**Annual Meeting and Conference**

**National Council of Child Support Directors**

**May 7-10, 2017**

**Seattle, Washington**

Notes of Mary Ann Wellbank, Vice President, YoungWilliams

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***Invitation from MAW****: Please check out the YoungWilliams.com website. We have an extensive, ever-expanding* [*Resource Library*](http://www.youngwilliams.com/resource-library) *that includes current child support research from numerous sources as well as case law in several states. You can sign up to receive updates.*

**Disclaimer:** The following are the notes I took during the open plenary sessions on May 8 and 9, 2017. The notes are informal, may not be accurate or complete (or grammatically correct – and pardon the frequent switch between first and third person ☺), and are only intended to summarize my understanding of the discussions that took place. Please contact the speaker directly to verify the information contained herein. Let me know if I can help you in any way. Mary Ann Wellbank 406-933-8009 or [mwellbank@ywcss.com](mailto:mwellbank@ywcss.com).

Below are session titles, speakers, and descriptions with hyperlinks to the pertinent notes.

[Welcome & Opening Remarks](#Welcome)

Wally McClure, IV-D Director, Washington / Seattle JazzED

[Federal Vision next 4 years](#Federal)

Donna Bonar, Acting OCSE Commissioner & Staff

[Re-entry from Incarceration](#Reentry)

Dan Satterberg – King County, WA Prosecuting Atty

[Quality Customer Service & Procedural Justice: Connect the Dots](#Quality)  
Is Procedural Justice just another name for quality customer service? Since the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), our practice has been substantially focused around automated tools for enforcement and collection enforcement. Envisioning our customer service practice in the new sphere of Procedural Justice will require some changes. Noted author Wendi Brick, The Science of Service, will speak to us on the Six Elements that make government and customer service successful and how they must apply to these new aspects of our practice. Then several directors will join her and discuss implementation issues and strategies along with some of the recent successes they have had and how as BIC’s grantees, this project is providing opportunities in this area.

Alisha Griffin, IV-D Director, California, Moderator

Wendi Brick, Author of the Science of Service  
Tanguler Gray, IV-D Director, Georgia  
Mara Friesen, IV-D Director, Texas

[TANF Caseloads/Funding Challenges: How does this affect your program?](#TANF)

Taking on a different perspective. States have the option to pass child support through to TANF families or retain the money to help offset costs. How does this decision impact your IV-D program? How does it impact our sister IV-A agency and the families we mutually serve? This session will be a lively debate and will review both sides of the coin as well as the pros and cons of passing through all TANF recovery money.

Laura Galdino, IV-D Director, New Mexico

Trisha Thomas, IV-D Director, California

Jeff Jorgenson, IV-D Director, Minnesota

Babs Roberts, IV-A Director, Washington

[Telling our Story – Adjusting the public’s perception of child support services](#Telling). Let’s hear how other states are changing the way the child support program is seen through public relations campaigns, how they can assist the family with new offerings, and how they can target specific groups to better family outcomes and promote positivity around child support programs.

Erin Frisch, IV-D Director, Michigan  
Kristie Arneson, IV-D Director, Wyoming

[Diving Deeper into the New Federal Regulations (Part 1):](#Diving)

We’ve been swimming along with the new regulations but now’s the time to take a deep dive. Presenters will share pathways and navigational tips for states as they implement the new federal child support regulations.

Eileen Stack, IV-D Director, New York

Carol Eaton, IV-D Director, Iowa

Jim Fleming, IV-D Director, North Dakota

[Ripples and Currents in State Child Support Guidelines Reviews.](#Ripples)

State child support guidelines reviews are rarely described as "still waters that run deep." One current ripple is new evidence of the cost of raising children that is catching the attention of some states, but is just another lure used to fish for lowered guidelines amounts across all income streams. This session also addresses guidelines provisions for income imputation/presumption-- specifically at minimum wage, an issue that is likely to “crest" soon as state child support guidelines review committees begin to navigate the new federal requirements of state guidelines and flooding of minimum wage increases in selected states and cities.

Jane Venohr, Economics Research Associate, Center for Policy Research  
Bob Plotnick, Daniel J. Evans Professor Emeritus of Public Policy and Governance, University of Washington  
Elaine Sorensen, Senior Advisor, federal Office of Child Support Enforcement

[Looking upstream: Strategies for the future of child support](#Looking)Now that we’ve talked about the new regulations, OCSE’s vision, partnering with other agencies, talking about our program with the public, and changes in our caseload and how it affects our funding. Let’s see if we can pull it all together to come up with some strategies to best position the program for the future.

Benidia Rice, IV-D Director, District of Columbia

Michele Cristello, IV-D Director, Massachusetts

[Winning our Way Upstream- Director’s Roundtables](#Winning)

Share with your peers and colleagues the great things you are doing in your state, and learn what others are doing centered around a variety of topics including systems procurement, planning and implementation, analytics, self-service, SDU, new technologies and more!

Erin Frisch, IV-D Director, Michigan

Benidia Rice, IV-D Director, District of Columbia

Larry Desbien, IV-D Director, Colorado

Michele Cristello, IV-D Director, Massachusetts

**Welcome & Opening Remarks**

Wally McClure, IV-D Director, Washington / Seattle JazzED

**Federal Vision Next 4 years**

Donna Bonar, Acting OCSE Commissioner & Staff

**Donna:** NCCSD is a great group, and this is the best meeting of the year. Federal and state child support programs have a great relationship. Private sector partners are great. Donna is very fortunate to be a part of the child support community. She has been in the program 40 years and loves every minute of it.

There are new career people at the Administration for Children and Families (ACF), and she has tried to distinguish child support from other programs in ACF. There is a requirement to stay connected because of intergovernmental case processing. Communication is very important. The federal government plays a unique role in operating federal systems for location, new hire etc., and she tries to point out the critical role federal government plays in child support programs. The General Accountability Office (GAO) just got access to the OCSE data base. The GAO will be using child support data.

There is no new commissioner at this point. Although the title of her presentation is “Federal Vision for the Next Four Years”, she is changing the title to “Federal Vision for the Next Four Months…Next Four Days.”

Donna will begin by talking about what’s going on at the Department of Health and Human Services (HHS), then we will hear from the OCSE directors and their priorities. OCSE can still problem solve, but is not in the position to make new policy. OCSE is really not developing new policy until there is new political leadership.

The White House asked every department in the federal government to compose a plan to optimize the way we serve the American people, and whether we have to reorganize aspects of the way we do work. Secretary Price conducted a webinar with over 40,000 HHS employees. There is a new initiative to reimagine HHS. What we can do better, and what is duplicative. There is now an executive, steering committee and five working groups. There is one work group on health care, human services stewardship, science, and one on management and workmanship.

Secretary Price is very inclusive. He respects federal staff. There will be career employees and political employees on each of the working groups.

The principles include engagement, empowerment, service, performance stewardship and sustainability. HHS is working on a draft strategic plan. A lot is happening over the next few weeks, and HHS will formalize and carry out the plan over the summer.

Secretary Price has really hit the ground running. He has visited with all HHS offices, met with senior leadership and staff. He has shared his priorities: he is a doctor so health care is important. His priorities are mental health, opioid addiction, substance abuse, childhood obesity, and disaster and emergency response.

Many of the activities already underway in OCSE meet the Secretary’s priorities.

The Assistant Secretary for Planning and Evaluation (ASPE) has done studies on opioid abuse and foster care. Four political appointees are in the office of the Assistant Secretary. Donna is trying to include them in meetings, etc. A lot of changes are going on, but there are not a lot of political appointees at HHS. The process for bringing people onto HHS is nearly impossible, as the background checks take months. This also impacts contractors and has delayed activity.

[Anna Pilato](https://www.linkedin.com/in/annapilato) is one of the highest people at HHS. She came from Kansas and worked with the Bush Administration. She worked on faith-based initiatives. Donna is optimistic about the future.

Yvette will talk about the intergovernmental final rule.

**Yvette Riddick:** Right now, she cannot write any new policy. This may be a bad thing, or it may be a good thing, but she has plenty on her hands with stuff that has come out.

The [Hague Convention on International Recovery of Child Support and Other Forms of Family Maintenance](https://www.hcch.net/en/instruments/conventions/specialised-sections/child-support) is at top of OCSE’s list right now. The Hague Convention came into effect in January. OCSE has developed a [robust website](https://www.acf.hhs.gov/css/partners/international) which is a central resource for all the documents, training, PowerPoints, etc. That website is very well designed.

1) Training: Caseworker training is also underway. Five of the 8 modules have been completed. Also, there will be an intergovernmental forms one. OCSE is also putting together attorney and judicial training, which will be put on the website. The international team works with other countries and states to provide policy guidance. US country profiles include references to the [Intergovernmental Reference Guide](https://www.acf.hhs.gov/css/resource/irg) which includes contact information for each individual in each state.

The website is designed for customers and clients. It is a great website that even “old-fashioned” people like Yvette can use.

2) Regulations: She has been working on this for 7 years. [AT 17-03](https://www.acf.hhs.gov/css/resource/revisions-to-and-resubmission-of-state-iv-d-plan-pages-to-comply-with-fem) is the Action Transmittal (AT) that provides instructions on state plans. OCSE staff in the Policy and Training Division have put together an automated state plan system. The bottom line is that you should be working with your federal region as the conduit between state people and the Division of Policy. She urges us to direct issues and process questions *first* to the regional offices.

3) Intergovernmental: Last but not least, OCSE is working on intergovernmental. OCSE has new revised [forms](https://www.acf.hhs.gov/css/resource/omb-approved-standard-intergovernmental-cse-forms-december-2016) approved by the Office of Management and Budget (OMB) that took two years with assistance from regions and states. She is very grateful OMB had no comments: OCSE did a wonderful job.

When Yvette first started at OCSE, her first job was revision of interstate forms. It used the Clipper program. Those in the computer business for a long time might recall the Clipper program. OCSE has come a long way. The more she heard states and the central office talking, she learned there are a lot of different vehicles to automate forms. Linda will talk about that. There will be 26-page AT on intergovernmental payment processing that incorporates the Uniform Interstate Family Support Act (UIFSA) 2008 and current regulations. Her office is looking at automation.

**Linda Boyer, Director of Federal Systems:** They are always busy in federal systems. The division began to look at what exists and what might be an opportunity for states to use to exchange forms. There is CSEnet – and several states use it in a plethora of ways. Also, CSEnet doesn’t really support exchange of new forms, and doesn’t really support a lot of things, but OCSE is taking a close look at it to see if there is anything that might be beneficial for states that can be done. With respect to the portal, 23 states are using Electronic Document Exchange (EDE) for exchange of information. They are trying to find out, based on statistical information, which documents are being transmitted. There is also an EDE consortium to identify best practices and facilitate communication.

She would like to include, and asks us to think about, are there any other mechanisms that can be utilized to support exchange of intergovernmental forms? OCSE wants to hear from states.

One other priority is the child support portal. Currently there are 26 applications on the portal such as the Federal Case Registry (FCR) Query Interstate Cases for Kids (QUICK), query, access and visitations, Multi-state Financial Institution Data Match (MS FIDM), and data reliability, audit upload and download functionality, etc. OCSE is working on the portal from two aspects: 1) to identify applications where functionality can be consolidated from an infrastructure perspective; 2) to streamline the applications for the users so users have a better experience when they access the portal. For example, right now users log on based on the role they have. It is IRS restricted. Make sure you minimize access that users have. For example, an individual might have access to do an FCR inquiry, but no access to QUICK. OCSE is trying to make experience a lot easier. OCSE wants people to be able to come into the portal to get everything – FCR, locate, etc. (not IRS). OCSE has received a lot of feedback from states. Linda wants us to encourage workers to access the portal. Information is fresh and right at their fingertips.

**Dennis Putze, Performance and Statistical Analysis**. All federal

data reports expire in 2017, but OCSE is working to renew them. The 157 report is in its final stages at OMB, and OCSE expects to get renewal any day. Probably after this one is renewed with no changes, OCSE will come back and resubmit it with changes, but probably won’t implement until 2019 to give time for changes. The 396 and other forms: OCSE changed the due date from 30-45 days after the end of quarter. Also, line 6, “IT expenditures” is being eliminated. Lines 4 and 5 to report IT expenditures are still in place.

There is a new data blog called [“ANALYSE this”](https://www.acf.hhs.gov/OCSEDataBlog/). Elaine Sorenson is the lead. Contact Elaine Sorenson or Dennis if you have ideas for the blog

**Shawyn Drain, Division of Customer Communications**. The purpose of her division is to disseminate information about the national program. The division has two branches: Communications and Customer service. Priorities will be the OCSE website for communications to keep it updated, and make it user friendly. She wants to improve customers’ understanding of what is going on in the national program, and be able to navigate to each state. Also, they do publication of the child support report newsletter. Crystal Peeler is a branch supervisor who will look at the website to make sure it works for families of today.

Crystal is the subject matter expert and will share information on the website and newsletter on Wednesday. (*Note from MAW: Sorry, I wasn’t there to hear this*!)

The customer service branch is important. Mail comes in to the customer service branch. OCSE could not respond to letters without the help of state contacts for case specific inquiries. She appreciates states and their staff in responding to public inquiries.

OCSE responded to over 4,400 inquiries from the public last year. Her office maintains information about states, issues, numbers, etc.

The goal is to inform, engage, and empower customers, partners and stakeholders.

Donna Hengeveld is the Regional Program Manager in Seattle. The regional program specialists are to be the “go-to-persons.” Their key role is technical assistance and training. One priority will be implementation of the final rule. Likely you have been contacted by your program specialist to get information that will help OCSE regions assist you.

Their other priority is to continue to hold regional meetings, or even bi-regional or joint meetings with tribal directors, or urban jurisdiction meetings. Work in partnership with your program specialist to say what will work for you, how regional offices can best support you, and get the right people at those meetings.

One reason is that intergovernmental is big issue for regions. Program specialists are getting up to speed with the changes in The Hague Convention and intergovernmental forms.

**Donna Bonar:** Barbara Lucina has taken over OCSE for the next four days while Donna is gone. Her division works on discretionary grants. Procedural Justice Informed Alternatives to Contempt (PJAC) was launched in September and has been going on for five years. It goes thru 9/2019. The Child Support Noncustodial Parent Employment Demonstration (CSPED) project goes thru 9/2017. Barbara’s division also does work with other federal agencies, such as the Veterans’ Administration, Bureau of Prisons, Department of Labor, and to serve NCPs – veterans, bureau of prisons, Substance Abuse and Mental Health Services Administration (SAMHSA) and Department of Labor.

Also, other feds are here. In the closed session, Kim Smith will give directors an update on the audit. Raghavan Varadachari will be discussing state-of-the-state systems. Will share information and analysis and a profile of what’s going on out there.

Donna ended the session with a challenge: “The federal government will change, it will change the ways it does business to have a positive impact on YOU. Give us ideas on what we can do to streamline and make programs more cost beneficial. Feel free over this week and the next four months to share thoughts on those aspects of how OCSE will move forward.”

**Re-entry from Incarceration**

Dan Satterberg – King County, WA Prosecuting Atty

**Wally McClure:** King County is Washington’s largest county. A few years ago, Wally read a report [“Investing for No Return”](http://www.kingcounty.gov/Prosecutor/~/media/Prosecutor/documents/2013/final_reentry_summit_report_2012.ashx) by the King County Prosecuting Attorney’s Office. Wally was very impressed by that. This was a milestone for Wally, and then he heard Dan Satterberg talk, and he kind of floored Wally.

(Note from MAW: King County Prosecutor Dan Satterberg’s notes from his presentation can be found at:

<http://prezi.com/5cvrmeydkw82/?utm_campaign=share&utm_medium=copy&rc=ex0share>)

Dan displayed his slide show with his top 10 criminal justice reforms:

1. Graduate more students
2. Expand treatment in the community
3. Divert more cases away from the system
4. Take a new approach to drugs
5. Expand clemency and second look
6. Improve prison outcomes
7. Support reentry and review barriers to reentry
8. Continue sentencing reform
9. Teach violence prevention
10. Listening to victims and communities

Dan has been a prosecutor for 32 years; he was elected for the past 10. His view of his job has changed.

Criminal justice reform in the 1990s meant we had to get tougher, but criminal justice reform is about building trust with communities most impacted by crime, so citizens will call 911 and achieve justice. Some of it involves procedural justice, something people have to believe is fair. This goes to the core of the criminal justice system so citizens believe the law has legitimacy or they will take it into their own hands.

The Edgewater is an historic hotel. Was “The” hotel for decades. The Beatles fished out of its windows. Led Zeppelin fished dog fish, and filled up the bathtub with them.

Criminal just reform starts at the local level. It is not a monolithic system: it comprises the federal government, state government, and over 3,000 counties in the United States.

He showed slides on crime rates for WA state, but emphasized this is the national story as well. Since 1980, Part 1 Felony (rape, murder, etc.) crimes are down 41%. Across the US, both violent and property crimes have fallen to the rate of the mid-1960’s. However, we have never locked up as many people that we have before in history. We’d have to reduce those locked up by 41% to get back to the 1960’s level.

We now have more prisons, police officers, prosecutors and public defenders than before. More money is spent. Is crime down because of more money spent? About one-fourth to one-third of the reason that crime is down seems to be a buildup of the infrastructure. But the majority of the reason is more complicated than that. There are a lot of different theories. The answers are correlational but not entirely causational.

The rising prison population is not sustainable from the financial aspects. We cannot afford to keep building prisons. This situation creates an urgency to move forward.

The prison population has an undeniable racial disproportionality. African-Americans are six times more likely to be incarcerated, also more likely to be victims of homicide.

He has been working on reducing use of prison as only tool against drug use.

In Washington, the incarceration rate is 269 per 1,000 people; 361 in Oregon. California is 439. National average is 500. WA ranks 41 of 50 with respect to rate of incarceration. They make pretty good decisions in WA about who goes to prison, yet prisons are 100% full. Other states waking up to that as well.

If we don’t do something by 2024, Washington will be 1,400 inmates short. Incarceration is getting more expensive. We need to invest in alternatives, such as reentry, educational alternatives. That money can be taken from incarceration funding.

There are ten things to do:

1. Graduate more students. There is a direct unbroken causal connection between school success and avoidance of the criminal justice system. If you drop out of high school, you are 5 times more likely to go to prison. There is a direct connection between high school success and a chance to be involved in criminality. Also, with the impact of some college, chances of going to prison dropped to 5%. Every layer of education is like protective blanket. Less likely to be involved in crime.

There is a school to prison pipeline. If we kick kids out of school for disruption – willful defiance, chronic truancy home issues, neglect, sexual abuse, the answer used to be to kick them out of school. School districts that used exclusion as a disciplinary tool had a graduation rate lower than other schools. There is also racial disproportionality in exclusion policies. He has a truancy section in his office. Kids do workshops with kids who are about to be kicked out of school. They talk about importance of education.

There are lots of reasons students don’t go to school regularly. 85% of kids who went to the workshop did not go to court, and at some level became reengaged with school.

One school district really took this to heart. This school district brought on staff in the high line school district. They did not put kids out on the street, but in another classroom with someone to identify needs and give help, but they remained on campus.

In this high line district, students facing expulsion have a free seat at community college waiting for them. They can get a diploma or complete a vocational track. Get treated like adults, get role models.

1. Expand treatment in the community. Don’t wait for people to get arrested. The mental health capacity (publicly funded) has shrunk in Washington. The State lost 95% of the capacity it had in 1950s. not saying to go back to warehousing of mental ill, or surgeries. Result default system is homelessness or prison. Nationally, for every 1 person in psychiatric hospital, there are 10 in the state system.

The [Law Enforcement Assisted Diversion](http://leadkingcounty.org/) (LEAD) program helps chronically addicted and mentally ill. The arresting officer has discretion to call a case manager who will help individuals with immediate needs. This starts to build a connection between case manager and the client.

King County started to have a greenlight night and red-light night. Green lights got called, and ended up being very successful. Helping people is better than punishing them, but you need to prove that through evidence.

1. Divert new cases away from the system. That’s on him (as the prosecutor). He has to decide which way to go, as he is responsible for the inventory of cases. Public safety needs to be considered, but is there something else that they can use. They looked at what happens before familiar faces are arrested: they looked at folks booked for four or more times. These people have some issues, maybe they don’t go to prison, but the prosecutor has spent a lot of money on prosecution, etc. The County spent $35 million but nothing was spent on keeping offenders from coming back. So, they decided to take the first 60 offenders out of 1,400. They did outreach to help them, and provide services similar to the LEAD program. [Familiar Faces](http://www.kingcounty.gov/elected/executive/health-human-services-transformation/familiar-faces.aspx) is a harm reduction program. Having people do less harm to themselves and harm to the community. This builds trust, particularly offering wet housing for alcoholics. Over time they drink less. They are finding ways to deal with people until they say they are ready, for example, to go to detox and get off drugs.

Also, there is a [180 Program](http://www.kingcounty.gov/depts/prosecutor/youth-programs/180-program.aspx) – young people come to the court system for a misdemeanor, but the programs missed people of color and poverty who could not afford cost-based programs. As the prosecutor, he paid. Also, there is [Creative Justice](https://kcyouthjustice.com/2015/10/05/how-it-works-creative-justice/) program where low-level kids with misdemeanor and low-level felonies, hook them up with artists where they do performance or exhibit. More impactful for teenagers. Someone to look up to and say they are worthwhile.

There is also [Family Intervention and Restorative Services (FIRS).](http://www.kingcounty.gov/depts/prosecutor/youth-programs/firs.aspx)  Children who caused domestic violence used to be arrested: their parents testified against them, and then kids would get help. Arrests still happen, but within 24 hours they can go into FIRS to get help.

1. Take a new approach to drugs. The all-time time high for Washington occurred in 1993 when more than one-quarter of offenders were in prison for drug offenses: now it is just 7%. Just locking them up gives them more risk of an overdose when they are let out. In US 2014, prescription opioids are the top killer of people, followed by heroin, benzodiazepine, and cocaine.

We have to be smart about addiction science. Medication assisted treatment shows a lot of promise. This is a harm reduction approach, using methadone and Suboxone (Buprenorphine) – where people lose the craving for heroine, and don’t get the good feeling from heroin. There is promise there. Talking about having a place where people can shoot up, look at clean needles. British Columbia has such a program, but there are none in the United States. 90% of heroin addicts are white and a lot for them started on prescription meds. They will still have drug court and they use methadone, but to get out they need to be clean and sober for a period of time.

1. Expand clemency and second looks. His office went back to look at 3-strikes cases. Three second degree robberies could get you a life sentence. A lot of young men in the early 1990’s were addicted to crack, and their crimes were very impulsive. The sentence used to be 15-20 months as opposed to dying in prison. He looked at all cases involving second degree robbery. Now, the prosecutor looks at people that have served a long time, and helps them seek clemency with the governor.
2. Improving prison outcomes. What do we hope to achieve when we send people to prison? We need to increase educational and vocational opportunities. We need to increase therapeutic and trauma informed approaches. More than 90% of women in prison in Washington were victims of sexual abuse.

Also, Washington is working on an identification card, which is currently a Department of Corrections ID card that says you just got out of prison. They are working on a new ID card, to give them identification like anyone else. We need to change our own attitudes. Don’t call them felons and cons. They have paid their debt. We need to make sure they don’t come back.

People coming out of prison need a place to live, and they need a job. [Divine Alternatives for Dads](https://www.aboutdads.org/) is faith-based group working with men who get out of prison that helps them to take responsibility as fathers. They used to say, “you have been in prison, you owe thousands of dollars in child support.” This really sends the message that there is no point in getting an above-ground job, or even having contact with your child as you are perceived as a deadbeat dad.

His office is working with reentry and obligor parents to establish positive relationships with their families, when appropriate, and a minimum monthly payment rather than a big paper debt that they will never repay. They have a group called [Navigators](http://www.kingcounty.gov/depts/prosecutor/child-support/navigator-unit.aspx). We get them into a program to help dads learn new skills and begin to have some hope. There is a support group of other like-minded men who begin to believe they are worthy of having positive relationships with their children.

Two predictors of success are having a job and having a strong relationship with your family. Plus, positive paternal involvement with your child, lessens the chances of your child going into the criminal justice system

1. Support reentry and review the barriers. Washington doesn’t incarcerate as many people as others, but it does have tremendous recidivism. 1/3 are back in prison within 3 years. These statistics don’t count jail, just prison.

In Washington they give them $40 plus a bus ticket back to the county where they came from. $40 disappears pretty fast, and if they don’t have a family to go back to, they are in a bad situation. The Legislature and Congress put other obstacles in their way, for example, they cannot get student loans; they must check the box that says you are a felon; and, they cannot live in public housing, even if their family is in public housing. They also owe child support as well as court fines and fees that accrue at rate of 12%. Who suffers? We all do!

A felony conviction can keep you from applying for a professional position, such as becoming a tattoo artist or a beautician. Washington enacted the [Certificate of Restoration of Opportunity (CROP).](http://www.courts.wa.gov/FORMS/?fa=forms.contribute&formID=102) Now you can apply to take the test. This bill was very hard to get through the legislature. However, we need to change our attitudes about people who have been incarcerated in order to keep recidivism down.

1. Continue sentencing reform. His office will always prosecute violent criminals but it also needs to look at different approaches to drugs and three strikes laws.
2. Teach violence prevention. It needs to center around young people, and the development of the teen-age brain. Brain development continues to age 25. There is a rational brain vs. an emotional section of the brain. Young people have a developing brain: it is impulsive, it doesn’t think about long term consequences, and it is subject to peer influences. That’s why we don’t want them to have guns as they can make lifetime irrevocable decisions.

He heard a quote, “Violence is an attempt to replace shame with pride.” Teenagers felt shame, until they pulled out their guns to respond to disrespect. Teach kids there is an actual chemical physiological reaction to humiliation. Count to ten. Kids need to understand that intense emotion is just a chemical bath in their brain.

1. Listen to victims and their communities. Prosecutors talk about what victims want, but a survey called [“Crime Survivors speak”](https://www.allianceforsafetyandjustice.org/wp-content/uploads/documents/Crime%20Survivors%20Speak%20Report.pdf) shows that actually 2:1 crime victims prefer rehabilitation over punishment.

Victims of crime are more likely to be young people living in poverty. Victims of violent crimes are more than 4 times likely to be victims again. You should listen to victims to drive policy.

Another survey, do you have some confidence in the courts? Do you have confidence in police officers being accountable? Do Police officers treat different ethnic groups the same? White people said yes, but minorities said no.

We need to embrace restorative justice, particularly with respect to violent crime. What is our response to violent crime?

He talked about a kid with a fake gun who robbed a guy he knew of $200 shoes. After two years in prison, he came back, and his family was kicked out of public housing. They held some peacemaking circles, a practice borrowed from Native Americans in families. If you went to court, the public defender always says don’t talk to the offender, but in peacemaking circles, the offender thought about his mom and his victim, and how he affected her. The community said he was ready, and the robbery was busted down to a misdemeanor theft.

The community wanted to restore the family, and connect them. This was a family of immigrants. His office will launch a restorative justice program for kids who are found with a gun the first time. Today, kids with a gun get a lawyer who tells them not to talk, so they get a felony and community service, and then they are out. The peacemaking circle, instead, helps them. You do need to pay for alternative solutions. You have to find the money, but in the end, it will be a lot cheaper and will contribute to a safer and healthier community.

**Quality Customer Service & Procedural Justice: Connect the Dots**

Is Procedural Justice just another name for quality customer service? Since PRWORA, our practice has been substantially focused around automated tools for enforcement and collection enforcement. Envisioning our customer service practice in the new sphere of Procedural Justice will require some changes. Noted author Wendi Brick, The Science of Service, will speak to us on the Six Elements that make government and customer service successful and how they must apply to these new aspects of our practice. Then several directors will join her and discuss implementation issues and strategies along with some of the recent successes they have had and how as [Behavior Intervention for Child Support](https://www.acf.hhs.gov/css/grants/grant-updates-results/bics) (BICS) grantees, this project is providing opportunities in this area.

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Wendi Brick, Author of the Science of Service  
Tanguler Gray, IV-D Director, Georgia  
Mara Friesen, IV-D Director, Texas

**Wendi:** We need to do this to help families in need. When she was a little girl, her parents said “you can catch more flies with honey rather than vinegar.” She spent her career in government programs turning honey into vinegar. She has worked with government agencies for 25 years trying to improve customer experience.

What is procedural justice? It is a generic term: the consensus is there isn’t an official definition, but it is a concept or philosophy.

Last week, Wendi attended the California Child Support Directors’ Association (CSDA) conference, and she was able to see Alisha’s key note speech. She’d borrowed these bullet points

* Voice and participation—the implementation of being able to accept cash payments and how much that has improved collections. How can we make it easier for people to participate?
* Neutrality of the process—have good process where it is fair to everyone
* Respect— treating people respectfully. The attitude of the staff when people come into the office. Treat them with respect. Where do we focus our energies to help staff be respectful to others and clients?
* Understanding of facts and clarity—Obama issued a plain language order – to write things so people understand them. Forms can be difficult and daunting. We need to be clear
* Helpfulness— Connecting parents to resources. Look at each person as a whole person and connect them with resources that might be of assistance. Create an experience for customers to help them be successful.

How do you connect the dots with great customer service? If this is what we want, how do we make it happen? A vision without an action plan is merely a hallucination.

In order to become great at customer service, we need a plan. There are six essential elements to creating a culture of customer service in government.

1. Setting expectations. If you really want a culture to support procedural justice, you will have to establish expectations. What do you want behaviors to look like? What is the policy? What are you asking people to do?
2. Provide training. Train your team to provide great service. People don’t just wake up with professional skills. Focus on their skills. Two of her most popular classes are “customer service for everyone—how to work with difficult and angry people” and “customer service for supervisors – how to create an environment in sphere of influence with your team.”
3. Empower employees to make decisions and take risks.
4. Measure their success and provide feedback. Customer decides success. It should be measured.
5. Celebrate your success with employee recognition programs. You need to foster an atmosphere to reward people for going out of their way and really doing it. We need to create a sense of recognition and thank you for those people.
6. If any of you can think of a process that makes you want to roll your eyes and think “why this is taking so long?”. Then, you need to improve the process.

**Alisha:** This is my first question to the panel: Could you summarize your agency’s customer service philosophy and what you hope to see as a positive outcome toward moving toward procedural justice philosophy?

**Tanguler:** The Georgia Department of Health and Human Services (DHHS) has three divisions: 1) Agency, 2) Child support, and 3) Family and Children. Then, there are 11 offices. As to its customer service and culture, it is “stronger families for a stronger Georgia.” The agency is trying to be more transparent and engage customers. They also want to do a better job improving both trust and setting realistic expectations. She provided one quick example with respect to child support: expectations are normally set by the customer so we need to do a good job communicating what those expectations must be, otherwise we are always behind the curve. The DHHS has a strategy to make sure expectations in the community are reasonable with respect to expectation and transparently.

**Alisha:** Alisha’s background is as a psychologist and working with family services. She operates by “good enough for me”. For families receiving the service, is that how she would want to experience it? She asks, “How easily can **I** understand forms expectations, and what will happen next? What are **my** options and opportunities?

She is trying to orient to a culture of “good enough for **me**.” She is going for the cherry on top, but not “just good enough.” Every step of the way we need to be clear about expectations for customers as well as staff. Internal communication and customer service can be harder to crack than external communication. Alisha tries to sit down and do open mike sessions to find out what workers need and what they are experiencing. Maybe parents really want to support their children, and they want to do right. We should not assume that everyone doesn’t want to support their children.

It will take time, and there will be push back in some areas. She knows there are many long-term employees who came in with a collection and enforcement attitude of “make them pay”. We need to find new ways to do a customer-friendly and restorative model.

**Mara:** Happy public service recognition week! Mara is the Deputy Attorney General (AG) for Texas. Child support is part of the AG’s office. She has a lot of work to do to get away from an enforcement culture. The child support program used to have Senator Cornyn as the AG, when the agency was under review for not doing its job. He boiled it down to “it all begins with customer service.” Excellent customer service will allow all the other stuff to follow. This is one of her tenets.

She talked about the three “c’s”: child support, customer service, and cost effectiveness. Texas has magnets. Child Support comes first, but they are looking to establish more of a level playing field. The customers also include legislators.

Here are some practical concrete things Texas has done – take them or leave them:

1. They have a yearly business planning process. They go into a retreat and decide what to focus on this year. Technical impact, cost, and customer service are columns in the decision. They don’t take an idea on as their business plan if it doesn’t improve customer service.
2. The Texas Customer Service Enhancement Project (CSEP) has been around for 20 years – the Science of Service. This was written by Wendi, but it was written from the government customer service perspective. She talks about always evaluating processes and projects. CSEP is called a project. All customer interactions are focused toward this. “Fix the heck out of it!” Everything you do “Fix the heck out of it”, but look through it through the lens of “am I getting behavior out of this thing that I want?”. The book reminded her of all the thing she knew in her heart to be true. It doesn’t mean a customer will get his or her way, but the customer needs to walk out with a resolution and knowing the process they experienced.

**Wendi:** Be more specific now, and pick one initiative, one specific thing that your agency has focused on, and tell us how it fits into the six essential elements of the action plan. Was it successful and what would you do differently?

**Alisha:** She was lucky to start in California in June 2014, and they had just started strategic planning discussions. That gave us the opportunity to set a new [4-year Strategic Plan](http://www.childsup.ca.gov/portals/0/home/docs/dcss_stratplan.pdf), which is designed to increase support to children, provide excellent and consist customer service, improve program performance, have sustainability, and be innovative. It has 5 goals.

She told them to look at the numbers, look at processes, and what you do. Every two weeks, review the central office performance plan. Look at successes, barriers. The strategic plan has become a real living document. Look at it, do an evaluation, and rethink where to go next.

Two things came out of that process:

1) A customer service advisory committee composed of a regional administrator and two directors. They are looking at setting standards, setting expectations, looking at what customer service should look like.

2) California really wanted to make these performance requirements different. They consciously walked away from talking about federal performance measures (FPM). These measures are still in the framework, but they purposely don’t talk about them. They talk instead about practice indicators, developed 22 with counties, 8 of which we track with a dashboard. How soon will I get a day in court? How soon will I know if service of process has occurred? How soon will I get an order established, etc.? As soon as they focused on those things, the performance toward FPM went up. California instituted stipulated orders and is doing more and more on consensual agreements by the parties. This increased the order rate. Working with families on the front end made a difference in getting reliable regular support.

**Tanguler:** In Georgia, we have a [Parental Accountability Court](https://childsupport.georgia.gov/parental-accountability-court-program). This is maximizing Behavioral Intervention for Child Support (BICS.) Education and transparency are opportunities and tools to change the culture. What more do you need to improve service? You need engagement. We have 411,000 cases in Georgia, and they have committed to outreach including parental accountability court. They have 5,000 participants in this program. The Georgia program is focused on making sure we provide assistance and support to parents who need to pay child support, where parent has an order or is already incarcerated.

These parents may be angry and unwilling to work with the child support program and this impacts the ability to have NCP engaged. In chapter 4 of Wendi’s book, there is HEAT (hear them out)—addressing people’s concerns when they are angry. We empathize and address their concerns. Look for opportunities to engage NCPs, and also superior court judges. Georgia has 31 programs out of its 49 judicial circuits. They have saved over $10 million in local incarceration costs.

Georgia is pleased with its performance and outcomes so far, but there have been only 5,000 participants out of 411,000 cases. There are other parents dealing with a multitude of issues who are not paying anything at all: there are 83,000. But only 5,000 parents are participating and taking advantage of these services. This is due to disengagement.

Also see Chapter 1, which emphasizes this is YOUR reputation. Invest in it. We have to do a better job of engaging parents, and not assuming they are not willing to pay. We also have to do a better job of engaging the community.

**Mara:** Regarding access to child support services for family violence survivors, a lot of people could get behind. The first of Wendi’s elements is setting expectations. This started under Alicia Key’s (former IV-D director) watch. We have a child support family violence video. There is personal testimony by the IV-D director at the beginning. Setting the expectations through policy, video from leadership at the very beginning and then training staff. All staff members went through a four-hour family violence training. Michael Hayes (now with the federal Office of Child Support Enforcement) used to do it. He went and trained all offices. We need to put our money where our mouth is, but offer training and participation by leadership. Also, they had video vignettes of victims and the difference it makes to receive child support safely.

The empowerment was to have field office staff build the program from the ground up. What they were hearing, what they were saying, and what happened in courtroom.

As a partner, Texas has a family violence coalition member to help Texas hear from survivors what they needed, and provide ongoing feedback. Make sure that partners from the family violence coalition were put in the newsletter to let workers know that they are making a difference by taking time to explain program, keeping victims separate, etc.

They had a domestic violence workgroup. This built up advocates from the community, and take their pulse to make sure Texas is still on the cutting edge.

**Wendi:** Give us a specific positive outcome or tools and resources that have made a difference toward procedural justice.

**Mara:** We are still looking at BICS data to see how they are improving. In court, whether it is a negotiated order or through the administrative process, we are making sure the people understand.

We are moving the needle—why are they six weeks behind before the income withholding order goes into effect? This is the first intervention. No matter what the data shows—and it will be great—it still goes through the lens of how the customer is viewing it.

There is family violence resource information on the website. This used to be a bulleted list. But in family violence, they don’t have time to read, press a button, or go to another link. Instead, they used symbols and quick information. A big example is our external website: we are redesigning it for our division. It will show the face of who we are now, not who we used to be.

Customer service is who we are, not what we do. That’s how we change a culture.

**Alisha:** BICS is still in the mix of getting data that we can analyze and see the difference. San Joaquin and Sacramento have changed tenor that resulted from intervention. BICS is empowering: it gives agencies the power to try new things and change them up. California’s focus on BICs was an income and expenditures package. Getting other parents information required a big packet the size of 60 New York Times. It is 65 pages, but there is one form in the middle that people need to sign and return. They created a cover sheet and arrow to the form that is needed now, then they can read the rest later. This has changed the way counties are experiencing this. More people are now returning the form and coming into start the process.

There are little ways you can change a program that lead to big changes. Mara’s point to whom you are hiring: these are no longer just collection officers, they are looking for different skill sets; they need to change duty statements at the local level, which requires big human resources and union involvement. She wants them to do it in a way that is fair and respectful.

**Tanguler:** On the subject of engagement, Georgia is looking at the support order. They wanted to make sure parents saw it as inviting. The letter used to have legal language, now it is plain, easy for customers to relate to, is more colorful, and has reduced the amount of information needed.

Also, Georgia sends parents a calendar, marking dates of the appointment, and that includes information about rescheduling.

When trying to get more engagement, they emphasize the benefits to the customer such as providing assistance for financial hardship, etc.

Offices with huge caseload sizes want to increase the show rate. The show rate increased from 30%to 33% just by making changes with the letter and sending the appointment. Notices are sent in a different envelope. They send it in a brown envelope, so parents think, “oh, it’s a surprise, what is in here?”

Georgia is constantly looking for opportunities to improve. They are moving to Phase 2 in BICS. They are trying to identify an area that will get biggest bang for buck, but they also ask for staff input.

**Wendi:** No process happens without growing pains, such as Alisha’s example of changing the job description to get additional skills. Share a specific obstacle or challenge you have experienced and how you addressed it.

**Tanguler:** Georgia has been using this methodology since 2007. The biggest challenge is the culture change around veteran staff. They take pride in collecting and pride in enforcing. They relate to the need of having full financial and medical support. Moving from collection to a service-oriented atmosphere and culture is challenging. We can see the benefit at the 30,000 feet level, but it will be a challenge for employees who see customers daily. We are sharing data and praising employees so people see the benefit of this change.

**Alisha:** We do have a difference in how employees came into program and what was the messaging. In California, we have deconstruction in communication. They are built into the system, but we need to figure out how to modify them. We are looking at websites and forms—taking an iterative process. Don’t rebuild them back into the system, try to find ways to make them more available. This is easier for staff too. This helps California craft another important aspect, which is measuring. We often create new programs, but we don’t set up the framework to measure success in a real way. Also, this helps to change the mindset of supervisors and managers to show why making the effort to make a change makes a difference.

We need to keep pushing the envelope and always thinking about changing and making it better.

**Mara:** This is more of the lessons-learned than a barrier, but picking the right people, there is a balance. It is the science of service, but is also an art. We need to find champions on the team who are true believers, but don’t come across as preachers. We have to find ways to get the team out there, bring people in from outside of the organization, plus from field offices.

It has to make sense. It must ring true with the workers. IV-D directors can set the tone and message, but we cannot be everywhere, so we need champions out there. Whom you pick to help you lead this march is important.

**Wendi:** If you could offer agencies here one piece of advice for success, what advice would you give them to be able to stay the course knowing there are challenges ahead?

**Tanguler:** I will piggyback off Mara as far as the IV-D director setting the tone. We have lots of employees, lots of cases, and we cannot be everywhere. Choosing the right people to drive the strategy, and getting it imbedded in the culture is important. Have the support of executive management, base it on data, and constantly communicate the benefit to the employees as well. See page 20 in the book: We have the power to influence public perception.

**Alisha:** I will second that. She loves the book. She has required her executive team to read it. She shared it at a statewide meeting. The response was very positive and resounded with everyone. Model the way, be part of the solution, build team and emissaries to take it down. Look at leadership and bring those opportunities into the core, and put it in the context of enforcing cases and providing quality customer service as a part of that. Always keep that in mind.

**Mara:** Don’t feel you have to transform the agency overnight, or you will fail. Find some quick successes. Identify your audience: what works for one won’t work for another. Make sure you know the audience: there are the “touchy feelies” the “always done it this way” and the “what’s in it for me” people. You need to know what they want in order to build a customer service plan that works for them. Get some quick wins, identify internal customers, and from the top down you must walk the walk. You cannot waiver: in every action, deed, and communique, you need to communicate this is your message.

**Audience Questions and Contributions:**

**Audience Member - Steven Golightly:** As result of Wendi’s book, we talk about the customer experience and not customer service. We use three tenets in Los Angeles to grade people.

**Wendi:** This is our behavior and characteristics of one-on-one interactions. There are three tenets for interactions whether in person, over phone, or via email. 1) accurate answers—first contact resolution; 2) courteous—one of voice, salutation, eye contact, and 3) prompt. All three are tenets. Service is individual types of behaviors, but experience is all-encompassing from the first contact, type of mail, etc. Also, what is the parking lot like? Is it clean and safe? Is there good signage? Are the restrooms clean? Wendi has done mystery shopping. She pretends she is a customer, and checks out if it is good enough for her, her sister, or her mother. Is it safe, clean, and welcoming? Really, it is managing the white space—what impressions are you making when you are not interacting with customers?

**Audience Member - Erin Frisch:** It has to do with voice and participation. We think we know who the customer is in Michigan. However, many customers have different experiences depending what is going on. Have you done anything to engage the voice of the customer?

**Tanguler**: In Georgia, we have a parental accountability initiative. We are communicating with the parent through the judge. As part of the initiative, judges are not in their robes; they communicate at least 3 minutes with parents, and find out what is that parent’s experience, and how we can help. A team of people listen to the parent’s concerns and then follow through. Sometimes you need to communicate through other people until you have opportunity to gain their trust.

**Alisha:** Our advisory board has five questions that everyone is asking at every touch point, whether on the phone, etc. They fill out a customer service survey and get their input. They are getting good feedback. What gets measured gets counted. Did we really change behavior, did we affect the outcome? The biggest area is court: their experience in the court was not the most well received. It is the most isolating and the most difficult. California is working with courts to find ways to improve. Also, California is in process to do focus groups with parents in the community—who are we, what should we be, how should we communicate? She is looking forward to doing that and getting feedback.

**Mara:** In every opportunity after an initiative whether NCP choices, next year in a management meeting or AG meeting, customers come in and sit on a panel to actually give feedback. Texas did that in its family violence FV initiative. Customers talked about their experiences. They are trying to bring that back and keep looking at it, tweaking it and improving it.

**Audience Member - David Jennings:** A lot of interactions are with vendors, not state or county employees. Often these are transactional-based contracts, but usually the criteria for selection of a vendor is a low-price evaluation, but the state emphasizes a customer service component. You might want to carve those out instead of awarding contracts to just the low-cost bidder who is always going to win.

**Mara:** Thank you. That is great insight. Build it in. Measure it.

**Alisha:** We are starting to see that in California and are adding it as a segment of deliverables.

**Tanguler:** Accountability should not be just on a vendor, but also on our staff.

You can maximize your customer experience and improve the agency reputation in the community one person at a time. That is a quote from the book.

**Wendi:** One more thing – we have time for closing statements.

**Alisha:** Read Wendi’s book. It is eye opening. It is easy and right on point. Take it home and think about it.

**Telling our Story – Adjusting the public’s perception of child support services**. Let’s hear how other states are changing the way the child support program is seen through public relations campaigns, how they can assist the family with new offerings, and how they can target specific groups to better family outcomes and promote positivity around child support programs.

Erin Frisch  
Kristie Arneson

Alisha Griffin

**Erin**: I am excited to do some show and tell today – sharing with the public about the child support program. There is a poverty series on PBS busting poverty myths. (Note from MAW: The title is [Busted: Poverty Myths](http://www.pbs.org/wnet/chasing-the-dream/stories/busted-americas-poverty-myths/). It can be viewed on the Internet.) There is also a [podcast](http://www.wnyc.org/series/busted-americas-poverty-myths) series was about the values people hold around poverty, work ethic. There is a notion that poverty stems from a lack of willpower or poor work ethic. Erin was struck by the “worthiness” aspect

The second piece is work that the [Frameworks Institute](http://www.frameworksinstitute.org/) has been doing – the national human services assembly to do research about narratives around human services. They wanted to document the public’s understanding of human services., and they learned the public doesn’t understand human services. The narrative we have is that poverty is about an individual. The suggestion is to reframe the narrative to how we are going to tap human potential, rather than how we are going to help vulnerable people. When you talk about terms of building human potential, we talk about our ability to create capacity.

The metaphor to use is building well-being. It is how the public defines well-being. Research said well-being stood for financial self-sufficiency and physical health. The misconception was also if you just worked hard enough you could get a job: a job is all you need and you will be fine in life. Even though these things had nothing to do with child support, it helped Erin rethink about how we are talking about the child support program.

Shortly after becoming Michigan’s IV-D director, Erin was told they just found 1997 incentives that were lost, and found again. Michigan used this money to invest in some of the things we are looking at today. These things are here to share.

* Michigan did an awareness campaign to focus on getting parents to go on its website to get more information, and to try to get away from any negative perception and focus on the positive. They worked with a marketing firm that the department had contracted with. They targeted every parent ages 18-49, and learned that half of all their time on line is spent on a mobile device, 44% of those parents used the Internet from their phones in the last 30 days, 38% are likely to use mobile apps, and the average user spends 3 hours a day on his or her smart phone.

They first ran some Pandora radio ads. There is an audio and banners go across the screen. The parents in the target group are 27% more likely to use Pandora than the general public. They spent $30,000 and 4 million people saw their ad. 6,000 clicked on it and went to the website. The click through rate (CTR) is 4.0%, the industry benchmark is 4.5%.

The next place for advertising was through mobile apps. 8 million people saw these ads, 68,000 people clicked on them. The CTR was 40.1%. They had two ads - one focused on moms, and one focused on dads. For women, they selected Women’s Health, and for men, Sports Illustrated.

This campaign ran for 3 months. They didn’t see a huge influx of collections at the end of 3 months. Now, they are doing focus groups and market research to find out if they really made a difference. All the materials that were created are still theirs, and can use them in other places.

* The second campaign focused on early paternity education— before babies are born. It talks about the importance of paternity establishment, and educated parents before the children are born. They targeted expectant parents 18-49. They first focused on google ad words: 41% of those parents used the Internet to seek advice. Also, Michigan learned that even when the Google ad is not the first you see, 53% remember it.

With this campaign, they did the more traditional route: they worked with a company that had contacts with doctors’ offices, focusing on pediatricians and ob-gyns in 5 cities. 32% of those parents went to their doctors in the past five days.

If they googled how is paternity established., the first thing that comes up is the Michigan website. The tag line is “help your child in a happier, healthier, more successful life”.

Another tagline “Give your child an advantage” was proposed by a Michigan worker. Also, there is an online Google Display. We were told that people were spending 6 hours a week on a personal computer, and 9 hours’ minimum on their mobile phones. 98% of adults are on line at least 5 times a week.

They put posters and brochures in doctors’ offices. Brochures are in a plastic holder. These are in 300 doctors’ offices in five cities, and Erin will find out at the end of the campaign how many brochures were taken away.

Michigan also revised its paternity publications. They created brand recognition for the child support program. The colors and fonts are consistent. The old photo was a double helix, and now they have children on the cover, specifically geared to fathers.

* For logo marketing, the company gave Michigan three choices, so they held a contest for workers to vote on which one works.
* Also, Michigan worked with letters, for example, the Notice of Continuing Eligibility, when someone goes off assistance. They are trying to make it easy for folks to choose what we want them to do, and easier to digest the information. They have focused first on the first contact letters which contain all the information people need to know.
* They also did new print media. One for the parent who receives support, the other who pays. This is a nod to getting rid of the terms CP and NCP and obligor and obligee. They are working on simplified language to make it clear. Also, they added infographics to help parents work their way through the program, her office, the prosecutor’s office, friend of the court, and also the SDU.
* Also, there are infographics on how child support plays into the safety net. In Michigan, 1/3 of the children are in the child support program. There are 850,000 cases. Also, very illuminating was data around how child support fits. It is a little different than the national average.

**Alisha:** The California story is a little different than Michigan. It gives us a rich array of options and thoughts about how we utilize the uniqueness of programs to move it forward.

* The art of selling ourselves:
* How we harness the digital world
* Market research branding and logo,
* New partnerships
* Doing better

Selling yourself is an art. We need people who are interested, dedicated and involved. She re-envisioned the communications department. She focused them on changing communications, and gave them free reign to do so.

The Internet has made it possible to connect wherever we want or consider it necessary. This is the concept behind mobile devices and all the apps we are using.

Digital language is different from traditional marketing, which was one-way conversation and fewer breadcrumbs. Digital marketing is a two-way conversation and an immediate breadcrumb trail and data.

It also gives you a sense of impact. People use social media, such as Facebook, Twitter, You Tube Instagram. There are new ones every day.

It is crucial to think about how it will meet our needs. 73% Americans go on line daily. 21% almost constantly. 42% are on line several times a day. 10% are online once a day. 36% of 18-29-year olds are on line almost constantly. 50% are on multiple times per day.

In 2005, only 5% of Americans used one or more; today 69% use social medial all the time.

There is even an app to take a picture of your food and share it.

With social media, it is an opportunity to get free or low-cost marketing, but it is important to get a group of people who know what they are doing. You need to look at comments and respond quickly.

83% of 18-49-year olds are in Facebook. If you look at an education of high school or less, 50% are on Facebook. 77% of those with a college degree. Facebook is still a big indicator of activities.

Look at click through rates: you need to boost posts. You need to boost posts to target media markets, for example on health and human service pages, health and fitness pages.

The California webpage is a little old and antiquated, but they built a Virtual Interactive On-Line Application (VIOLA). California is looking for ways to expand it and connect it to other parts. California went from all paper applications to an online application which takes 20 minutes. The state gets 11,000 child support applications every month. They are uploaded into the child support system, which does some checking to make sure it is a valid application.

The Department of Child Support Services (DCSS) Home Page used to be pretty static and ugly. Now it has an active banner that just keeps rolling.

There is a boost post from Facebook posting, changes the type of images, to help think about DCSS differently.

Alisha is excited about playing on the theme there is something in every child. A child could be an astronaut, could be an artist, etc. They sent out a contest to all counties to do posters for Child Support Awareness Month. Participation gave counties the opportunity to see their message as the message of California. A lot of activities are planned around Child support Awareness Month.

Digital marketing is a two-way street. You have to put stuff out there, but pay attention to it. Sending out posts doesn’t always reach your audience.

Regarding Twitter ,29% of people ages 18-49 use it. For those with an education, high school or less, 49%. Twitter is simple, gets information out.

Blogging – California doesn’t think it is very valuable. It is text heavy.

We have to have a digital presence. We make our services available beyond work hours. There must be public response and engagement. Through collaboration and idea sharing, we need to think about how we change our messages.

As to market research, branding, and logos: Who are we and who are we now? Many changes in child support have lead us to a new way of doing business. Our brand needs to signify energy. Our message needs to signify support. The goal is it for to be customizable by county and customizable by message.

This month the California Department of Child Support Services (DCSS) will begin working with public relations company: Ogilvy.

Alisha wants local child support agencies to participate. They will hold focus groups, and share ideas and insights as to the past present and future. The public relations company will help target the marketing and have a broader strategic plan for marketing.

California has a new partnership. They have a procedural justice grant going in the inland empire of San Bernardino and Riverside counties. They are focusing on partnerships inside the counties.

California has an initiative called [First 5](http://www.ccfc.ca.gov/) of California to engage parents’ engagement with children 0-5 during brain development years. They were very excited to talk to child support. California is very interested in engaging dads. DCSS will work together to design key areas on websites and joint development of materials.

The last thing is communicating better. We just hard code, everything has judicial emphasis. They are looking for new ways to do things, using a multitude of systems. They are trying to think differently and be more adaptable.

Last thoughts. Little efforts can make a difference. Do it iteratively, progressively, and simply. And, just try! Don’t be afraid of failure. Wendi puts $5 in a jar for each failure, and gets to take herself out to dinner each week from her failures.

**TANF Caseloads/Funding Challenges: How does this affect your program?**

Taking on a different perspective. States have the option to pass child support through to TANF families or retain the money to help offset costs. How does this decision impact your IV-D program? How does it impact our sister IV-A agency and the families we mutually serve? This session will be a lively debate and will review both sides of the coin as well as the pros and cons of passing through all TANF recovery money.

Laura Galdino, IV-D Director, New Mexico

Trisha Thomas, IV-D Director, California

Jeff Jorgenson, IV-D Director, Minnesota

Babs Roberts, IV-A Director, Washington

**Laura:** We keep talking about TANF, but it is a program that is not really ours. She used to be a TANF director, so she knows how child support and TANF both work.

**Trisha:** She talks regularly with TANF and foster care folks. Trisha lives off of TANF and foster care collections: the program does not get an appropriation, Just that‒fees, and incentives. TANF timeframes have gone from five years to one year: this impacts collection. KS has not been getting an appropriation for child support for the last 20 years. At some point in the near future, child support may need an appropriation. This is a hard thing to sell, especially with budget issues in KS. Foster care has been in the paper regularly and funds need to go there.

She has been a foster parent for 8 years, so she can see the other side. One of the best anti-poverty programs is child support. Given the number of TANF cases and lifetime limits, the child support program used to get $8-9 million in TANF, now it is around $5 million. She is hoping to get rid of a 4% fee on non-TANF cases this year. The House would like to fund $800,000 to cover that fee.

Over the long term, Kansas will need a legislative appropriation for at least some of the funds. They will need an appropriation by 2020 if things stay the same. KS has a foster care pilot project to look at not ordering child support on foster care cases since research shows the child will generally be reunified in 6 mos. We need to balance what they are doing with how much money they need. KS is trying to do what is best for families, but they still need sufficient collections to run the child support program

Right now, there are more kids in foster care than ever, and there are not enough foster parents, and there are a few child deaths. In 2003, there were 20,000 open TANF cases, but right now there are only 6,000. That is big change. KS has taken on food assistance cases in the past year, but will have up to 140,000 cases this year. A way to replace the 4% fee is to charge a $25 fee, but it is too costly to change the system. They are right in the middle of a feasibility study in preparation for a new system.

Sometimes it is the right time to ask for things, sometimes it is not. Trisha would love to be looking at a pass-through, but cannot do so right now. She hopes to get the budget straightened out to look at other options.

One other thing: KS has been managing TANF grants, and is looking to get fatherhood and work-related grants. They are managing those grants with TANF funds, and that has been helpful. They are lucky to be in same agency as the TANF and foster care programs, and they are getting along really well.

**Jeff:** In Minnesota, there is an appropriation and MN also charges a 2% cost recovery fee. His presentation is more about the MN experience implementing the pass through.

In response to the Personal Responsibility and Work Opportunity Act (PRWORA), MN implemented its pass-through law in 2001. They passed through 50% of child support and maintenance, and deducted the amount from the TANF grant.

Fast forward to 2015, MN implemented $100 for one child; $200 for two or more children.

One big thing was to try to increase family income. Research shows that child support is a big part of low-income families’ income. MN thought it might help to transition families off public assistance sooner, and increase parental involvement in their children’s lives. The disregard was intended to create a stronger link between the NCP and his or her children.

In order to implement the pass-through and disregard, cooperation with other public assistance programs is required. Jeff meets every Monday with the state TANF director. The key to working with legislators is to keep legislation simple.

The challenges included the fact that MN is state-supervised and county administered. This is always a challenge when rolling out new programs. Also, MN has an aging system. As far as public awareness‒parents had no idea what pass-throughs and disregards were. MN sent letters, tried to educate people, but at the end of the day, Jeff is not sure how effective that was.

Lessons learned: Involve other public assistance programs early, and having compelling reasons for doing pass throughs and disregards helps workers understand. Also, make sure you have the resources to do it.

Minnesota has had a pass-through for 16 years, but started the disregard in 2015. We need to do better job measuring outcomes. For example, has parental involvement increased, etc.? Are people leaving TANF sooner because of the pass through and disregard? We need to do better job with evaluation. He found an evaluation from [2002 done by Policy Studies](https://www.leg.state.mn.us/docs/2005/other/050408.pdf).

In MN, TANF collections go to the general fund, but collections are going down. This has had no negative effect, plus the state has a surplus.

**Babs**: The relationship between TANF, IV-A, and IV-D is very important. WA doesn’t have a passthrough/disregard policy now, but did in 2008 ($100, $200 depending on number of children). This was in response to the Deficit Reduction Act.

Babs used to be chief of finance before she joined IV-A. Child support is funded with retained support dollars, but there is a line item projecting what that would be. When Wally has a hole in his budget, it affects the entire program.

When they did have the pass through, costs were between $12.5 and $18.8 million. The caseload was double or triple what it is now. Currently it is at an historic low. Washington’s pass-through was repealed in May 2011 due to budget reductions. Fees for never-assistance continue to bring in about $1.5 million annually.

As the budget came down, Washington implemented program changes, one of which was repeal of the pass-through.

The pass-through did add an increase in child support payments. The average amount of money collected on TANF cases increased even though the employment rate went down. Statistics and data work. More NCPs want to pay their child support.

The return on investment (ROI) is that increased participation with the children lead to better outcomes for those children (two parents contribute to better social results for children.) The increased income to low income families can reduce financial stresses, and has potential to connect a disconnected population to employment and training programs. This is really starting to become evident in many places. We can connect in ways we have not before.

**Larry**: Colorado Began a journey to implement direct support for children (a/k/a pass-through) to come up with branding that is meaningful to parents. Focus groups were conducted. The program was implemented April 1, 2017. The legislation for that was passed in 2015. We provided data as to the number of families that would be impacted, and how much current child support would look like.

The legislative sponsor wanted to have data, just in case there were objections. In Colorado, 50% of collections on TANF goes to counties, but counties were very concerned about the loss of revenue this would cause. The sponsor said to propose in the fiscal note to keep counties whole. They estimated that the pass-through would positively impact 7,500 families by $4.3 million.

Also, Colorado included money for information technology (IT) costs, policy changes, training, public outreach and educations. Another important component is the legislature must determine if there is enough funding to continue it for next year. They had to have the ability to have an “on/off switch” in case it needs to be turned off.

In Colorado, it is all about families. This was not a department bill, but really is the result of working with sponsors and a strong advocacy coalition. The department just provided the legislation. The state is proud of the fact that they are the first to provide a pass-through.

Colorado created an infographic explaining the Pass-Through Payment Flow.

These key steps were very helpful. The legislation required a full-time project manager to oversee all aspects. They used senior system developers and testers to work on the project. They divided the project into subgroups (system development, financial, communication and training) and each group included community, state and county partners.

Upper level executives at the department of human service and office of information technology were both updated with status and involved to exert influence as needed. They didn’t want to delay IT development as project was very important.

Colorado Works (TANF program) Automation Decision Points. They were concerned about the cliff effect for TANF to drop off. Payment of child support does not impact the TANF grant amount for the first 6 mos. However, at the recertification point, the child support program determines whether they are eligible for a grant, but not the amount of the grant.

For implementation of the communication plan, they included TANF and child support workers in the same room. In many counties, the TANF and child support people didn’t even know each other. They talked about how you change the messaging from the current message of “you have to cooperate or lose the grant”. Instead, they wanted to say “there is a requirement to cooperate, but this is how it will benefit you and your children.” They hired a public relations firm, did focus groups with parents, and asked the best way to deliver this message on a statewide basis. This included sending post cards. Also, they notified all NCPs that if their family had received TANF, and if their child support is paid, it will go to the family.

They also included hotline numbers that are covered at state office. Many CPs were not even aware there was a child support obligation. They also had quite a few NCPs who wanted to know how to pay child support and were happy that it would go to families.

Results: The program was fully implemented April 1 with no system down time. In the first month, 2,495 low income families on TANF received $321,650 in child support payments. The average amount was $129 per month. It really makes a difference for families. System developers and testers retained what was left of their sanity. OCSE approved a waiver request that will include an evaluation.

**Laura:** Questions from the Audience

**Dennis Putze:** There were benefits of the pass-through, but Washington repealed it. Why?

**Babs:** It was due to budget reductions, we had holes in the budget. They had to make tough choices and cut programs.

**Eileen Stack:** I was interested in the correlation in payment during that period of time. How did you market the pass-through to the obligor’s side?

**Babs:** On the TANF side, we did it at the case worker level. As NCPs began to figure it out, the amount rose. Probably with more direct marketing, we may have seen a bit more.

**Wally McClure:** I would add that CPs did a lot of advertising. They let NCPs know the money was not going to the state.

**Laura:** Question for Trisha: You started accepting SNAP referrals.

**Trisha:** We are funding SNAP referrals out of child support funds. The few thousand extra cases are not an amount in the big picture. They are helping folks.

**Laura**: Question for audience: For states doing SNAP referrals, has anyone thought of funding that from SNAP referrals, maybe through random moment sampling? The funding to work these cases may be there.

**Reducing poverty by 50% in Washington by 2025 in a way that eliminates disparities.**

**David Stillman**

David: We believe we can reduce poverty by 50% in Washington by 2025 in a way that can eliminate disparities. In the Economic Services Administration (ESA), there are several programs, and every day in ESA we serve about a million.3 through all those different programs. Washington’s population is roughly 8 million, so this is a pretty substantial number of people.

All children and individuals should have the opportunity to succeed and thrive. We need to overcome intergenerational poverty, if they can access the tools and resources they need to success.

It’s all about the development of cognitive flexibility, goal-directed behavior and planning. But government has the same problem that many of our clients do. These include the development of working memory, inhibitory control, attentional control, building and sustaining values, establishing awareness and empathy, and metacognition (knowing about knowing). In IV-D we probably have fewer of these problems. We may not have mastered it, but we have gone to a place where most other programs have not. He firmly believes in the IV-D program, after the Earned Income Tax Credit (EITC), it is the second most important case program in the country. Maybe it’s third if you take food into consideration.

Metacognition is noticing we are having trouble learning to solve a problem.

Are we having trouble ending poverty, hunger, homelessness, family violence, abuse and neglect, incidence of disease, etc.?

In the narrow sense, we can continue focusing our work on what is right in front of us. We had to focus on those cases where we had a wage match, new hire report, but we didn’t really think about people who could not pay. But, going back to what we need to start examining, we had to look at statutes, rules, staff, plan measures systems, problems. We had to go beyond collection from individuals who are easily to collect from. It is not enough to simply provide assistance to help pull themselves up by their bootstraps.

Leaving TANF is not the be-all and end-all of self-sufficiency. Families need resources such as education, work experience, and other income supports to move beyond being working poor. To build pathways, start with data, systems, and you need tools at the hands of your staff. Don’t be afraid to use form to drive substantive change, contrary to the warning message about form over substance.

We get a lot of mail back. This tells us about poverty. People are moving over and over and over again.

Backtrack from the problem and what you measure. Is there a measure. Is it the right measure? Do you need complementary measures?

80% - really? Federal expectations. Incremental goals generate incremental solutions. Understanding the depth of a problem is part of understanding the root cause analysis. Identifying the ingredients that strengthen individuals and families is part of fashioning and approach, start at home even as you reach out.

What are opportunities to strengthen families? Start at home. Back to ESA, we can’t say kids will graduate from school – we have no control over that. The same is true for early learning day care, child care, etc. Corrections and reentry are great and important partners, but we have to start at home even as we reach out. David’s hope is that every NCP who has a minimum support order also has food assistance. For an able-bodied adult without dependents, if he has food assistance, this will help cure David’s plaintive voice in his head about an NCP who cannot afford to feed his kids on the weekend that he sees them. Without food, where do we get to the “do no harm” before we engage with NCP.

What is important about food assistance is access to education and training.

We are trying to do things within ourselves to demonstrate our worth and seriousness to our external partners. If a child is removed from the home and is likely to return to the home within 180 days, we continue to pay TANF. How can the family lift itself out of poverty if we reduce resources because the child has left the home? We are using TANF funding to provide home visiting programs to new moms and families with young children. Washington is working on how to predict and prevent homelessness: using predictive analytics in a way that drives attention as to whether and when to take action.

Washington is doing work to predict when a family would become homeless, and trying to intervene early. A mom on TANF who is arrested is likely to experience homelessness in the month that follows. How can you identify the family in order to bring interventions to bear?

The IV-D world has been great about studying the “as is” position. In WA, the percent of people living at 200% of the federal poverty level hasn’t changed between 2006-2015. On average, 30% of people in WA state are struggling to make ends meet. For example, of the individuals born outside of the U.S. and who are not yet citizens, 50% are living below poverty level. Latinos, American Indians and Alaskan natives have the highest level of poverty in WA state. Separated families experience poverty at a very high rate.

Do jobs pay enough to meet basic needs? No! There are jobs that do well, such as architecture, legal, etc. but over half of the jobs pay a median wage that makes it hard to get ahead on one income. It is not enough just to increase wages, but we also need to look at families’ opportunities such as education and training, etc.

Do social benefit programs help Washingtonians? A lot of people don’t sign up for benefits to which they are entitled. David encourages the attendees to read “$2 a Day” (by Kathryn J. Edin and H. Luke Shaefer.)

David thinks that work-first and TANF are just forms of indentured servitude. Take Wikipedia out and look at the definition of [“indentured servitude”.](https://en.wikipedia.org/wiki/Indentured_servitude)  I will give you a pittance and force you to do all these things. Why would you ever sign up for that? This is a fundamental question that should matter a lot to the IV-D world because most IV-D cases come from TANF and former TANF.

David thinks that social benefit programs do not help Washingtonians. We should try to do everything we can to get families off TANF. Part-time jobs, minimum wage for 22 hours. Get them out of indentured servitude. While they are still on basic food, child care, and other income subsidies, find a way to provide support services that they still need. TANF gives drug and alcohol treatment, and in WA, we are looking at helping with transportation subsidies, paying non-DUI driving fines, etc. We are trying to help get people off TANF.

WA is experimenting with a USDA grant to enhance basic food, employment and training programs, to add wrap-around service delivery to basic food only families. The idea is to help them get jobs, keep jobs, and earn more money.

How do we get to the 2025 of cutting poverty in half? He’d like to say he knows the answer but he doesn’t. We do have data, means, and the opportunity to do so. In WA, we are starting with the theme that we have to look at problems we have and identify how we think we can solve and address them.

David asked Wally how to do it.

**Wally:** We are working toward collecting 80% of current support, working with colleagues on 5-year [Frontiers of Innovation](http://wafoi.org/) on addressing adverse childhood experiences for kids. Everything is intertwined and interrelated: mental health, drug addiction, recidivism, and poverty. It is all the same stuff. Our role is to help lift the child and the CP out of poverty.

The child support program brought 75%families out of poverty, but brought more NCPs into poverty. We need to lift the CP and child out of poverty without putting the NCP into poverty. We need to connect the paying parent to programs so they can succeed and support themselves. This is Maslow’s hierarchy of needs – food, shelter, warmth, not afraid for your life. If you are not past those first two bars (1/4-1/3 of NCPs are there), you cannot expect them to take care of their child if they cannot take care of themselves. You need to solve the problem in the most holistic way.

**David:** We need to examine the problems of individuals and families we are trying to serve. His mantra: “If you have problem, I have a problem.” But sticking with NCPs in a child support context, NCPs in jail or prison, about half of them have kids. What do we know about facing incarceration? If you have a lawyer you have a better chance of not being incarcerated. You get a lawyer if you’re wealthy, and maybe get a lawyer if you are poor. Assigned counsel is very underfunded. You need to prove you are poor. That is the problem that many of our parents experience. We can work with assigned counsel to say they are on public assistance. If they don’t go to jail or prison, they have a better chance of keeping their job.

We need to make systems changes in order to get to that place. We can make a difference. Is he afraid of failing to meet 50% reduction by 2025? No, he is sure he is going to fail, but may achieve 10-15%, which is 50,000 families, and almost 90,000 kids. What a heck of a failure that is!

**Diving Deeper into the New Federal Regulations (Part 1**):

We’ve been swimming along with the new regulations but now’s the time to take a deep dive. Presenters will share pathways and navigational tips for states as they implement the new federal child support regulations.

Eileen Stack, IV-D Director, New York

Carol Eaton, IV-D Director, Iowa

Jim Fleming, IV-D Director, North Dakota

**Eileen.** The [rule](https://www.gpo.gov/fdsys/pkg/FR-2016-12-20/pdf/2016-29598.pdf) is here, states are in the process of determining how to approach and prioritize what needs to be done. It is a big package with a big preamble to help and guide us. There is a lot to consume and work through. We are all on a workgroup for implementation of the federal regulation. Jim Fleming has been the chair with boundless energy. He is a wonderful chair. We have 19 states, and 40 participants.

There is wide participation, and listening to various state perspectives. There are five major areas of the regulations:

1. Case closure
2. Incarcerated obligors
3. Contempt of court
4. Guidelines, ability to pay, imputation
5. Medical support

**Jim:** Crafting a rule is like eating the elephant, one bite at a time. There is the OCSE preamble to the proposed rule. The proposed case closure regulations are to direct resources: whether to receive child support services. This is the silver lining of the rule. This is a great section, as it can save time on non-producing cases.

There are two themes: providing customer service to families and directing resources to cases where collections are possible. Like Hamlet. “To close or not to close, that is the question. Whether ‘tis nobler in the mind to suffer the slings and arrows of outrageous futility, or to lay down arms in the face of a sea of troubles, and by giving in…” Also see [Jim’s article](http://www.ncsea.org/documents/Ability-to-pay-and-other-nuances-CSQ-Feb.-2017.pdf) about the final rule on the NCSEA website.

If you are lucky enough to have engaged staff, they hate to give up. But sometimes it is best to surrender to fight another day. To fight another case. We know about resource management, but front -line workers are about working with families. They don’t like to give up. You need to say you are our most valuable resource, and your time is most valuable. We need to reallocate time.

There are pros and cons to case closure. The pros are that closure conserves resources, is efficient, improves performance levels, assists low-income obligors. The cons are reduced support for families, reduced collection of assigned support, rewarding successful evasion (if you dodge child supports long enough, child support gives up, corrupts service delivery to inflate performance. (Jim says this is not okay, but it might be easy to do) But, for perhaps the first time, the case closure authority is sometimes more liberal than would be prudent case management.

Are the arrears under $500 or unenforceable? You could corrupt the system, but it is not the right thing to do.

The final rule modifies case closing criteria. The locate, with SSN shortened from three years to two years, with no SSN, one year is reduced to six months, with unverified SSN, it is a year. With respect to loss of contact with recipient in non-IV-A case, you need to make a good faith effort.

Modified case closure criteria incarceration,303.11 (8) – now has a provision that talks about application of provision if child has already reached age of majority. The incarceration regulation also has a standard that talks about whether they have income above the subsistence level that could be attached for support. A real change is the removal of the provision ‘with no chance for parole”. That provision has been removed, but there is not much to replace it. States should look at how long they need to be in jail. But, for unassigned arrears cases, how long is long enough? States have the flexibility to define that. This can corrupt performance measures. For example, what if NCP is in jail for the weekend? When looking at support potential, what is the horizon?

Good stuff in the rule:

* 303.11 (2) No current support and all arrears are assigned
* 303.11 (3) No current support, children have reached majority age, NCP is in long term care arrangement and no income above subsistence level
* 303.11 (5) NCP is living with minor child as primary caregiver or intact two parent household and services not appropriate.5 (this is not necessarily a legal change in custody) – there are different points of views on this from states. There are many different scenarios where you would or would not close the case.
* 303.11 (9) NCP is recipient of SSI combined with SSDI 9. Now we can close those.]

New criteria

* 303.11 (13) Completion of limited paternity only services
* 303.11 (20) Inappropriate referral 20 – child support can protect itself from erroneous referrals
* 303.11 (21) Tribal transfer 21 recipient requests transfer or state notifies recipient of intent to transfer and no response within 60 days of notice. Jim wishes this had applied to interstate cases as well.
* 301.11 (21) © Indian health service recipients – mandatory There is a comparable counterpart prohibiting Medicaid from referring such cases.

On that, Eileen feels they might need additional guidance from federal counterparts.

Jim provided an implementation checklist.

* Hurry up! 60-day closing notices on or before July 31, 2017
* SSI recipients, use SVES interface to identify them
* Talk to Medicaid about identifying IHS recipients.
* Compile list of open referrals to tribal IV-D programs and communicate about transfers. Schedule a meeting to discuss the transfer process. You can include assigned and unassigned cases.
* Review and change the system support for obligors in locate. Get those changes in place.
* Define inappropriate referrals from other programs. Talk to other programs about model referrals, data components. (Eileen: it will be a longer process in NY and TX because of data components. Mara: Without automation will be a daunting task for larger states.)
* Develop collection history criteria for closing cases with no current support and all arrears assigned
* Develop criteria for when to close or leave a case open when the child resides with the NCP. When are continued services appropriate? What if the obligee objects?
* For arrears only cases with unassigned arrears and an incarcerated NCP, define “no evidence of support potential” including the relevant timeframe (this minute, this week, this month, ever?) You need to think about how to decide there is no realistic support potential.
* Decide when, if ever, the IV-D agency will right-size the order prior to closure. Should you right size the order before closing? The case may come back and reopen. Once arrears accrue you cannot get rid of them.

**Mara:** She uses the adage “don’t cut off your nose to spite your face.” Be very careful you don’t go whole hog into closing, and then you don’t have enough cases to increase collections. TX had one case where the NCP hadn’t paid forever – hadn’t paid 1 cent, one case there was collection of $54,000. Talk to your state, beware of CP backlash, and think about this carefully. She is very grateful for it.

**Liesa:** Moderation will be the key. Comply with the new language, then step back to think through the approach, particularly with respect to state assigned arrears only. Every once in a while, you get a great collection.

**Mara:** Her topic is incarceration, incarcerated obligors. She is from a state that is hang ‘em high, and is not the expert on this. TX has done a lot of work with the legislature to get this far,

* Incarceration: it cannot be voluntary unemployment. It will have to be figured out through guidelines review and other legislation.
* Incarceration is automatically grounds for review.
* States must do one of three things:
  + Review for adjustment upon notice and without a specific request. Some states will just do this.
  + Notice to both parties regarding review eligibility. This is the way we have always done it.
  + Modified by operation of law. This is the one we are very interested in. the preamble encourages this, by operation of law, modify child support to zero, suspend child support

**Jim:** Jim loves this one. What if we had operation of law? We don’t have to do reviews. Look at this provision really, really hard. A lot of this will depend on the will of the legislature. We tried this in North Dakota. The Senate liked it, but the House hated it: “You are cutting bad people a break.” But even in a red state, this passed. The law is effective January 1, if they are sentenced more than 180 days. You can reestablish the obligation if they have greater income.

You might have to fight with the legislature about voluntary unemployment. Once you achieve that victory, look at this for next session. Now it is about what is practical.

**Liesa:** We tackled voluntary unemployment issues this year in Utah. A senator agreed to run it, but testified against his own bill. It only applies to IV-D cases. If there is zero income, why go through all the work? Try to have operation of law. This is Liesa’s idea, but it hasn’t passed yet in Utah.

**Mara:** We can shift resources from cases that will never pay to other cases. This helped Texas get a foot in the door. “Modify by operation of law” can mean a lot of different things. Modify just for time in prison and then automatically revive amount 6 months after release. How to handle if CP goes back on TANF? There will be a lot of science behind this. Some states will suspend child support.

**Jim:** ND’s just terminates and leaves the door open when circumstances change. Or, open the door again upon the CPs request. In Oregon, they suspend it, cease collections, but in 6 mos. it comes off suspension, and pops back up to 50% knowing it must be based on ability to pay.

States are all over the place. We must consider what legislatures must do.

**Eileen:** Kate, have you received any backlash from Custodial parents?

**Kate:** We already modify the order to zero, and then it pops back up after they get out of prison to the previous amount by operation of law. A lot of parents who receive support ask us to do it, as they know arrears will just increase. Suspension allows more flexibility if you did not know they were in prison.

**Kate:** The 50% is to recognize change of circumstances. She anticipates that most folks will have a modification based on ability to pay. Generally, there is a 50% decline in post-prison earning capability. Data shows this.

**Mara:** I want to remind you to make sure that while working you’re your legislature, stay away from a retro-modification. Don’t forget that part. But regardless, we have to do something. You need to figure out your workforce, notices, reviewing etc. Texas had very robust outreach program but NCPs did not take advantage of this opportunity. That is why Texas is going to work on operation of law.

**Jim:** For states that revert, they will need to look at policy post-rule, because the rule has provisions about how to deem the ability to pay. You will also increase families on public assistance.

45 CFR 302.56(c) provides that incarceration may not be treated as voluntary unemployment in establishing or modifying support orders.

**Yvette**: When we wrote the regulations, we kept in mind that the caseworker would always do the right thing. It is not a perfect world, there will be manipulation, etc., but we didn’t think about the worst-case scenario. She is optimistic and looks at caseworker as doing the right thing, and keeping in mind what NCCSD asked them to do.

**Carol Eaton:** We need to balance. The point of case closure is thinking a little differently than we would have thought 7-8 years ago. We are in a different place: caution is needed.

**Jim:** We are glad to have a chance to have flexibility and embrace the responsibility of doing the right thing. With great power comes great responsibility.

**Mara:** Compliance dates are an interesting science. Incarceration…one year after the first quadrennial review of the state’s guidelines that commences after December 20, 2017. You can do this within your particular legislative environment.

If state law revisions are not needed, the compliance date is December 20, 2017.

Mara says “just get on it”. Get it done. A case can always be reopened.

[Texas law 154.068](http://law.onecle.com/texas/family/154.068.html) for years and years it was considered involuntary unemployment, but then added (b):

*Sec. 154.068. WAGE AND SALARY PRESUMPTION. (a) In the absence of evidence of a party's resources, as defined by Section 154.062(b), the court shall presume that the party has income equal to the federal minimum wage for a 40-hour week to which the support guidelines may be applied.*

*(b) The presumption required by Subsection (a) does not apply if the court finds that the party is subject to an order of confinement that exceeds 90 days and is incarcerated in a local, state, or federal jail or prison at the time the court makes the determination regarding the party's income.*

[Texas law 154.066](http://law.onecle.com/texas/family/154.066.html) is about intentional unemployment or underemployment. We are thinking about modifying it next session.

A bill is in the session right now, and I think it will pass. If NCP is incarcerated, gets out, and we bring him back for motion for enforcement, he cannot be found in contempt if he was incarcerated.

**Eileen:** There are a lot of suggestions or considerations, but regulations will be really interesting as it unfolds. Teams need to be careful when they land on regulatory, policy language, etc.

**Liesa:** There is statement in preamble of the regulation about not treating child support as a second form of punishment for incarcerated individuals. But many people feel that if crimes were committed against the family, it might be different. Preamble is do what you can in your state environment.

**Mara:** TX has an exception in the law that it doesn’t apply if you committed a crime against your family.

**Liesa:** Contempt is the next topic. Ironically, she is sitting up here with attorneys, but she is a creative writing major. Watch for a more thorough analysis as the formal work product comes forward. Liesa intends to use English. From her perspective, this section responds to Turner v. Rogers.

**Question:** Is it required for a government entity to provide the respondent with counsel in civil matters when incarceration could be the result?

**Response from Panel:** Largely the answer is no if there are sufficient alternate procedures in place, such as a notice to the defendant, etc.

The proposed rule introduced additional due process safeguards, but the final rule refocused on the criteria that IV-D agencies use to determine which cases to refer and how they prepare cases.

The final rule talks about screening the case, we examine law, look at OCSE guidance, and come up with possible best practices. The regulation just says to screen the case for information. The preamble says maybe meet with parents, use automated data sources: All of these are well within our means at little expense.

If there is no ability to pay, we should probably not implement civil contempt, but we should probably right size the order.

**Jim:** The preamble talks about what you might want to do to make contempt worthwhile. But the letter of the regulation requires you to screen cases, provide information to the court, and then clear notice of their ability to pay. But the regulation doesn’t get to what you have to do to screen or the minimums required to proceed. The preamble provides information, but you need to look at the letter of the regulation. Use the preamble for guidance, but you will need to continue to use the contempt process to find out why they are not paying.

**Liesa:** There is a difference as to what is in the regulation vs. preamble guidance. Improve your screening tool, to make sure it is consistent. We will make more concerted efforts to contact the NCP, develop friendlier notices, and also will document failed attempts to show an effort was made. There will be more effort to contact the CP to find out if the CP knows about barriers to payments. Reformulate communications with BICS principles in mind, and make liberal use of review and adjustment process prior to going into contempt.

Provide clear notice to the NCP that his or her ability to pay is the critical component in a contempt action. Potential practices: Ensure that any notice to the NCP contains language explaining that ability to pay is the central question. The Cover letter on served documents should be drafted with BICS principles in mind.

Informing the court, we need to make sure we convey what we found or did not find clearly to attorneys so they can provide that information to the court. And, we need to bring these facts to the court’s attention.

Point out that in absence of the cooperation of the NCP or the ability to find something, is still a critical piece of contempt process. The hearing is held for the express purpose of getting additional information to the court.

As a potential practice, use the information from the screening checklist to prepare the case for court, use creative purge options (job search, payments of just ongoing support, participate in review and adjustment process), and a multi-step contempt process allowing multiple options for the NCP to present evidence (evidentiary hearing) and educate courts that incarceration is not the most desired outcome.

The compliance date was 2/2017 if you didn’t need a statute change.

**Jim:** The rule in final form is a lot different than rule in proposed form. This section does have new requirements, but they are manageable and sensible. NCSEA will have a webinar on June 15.

**Eileen:** Now, we are shifting into guidelines, the ability to pay, and implementation.

The goal is to increase reliable child support for children by setting child support orders based on the noncustodial parent’s earnings, income or other evidence of ability to pay. The preamble is like Starbucks reserve coffee: it is complex with many different layers.

We are trying to fight against fake news, and we want to make sure we don’t have fake income. We are really trying to ensure there is an evidentiary basis, and that we are getting facts.

Standard of ability to pay is not new. Really has been a leading principle that is now codified in the regulations. 45 CFR 302.56 updates guidelines. 45 CFR 303.4 updates for IV-D program requirements for establishing and modifying order.

In New York, there is a pro se family court, so it will be important to insure there are not two different standards.

302.56 states that guidelines must at a minimum must be based on “to the extent known.” Sometimes you just don’t have that information. Specific circumstances are outlined in 302.56. You need to look at residence, NCP assets, employment history, criminal record, record of seeking work, local job market, prevailing earning levels in community and other relevant background factors.

It is important to examine the preamble where it says that over time we have observed a trend. Our rule is designed to address the concern that in some jurisdictions….

Many caseworkers and many state’s protocols do provide for doing that work, but there are resource issues and other factors that make it difficult to fill that gap.

What do states need to do with guidelines? Many states think there will be some tweaking, but not a lot. It will be interesting to see how that develops.

**Mara:** You might not have to have legislative changes, but you might just have process and procedures that need to be brought in compliance.

**Eileen:** Also states need to look carefully at the language of the regulation where it says guidelines must 302.56 meet regulatory requirements.

In the preamble, states must implement 302.56 within a reasonable period of time.

303.4, *Establishment of Support Obligations*, provides that states must have statutes, procedures, and legal processes to develop a sufficient factual basis for the support obligation, gather info regarding earnings and income of NCP or specific circumstances of NCP, bases support obligation on actual earnings or income of NCP or specific circumstances of NCP (and that will shift back to guidelines section which has a full list of circumstances), and document factual basis for support obligation in case records.

**Mara:** When looking at forms, the flavor seems to want to help the NCP instead of being a “gotcha” to help set right size orders. We need to look at the information- gathering forms we use.

**Eileen:** Yes, it is customer service and changing the perception of the program.

303.4. Eileen was recently speaking with Colorado policy person, and the petition module on system will have a checklist that is right there for caseworker.

Regarding the low-income adjustment, it is not defined so states have a lot of flexibility. Most states have some sort of self-support reserve. You need to make sure the low-income adjustment is based on ability to pay. New York has a $50 minimum order, but also a poverty level order: if income is below the poverty level, there is a $25 order. It is important in guideline reviews to check your low-income adjustment. The $25 minimum order was problematic as there was not a rebuttable presumption.

The four-step process focuses on creating evidentiary basis. Search all available sources of income, investigate the circumstances of NCP, impute income based on evidence of ability to pay, and maintain documentation within the case record.

If you do casework, you are preventing additional work down the road. This is right in the preamble. You will achieve efficiencies later on.

There was a discussion in the workgroup about when you cannot find any information at all.

**Jim:** We did talk about this. The nutshell version is imputation is a last resort to fill evidentiary gaps.

**Eileen:** The challenge is that if you are imputing income, it must be based on those factors.

**Liesa:** We started working on this in Utah. Utah is working on a checklist to guide the administrative state so everyone is consistent and comes up with a similar decision at the end. In building the checklist, we are giving guidance, and realized that there will be a big culture change where you contact NCP prior to service. It is a challenge to get caseworkers to come to the same decision.

**Eileen:** Another suggestion is to chart out the flow of the intake process to really identify where the documentation and inquiry should be, where you have the opportunity to contact the NCP or CP. When in process, you can get data and sources of information.

**Jim:** There are big states with urban populations, and how you might frontload information gathering. Maybe gather information right up front, so they can provide income data. This might be one of the few times you can ever reach them. Maximize communication opportunities.

The challenges are location issues, evasive and unresponsive NCPs, and limited resources, and how you translate information into admissible evidence.

**Liesa:** I will talk about medical. The group has not yet discussed this. She has another branch in her office in charge of third party Medicaid recovery. There are some changes where she is butting heads. Medical, reasonable cost CFR 45 303.31 (A)(3) provides that states have the flexibility to do an income based alternative. The text that was removed, was in (A)(3), the cost of adding the child. This increases flexibility.

**Question:** How should reasonable cost align with the Affordable Care Act (ACA)?

**Liesa:**  The preamble says you can define reasonable costs as 8 percent. We have flexibility.

Medial is an adequate reason for modification. The regulation removed language regarding eligibility for Medicaid. Remove “in no event shall the eligibility for or receipt of Medicaid be considered to meet the need to provide for the child’s health care needs in the order.”

Possible practices, given the workload issues, are to develop reasonable guidelines for when it makes sense to modify an order for medical if the order contains no medical provision, if the order contains a medical provision that does not match current coverage situation, or if neither parent has coverage available. Also, when modifying the order, add generic language that covers all potential health care coverage situations.

Allocate the cost of coverage between parents, and there is flexibility. Some possible practices are to share the cost of premiums equally or based on an income shares percentage as an adjustment to the child support amount due. She is looking forward to workgroup to get more ideas.

Also, states do not have an option in distinguishing between private and public forms of health care coverage. This is from the preamble. In the preamble, we are no longer held harmless from complying with 2008 medical rules.

**Ripples and Currents in State Child Support Guidelines Reviews**.

State child support guidelines reviews are rarely described as "still waters that run deep." One current ripple is new evidence of the cost of raising children that is catching the attention of some states, but is just another lure used to fish for lowered guidelines amounts across all income streams. This session also addresses guidelines provisions for income imputation/presumption‒specifically at minimum wage, an issue that is likely to “crest" soon as state child support guidelines review committees begin to navigate the new federal requirements of state guidelines and flooding of minimum wage increases in selected states and cities.

Jane Venohr, Economics Research Associate, Center for Policy Research  
Bob Plotnick, Daniel J. Evans Professor Emeritus of Public Policy and Governance, University of Washington  
Elaine Sorensen, Senior Advisor, federal Office of Child Support Enforcement

**Jane:** We want to address a few things. There is new evidence on the cost of raising children. This must be considered in the quadrennial guidelines review. Task forces are often over represented by non-IV-D.

1. income imputation,
2. Increases in minimum wage. The minimum wage in Seattle is now $15 an hour, and other cities are raising their minimum wage. This has repercussions on the last resort for income imputation.

Imputation at minimum wage occurs at a little less than 10% of the time for new orders, sometimes up to 30% of the time.

There is new evidence on the cost of raising children. A lot of the time committees are composed of private attorneys and very few IV-D representatives. There are 9 studies on the cost of raising children. The studies vary in age of study and age of data, economic methodology used to separate child expenditures from adults’ expenditures. 29 states rely on the Rothbarth study, which is an economic methodology.

What studies are available today? Most states base their guidelines on a model called “continuity of expenditures.” This phrased was coined by the University of Wisconsin Institute for Research on Poverty. (Note from MAW: See <https://irp.wisc.edu/research/childsup/cspolicy/pdfs/famexp4kids.pdf>). Child support guidelines are not just about the basic needs, the committees are very concerned about order amounts for higher incomes. Those guidelines are not just basic needs. There is a premise that if the obligated parent can afford higher standard of living, child should share in it. As the income of the parent goes up, the guidelines amount goes up.

The [USDA](https://www.cnpp.usda.gov/publications/crc/crc2015.pdf) website shows it costs a little under $200,000-$400,000 to raise a kid from 0-18, ranging from $800 to $1700 per month. (Note from MAW: See also [USDA Cost of Raising a Child Calculator.)](https://www.cnpp.usda.gov/tools/CRC_Calculator/default.aspx) There is also the Rothbarth study, They are expressed as percent of total expenditures, there is [2010 study by California](http://www.courts.ca.gov/partners/documents/2011SRL6aGuidelineReview.pdf) and a 2013 study by New Jersey (Note from MAW: I could not find this study on line).

A new study is the [Comanor et al study](https://mn.gov/dhs/assets/2017-02-22-Dr-Comanor-Report-to-the-Minnesota-Child-Support-Task-Force_tcm1053-280776.pdf). Minnesota published it on its website. It was done by a professor of economics at the University of California in Santa Barbara. Two studies using same methodology MN 2017 and other co-authored with r. Mark Rogers and Mark Sarro (2015). This study purports to measure actual or monetary or incremental expenditures on children. A few states have included their review. The calculated amounts come out to poverty levels.

The empirical research is flawed: raising children at poverty level. There is also concern with their theoretical and empirical issues.

Jane’s criticism of the Comanor Study: When we measure how much families spend on children, we come up with sophisticated mathematic models, we come up with a graph. Comanor says when income increases, we will spend more, but then he looks at a household that doesn’t have children, then adds children, saying we spend the same amount at every income on those kids. The flaw is that spending is nonlinear.

He also misses out on with the relationship with income and consumption. There are income effects. We might move to the suburbs rather than maintaining a downtown residence.

Gary Becker did modeling on economics on families, and found it is not a simple relationship between having more income and deciding to have more kids.

The model gets more complicated.

Go to the Minnesota website. There will be more criticism. There are also data issues in that the expenditure survey: families enter it at different times. Someone might come in in February, and just have two months of lower quarters.

As far as food cost – Comanor says it is $500 year to feed one child.

If Comanor comes up in your state guidelines review, go to the Minnesota website. Think about the objective of child support guidelines: is it to provide minimum support or share in the income of the obligated parent?

Differences in state guidelines account – see the Journal of the American Academy of Matrimonial Lawyers. Jane wrote an article entitled, [Differences in State Child Support Guidelines Amounts: Guidelines Models, Economic Basis,](http://aaml.org/sites/default/files/MAT205_7.pdf)

[and Other Issues.](http://aaml.org/sites/default/files/MAT205_7.pdf)

**Elaine:** I echo what Jane says. What are the values you want your guidelines to reflect, minimum support or share in the standard of living afforded by the obligated parent when the obligated parent can enjoy a higher standard of living?

**Jane:** Moving on to the income imputation issue, CFR 45 302.56 and 303.4, where income to the extent known should be considered. You need to develop a factual basis.

Before income imputation, you might not see the financial statement, or the NCP may not appear for hearing. Some states impose a rebuttable presumption of an income floor, and also address the issue of non-definitive evidence of regular and consistent income.

When income is imputed, it is more likely not to be paid, and not to be paid consistently.

States with income floors:

* Arizona’s child support guidelines are in a court rule, but the state statute has a rebuttable presumption of full-time minimum wage earnings. So, the court cannot touch the statutory provisions when changing the guidelines.
* California has 2 different statute sections. Guidelines are in one section, and courts review the guidelines. If the obligor income history is unknown to child support agency, then his/her income is presumed to be minimum wage at 40 hours a week.
* South Dakota’s are all in the same package, in the guidelines, it says the parent is capable of full-time minimum wage earnings. South Dakota just changed this from 40 to 35 hours a week in order to address service sector employees who work fewer than 40 hours per week.

Other barriers also exist in statutes and rule. Income information is often limited. About a third of obligated parents have no data. Then you need to figure out if they are incarcerated or have social security. What do workers do when data is inconsistent from quarter to quarter?

At least 27% of those with quarterly wage data are not employed 37 hours a week, or are inconsistently employed.

There are three pillars of income imputation: wage rate, hours worked per week, 52 weeks per year: Hourly wage multiplied by hours worked per week multiplied by 52 weeks per year. A lot of the population is in and out of the labor market a lot, so 52 weeks per year is a struggle.

Is 52 weeks per year a reasonable assumption? Educational attainment means more work weeks per year.

As an example of information from state case file data, in 2015 in Missouri, income was imputed in 26% of the cases, and not imputed in 74%.

Jane is trying to get the data, but she feels there is a correlation between compliance rates and payment months.

Jane encourages everyone to use data.

Her final thoughts: Use a tiered approach. Encourage parents to provide information, get better and consistent use of alternative sources of income information, and imputation of minimum wage.

**Elaine:** As far as things to consider when imputing income, research shows that compliance is lower when orders are based on imputed income. (Note from MAW: Elaine cited a report by Passarella and Born, which I think [is “Who Pays Child Support: Noncustodial Parents’ Payments Compliance”)](http://www.familywelfare.umaryland.edu/reports1/paymentcompliance.pdf)) and a 2000 HHS OIG Report, which I think is, [The Establishment of Child Support Orders for Low Income Parents](https://oig.hhs.gov/oei/reports/oei-05-99-00390.pdf).)

Two key steps to determine income: gather information and use that information to determine income. There are many sources of information. Parents are a really critical source, but there are other sources of income as well, such as quarterly earnings, tax records, social security records, education, prior work history, assets, SSDI, SSI, TANF, SNAP, Medicaid, incarcerated or history of incarceration, and home address.

Home address: You always look it up to see who owns the house and the value of the house. You also have the zip code, so you can see the unemployment rate by zip code, employment rate by zip code. [Census Bureau American Fact Finder Advanced Search.](https://factfinder.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t) Compare these data to state averages. This is not conclusive, but may help determine the person’s situation.

Washington state slide – you can pull up map of unemployment rates by zip code.

How to use info to determine income. Three concepts – is there evidence of a discrepancy between the NCP life style and reported income, is there evidence the NCP faces barriers to employment, and is the NCP cooperating and willing to participate in services?

How often is income unclear to caseworker? She used survey data to determine which NCPs work full time, full year. She used [2015 Census Bureau’s Annual Social and Economic Supplement Survey (ASEC)](https://catalog.data.gov/dataset/current-population-survey-annual-social-and-economic-supplement). They ask respondents if they have children living elsewhere with the other parent. NCPs are underrepresented in the survey, and so Elaine reweights the data to match the sex, race, and child support receipt rate

Basic findings:

* How similar workforce status of NCPs were very similar to other men between 20 and 60. This is self-reported data.
* 40% of population has income that is less clear.
* 13% do not work the whole year. Excludes those who are institutionalized. Question is who is able to work.
* Employment barriers to males include health related problems, lack of a high school degree, criminal justice involvement.
* Men who are not in the labor force: Half of them self-report health related problems. Nearly half take pain meds daily and nearly two thirds take prescription medication. Among male NCPs who do not work the entire year 70% report a health-related problem. Among male NCPs who work part of the year, 23% report a health-related problem.
* There is a decline of number of men in workforce.
* Lack of a high school degree makes it harder to find and keep a full-time job. Of male NCPs who don’t work, 1/3 don’t have a high school degree.
* Criminal justice involvement. 25% of adults in the US have a criminal record per federal Bureau of Justice statistics. 70% of NCPs who participated in CSPED reported they have been convicted of a crime. Research shows that serving time reduces annual employment by 9 weeks and annual earnings by 40% according to the Pew Charitable Trust.
* Other research shows that if you have a history of incarceration, you are much more likely not to work the whole year.

Elaine’s closing thoughts: Many male NCPs face employment barriers. These include health related problems, no high school degree, history of incarceration.

If NCPs have an unclear income, but they show cooperation and are willing to participate, and there are no discrepancies between lifestyle and income, you might not want to impute.

**Bob Plotnick, Daniel J. Evans School of Public Policy and Governance, University of Washington**

So how realistic is it if you do minimum wage imputation: how many people actually earn that much? Over 35% of workers are actually earning less than that standard. Things haven’t changed very much over time.

In Washington, the minimum wage was $9.47, but the federal minimum wage is $7.25. Among low wage workers, most are not earning as much as an imputation of wages would assign to them. Using imputation wildly overstates the earning capacity.

(Note from MAW: Sorry I must have missed some of the Plotnick presentation)

**Looking upstream: Strategies for the future of child support**

Now that we’ve talked about the new regulations, OCSE’s vision, partnering with other agencies, talking about our program with the public, and changes in our caseload and how it affects our funding, let’s see if we can pull it all together to come up with some strategies to best position the program for the future.

Erin Frisch, IV-D Director, Michigan

Larry Desbien, IV-D Director, Colorado

Benidia Rice, IV-D Director, District of Columbia

Michele Cristello, IV-D Director, Massachusetts

**Benidia:** I’ve been thinking about child support. Whether I need staff or even a computer system. What about letting 50% of them go, and getting index cards and filing cabinet.

With the final rule, we need to call the NCP, and do a forensic audit, before I can even come into court room. How can a caseworker do mass processing? If they get through 5 cases a week, I’d be in the game. Do we need intake establishment workers? isn’t our establishment percentage good enough? Maybe we need to become a boutique – work the cases, get an order, don’t file civil contempt action. Do I need to go to court or just walk away? Admin enforcement tools work – income withholding, Child support Lien Network (CSLN), etc.

**Michele**: A lot of things we have been talking about is more about boutique and dealing with every case and every NCP issue, and how do we balance with CP issues. Do we need more people? Is this individual casework again? A lot of the new initiatives in MA we are dealing with small part of our population. It is working, and it is effective, but applications are not broad. We are focusing on how to get best outcome for every customer, and it is different for every customer. It is a rethinking of how we are doing business. We have an expensive new system, it is geared toward automating as much as possible to allow staff to focus on more specific cases and issues. Hard to do with resources we have.

**Larry;** In Colorado, we do too good a job of letting automated remedies work on our behalf. A manager in Colorado is trying to train a worker to how to engage parents. We need to provide training, provide staff and have them be more engaging. Remedies work well for good chunk of caseload, but not all cases.

**Michele:** An early intervention team in Massachusetts calls itself the welcome wagon. We had to hand select people to call people. This mentality needs to get to the rest of the staff. It is part of our business to call people.

**Benidia:** DC is struggling with hiring the right people to do the job. They need certain skills to talk to customers. Where do you go with the same type of job description? We need to rewrite the position descriptions to take these into account.

We have to do performance measures as well as communicate with NCPs and get them on the path to paying. We are looking at specialized collection teams. One team specializes in FIDM and the Child Support Lien Network (CSLN) and is an excellent communicator. This has resulted in significant increases in collections. You can teach child support, but you need good communication skills.

As far as workforce development, we are trying to hire people and set aside TANF money. We have advertised several times, but have found no one. Then, we spent a lot of money on the advertising process, and got a good crew of people. The Goal is to bring NCPs into alternative solutions center, which is a process for NCPs who have not made payment within 90 days, to come in, sit down, see if a review and adjustment agreement is needed, or if there are barriers to employment. We refer those people to community partners for assistance, and getting a job. We consider it a success, but it is a very small success with a great deal of resources committed.

**Michele:** In Massachusetts, it takes a lot of resources to get to a small number of cases. We have some resources to try to help people. We need to do more, but there are not enough resources. We are trying to leverage what others are doing. Massachusetts is trying to educate community-based organizations, but there is already a network doing similar work. We are trying to connect with them. We are trying to come up with ways to get to those people: they are the same people in everyone’s caseload.

We are also trying to get outreach in all of our staff members’ job descriptions, to make it more local, and to help staff remember why we do what we do. We are trying to be more empathetic and see things from our customers’ perspective.

**Larry:** Colorado does data sharing between child support, SNAP, and low income. A lot of people who come into the child support office are not even aware they could apply for SNAP or child care. Colorado is working on a 2 Gen Approach, helping them find resources that may help them, and taking a more holistic approach to families.

Child support workers don’t need to become experts in other programs, but they do need to facilitate those discussions and follow up.

**Benidia:** The workforce development piece is a real challenge to get people connected. You don’t always hear back. We built a database for Community-based organizations to keep track of programs that a person is in. This made it easier for community-based organizations to provide information to CSE.

We are struggling with cases without orders and are bringing CPs into the office to help get orders established. Most cases now without orders are TANF cases. There is a higher percentage of non-TANF cases with orders.

In the new fiscal year, we will be looking at the TANF caseload and non-TANF cases that walk in the door to establish a case. DC is totally judicial and the court requires the paternity affidavit to be signed by the CP. DC is working on a combined application with TANF applications to include a paternity affidavit. Benidia hopes it improves timelines and outcomes.

Collaboration with TANF, the Department of Employment Services, and the courts is always imperative. We want to work with reentry services to serve the reentry population. DC doesn’t have a prison system, so people go all over the country.

This is a lot of work. DC will try to build a more successful caseload, increase collections, and try to pinpoint cases that can be successfully collected or closed.

**Michele:** The new regulations will help with case closure, and help us focus on other cases we can be successful with. The declining caseload is becoming big issue in MA, but they are also now faced with decreasing collections. Compliance rates are up, but the caseload decline is affecting collections. This is not because they aren’t doing a good job. How do we market better to non-public assistance cases? This is part of changing the image and the branding. Massachusetts is working on changing its name to Child Support Services, not Child Support Enforcement. There are families out there: they are just not coming our way. We need to continue to be able to provide services to families.

**Larry:** One of our areas of focus in Colorado is to increase current support collections. Right now, we are at 64%. We are trying to understand why parents either pay the full amount or nothing. We are losing 10% of our payers each month. We want to reach out to parents, and find out if there are systemic issues. We want to make it more reliable for parents to pay child support. How to reduce the number of no-payers.

**Benidia:** The District caseload has decreased, the number of payors paying has increased, arrears payers have increased, but collections continue to decrease or remain static. With the TANF caseload, we went from $240 per month being average orders, but now the TANF average monthly order is $150, so there is just less money to collect with those cases. The number of cases with $0 orders is rapidly increasing child support groups. There is smaller pool of cases available for collections.

Workers got 7% increases in raises. The program expenditures increased, but collections did not. You keep trying to bring down costs and be cost effective, but you cannot change the amount of personal service dollars without decreasing staff. This is a difficult conversation.

**At this point, we broke down into groups to discuss these issues further. This is the discussion from our table:**

What are some strategies for non-payers? Who are people that are not signed up for child support services? That is important to know.

Maybe millennials are supported by their parents or are not needing support. A book called Evicted [(Evicted: Poverty and Profit in the American City by Matthew Desmond)](https://www.penguinrandomhouse.com/books/247816/evicted-by-matthew-desmond/9780553447453/) is very good. It is very terrifying. That and $2 a day [($2 a Day: Living on Almost Nothing in America, by Kathryn Edin and H. Luke Shaefer](https://www.goodreads.com/book/show/23719398-2-00-a-day)) is very good.

Lots of grandparents are taking care of children, and are not soliciting services. If we are collecting current support, what is the time frame from the time of the withholding order to the time of the first payment?

Not everyone is employed full- time. Large employers often use algorithms to decide how many hours you need to work. These are “Weapons of Math Destruction.” This is one of the perils of big data as you work way through socio-economic strata.

When you don’t pay regularly, do you think you have to pay all or nothing? All of remedies seem to be all or nothing.

What is fascinating to think about is in-kind support. How do you account for that in orders? For example, if I am unemployed, I can watch my child. This is a way to save on day care. If it is truly best interest of the child, buy tennis shoes or keep the CP’s car running. These things have value.

If parents agree on it, the NCP could do car repairs or take care of the kids. Why not allow people the flexibility to agree on an arrangement?

We have a history of mass production in child support. It is hard to get people to think in terms of individuals. There are a lot of systems set up to keep people apart rather than bring them together.

Given today’s economy, there are a lot of people who are unbanked and/or undocumented. You cannot order them to work. We need to get out of the paradigm that if it is not a dollar amount, there is no value.

For example, migrant workers might bring fresh vegetables to kids.

**Questions, Answers, and Ideas from the Audience:**

**Hal Carl:** What kind of situation results in $0 orders.

**Benidia:** Incarceration and self-support reserve. Also, we don’t impute income. The attorney has to do an incredible job in court in order to get an imputation. There is no income, nothing available. The NCP has had significant incarceration or has never really worked. We have a very high no-show rate, and we don’t do default orders.

**Hal:** Is there value to doing a de minimus order?

**Benidia:** We do, but that often comes back with zero.

**Eileen Stack:** We have a lot of $0 orders. If there is no income, there is no income. We are doing a project to see what are the quarterly wages, and digging further into annual income. We are looking at state tax information. We are trying to modify some orders upward.

**Benidia:** We are trying to get $0 orders up to a dollar amount if we can find income.

**Alisha:** This discussion is fascinating. Why not just close the cases if there is no income, and just do a $0 order? It diminishes your collection value, as it is the denominator. Performance goes down. Close the case, leave the door open. Why does it make sense?

**Eileen:** There is more opportunity now to clean up cases. What is the value of $0 orders and to what extent do they end up getting modified upward, or do they get closed?

**Denis Putze**: Nationally, we have looked at them.

**Kate Cooper Richardson:** If you have automated referrals, and don’t have an order, wouldn’t it just automatically keep referring. You would need to make automated system changes in order to do it.

**Benidia:** At one point it was a revolving door to court over and over, now they have $0 so you don’t have to keep going back to court. It depends on the program: which hit do you take?

**Erin:** In Michigan, there is a $0 order and no one wants to close a case. Set at $0 for automated tools to keep checking.

**Alisha:** It is different to modify an order to $0 vs. starting with a $0 order as there will be no arrears.

**Veronica Ragland:** I was the IV-D director for Arizona. This is a great conversation about the message that we are putting out to public given the reduction of caseload. We tried to educate the governor’s office and switch to dollars per case. We need to look at non-IV-D going forward. Pennsylvania make everyone IV-D. There is so much overlap and frustration when cases go back and forth between IV-D and non-IV-D. This is the Willingness vs ability to pay quadrant in stratification.

Do we need to look at the cost effectiveness measure? Maybe opt out the cost of the system.

**Maureen Leif:** We are curious about who are the potential clients who never come into IV-D system. Why are they not coming in? Is it a lack of program awareness or are millennials not coming in. We also talked about in-kind support vs. mass automation.

**Bob Williams**: There are two concepts – one is the imputed income minimum order if people have ability to work and there is no documentation of income, but then there is the $50 minimum (or whatever) for everyone else. The concept is people must support their children. Use a nominal amount until someone goes on SSI, for example, and will never be able to pay.

**Benidia:** For all of the states that have $0 orders, it is not because we are non-thinking people, but we find ourselves in this position, and are working to do our best within the political framework and the demographics. It is just a matter of where we are at this place in time.

**Jackie Scharping:** This is an interesting conversation. What about looking at the performance measures? Hasn’t the world changed? Should we be proactive and think about that?

**Craig Burshem.** We have had the discussion that performance measures are getting long in the tooth. Now is the time to talk about it, so we have an idea and come up with what we think it should be. Craig thinks there is whole group of folks not coming to us. Millennials view things differently. The NCP contributes when he can, takes the kid and so many women are in they workforce, they don’t rely on that income anymore. How do you make it so we are a different face than we have been?

**Laura Galindo:** We talked about more on the customer service situation. Our staff doesn’t have the interpersonal skills, and they don’t want to talk to people anymore. It will take time to get people back to talking with people. Laura used to do stipulations. Now it is just the attorney going to court. We have done it to ourselves. We’ve gone full circle. Will take us some time.

**Tanguler:** To piggyback off Jackie and Craig, this is the perfect opportunity to evaluate the formulas that go into performance measures. We need to take into consideration with how we connect. Based on a person’s circumstances, it is how a person relates and connects with program.

We need to focus on the customer’s experience with us.

**Alisha:** Picking up on Craig’s point about millennials. It is also a matter that we are not very millennial friendly. Texting, communication, mobile apps. It has to be a multi-tiered strategy to connect with families. They might need things like parenting support. We need to rethink our business model.

**Carol Eaton:** In Iowa we did a study on the declining caseload (Iowa State University, declining in public assistance, etc. People are waiting longer, the out of wedlock birth rate is declining, and there is more support from families. We are not as needed as we used to be.

Case closure worries her a bit because closing cases may be harmful.

**Dennis:** Regarding performance measures, OCSE had workgroups, but the states didn’t want to change it. On the caseload decline, in most periods the orders have bene increasing. Only recently have orders started going down.

**Kate Richardson:** Our table talked about cultural shifts and our workers talking more to people, but there is also a shift away from contempt. How do we change that approach, and how do we hire, not just retrain, for the skills we need, and for the culture shift?

**Eileen:** We were talking about this in the context of the new rule. How we do that outreach to millennials? If they don’t pick up the phone, return calls or open the mail, how do we determine if we interact? Communication is so different. It may be on the portal, updating and providing information. We need to think about that.

**Erin:** We are always thinking about money, but with technology you can track other things. What about facilitating transactions that are not just financial transactions? Can I partner with Amazon, create a CP registry, and dad can provide something other than paychecks? Can we look at ways technology can connect people – workers to folks, folks to each other.

**Kathy Sokolik:** We need to think about the instances where we do harm. For example, we need to rethink automatic credit reporting for low income obligors. This keeps them from getting jobs, housing, etc.

Eileen: That is a great point.

**Veronica:** Do we need to look at giving the NCP a choice about needs that he is willing to fund. The number 1 reason after NCPs walking out of court hadn’t paid is they lacked the ability to pay. The number 2 reason is they are not confident as to how the money would be spent.

**Alisha:** Reflecting back on David Stillman’s presentation, poverty has not gone down in America. The author, Cathy Edin, said more people are living under the grid. Our model, our government program, is driving them away. We have to think differently about how we do business.

**Yvette:** What concerns me is that we are getting antiquated and can’t meet people’s needs, and if we cannot meet their needs, what is our purpose? I don’t want to whine, but the importance of organizations like NCCSD is that we can get together as a large group. We have so many issues from state to state regarding who is going to take the case. The federal government can get a lot of help from organizations such as ours because legislation is necessary, so we need to think together as a large group as to what we need to get rid of and what we need to pass.

**Mara:** As an organization, we are going to get a new commissioner from the new president. We are uncertain to where we are going.

**Erin:** We need to begin action planning now. We need to think about what is actionable.

Wally McClure: We need more nimble systems.

**Chad Dexter:** We need to make sure we are at the table with leaders and outside parties that we impact including Department of Corrections, Medicaid, and TANF.

**Jim Fleming:** We should lay low for a while in order not to jeopardize the 66% funding by drawing attention to ourselves. We’d like to see the OCSE report to Congress that is still not finished.

**Donna Bonar:** That report is sitting there, but it depends on the new commissioner buying into every single thing in that report. There is also reimagining at HHS. There is a longer plan.

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Hosted by Trisha Thomas and Erin Frisch