New Americans and Undocumented Immigrants

This session will be a group discussion in which the panel will pose and discuss a number of the questions listed below. The audience will be invited to participate. Since there is no state-wide uniformity on how these issues are addressed in child support hearings, it is believed that discussion of a variety of viewpoints will be useful to all participants.

WORK

STA	ATUS AND DOCUMENTATION REQUIREMENTS
1.	What are possible immigration status levels and how do they impact a person's ability to work legally?
2.	Can a person have a valid ID number without being a citizen (TIN vs. SSN)?
3.	Why does immigration status matter in child support hearings? (Do AKAs matter in paternity hearings, for collection purposes, etc.)

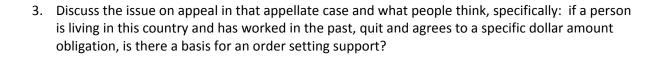
DETERMINING INCOME FOR UNDOCUMENTED OBLIGORS

- 1. If either party is working for cash
 - A. How should income be determined: minimum wage, actual wages, past history, household expenses, and what are the proof problems?

В.	What should be ordered regarding collection from someone who is working for cash
	and is undocumented? Should people who express a desire to pay voluntarily be
	allowed to do so, even though the preference is for wage withholding? If we allow
	voluntary payment here, are we required to let others (meaning citizens or
	documented workers) bypass the wage withholding requirement?

C.	Can a child support worker agree to that as part of a stipulation, or ask for that in
	pleadings (so that we could get it as part of a default order) or is that something
	that a magistrate has to rule on specifically?

2.	When someone is not working, but has worked (Maura Shuttleworth's case now on appeal) how
	should we set support: based on past income, based on theoretical ability to work, or based on
	our ability to legally compel people to work? Should there at least be a minimum order set?



4. What if they have no history of prior work? What if they worked, but lost the job through no fault of their own? Or they were fired? What if they don't agree to an amount? How might these changes in the scenario affect the equation?

- 5. Discuss what other information should be sought in such cases to help make a decision, and provide a factual basis to help withstand appeal. There are questions Maura wishes she would have asked to help determine ability to earn:
 - a. What are their sources of income, all sources, and do they have income other than employment?
 - b. What are their living expenses and their circumstances?

	C.	How are they meeting living expenses if they are not working?
	d.	How long have they been in the U.S.A.?
	e.	Are they sending money home? What documentation do they have of that?
	f.	Why did they come here (work, study, etc) ?
	g.	Other questions?
6.		rt the process that there is no state uniformity on this issue? What could be done to approach more uniform?
ENFOF	RCEMENT IS	SSUES FOR UNDOCUMENTED OBLIGORS
1.		e proper response if someone says that putting their "working name" on the order hem lose their job?
2.	on insuran	e person is working under a different name and therefore cannot put the child's name ce? (and even though it is a little off topic, what if a person signed their work name b, where does that put us?)
3.	which is va	has two names and dates of birth, do people have policies for trying to determine lid? Do people have a policy to determine whether people using working names are d SSN? If so what is the policy and what are the dangers of having such a policy?
4.	Isn't the bo	ottom line here to get parents to pay for the raising of their own children?

SPECIAL ISSUES FOR NEW AMERICANS
1. Are people seeing issues when members of families have varied status with regard to citizer or residency?
2. Do work permits pose special problems?
3. How are language issues and interpreter availability impacting the process both in court and of court? What could be done to improve things?
4. How are cultural issues impacting the process? What is being done and what could be done help?
5. Because of language issues and cultural issues, should attorneys be appointed for parties ev they don't ask for them? Are there cases where even appointing an attorney isn't enough? there cases in which cultural disparity regarding parental roles and responsibilities, lack of familiarity not just with ours but with any court system, and lack of any education, impact of our ability to process the cases?)
6. What have people in the audience had to deal with in terms of culture clash and different vior of what a family is and what family responsibility is? Or the relative roles of men and women (which can impact on a male obligor's attitude toward female social workers, attorneys and magistrates as well as his attitude toward the obligee)?