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Probe casts shadow over Miss. child support cases

By SHELIA BYRD

Hundreds of Mississippi Department of Human Services child support cases are under review as officials investigate whether process servers lied about delivering subpoenas to order people to appear in court.

The process servers worked in several counties for subcontractors of YoungWilliams Child Support Services, a Jackson company with a \$23 million DHS contract to seek child support court orders.

The process servers claimed they delivered papers to people who were incarcerated and even to a woman who had been dead for two years, court records show.

"It saddens me to know that we privatize a function in government and then there's that kind of abuse," said House Public Health Committee Chairman Steve Holland, D-Plantersville, who learned about the probe from The Associated Press.

Every court order for payment handed down that involved a suspect process server is being audited, Rob Wells, president of YoungWilliams said Thursday.

YoungWilliams received the lucrative contract in 2009 to reduce Mississippi's backlog of child support cases. The impact of the allegations is unclear, but for many parents there's a long wait from the point of contacting DHS about child support problems and finally getting a court to order payments.

DHS Executive Director Don Thompson didn't respond to requests for comment. Documents obtained by The Associated Press through a public records request show DHS was to refer 30,000 cases to YoungWilliams under its contract.

As of July 16, the company had filed 13,589 cases in Forrest, Harrison, Hinds, Jackson, Jones, Lauderdale and Madison counties.

The alleged problems came to light in Jackson County Chancery Court. Last month, Chancellor Neil Harris found Guy Jernigan and two others in contempt of court for filing false affidavits and ordered them to pay \$88,500 in sanctions and serve jail time until the money was paid. Jernigan was a process server working for First Fidelity Trust Services Inc., a subcontractor of YoungWilliams.

Jernigan appealed to the Mississippi Supreme Court, which has stayed Harris' order. On Thursday, Harris filed a brief with the high court detailing his finding that Jernigan had filed dozens of questionable affidavits.

Meanwhile, Hinds County Chancellor Denise Sweet Owens has ordered two process servers for a company called Pro Serve to appear in court on similar allegations.

Wells said his company has terminated contracts with Pro Serve and First Fidelity. He said an investigation is ongoing.

The Associated Press could not reach anyone at either company for comment. No phone listing could be found for Pro Serve and a call to First Fidelity in Jackson rang a fax machine.

According to Harris' order, Jernigan filed a sworn affidavit with the court clerk stating he served April Gray of Ocean Springs on May 6. But Gray was jailed at the Jackson County Adult Detention Center at the time and could not have received the document.

Gray's mother, Tami Kruk, said she received a letter by mail informing her about the hearing because she is the guardian of Gray's children.

"I told them she wasn't served because she was incarcerated," said Kruk.

"He said he served her at my house and nobody was served."

According to court records, Jernigan said he served 67 affidavits between midnight and 3 a.m. May 6 and then drove 180 miles from the Gulf Coast to Ridgeland to have them notarized before fellow First Fidelity employee Thomas Corey McDonald.

Harris found Jernigan, McDonald and Edwin Cheshire, who is president of First Fidelity, in contempt of court. The judge levied the monetary sanctions against all of them. Cheshire and McDonald have also appealed.

Jernigan's attorney, Mike Wallace, had little to say about the case.

"The conduct of that hearing is part of what the Supreme Court is considering," Wallace said.

Harris' state Supreme Court brief also alleges that Jernigan signed a sworn affidavit that he served Barbara Gant on May 5, 2010, but Gant died in March 2008.

Wells, the YoungWilliams president, said Jernigan was involved in about 200 cases, but he said not all were suspicious.

Wells testified in a hearing before Owens earlier this month that another process server, Michael Fisher said he served 499 defendants over a period of months - a rate Owens said was "egregious, statistically and nearly impossible."

A team of lawyers is reviewing hundreds of questionable summonses handled by several process servers, Wells said. He said YoungWilliams contracted with eight different companies and sheriff's departments to deliver the notices.

"Out of 75 people serving, it looks like there may only be a couple that are suspicious. It's a controllable thing that needs to be fixed," Wells said.

Wells said DHS has halted assignment of cases to his company. He said DHS had referred around 28,000 cases, but his company's legal experts determined only about half could be pursued.

Wells said DHS' decision to stop referring cases was made before issues with the process servers were discovered.

Wells' company is paid by the case. He said the company has received \$15 million from the state so far. The first year of the contract ends Sept. 30. If funding is available, the state has the option to renew it for another three years, Wells said.

YoungWilliams has worked with other states, including, Missouri, Wyoming, Virginia, California and Nebraska. Wells said the company is one of the two largest child support services in the country.

Its contract with Mississippi included \$4.1 million to set up a customer service center in Yazoo City to handle questions from residents about child support.

The contract was funded with federal stimulus money that can go only toward child support programs, Wells said.

He said his company was trying to work through a backlog at DHS. Wells said there are 150,000 child support cases that do not have court orders yet.

"We have filed almost 14,000 cases in a four-month period. Nobody that we know in the history of the country has done something like that," Well said.