

STATEMENT IN OPPOSITION TO HOUSE BILL 4999 (Romney)

“An Act Relative to Increasing Parental Involvement & Responsibility Relative to Health Insurance”

My name is Dan Hogan, J.D., Ph.D., and I am Executive Director of Fathers & Families. Many of you probably know Dr. Ned Holstein, who founded F&F as a non-profit advocacy organization protecting children's right to the love and care of both parents after separation or divorce. Through education and legislative outreach programs, Fathers & Families seeks to shape public policy and change well-meaning but misguided laws, judicial traditions, and government policies that drive many loving fathers out of their children's lives after divorce. Fathers & Families counts some 2,200 supporters, many of whom are women.

Fathers & Families supports the Massachusetts Legislators' efforts to ensure proper health care coverage for all children in our Commonwealth. We are happy to see that Massachusetts recent health care reform law is being viewed as a national model. Fathers & Families, however, strongly opposes House Bill 4999, which is an attempt by Governor Romney to parlay the national attention upon the health care reform law to appeal to his parties' politically conservative wing with “parental responsibility” rhetoric.

Governor Romney's proposal is based on a number of false assumptions. First, Governor Romney claims that although non-custodial fathers have the financial means, they avoid contributing to their children's health care costs. To the contrary, as established in the state's Child Support Guidelines, non-custodial parents are already required to provide for the health coverage of their children. Requiring non-custodial parents to pay again amounts to “triple dipping” as 1) they are already paying for medical coverage when they pay their child support, 2) they already pay taxes for Medicaid out of their salary, and 3) they would be required to pay an additional amount for the costs of MassHealth. **Massachusetts Child Support Guidelines are overall the most expensive in the nation.**

Governor Romney also perpetuates the myth that after divorce, the standard of women plummets while that of men improves. Professor Sanford Braver, a widely acclaimed researcher, has conducted analysis that debunks this myth. Professor Braver studied tax policy and other costs upon non-custodial parents and discovered that the standard of living of the two parties is almost identical after divorce. As a result, Governor Romney's attempt to have non-custodial parents reimburse the State for health care costs associated with poor mothers – is really just a new tax on poor fathers.

Governor Romney fails to understand that the imposition of unrealistic child support burdens on NCPs hurts kids. First, Massachusetts will have more dads who end up in arrears in their child support payments because they cannot afford to pay this added tax burden. This will make fugitives of many dads, driving them out of the lives of their families. Second, Romney's tax proposal will create a situation in which children of second families are significantly disadvantaged compared to children of first families. Effective health care reform cannot be accomplished by providing for some kids while ignoring or impoverishing others.

Gov. Romney's bill has other major defects. It inappropriately empowers the Department of Revenue (DOR) to encroach upon the jurisdiction of the judiciary in establishing both the costs of supporting a child and determining how much a non-custodial parent can “afford.” Because the DOR receives federal reimbursement based upon the amount of child support it collects, the

DOR has a vested interest in higher levies and cannot be considered a neutral administrative decision-maker regarding child support issues.

Despite Massachusetts' courts warning against the "devastating effects" of incorrectly identifying parents, the bill also fails to provide a reasonable assurance that the person the DOR requires to pay is actually the father. In fact, 25-30% of paternity DNA tests prove that the putative father is not the actual father, suggesting that many Massachusetts' men mistakenly sign voluntary paternity acknowledgements. Moreover, the State's current efforts to ensure that the correct person has been identified are woefully inadequate, despite relatively simple and inexpensive procedures to prevent mistakes.

Fathers & Families would make several recommendations. The determination of the amount to be paid by the NCP should be subject to a decision by a judge that such an amount is reasonable, as is currently the case under the Child Support Guidelines. The amount should be comparable to the amounts to be paid by intact families of the same size. The obligation should be divided between the custodial and non-custodial parent, as is currently the case for health insurance under the Child Support Guidelines.

For purposes of calculating any MassHealth obligation, income should be defined as earnings plus (or minus) the receipt (or payment) of child support. For purposes of calculating the poverty level of any MassHealth obligation, the NCP's family size should consist of himself, plus however many children for whom he is paying child support. Any payments required of NCPs for MassHealth should be incorporated into one child support order.

Regulations should be promulgated by the judiciary, not by DOR. DNA testing to establish paternity should be encouraged to ensure that the correct man is identified as the father of the child in question. The limit proposed by Gov. Romney around maximum cost per month should be directly incorporated into the bill. Both this maximum and the maximum of 5% of gross income should be examined to determine whether either is appropriate. Whether an NCP is exempt from this program should be based on the total number of children for whom the NCP is obligated to pay child support.

It is only if most of these recommendations are incorporated into Gov. Romney's bill that it will be at all equitable and not end up wreaking havoc among the poor non-custodial parents who have to foot its burden.

Thank you for the opportunity to speak and please feel free to contact me should you require further information.