

“Law and court procedures that are “fair on their faces” but administered “with an evil eye or a heavy hand” was discriminatory and violates the equal protection clause of the Fourteenth Amendment.” Yick Wo v. Hopkins, 118 US 356 (1886).

Problems: 45 CFR Title IV

Support Laws, whether statutory or administrative, are PROBLEMATIC for enforcement of child support vs. the Constitutional rights of citizens subject to the protections of the State and Federal Constitutions, the Bill of Rights and Amendment XIV of the Federal Constitution.

The Social Security Act, 42 United States Code establishes authority for the Dept. of Health and Human Services to regulate a national program for the support of dependent children. The Dept. of Public Welfare (DPW) promulgated 45 CFR Chapter III – Child Support Enforcement Program (Title IV) to address this issue. The Regulations award obscene amounts of federal incentives to the States for compliance with DPW Regulations.

As promulgated, 45 CFR is heavily weighted in favor of the custodial parent and heavily weighted against the non-custodial parent. It may appear “fair on its face”, but it disguises a gender bias prohibited under Title VII of the Civil Rights Act of 1964. These Regulations impinge on the constitutional rights of all parents, custodial or non-custodial, to “parent” their children.

These Regulations are counter-productive to the expressed intent of The Social Security Act, Sec. 401 (42 U.S.C. §601) (a) IN GENERAL. –

The purpose of this part is to increase the flexibility of States in operating a program designed to –

- (1) provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives;
- (2) end the dependency of needy parents on government benefits by promoting job preparation, work, and marriage;
- (3) prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and
- (4) encourage the formation and maintenance of two-parent families.

Title IV, the CHILD SUPPORT ENFORCEMENT PROGRAM (CSE) rewards custodial parents of children born out-of-wedlock and provides financial incentives to separated parents, encouraging the dissolution of marriage and discouraging the formation and maintenance of two-parent families.

The Program rewards State political jurisdictions (county) with obscene amounts of money to administer the Program “with an evil eye and a heavy hand” and to deprive defendants of constitutional rights. The

Program rewards the States for enacting egregiously prejudicial Rules under CSE Title IV in order to increase federal incentive revenues.

The Program authorizes the States to enact "law" contrary to the separation of powers doctrine that limits the enactment of Law to the legislature. See U.S. Constitution, Article I.

An extended discussion of the fallacies of 45 CFR is necessary. This discussion will be raised at a later time. For now:
45 CFR must be subjected to "strict scrutiny" for any "regulations" that may permit the States to promulgate Support Guidelines that impinge on or may impinge on the constitutionally protected rights of litigants, especially defendants subject to the CSE Program.