

## What to Do When the First Letter From Missouri's Family Support Division (FSD) Arrives.

The Family Support Division (FSD) has the responsibility for operating the child support enforcement program in situations where court ordered child support requires enforcement or for original orders of child support without court involvement. FSD operates a court system from which they are able to issue Orders of Paternity against fathers and Orders of Child Support in favor of mothers. FSD will not make any determination except child support and will not create or alter a parenting plan or custody decision.

FSD typically works great for mothers, and is very hard on fathers.

All the mother has to do is to call FSD at the beginning of her case, and later inform the FSD technician whenever father changes jobs. FSD will garnish the salary from the father's employer. If the father gets a lawyer, the mother will also need a lawyer. I often represent mothers at times like this.

### Fathers and FSD Child Support Enforcement Administrative Hearings

All of the terms used to describe FSD proceedings are softened. They use phrases like "Administrative Hearing" instead of "Trial," "Administrative Hearing Officer" rather than "Judge," and "hearing packet" for "evidence." One of the opening letters to the father will typically state in bold print, "HEARINGS ARE VERY INFORMAL IN NATURE AND ARE CONDUCTED BY TELEPHONE CONVERENCE WITH THE HEARINGS OFFICER." The hearings *are* informal until the father disagrees with an FSD decision. At that point, the Attorney General's office will fight the father on behalf of FSD as they would the most experienced attorney. Father's objections will be dissected for substantive legal content and rejected for any procedural inaccuracy.

Child Support, not Parental Custody or Visitation. FSD has a narrow goal (see insert). FSD cannot recognize any parenting or visitation arrangement that is not a part of a Family Court order. FSD cannot create a Parenting Plan or visitation schedule.

The bottom-line for fathers is:

1. Fathers will pay approximately 30% to 100% more per-month in child support as a result of the FSD Administrative hearings as compared to the outcome of a Family Court trial.
2. Fathers will not get parental custody or visitation.

*Always keep in mind that the purpose of child-support enforcement by FSD is to force the non-custodial parent to pay the custodial parent.*

*Usually that means getting the presumed father to pay the mother.*

*FSD will not tell a father that he should consult an attorney. Instead they tell him their procedures are relaxed...  
UNTIL HE DISAGREES.*

*Then the Attorney General's Office will fight the presumed father as if he were an experienced trial attorney.*

3. Fathers might pay twice during the child's college years.
4. Fathers often end up owing arrearage on past-due child support.

What should a man do? The *only* way for a father to avoid this unfair treatment is to get a lawyer and appeal his case in the Family Court of that jurisdiction.