

October 24, 1985

The Honorable Wilhelmina Rolark
Chair on the Judiciary
Council of the District of Columbia
District Building
14th & E Streets, N.W.
Washington, D.C. 20004

Dear Councilmember Rolark:

Although the members of the Family Law Division (Division 9) of the District of Columbia Bar^{1/} believe there are many positive aspects in your child support legislation, the Steering Committee of Division 9 wishes to present to you the Division's concern about a portion of your proposed legislation, Bill 6-134, "District of Columbia Child Support Enforcement Amendment Act of 1985".

Our concern is with that portion of the Bill that requires that even orders which only ratify separation agreements must contain a provision for mandatory wage withholding if entered into after the passage of the legislation. See Sections 16 & 18 of the Draft Bill. The Steering Committee strongly urges you to allow parties who chose to negotiate their differences, including child support, by contract to have the option of choosing not to be within the mandatory wage withholding system. As long as the party to whom the support is owed can ask for such relief if the obliger fails to meet the terms of contract, the custodial parent will be fully protected. Yet, allowing this option will give the party and his or her attorney flexibility to attempt to settle family matters by negotiation rather than by a Court hearing. Such flexibility, we believe, strengthens the negotiating ability of a parent seeking child support. Such mechanism will also save the Court's time and will thus help conserve its limited resources.

The Steering Committee appreciates this opportunity to share with you its concern. If you have a public hearing on the Bill, this Committee would appreciate the opportunity to further articulate to you its views on this matter. With the exception of the foregoing, the Steering Committee believes that the Bill will strengthen the ability of a custodial parent to obtain child support.

Sincerely yours,

HUGH O STEVENSON

cc: Mary Ann Stein, Chairperson
District of Columbia Advisory Committee
on Child Support
4111 Argyle Terrace, N.W.
Washington, D.C. 20011

^{1/} The views expressed herein represent only those of Division 9, the Family Law Division of the District of Columbia Bar and not those of the District of Columbia Bar or of its Board of Governors.