun contacting CSED regarding arrested individuals.

Prior to the formal start of the program, the level of cooperation between CSED and law enforcement was high, and the practice of having law enforcement agencies contact CSED about arrested individuals began informally. Eventually, written agreements were developed between CSED and the law enforcement agencies involved, in order to provide the given agencies program guidelines and assist them in the garnishment process. Alaska emphasizes that, given the cooperative relationship that already existed, the agreements were simply a formality. In addition, no additional CSED or State money was required for the program.

Since the program's inception, 96 out of 419 individuals arrested have been identified as owing past due child support—an impressive 22.9%. The majority of these individuals are part of CSED's "difficult to enforce" caseload, which they define as cases involving obligors who aren't paying or haven't paid child support within the last year. To date, CSED has collected \$165,570 in past due child support through this program, and \$51,567 is pending legal adjudication and release from various law enforcement agencies.

The average collections per obligor are impressive—approximately \$2,200 based on figures available thus far. Significantly, a majority of the cases have involved individuals involved

in the sale and distribution of drugs, so that large sums have sometimes been collected with a single inquiry from law enforcement to CSED. One individual with child support arrears of more than \$26,000 was arrested and funds in excess of \$22,000 were seized; CSED was contacted by the arresting agency, issued a garnishment, and all seized funds were released to CSED, and immediately paid to the custodial parent. Another recent case involved the seizure and sale of a residence by the United States Marshal Service; upon sale of the residence, valued at more than \$12,000, the proceeds were garnished from the local title company and distributed between two separate child support cases.

Since the program depends on knowledgeable communication and cooperation between CSED and law enforcement agencies, Alaska recommends that States setting up a similar program ensure that it is managed by someone with a law enforcement background who understands the administrative process of evidence handling and interfacing with law enforcement. Having the same individual managing the program over a long period of time ensures continuity in the contacts between CSED and law enforcement, and also that funds are processed efficiently. Alaska also emphasizes the importance of keeping strict records of each seizure to ensure that seized funds are accurately credited to the appropriate cases and non-custodial parent.

For more information on this program, contact Alaska CSED Investigator David Tredway at (907) 269-6771.