

May 10, 2010

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

Intake Department
ACLU of Colorado
400 Corona Street
Denver, CO 80218

RE: Violation of Right to Due Process under the 14th Amendment

Dear ACLU Representative:

I wrote to the Intake Department on April 21, 2010, regarding El Paso County District Court Case 96DR1112, a child support modification case, and asked for the ACLU's assistance pursuing a civil action on the grounds that my rights to due process and equal protection were denied. However, I did not disclose any information obtained from the transcript at that time.

Today, I am providing selected information from my mailings to the Supreme Court Attorney Regulation Counsel (OAR) on May 3, 2010. Information obtained from the transcript is identified as the District Record ("Dist. Rec."), while information obtained from the personal affidavit submitted with the Petition for Review filed on April 9, 2010 is identified as "RWJ Aff."

Three known typographical errors were corrected and some information was rearranged, but otherwise the attached information represents part of the information provided to the OAR. Like the disclosure to the OAR on that date, there was little effort to make the information transition smoothly.

I recently received the OAR's response to my complaints against the magistrates and prosecuting attorneys and its decision to dismiss my complaints pursuant to C.R.C.P. 251.9. This dismissal was based on the OAR's review of the material provided to it that included this text from the transcript:

After the Court had taken my sworn testimony (Dist. Rec. at 3, ¶ 18 - Dist. Rec. at 16, ¶ 5) and Ms. Dolbow's sworn testimony (Dist. Rec. at 16, ¶ 6 - Dist. Rec. at 28, ¶ 25), Ms. Eigel recalled me to the stand for sworn re-direct examination. Dist. Rec. at 29, ¶ 1-6. Upon the conclusion of Ms. Eigel's questioning and her announcement to the Court that she had no other questions, the Court asked my date of birth to which I responded "3/5/54." Dist. Rec. at 30, ¶ 23-25. The Court then made three statements:

THE COURT: Thank you. You may step down. (PAUSE.) (I look) forward to this.
Dist. Rec. at 31, ¶ 1-2.

I have already raised the allegation of State interference in my case because of the conflict of interest that exists between the Colorado Department of Human Services, Policy Studies, Inc. and me. Governor Ritter and Attorney General Suthers are well aware of my allegation and continue to interfere in the resolution of my case and with complaints filed with the OAR and the Colorado Commission on Judicial Discipline.

Please consider this information as you will.

Sincerely,

Conflict of Interest

¹ The Amended Order title page indicates the relationship of the Law Office to CSEU and identifies CSEU as the Third Party Intervenor. The Law Office has one location at the same physical address as CSEU in Colorado Springs. CSEU is the trade name registered by Policy Studies, Inc. (PSI), a privately-traded company headquartered in Denver. El Paso County has a current contract with PSI to administer the Colorado Department of Human Services (CDHS) Child Support Enforcement Program. The base five-year contract and renewals for 2007-2009 were obtained under the Colorado Open Records Act from the Office of the El Paso County Attorney. The contract was approved by the CDHS.

Ms. Dolbow told me she was not trying to collect child support for the three year period and told me to “take care of it.” RWJ Aff. at 2, ¶ 19. CSEU subsequently refused three times to acknowledge the private agreement and change in custody during the modification review held at CSEU on October 10, 2009 (RWJ Aff. at 3, ¶ 20-23), the administrative review conducted by CSEU on April 1, 2009 (RWJ Aff. at 5, ¶ 35-36 ; RWJ Aff. at 6, ¶ 37-38 RWJ Aff. 7, 39) and, then, as a result of the administrative review conducted by the Colorado Division of Child Support Enforcement on May 29, 2009 (RWJ Aff. at 7, ¶ 40-41; Dist.Rec. at 38, ¶ 2-12).

Despite these efforts and others to explain the change in custody, CSEU continued to refuse to acknowledge the private agreement or to eliminate the 30 months at issue from its calculation of arrears. RWJ Aff. at 3, ¶ 27 ; RWJ Aff. at 7, ¶ 39. On September 21, 2009, I filed a motion to modify child support to move the dispute to court. RWJ Aff. at 8, ¶ 47; *See* District Record (“Dist. Rec.”) at 4, ¶ 7- 10.

Excerpts from End of Examinations to Findings and Rulings of the Court

The modification hearing took place on January 13, 2010, with Magistrate John Paul Lyle presiding. Ms. Dolbow and I appeared without counsel. Attorney Christina Eigel represented the People of Colorado and the Law Offices of Belveal Eigel Rumans & Fredrickson, attorneys for CSEU.¹ Dist. Rec. at 1, ¶ 1. I was immediately called to the witness stand and placed under oath. Dist. Rec. at 3, ¶ 18-24. I testified that my son came to live with me following an “agreed upon” change in custody around January 4, 2005 when Ms. Dolbow and I transferred him to Skyview Middle School and where he continued to live until December of 2007. Dist. Rec. at 5, ¶ 4-11. I further stated I was not seeking child support for that period of time; I wanted access to CSEU information I was being denied and wanted to know why Ms. Dolbow sought child support enforcement services. Dist. Rec. at 7, ¶ 10-16.

I subsequently turned back to my previous response to which Ms. Eigel asked, “You understand that the Child Support Enforcement is just basing their calculations and determinations off the Court orders that have been issued?” Dist. Rec. at 9, ¶ 7-9. I immediately responded, “Uh, as an - - administrative agency for the government, what is, uh, what is an administrative review? What - - what -.”

The Court said, “Sir. You’re on the witness stand and you’re under oath. You’re to be answering

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questions. Dist. Rec. at 9, ¶ 10-11. The Court told me I was straying from what was relative or relevant to my motion to modify child support. I apologized, and he told me to answer her questions. Dist. Rec. at 9, ¶ 12-18

The Court said, “Three and a half percent backwards-” Dist. Rec. at 10, ¶ 10.

Ms. Eigel asked, “Has that been you’re only source of income since 2005?” I responded “yes” and then she asked if I had looked for employment since 2005. Dist. Rec. at 10, ¶ 19. I responded I had three job offers and was unable to take the jobs because my driver’s license was suspended in September 21, 2009. Dist. Rec. at 10, ¶ 14-25.

I answered her questions, establishing the job offers were before my license was suspended and I was a licensed electrician. She then asked, “And how much were you offered to work for those jobs?” I answered, “Uh, I don’t - - is that necessary?” The Court said: “You need to answer the questions.” Dist. Rec. at 11, ¶ 13-15.

The Court established the job in Iraq paid \$280,000.00, the job in California paid \$190,000.00, and the job in eastern Colorado was a contract job paying \$38.00 an hour. Dist. Rec. at 11, ¶ 15-25 ; Dist. Rec. at 12, ¶ 1-11. She asked why I did not take the **February 2009** (Dist. Rec. at 12, ¶ 21) job offer in Colorado and I said, “Well, I - - actually, ma’am, I’ve been going through this for 16 months. I’ve been trying to get this behind me and, uh, I haven’t been able to. Uh, I’m hoping today ends a long battle for me.” Dist. Rec. at 12, ¶ 14-17.

Upon my attempted examination of Ms. Dolbow, I asked the **first and only question**, “How many meetings have you had with, uh, Child Support Enforcement since you filed the case in, uh, middle – uh, let me see, that would be...” **Ms. Dolbow interrupted and addressed the Court, “Your honor we were told that this was not...”** The Court said, **“Just a minute, just a minute.”** Ms. Dolbow said, “Okay.” I asked, “How many meetings have you had with, uh, Child Support Enforcement?” Dist. Rec. at 27, ¶ 18-25. Ms. Eigel responded to the Court, “Objection. Relevance.” The Court sustained the objection, advising Ms. Dolbow not to answer, and asked if I had anymore questions. Dist. Rec. at 28, ¶ 1-4.

I asked the Court for clarification. The Court responded, “I’m not gonna ask questions for you, and I’m not allowed to give legal advice. So if you’ve got other questions for this witness while she’s under oath, go ahead and ask them. If you don’t ...” Dist. Rec. at 28, ¶ 5-10. I responded, “Uh, well, sir, I asked how many meetings has child...” The court continued, “All right. Then I disallowed that question, so you need to move on...” I answered, “I understand.” The Court continued, “...to something else.” I addressed the Court: “All of my questions, sir, have to do with the - - management of the case that has been enforced against me.” The Court said, “Which has nothing ...” I interrupted, “And I feel like I’m wasting your time.” The Court responded, “Which has nothing to do - - which has nothing to do with any decision that I’m going to render today, right?” I responded, “I hope not.” The Court advised Ms. Dolbow, “All right . You may step down.” Ms. Dolbow, said “Thank you.” Dist. Rec. at 28, ¶ 5-25.

Excerpts from End of Examinations to Findings and Rulings of the Court

Ms. Eigel then immediately followed, “You heard Ms. Dolbow’s testimony regarding what she believes was his parenting time and when he was with her on (inaudible).” I responded, “She said about 50/50.” Ms. Eigel said, “Um hum. Does-” Then I said, “And I have no problem with that. I mean he’s the son of her and me. So, I mean, 50/50 that’s pretty fair.” Ms. Eigel addressed Magistrate Lyle saying, “Your Honor, I have no other questions.” Magistrate Lyle said, “All right. What’s your date of birth sir?” I responded, 3/5/54.” **Then he said, “Thank you. You may step down. (PAUSE.) (I look) forward to this.” Dist. Rec. at 30, ¶ 16-25; Dist. Rec. at 31, ¶ 1-2.**

Ms. Eigel then addressed the Court: “Your Honor, in regard to child support, the motion filed by Mr. Johnson requests basically modification and credit, starting for the time period 2005. Motion states specifically that Marcus resided with Respondent from July 1st of 2005 to December 2007, 30 months. Respondent requests child support (inaudible), child support obligation arrears 4-38-80 times 30 equals \$12, 864. 00. **Petitioner paid zero child support to respondent during this time. Parties (mutually agreed) today that the changes basically took effect January 2005, and that for the time period 2005, 2006, 2007 parties had 50/50 parenting time.**” Dist. Rec. at 31, ¶ 4-14.

Magistrate Lyle then asked Ms. Eigel, “What about summers?” Dist. Rec. at 31, ¶ 4-15. Ms. Eigel stated, **“I believe summers with mother.”** So that would give mother the majority of parenting time, and father substantial parenting time but not a change of primary residence. So it is the child (inaudible) position that under 14-10-122 (inaudible) modification is not appropriate when there’s not a primary change of residence. **This is not actually a voluntary change of physical care, it’s just an increased amount of parenting time to the (inaudible).** But if the Court finds that a modification for (inaudible) is appropriate, father’s income, using a three percent increase each year for his retirement, I calculated 4,701 is his income, would mean a Worksheet B. There are two-and-a-half months of summer, so that would have been 145 overnights to the father for those three (years). One child. Mother’s income, **she indicated she was unemployed.** I (inaudible) **I believe at that time** it was \$893.00 month. This would show that - - I’m not imputing any additional income to Mr. Johnson - - child support would be \$467.00, which is not a 10 per cent change. Does the Court want me to calculate it with imputation of income? Or just go forward to 2006?” Dist. Rec. at 31, ¶ 16-25 through Dist. Rec. at 32, ¶ 1-9.

Magistrate Lyle asked Ms. Eigel, **“I would like you to comment on why we don’t impute in this case.” Dist. Rec. at 32, ¶ 10-1. She responded, “And we would be asking the Court to impute.** Mr. Johnson testified he has multiple job offers (inaudible) since he’s been retired, from a high of \$280,000.00 in Iraq to \$190,000.00 in California. (Inaudible) Would not be requesting imputation of those amounts of money. He did indicate he’s a licensed electrician, and that he had a job offer on the eastern plains of Colorado at \$38.00 an hour, which would be an additional **\$6,857.00**, which would give him 6,857, plus the **47-01**, would be an **income of 11,288.** (Which means that) child support would increase in 2005, using the guidelines in effect at that time, to \$1,045.00. Without the imputation, again there is no 10 per cent change.” Dist. Rec. at 32, ¶ 12-22.

“Using that same computed - - imputed income of father, plus we’re now showing a three per cent

increase, 48-42 (inaudible) gross income of 11,429. **Mother's now employed \$9.70 cents an hour she believed in 2006. Using 40 hours a week is 16-81.** Again, one child, worksheet B with 145 overnights. Each year I continue to credit Mr. Johnson for the 38-5 that we calculated as Marcus' half of insurance. Child support would be 9-62, without the imputation of income to Mr. Johnson. Just using the 48-42 which we're estimating is his retirement, child support would be 3-46." Dist. Rec. at 32, ¶ 23-25 through Dist. Rec. at 33, 1-6.

"2007 (because) probably mother isn't quite sure what she was earning, so I just estimated \$10.00 an hour, (inaudible) she had a raise, 17-33. Father's retirement with a three percent increase is 49-67, plus 65-87, 11,574, would make child support \$968, (without), would be 11,724, (inaudible) child support \$984, without the imputation of income child support is \$355.00. Dist. Rec. at 33, ¶ 7-18.

Based upon the **parenting time estimates with summers credited to Ms. Dolbow, Ms. Dolbow's estimated income**, and the annual cost of living increase to my retirement benefit using worksheet B, **my monthly child support obligation remained \$438.80 for 2005** (Dist. Rec. at 32, ¶ 1-9), was **reduced to \$346.00 in 2006** (Dist. Rec. at 33, ¶ 1-6 ; Dist. Rec. at 33, ¶ 16), and was increased to **\$355.00 in 2007.** Dist. Rec. at 33, ¶ 7-11.

Based upon the January 2008 change in custody and **Ms. Dolbow's estimated 2008 income from wages and her current pay rate**, the increase in Ms. Dolbow's gross income from inheritances in 2008 and part of 2009, the increase in my gross income from the addition of \$6,587.00 in imputed income to my retirement benefit of \$4,701.00 and the cost of living increases using worksheet A (Dist. Rec. at, ¶ 32, 16-20), **my original monthly child support obligation of \$438.80 decreased to \$355.00 in 2008** (Dist. Rec. at, 33 ¶ 12-18), **increased to \$369.00 through September 30, 2009** then **increased to \$958.00 for October 1 through December 1, 2009.** Dist. Rec. at 33, ¶ 19-25.

Based upon Ms. Dolbow's decreased gross income by dropping off the inheritance **and her stated hourly pay rate**, the increase in my gross income from the addition of imputed income to my retirement benefit and the cost of living increases using worksheet A, **my original child support obligation of \$438.80 increased to \$1,357.00 commencing January 1, 2010 through August 31, 2010.** Dist. Rec. at 34, ¶ 12-25.

The Court asked Ms. Eigel, "Have you done calculations with regard to arrears?" She responded, "I have not, Your Honor. There was an **administrative review that was conducted by the State in June of this year, but obviously it didn't take into account on all of the these changes, so they'll need to go back and readjust (everything) and take into account all of these changes.**" The Court responded, "All right. The arrears balance is likely to be impacted somewhat, although from the numbers I'm looking at, it won't be - - significant. But those are to be redone by the State pursuant to this new ruling. Any questions, Ms. Dolbow? Her response, "What just happened?" I said, "Really." Ms. Dolbow stated, "It all (inaudible) over my head." I asked the Court, "Explain what's going on sir." Dist. Rec. at 38, ¶ 2-16.

The Court said, "So the bottom line is Mr. Johnson is gonna get some credit by the recalculation of arrears for those years where he had the child 50 percent of the time. On the other hand, based on the

earnings capacity of the parties right now, the new child support order is gonna be more. And when the child turns 19 it will stop altogether. Any questions? Any questions?” Dist. Rec. at 39, ¶ 12-17

I responded to the Court: “Yes, sir. As far as the arrears go, that’s been my question also from - - the start of this. **Does Ms. Eigel know how much they collected so far on liens and levies on my property?**” Dist. Rec. at 39, ¶ 18-20.

The Court responded, “I don’t know. The way retroactive child support collection operates is that they’re allowed to use any means available. They can collect arrears pursuant to statute. Now it does get - - complicated when there’s property involved, because, you know, when that property sells, what that property brings, what taxes, and what mortgages have to be paid off, you know, make a difference as to what your continuing arrears would be. And with my new ruling today they’re gonna have to recalculate the arrears, and then they’ll take whatever has been paid, through **whatever they’ve seized** from you will be credited against that. All right?” Dist. Rec. at 39, ¶ 21-25 ; Dist. Rec. at 40, ¶ 1-7.

I responded, “Will they be in contact with either one of us? Because for 16 months almost I’ve been unable to get...” The Court interrupted and said, “Here’s my...” I continued, “the situation that’s here today, and I have been unable to correct it. The Court responded, “You’re - - hitting your head against a **bureaucratic issue that comes up over and over and over**. Here’s all I can tell you. Most people have the most success by going there physically in person, and I guess sitting there and waiting until somebody takes care of them.” I responded, “Well, I’ve got...” The Court interrupted stating, “And I don’t have any - - I don’t have any - - I don’t have any control over that, that’s a bureaucracy that’s out of my control.” Dist. Rec. at 40, ¶ 8-22.

I stated, “Well, and that’s the bureaucracy, sir, that I believe needs to be under control. And that’s what I’m here for today. I have no problem with what Ms. Dolbow’s done. I would just - - I’m taking this further than where we are today. And I know your jurisdiction doesn’t take care of the - - the issue that I’m going to bring forward. It’s just a matter of getting it on the table and putting a notice out to Policy Studies. Dist. Rec. at 40, ¶ 23-25 ; Dist. Rec. at 41, ¶ 1-4.

The Court responded, “Well your complaints with the child support unit may be valid. But you do need to go through whatever the proper channels are for lodging complaints with - - you know, with other - - with the appropriate bodies, not the Court.” I responded, “Well, it’s a federal issue, sir, I’ve already contacted legal - - you know, I’m here without representation, okay, because I thought we could probably understand the situation. But I don’t think anybody quite understands the, uh, seriousness of the matter concerning me. And, uh, I’ve tried and I’ve had **face-to-face administrative reviews**. I’ve had one in Denver, okay. Dist. Rec. at 41, ¶ 5-17.

The Court immediately moved to end the hearing expressing a need to move on to other cases; therefore, I asked for permission to approach the bench and delivered my letter to the Court. Dist. Rec. at 41, ¶ 18-25.

Ms. Eigel stated, “And in 2010 the inheritance would drop off for mother. Without any income imputed to father, child support would be **\$699.00. With that income imputed that’s \$11,178.** Child support would be **\$1,357.00. (PAUSE.)** The Court started to ask, “Did you have any there _” Ms.

Eigel replied, I'm sorry, I'm sorry." The Court asked, "Can you make it this week?" Ms. Eigel said, "Pardon?" The Court replied, "Are you going to make it through the week?" She said, "I am. I think I'll always make it through today, Your Honor. I'm sorry, Your Honor, child support - - (inaudible) would request that child support would be modified at least as of October 1, 2009 to \$958.00, and then \$1,357.00 commencing January 1, 2010." Dist.Rec. at 34, ¶ 12-25).

Relative Facts

70. During the hearing on January 13, 2010, former El Paso County District Magistrate John Paul Lyle warned me about the difficulty of a lawsuit, and I informed him I had already heard the same thing from local attorneys. When I was finished, I asked him for permission to approach the bench. He seemed annoyed and said something to the effect he had other cases waiting. I told him I was almost finished and then handed him the letter I prepared for the hearing. When the hearing ended, I stepped out into the hall and said goodbye to Ms. Dolbow and her sister. I then returned to the courtroom to give attorney Eigel a copy of the letter. **I watched former El Paso County District Magistrate John Paul Lyle read my letter during the next hearing.** I sat through the Court's docket. When it ended, I gave attorney Eigel her copy. Prior to the hearing, I had given Ms. Delores a copy of the letter to show to Ms. Dolbow. RWJ Aff. at 12, ¶ 70.

71. On January 15, 2010, I wrote a letter giving notice to the Colorado Division of Child Support Enforcement, State Enforcement Unit that I intended to file a federal lawsuit against PSI. RWJ Aff. at 12 ¶ 71.

34. On **January 18, 2009**, a computer-generated "form-like" notice titled, "Driver's License Suspension Notice of Non-Compliance with a Child Support Order" was printed and mailed to me. The contact named in the notice was Jonica Brunner with the El Paso County Child Support Enforcement Unit, 30 East Pikes Peak Avenue, Suite 203, Colorado Springs, Colorado, phone number 719-457-6330. The notice said I had **30 days to prevent suspension** by: "1) begin paying the monthly child support due (listed on page 2), 2) contact the County Child Support Enforcement Unit (listed above) and negotiate a payment plan, 3) pay the current balance (listed on page 2)." On page 2, the current monthly payment due was \$526; the current balance was \$16,949.00. RWJ Aff. at 5, ¶ 34.

80. On February 17, 2010, a four-page FSR computer-generated report was printed. Page 3 states, "THIS DOCUMENT IS A TRUE AND ACCURATE COPY OF THE PAYMENT RECORD MAINTAINED BY THE FAMILY SUPPORT REGISTRY FOR THE INDICATED SUPPORT ORDER AS OF 02/17/2010. PAYMENTS ON THIS RECORD MAY ALSO APPEAR ON PAYMENT RECORDS FROM OTHER AGENCIES. THIS PAYMENT RECORD IS ADMISSABLE AS EVIDENCE IN A COURT PROCEEDING AS PROOF OF PAYMENTS MADE THROUGH THE FAMILY SUPPORT REGISTRY PURSUANT TO SECTION 26-13-114 AND SECTION 14-14-110, C.R.S. [Notes: The text was all capitalized. I can access the FSR account online using a password.] RWJ Aff. at 14, ¶ 80.

81. On February 17, 2010, CSE Unit Fiscal Specialist Melissa Balquin produced a summary of arrears based on Worksheet B for years 2006 and 2007 as of January 31, 2010 for the period of June 1, 1996

through January 31, 2010, showing the adjusted child support due totaled \$78,888.00. It showed direct payments of \$41,850.00, **FSR payments of \$16,409.80**, and a credit for \$7,500 for spousal support. The arrears owed equaled \$13,128.20. Ms. Balquin's summary was attached to the proposed Amended Order prepared by attorney Eigel and mailed to me on February 25, 2010. RWJ Aff. at 14, ¶ 81.

82. **On February 18, 2010**, El Paso County District Magistrate **Candea-Ramsey denied the proposed Order** as evidenced by the red line drawn across the N/CS Division file copy of the Order bearing the word "Denied" in red ink and the initials JCR. Until March 15, 2010, I was unclear as to "the Court" that ordered arrears be added together. On March 15, 2010, I visually inspected the case file again and found the proposed ORDER so marked. RWJ Aff. at 14, ¶ 82.

83. I was not notified the proposed ORDER had been denied. I do not know why it was denied. RWJ Aff. at 14, ¶ 83.

84. I was not present on February 18, 2010 when the Court, apparently represented by El Paso County District Magistrate Candea-Ramsey, decided to **add arrears together for summary purposes**. According to attorney Eigel's response to the **extraordinary motion for change of venue and its amendment, former El Paso County District Magistrate John Paul Lyle had not ordered the arrears be added together in the hearing on January 13, 2010**. RWJ Aff. at 14, ¶ 84.

85. On February 24, 2010, attorney Eigel filed the Motion to Approve Amended Order, stating the arrears were added together in accordance with the Court's order on February 18, 2010. RWJ Aff. at 14, ¶ 85.

86. On February 25, 2010, the Motion to Approve Amended Order and the proposed Amended Order were mailed together to me at my home address as indicated by the Certificate of Mailing bearing that date. **The Amended Order was also marked "NUNC PRO TUNC, January 13, 2010."** The Amended Order added the new Number 7 to enter the summary total of **\$13,128.80 as "principal"** which caused the remaining provisions to be renumbered. New number 13 stated: "Respondent owes child support arrears principal to Petitioner in the amount of \$13,128.20 as of January 31, 2010." Number 14 stated: "Interest shall run on the aforementioned arrears at the rate of twelve percent (12%) per annum, compounded monthly, as provided by C.R.S. 14-14-106. The amount of interest due to Petitioner is reserved at this time." In this matter, C.R.S. 14-14-106, Interest states:

Interest per annum at four percent greater than the statutory rate set forth in section 5-12-101, C.R.S., on any arrearages and child support debt due and owing may be compounded monthly and may be collected by the judgment creditor; however, such interest may be waived by the judgment creditor, and such creditor shall not be required to maintain interest balance due accounts.

C.R.S. 14-10-122 discusses liens on personal and real property. 1.5 states:

(a)(I) Commencing July 1, 1997, all cases in which services are provided in accordance with Title IV-D of the federal "Social Security Act", as amended, referred to in this subsection

(1.5) as **"IV-D cases"**, shall be subject to the provisions of this subsection (1.5), regardless of the date the order for child support was entered. In any IV-D case in which current child support, child support when combined with maintenance, or maintenance has been ordered, a payment becomes a support judgment when it is due and not paid, and a lien therefor[e] is created by operation of law against the obligor's real and personal property and any interest in any such real or personal property. The entry of an order for child support debt, retroactive child support, or child support arrearages or a verified entry of judgment pursuant to this section creates a lien by operation of law against the obligor's real and personal property and any interest in any such real and personal property. (III) **A support judgment or lien shall be entitled to full faith and credit and may be enforced in any court of this state or any other state.**

Full faith and credit shall be accorded to such a lien arising from another state that complies with the provisions of this subsection (1.5). Judicial notice or hearing or the filing of a verified entry of judgment shall not be required prior to the enforcement of such a lien. (IV) The creation of a lien pursuant to this section shall be in addition to any other remedy allowed by law. **(b) Lien on real property.** (I) To evidence a lien on real property created pursuant to this subsection (1.5), a delegate child support enforcement unit shall issue a notice of lien and record the same in the real estate records in the office of the clerk and recorder of any county in the state of Colorado in which the obligor holds an interest in real property. From the time of recording of the notice of lien, such lien shall be an encumbrance in favor of the obligee, or the assignee of the obligee, and shall encumber any interest of the obligor in any real property in such county. (II) The lien on real property created by this section shall remain in effect for the earlier of twelve years or until all past-due amounts are paid, including any accrued interest and costs, without the necessity of renewal. A lien on real property arising pursuant to this subsection (1.5) may be extended or renewed indefinitely beyond twelve years by rerecording the lien every twelve years. Within twenty calendar days after satisfaction of the debt or debts described in the notice of lien, the delegate child support enforcement unit shall record a release of lien with the clerk and recorder of the county where the notice of lien was recorded. A release of lien shall be conclusive evidence that the lien is extinguished.

(f) Notice of lien - contents (J) states: **A statement that interest may accrue on all amounts ordered to be paid, pursuant to sections 14-14-106 and 5-12-101, C.R.S., and may be collected from the obligor in addition to costs of sale, attorney fees, and any other costs or fees incident to such sale for liens arising pursuant to paragraphs (b) and (c) of this subsection (1.5).**”

RWJ Aff. at 14, ¶ 86 - RWJ Aff. at 16.

87. On February 25, 2010, the last provision of the Amended Order stated, “**This order or judgment was entered in a proceeding in which consent to a hearing before a District Court Magistrate was not necessary and any appeal must be taken within 15 days pursuant to Rule 7 (a).**” RWJ Aff. at 16, ¶ 87.

90. On **March 2, 2010, I filed the Objection to Proposed Amended Order because the proposed Amended Order had not been approved as of that date, and I was told to file an objection not an appeal. At the time, I had not established the fact the wrong worksheet was used. I knew the proposed modification continued to ignore the fact my son lived with me from year 2005 through 2007 as had been expressed continuously with CSE/PSI employees and/or legal representatives from October 10, 2008, through January 13, 2010, and to the present. I requested a hearing of my objection pursuant to C.S.R. 24-4-105. I did not know whether or not my request fell within the scope of said statute.** RWJ Aff. at 17, ¶ 90.

OBJECTION TO PROPOSED AMENDED ORDER FILED MARCH 2, 2010

COME NOW, Robert Wayne Johnson, Pro Se, to object to the entry of the proposed amended order as moved by EL Paso County CSE Unit, Third Party Intervenor, and request a hearing by the Court pursuant to C.R.S. § 24-4-105.

Heretofore, EL Paso County CSE Unit, the abbreviated trade name of Policy Studies Inc., is referred to as Third Party Intervenor – PSI. Said for-profit company is licensed by the Colorado Secretary of State Business Division to operate a commercial business under the laws of this State using various trade names, including El Paso County Child Support Enforcement Unit.

I allege that Third Party Intervenor – PSI intends to assess interest on the arrears added together by the amended proposed Order of February 18, 2010, at a future date with or without direction from Petitioner.

I further allege the existence of a potential conflict of interest resulting from the contractual relationship that exists between Third Party Intervenor – PSI, El Paso County, and the Colorado Department of Human Services. This perceived conflict may or may not have already prejudiced the handling of my case. I pray this not to be true.

THIS OBJECTION TO PROPOSED AMENDED ORDER is based on the following reasons:

1. Third Party Intervenor – PSI in its capacity as a private human services government outsourcing contractor to the State of Colorado and EL Paso County has refused to provide documentary evidence for purposes of inspection to validate the legitimacy and accuracy of child support arrearages upon which the proposed Order and amended Order are based.
2. I have been unable to provide adequate defense to the child support enforcement actions of Third Party Intervenor - PSI due to its rejection of reasonable requests to inspect the documents in its possession, specifically those through which it was authorized to carry out administrative and judicial actions against me.
3. I intend to file a MOTION TO COMPEL under C.R.C.P. 16.2 upon notice of the hearing

of the Objection to move Third Party Intervenor – PSI to timely produce for inspection and copying the following documents:

- a. The original application package in its entirety, including but not limited to the dated Income and Expense Affidavit and Affidavit of Arrears.
 - b. Any and all records of my meeting with Third Party Intervenor – PSI caseworker on October 10, 2008, for the purpose of discussing the letter dated October 2, 2008, bearing the address of El Paso County Child Support Enforc[ement], 30 East Pikes P[ea]k Ave., Suite 203, Colorado Springs, CO 80903, and the name Jonica L. Brunner, Legal Technician/Paralegal.
Third Party Intervenor – PCI may assist the Court and its processes by accommodating the discovery request voluntarily by contacting me by phone or mail to arrange for the inspection and copying of the originals of the requested documents.
4. I assert the retroactive modification that occurred as a result of the hearing on January 13, 2010, for the years 2005 through 2007, provides reasonable proof that other omissions or errors of fact may exist.
 5. I contend that should Third Party Intervenor – PSI act without due diligence, or with contempt for my request to produce documents, that I may be unable on the date of the hearing of the Objection to examine the documents produced by Third Party Intervenor - PSI in a manner sufficient to reach a satisfactory conclusion that said records are legitimate, accurate, and complete, in the time set aside for the hearing. I pray the Court’s forbearance in this matter.
 6. I contend that Third Party Intervenor – PSI has preserved claims to interest on the amendment to the proposed Order from January 13, 2010 which states: “Wherefore, the El Paso County CSE Unit moves the Court to approve the attached Amended Order which includes the arrears balance owed by Respondent and reserves Petitioner’s right to seek interest due on the support arrears.” Said preservation of claims to interest subjects me to potential unknown financial responsibility.

WHEREFORE, on the basis of reasonable objection regarding issues of discovery and my right to the information used by Third Party Intervenor - PSI to seize personal assets and enact other administrative actions that are punitive in nature and affect my civil liberties, I ask this ____ Day of March, 2010, that the Court grants a hearing of the Objection.

Respectfully Submitted,

Robert Wayne Johnson, Pro Se

111. Attorney Eigel’s second response mailed March 11, 2009 addressed my “request for a hearing of my objection” on March 2, 2010 as follows: (1) the Court issued orders to modify child support and to recalculate arrears to reflect the modification; (2) the Court ordered the arrears to be added on

February 18, 2010; (3) I did not object to the arrears amount calculated or to the form of the order; (4) I did not allege the proposed Amended Order failed to accurately reflect the Court's orders on January 13, 2010; (5) my objections relating to discovery were irrelevant; (6) I did not bring up issues of discovery in the hearing on January 13, 2010; and (7) Petitioner had not waived her right to pursue interest on summarized arrearages and had reserved her right to pursue interest as provided by C.R.S. 14-14-106. [Notes: The responses are summarized for the sake of brevity. Numbers do not correspond with the numbering used in attorney Eigel's response. They are used here for listing purposes only.] RWJ Aff. at 24, ¶ 111.

112. Attorney Eigel's response to my objection concluded by stating, "Wherefore, the El Paso County CSE Unit moves the Court to approve the amended order." However, the objection was filed for the purpose of seeking a "hearing" of my objection to the proposed Amended Order. Attorney Eigel did not indicate my request was not valid under the referenced Colorado statute. I reassert all numbered statements in the Objection and hold that the El Paso County CSE Unit, through PSI's legal representative attorney Eigel, is maintaining its uncooperative position as cited in Number 5 of my objection that read: "I contend that should Third Party Intervenor - PSI act without due diligence, or with **contempt for my request to produce documents**, that I may be unable on the date of the hearing of the Objection to examine the documents produced by Third Party Intervenor - PSI in a manner sufficient to reach a satisfactory conclusion that said records are legitimate, accurate, and complete, in the time set aside for the hearing. I pray the Court's forbearance in this matter." In the conclusion, the Objection states: "**Wherefore, on the basis of reasonable objection regarding issues of discovery and my right to the information used by Third Party Intervenor - PSI to seize personal assets and enact other administrative actions that are punitive in nature and affect my civil liberties, I ask this 2nd Day of March, 2010, that the Court grants a hearing of the Objection.**" [Note: I may have designated the "Day" as 2.] RWJ Aff. at 24, ¶ 112.

116. On March 11, 2010, a letter was printed and served on the American National Bank at 3033 E. First Avenue, Denver, Colorado 80206, titled "Colorado Division of Child Support Enforcement Notice of Lien and Levy." The total amount due was \$14,485.20 as of March 11, 2010. The letter was from the Colorado Division of Child Support Enforcement, State Enforcement Unit. It provided as before: "Once you have returned the remittance notice and/or surrendered any funds, the lien and levy automatically inactivates." "Please do not surrender funds under \$25." However, when compared to the Ent Credit Union levy notice, it does not appear to be computer-generated. The first sentence reads: "The total amount of past-due child support **is \$14,485.20 as of 3/11/2010.**" The bottom portion of the letter states: "**Date order entered: 1/13/2010.**" The last line was a form number. It reads: "CSE532 (8/09). Unlike the Ent Credit Union letter of January 19, 2009, it has a bar code along the right margin. The bar code may have been applied by the Bank for image-indexing purposes. RWJ Aff. at 25, ¶ 116.

117. On March 12, 2010, a letter was prepared and mailed to me at my home address from American National Bank. The Bank sent a copy of the levy notice and debited a total of \$50 from my account. It said, "The amount of \$0.00 will be held for thirty days (30), after (30) days the funds will be sent to **Colorado Division of Child Support Enforcement.** The remaining amount of \$50 will be applied towards our processing fee. If the funds in your account(s) were not sufficient to satisfy the levy, all of

your funds have been removed.” “If funds are unavailable at the time of a presentment, checks may be returned ‘Refer to Maker’ for two weeks. The normal Non-Sufficient Funds processing fee will still apply.” RWJ Aff. at 26, ¶ 111.

118. The Bank’s levy processing fee cleared my account balance. RWJ Aff. at 26, ¶ 118.

119. Without knowledge of the entry of the Amended Order, I filed my continued objection to the proposed amended order on March 15, 2010, the original request having been made on March 2, 2010 pursuant to C.R.S. § 24-4-105. I specifically addressed each one of the enumerated statements issued by attorney Eigel in her response dated March 11, 2010. They are summarized next. Continued Objection Number 1(a) in answer to Response Number 1: The wrong worksheets were used to recalculate child support for the three years the Court recognized the voluntary change in care (custody) on January 13, 2010; (b) I was not present on February 18, 2010 when the Court - represented by a magistrate I had yet to identify - entered the new order to add arrears together; Continued Objection Number 2 in answer to Response Number 2: the summarized arrears balance supported by the document created by Melissa Balquin was created using the wrong worksheets; Continued Objection Number 3 in answer to Response Number 3: the Affidavit of Custody and Support contained a discrepancy; Continued Objection Number 4 in answer to Response Number 4: I was entitled to discovery; and Continued Objection Number 5 in answer to Response Number 5: the adding together of arrears was to obtain a summary judgment and assign the principal to which the stated interest rate of 12% per annum would be added. After addressing Response Numbers 1-5, six other reasons (or clarified prior reasons) were listed to continue my objection to the proposed Amended Order to provide the reasonable basis required under law to set a hearing of the objection. RWJ Aff. at 26, ¶ 119.

120. Continued Objection Number 6 is wrong on the basis of missing information. More correctly stated it should read: El Paso County Child Support Unit and my former wife failed to submit a written response within 15 days of my modification request on September 21, 2009. A written response was prepared and submitted to the Court by Tracy Rumens, representing the CSE Unit and the law offices of Belveal Eigel Rumans & Fredrickson, and was mailed to me on October 14, 2009. Under C.R.C.P. Rule 7 (a) the El Paso County Child Support Enforcement Unit and Ms. Dolbow waived their right to object to my motion to modify child support as of October 9, 2010. The Court failed in due course to enter my modification by default. Instead, former El Paso County District Magistrate John Paul Lyle issued the DELAY PREVENTION ORDER on November 24, 2010, setting a hearing to ensure my modification request was diligently prosecuted as requested by attorney Tracy Rumens in her response of October 14. **The continued failure of the Court to ignore the September 21, 2009 modification request through January 13, 2010, exceeded the normal 45-day modification decision timeframe. The continued delay through the date of this filing has created extreme and unnecessary hardships on me that the expedient nature of domestic law provisions is designed to prevent. This unfair treatment is based on the existing legal bias against non-custodial parents, primarily men, who are not normally beneficiaries of public welfare programs.** RWJ Aff. at 26, ¶ 120.

121. On March 15, 2010, I did not provide a courtesy copy of my continued objection to the proposed

amended order to Fourth Judicial District Chief Judge Kirk Samelson. RWJ Aff. at 27, ¶ 121.

134. On March 26, 2010, I presented what I perceived to be a notice of intent to appeal the Amended Order entered on March 11 by District Magistrate Candea-Rampsey. The Notice of Appeal – Designation of Record was accepted in the El Paso County District Court with the clerk’s instructions to retain the personal records referenced therein for filing with the Court of Appeals in Denver. RWJ Aff. at 30, ¶ 134.

135. On March 26, 2010, I was also informed “the approved Amended Order was mailed today.” The confusion caused by the simultaneous filing of the Notice of Appeal and the approval of the Amended Order as well as the procedural misstep was understandable. RWJ Aff. at 30, ¶ 135.

131. These are my notes from the N/CS Division court cases yesterday:

I saw several of the PSI attorneys in court yesterday and heard some more interesting cases regarding CS. Three guys were brought in from the EL Paso Criminal Justice Center for contempt - not able to pay child support. I wondered why this action was not used in my case; it would have gotten my complaints before the courts months ago if they would have just charged me with contempt.

The whole courtroom charade is like a parade - same outcome every time. Most obligors are unemployed or underemployed according to CS. If they don't work 40 hrs. or full time, CSE imputes income based on them taking another job part time.

Ms. Eigel was prosecuting cases yesterday. One guy in ST. LOUIS, MO. on disability asked the court to explain in **PLAIN ENGLISH (my problem too)** what he was being told to do.

Ms. Eigel talks faster than anyone according to Mag. Ramsey; she said it twice in court. She is very hard to follow especially when you don't know what she's saying. Jonica Brunner was sitting in the courtroom on Monday & Tuesday, she just sits and has not participated in any proceeding while I was there.

Now I HAVE SEEN HER 3 times since she became my caseworker; twice in court this week. The PSI/CSE office is about a 5 min walk to courthouse. She glanced my way several times.

RWJ Aff. at 30, ¶ 131.