

It may seem that obligors who make a sincere effort to keep up with their child-support payments to the extent that they can will receive more sympathetic treatment from the courts when they assert a concealment defense. However, in *In re Marriage of Vroenen* (2001) 94 CA4th 1176, 114 CR2d 860, 2002 CFLR 8937, FIRST ALERT #F-2002-1029, the First District said that it believed that the “equities” in the case favored the obligor, but they found themselves bound to follow *Comer* and not give him a break. Given that, it’s not surprising that the court held that the custodial parent is not estopped from collecting child-support arrearages that accrued during a period of concealment that ended while the kids were still minors, even though the request for enforcement hadn’t been filed until after the kids had reached majority. The custodial mother had left the family home soon after the disso, taking the kids, but she did not leave a forwarding address. She traveled from one part of California to another, left the state for Florida, and ultimately landed in Mendocino County, where she asked for about \$59,000 in child-support arrearages that had accrued during her travels. The trial court found that her concealment of the kids estopped her from collecting, but the appellate court reversed. The panel reasoned that the fact that enforcement had commenced after the kids reached majority shouldn’t mean that estoppel applied, as long as concealment ended while they were still minors.

Compare that result with the one in *County of Orange v. Carl D.* (1999) 76 CA4th 429, 90 CR2d 440, 2000 CFLR 8383, FIRST ALERT #F-99-928, where the county was estopped from collecting AFDC reimbursement after it had affirmatively represented in a concurrent dependency action that the obligor’s location was unknown even though the DA had

located him. Carl D. had spent 11 years looking for his wife and three daughters, who had disappeared from their home in North Carolina. He moved to Sonoma County in 1990, not knowing that his family had moved to California four years before. When L.A. County began dependency proceedings against Denise, the wife, she said she didn’t know Carl’s whereabouts, birth date, or social security number. The kids were placed in foster care, and their case was transferred to Orange County. After the Orange County Social Services Agency (SSA) referred the case to the DA to seek AFDC reimbursement, the DA located Carl in Sonoma County through the parent locator service. Nevertheless, the SSA kept telling the juvenile court that his whereabouts were unknown and that further inquiry would be futile, even after the DA had obtained Carl’s street address from the postal service. When Carl was served with the summons and complaint in the DA’s reimbursement action, he promptly contacted the SSA to report that he’d been looking for his kids for years and to ask for help in reunifying with them, which ultimately happened. However, the trial court in the reimbursement action refused to let him off the hook; relying on *Comer*, the court ordered him to pay AFDC reimbursement to the tune of \$16,000. The appellate court rode to his rescue, however, reasoning that the county had failed in its constitutional responsibility to use due diligence to locate Carl and to inform him of the dependency action. That failure had deprived him of his constitutional due-process right to participate in the proceedings, had kept the kids in foster care (thus continuing the AFDC expenses), and had prejudiced both Carl and the kids. Therefore, the justices held, the county was estopped from recovering the AFDC payments for the period in question. \*