

FEATURED LETTER



U.S. Army reserve soldiers at Camp Santiago, Puerto Rico, attend a briefing in preparation for deployment to Iraq last year. —AP

Bill keeps reservists' support payments fair

More than 100,000 reservists are stationed in Iraq, as well as 2,500 members of the Illinois National Guard. Many will remain on active duty for as long as 18 months. But will some Illinois fathers' homecoming be a jail cell?

It's difficult to believe, but the answer may be "yes."

It happened after the first Gulf War. Some of the more than 250,000 reservists called up returned saddled with large child support arrearages they were unable to pay. As interest and penalties on the overdue support piled up, many spent years trying to dig themselves out of debt, while often facing unremitting government harassment. Some lost their driver's licenses and business licenses. Others had their passports and bank accounts seized and their taxes intercepted. Some even faced jail.

Many reservists and Guardsmen currently serving abroad are facing the same problem. Their child-support obligations are based on their civilian pay, which is generally higher than active-duty pay. When called up, they are sometimes obligated to pay an impossibly high percentage of their in-

come in child support.

For example, the active-duty pay of an Illinois National Guardsman who has served for five years is \$1,991 a month before taxes. If this Guardsman is a divorced father of three whose civilian pay is \$4,500 a month after taxes, his child support is generally about \$1,450 a month — nearly three-quarters of his active-duty take-home pay.

Normally when an obligor loses his job or suffers a pay cut, he can

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go to court and request a downward modification. However, since Guardsmen and reservists are sometimes mobilized with as little as one day's notice, few are able to obtain modifications before they leave. Worse, these soldiers cannot get relief when they return home because the federal Bradley amendment prevents judges from retroactively forgiving support.

Fortunately, a workable solution to this problem was just introduced into the Illinois Legislature by Sen. Iris Martinez (D-Chicago) and Rep. Cynthia Soto (D-Chicago). Senate Bill 2895 would require courts to modify the child-support obligations of Guardsmen and reservists stationed abroad by the same proportion that the soldier's military pay falls below his civilian pay. The modification would be retroactive to the date the soldiers were called to active duty, and the obligor would have six months from the date of his discharge from active duty to file for the reduction.

Missouri passed legislation to address this problem shortly before the first Gulf War, and the legislation has been effective in protecting fathers.

The child support snare faced by many reservists and Guardsmen represents an avoidable and morally indefensible breach of faith with fathers who serve. All of us can agree that fathers should do right by their children. SB 2895 will ensure that the child support system does right by fathers.

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