



Honorable Joy B. Sheare

By: Thomas Hoadley

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This article is dedicated to all you frustrated lawyers who try to collect child on-support payments from evasive ex-husbands or lovers (yes, even a lover's sperm is held accountable in an appropriate paternity suit). Or to defend these cases on the basis: "I have no money! My hunting dog has just been repossessed by the bank!" You will be pleased to know this "they just turned off my electricity" defense has been met with stern resistance by a whole legion of federal, state and county programs irate against these recalcitrant fathers.

But first, let's define the problem. Judge Overton, at 562 So.2d 673, states that our census reveals 75 percent of all children and single-parent households receive no support from the non-custodial parent. Since it's mostly women who have primary custody of minor children (this is meant as a fact, not as an endorsement) it's usually the women who are the silent, suffering victims of the errant father. Some women work one or two jobs to support their households. Some turn to welfare. This same study reveals that 87 percent of all A.D.C. children were eligible for welfare because a living parent failed to provide support. Mothers in these two groups do their part; but what is our kinder, gentler society doing to protect 75 percent of single-parent children and 87% of A.D.C. children from these support problems?

The HRS, who has the responsibility of the administration of such programs, will act on behalf of the A.D.C. children. HRS contracts with Mark Cullen, who processes out-of-state non-support cases and Donald Pickett, who works with his law firm on the A.D.C. cases. As an attorney, what do you tell a non-public assistance custodial parent who wants support? You advise that person to go to room 149 at the Palm Beach County Courthouse, and someone from the Clerk's office will assist in filling out the contempt papers and will help schedule the hearing. The only charge for this is \$12.30 for service of process upon the non-paying parent. If your client is unable to locate the absent parent or the absent parent resides out of state, you should advise them to contact HRS at 837-5380.

All this leads us to our interview with Joy B. Shearer who, along with Linda S. Goodwin and Larry S. Weaver, is a full-time Domestic Relations Commissioner (also called Family Hearing Officer). How busy is Commissioner Shearer? She will hear evidence and make a decision in four to five contempt cases a day, or about 100 a month. Of these, about 50 petitioners are represented by an attorney and 50 are pro se. She recommends that parties file pro se petitions when there is not that much money involved. One-half hour is allotted for each contempt hearing unless the party requests more time. She does recommend obtaining an attorney if the non-custodial parent is thought to be hiding assets or the case presents a complicated financial picture. It takes three to four weeks from filing the papers in the Clerk's office until a hearing. It should be pointed out at this point, that not all these motions are for support payments. There are a lot of motions filed by men involving visitation rights, men problems over property. At the

conclusion of the hearing, Commissioner Shearer prepares a recommendation, which is submitted, to the appropriate judge, who then signs the Order.

What about the parent who comes in and says he has no job and no money? Ordinarily, Commissioner Shearer will tell this person to come back in 30 days and present a worksearch record. She impresses on people that they need to work to support their children.

If she believes a person has violated contempt Order, these persons will be given a chance to purge this contempt. If they don't, a final hearing is set, called a "Commitment Hearing." She hears five or six of these every Tuesday afternoon and two or three parents go to jail when they do not present satisfactory answers to the contempt action. Since the main thrust of these hearings is to get the parent to help contribute to the support of the children, most all court action will stop at any point in any of the proceedings if the parent will come up with the support.

Commissioner Shearer was asked what main points an attorney should follow in the initial dissolution action to avoid later contempt hearings. First, you should always have support paid to the clerk's office. For two reasons: first, an accurate record is kept of all support payments; second, it can become a judgment with very little effort. She also recommends that visitation privileges not be open-ended. There should be a set schedule, such as alternate weekends, one evening per week, alternate major holidays and a block of time during a school vacation. She also recommends that car titles, quitclaim deeds and other and other papers should be signed before or at the final judgement hearing. Last, she suggests that attorneys put in an income deduction clause in the final judgement so that a garnishment can immediately be imposed on a 30-day delinquency. This income deduction order form can be obtained at the clerk's office.

How can these hearings be run smoother was our next question. Commissioner Shearer stressed that all exhibits should be marked and in order, and a copy of all documents that are to be left in the court file. Second, if payments have not been made, there should be some proof of non-payment. In big cases, it is very helpful to have an accountant review all the financial records and come in to testify what the books and records show.

So, who is the person to whom we have delegated the responsibility to make sure that marital court orders be obeyed? To provide help for 75 percent of our children of single parent families, and 87 percent of all A.D.C. children? Joy Shearer graduated from Boca Raton High School in 1971. In college, she was president of the Student Government Association, worked on the college student newspaper, was a violinist in the university orchestra, and graduated from Florida Atlantic University in 1973. She then went to law school at the University of Florida, receiving a J.D. with honors in 1975. After working for a year with the Legal Aid Society of Palm Beach County, Mrs. Shearer became an assistant Attorney General, working on felony appeals for six years. Then she became Bureau Chief. As Bureau Chief, she was in charge of 14 attorneys doing post-conviction felony litigation in the Fourth District. She has personally argued two cases before the United States Supreme Court. She was married 14 years ago, and is the mother of a 7-year-old child. Prior to her appointment as Domestic Relations Commissioner, she had been interviewed by several local judges who selected her. She was appointed to this position by Chief Judge Hurley.

The conclusion of this article? Judge Overton stated it well in 1990 in the Pittman case: "Courts have an interest in the issue because they wish to see their orders enforced, and legislative bodies have a fiscal interest because it has been clearly demonstrated that, when there is effective enforcement of support orders against obligors, government payments for Aid to Families with Dependent Children are substantially reduced. All branches of government have a public policy interest in the maintenance and support of minor children." But it's more than just

a governmental financial problem. It's a children problem. Commissioners' Shearer, Goodwin and Weaver are to be complimented for their work. They are effectively helping our most precious national resource, our children. That's really what this article is about!