

April 19, 2010

R. Wayne Johnson
P.O. Box 75162
Colorado Springs, CO 80970

Bill Ritter, Governor
136 State Capitol
Denver, CO 80203-1792

RE: El Paso County District Court Case 96DR1112

Dear Governor Ritter,

I understand your decision not to respond to my fax to you on April 5, 2010. The purpose of contacting you was not to seek your intervention. I believed the criminal mishandling of my case in the El Paso County District Court should concern you as governor.

I also understand Attorney General Suthers is the chief legal counsel and advisor to your branch, all of the departments of state government, and to many state agencies, boards, and commissions. Because of his role, I believe he has advised you not to respond to my communications as well as CDHS Executive Director Beye, Secretary of State Beuscher, and the Collection Agency Board. As a result, the CDHS and the El Paso County CDHS failed to respond in writing to request made pursuant to the Colorado Open Records Act on March 9, 2010. Similarly, Secretary of State Beuscher and the Collection Agency Board failed to acknowledge my letters of March 10, 2010 requesting an independent investigation of Policy Studies, the private owner and operator of the El Paso County Child Support Enforcement Unit.

The excerpt that follows expresses my opinions in summary form. I hope both you and Attorney General Suthers act in the best interest of Colorado and accept the mishandling of my child support enforcement case and child support modification case for what it is – the act of a self-interested and desperate company.

At the beginning, I believed CSEU was a county government human services agency. I believed the dispute that arose between me and CSEU would be easily resolved because it was a neutral party dedicated primarily to the welfare of children. This did not prove to be true because of the financial interests of the company that owns and operates CSEU under contract with the CDHS as a delegate child support enforcement agent.

The CDHS Division of Child Support Enforcement supervises CSEU in El Paso and Teller counties and the other 62 county government human services agencies that administer the State's Child Support Enforcement Program. While I am not privileged to know the reasons for outsourcing only El Paso and Teller counties, I believe the population size and size of the Colorado Springs Metropolitan Statistical Area economy, comprised of El Paso and Teller counties, is the key reason for the CDHS contract with

the company that owns and operates CSEU and runs more than 50 such programs across the United States.

I believe the support provided to CSEU within El Paso County demonstrates another conflict of interest, in that the CDHS has a financial interest in the success, measured primarily by collections, in the resolution of child support enforcement cases. Central to this claim is federal legislation, including Title IV of the Social Security Act, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and the Child Support Performance Incentive Act of 1998. But I do not believe the individual impact of the outcome of my case is significant to CDHS, since public assistance is not involved. I do believe there is State and local government concern about my case because of potential public interest in the operations and conduct of CSEU to other IV-D fathers that may have experienced similar mistreatment.

When my dispute arose with CSEU in October 2008, the economy was beginning to show signs of the impending economic crisis. In 2009, the parent company presented its annual report to the El Paso County Commissioners and reported for the second straight year the highest collection rate in Colorado with an increase of 6.5 percent over 2007 to \$42.5 million for 2008, according to CSEU's IV-D Administrator to The Gazette newspaper writer Debbie Kelley.

The IV-D Administrator stated, "Working parents are more likely to pay child support. If they don't, their wages, by law, can be garnished. About 79% of the money collected in El Paso County last year was through income-withholding methods." "Statistics for the first quarter of 2009 show the impact of a weak economy. Child support collections through employers have dropped to 54%, and collections for unemployment compensation benefits are up 174% over last year." "We're getting money to families that need it. Most custodial parents are women who struggle to pay their bills. If we help families stay self-sufficient and keep them from getting public assistance, we're doing our part."

The parent company attributed its 2008 collections improvements to better customer service and training, improving its system to prove that non-custodial parents have the ability to pay child support, and increasing its attention on non-custodial parents that miss their first payments. The IV-D Administrator also attributed CSEU's success to its ability to intercept federal economic stimulus checks and changes in the Deficit Reduction Act that allowed CSEU to intercept federal tax refunds for children that reached age 19, Colorado's statutory age of emancipation.

I, therefore, attribute the mishandling of my child support enforcement case at the CSEU level to the failing economy that only worsened in 2009 and sharply impacted its collection rate – a key performance measure for TANF federal funding and its performance as a contracted service provided. And I attribute the mishandling of the child support modification action to my continued threats to file a federal lawsuit. I believe both CSEU and the State have their own special interests in the outcome of my case.

Governor Ritter, when I moved my case to the justice system on September 21, 2009, I believed I was acting in the best interest of the people of Colorado as stated in my letter to the Court on January 13, 2010. I remain committed to my personal effort to serve my fellow citizens. You have the very distinct privilege of doing the same.

Sincerely,

R. Wayne Johnson