

Child Support Report

OFFICE OF CHILD SUPPORT ENFORCEMENT

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A year after the *Turner v. Rogers* U.S. Supreme Court decision



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Child support professionals and other stakeholders in the program heard a panel of experts on June 20 who discussed why and how the child support program is responding to the *Turner v. Rogers* Supreme Court decision issued one year ago. Attendees filled the auditorium in the Washington, DC, Hubert H. Humphrey building, while 400 tuned in via webcast. (You can view a [videocast](#) of the entire panel presentation.)

The *Turner v. Rogers* decision held that the due process clause of the 14th Amendment does not necessarily require a state to provide counsel to an unrepresented custodial parent facing the possibility of incarceration in a child support civil contempt proceeding if the state has “in place alternative procedures that assure a fundamentally fair determination of the critical incarceration-related question, whether the supporting parent is able to comply with the court order.” The Supreme Court found that in order to hold an unrepresented noncustodial parent in civil contempt, the court must make an express finding on the record that the noncustodial parent has the ability to pay based upon the individual facts of the case.

George Sheldon, Acting Assistant Secretary for Children and Families (ACF) (*at the podium in the photo below*), presented at the forum along with (*from right*) Vicki Turetsky, OCSE Commissioner; Alan Houseman, Executive Director of the Center for Law and Social Policy; Pamela Lowry, Administrator of the Illinois Division of Child Support Enforcement; Diane Potts, Illinois Deputy Attorney General; Richard Zorza from the Self-Represented Litigation Network; and Dan Olmos, Department of Justice Access to Justice Initiative Senior Counsel/White House Domestic Policy Council (moderator).

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Acting Assistant Secretary Sheldon spoke about the important partnership between ACF and the Department of Justice. Commissioner Turetsky pointed out that the Turner case gave the program an important opportunity to examine policies and practices related to contempt procedures that lead to jail. She discussed the child support program's Family-Centered Initiative that supplements standard enforcement efforts by encouraging child support agencies to link parents to additional services that will ultimately lead to more reliable child support payments and a better relationship between parent and child.

"Through family-centered services, our program can help to reduce barriers to payments and improve outcomes for children as we connect parents with the other positive services," said Commissioner Turetsky.

Pamela Lowry and Diane Potts, the panelists from Illinois, shared the state's innovations prompted by the Turner case,

including improvements in court proceedings for parents who don't have attorneys, and easy-to-read notices and forms. As a result, civil contempt referrals have declined from 500 to just over 100 per month, they explained.

"What is the role of the federal government?" asked the moderator.

"Partnership," said the Commissioner. "We look to state agencies and courts to dialogue and to influence [the federal office] as well as each other. That has been our practice. ... We also seek out partnerships with other federal agencies to collaborate on issues and on grants" that will expand our work in newer directions of the program, including family-centered services.

Commissioner Turetsky encouraged child support agencies to read OCSE's [new fact sheets](#) that offer state practices, and policy documents. (*See details below.*)

New OCSE guidance and PAID fact sheets

In the aftermath of the *Turner v. Rogers* U.S. Supreme Court decision, OCSE issued new policy guidance addressing procedural due process safeguards that states should have in place in child support contempt proceedings and alternatives to incarceration.

The OCSE policy guidance is on the website in an [Action Transmittal](#) and an [Information Memorandum](#).

Child support agencies may also find helpful four new fact sheets on the OCSE website. The fact sheets share research and innovations to improve services to noncustodial parents and encourage child support payments.

The fact sheets fall under the category of the Project to Avoid Increasing Delinquencies (PAID), the national child support program's long-running project to increase collections on current support and arrears.

See the fact sheets on the OCSE website:

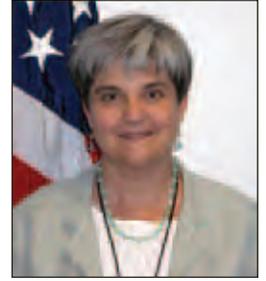
[Establishing Realistic Child Support Orders: Engaging Noncustodial Parents](#)

[Providing Expedited Review and Modification Assistance](#)

[Access to Justice Innovations](#)

[Realistic Child Support Orders for Incarcerated Parents](#)





Two U.S. Supreme Court decisions

June 20 marked the one-year anniversary of the U.S. Supreme Court decision in the *Turner v. Rogers* case. (See story on page 1.) Mr. Turner, the noncustodial parent, was ordered to pay \$51.73 per week in child support. Over the course of several years, he was held in civil contempt for nonpayment and incarcerated a number of times.

After the last hearing, Mr. Turner appealed. He alleged that his constitutional rights were violated. He argued that the due process clause of the 14th Amendment required the state to provide him with appointed counsel in a civil contempt hearing that could lead to incarceration. Neither the custodial parent nor the state child support program was represented by an attorney at the hearing.

In *Turner*, the Supreme Court held (based upon the circumstances in his case) that a state does not necessarily need to provide counsel to a defendant in a child support civil contempt proceeding, as long as the state provides adequate procedural safeguards. The Supreme Court said that due process does require an express finding by the state court that the noncustodial parent has the ability to pay the purge order based upon the individual facts of the case. Last month, I issued policy guidance for state child support agencies implementing the *Turner* decision and information about alternatives to incarceration.

As a result of the *Turner v. Rogers* decision, state child support agencies and courts are examining their civil contempt procedures. The goal is not to eliminate contempt procedures in cases where it may be appropriate, but instead to implement fair and cost-effective procedures that assure that families receive reliable child support payments, improve fairness and access to justice for parents without an attorney,

and reduce the need for jail time. Incarceration may indeed be appropriate in those cases where noncustodial parents can afford to support their children but willfully evade their parental responsibilities by hiding income and assets. However, jail is not appropriate for noncustodial parents who do not have the means to pay their child support debts.

The first step to reducing the need for contempt hearings is to set accurate child support orders. The research is clear that setting realistic orders based on actual income can actually improve compliance, increasing both the amount of child support collected and the consistency of payment. The research says that compliance falls off when orders are set above 15 to 20 percent of a noncustodial parent's income.

On June 28, the U.S. Supreme Court upheld the Affordable Care Act. For the 30 million Americans who don't yet have health insurance, this law will offer an array of quality, affordable, private health insurance plans to choose from starting in 2014. Those who can't afford insurance will get tax credits that make coverage affordable.

Already, 34 states including the District of Columbia have received 100 percent federally funded grants to set up health insurance marketplaces, known as exchanges, which will allow individuals and small businesses to compare and choose private health plans. Each state will take the lead in designing its own menu of options. In the child support program, we know that our medical child support responsibilities are evolving. We look forward to working with child support professionals in the coming months and years to develop medical child support policies that complement state health care policy decisions and work for families.

Vicki Turetsky

'Interoperability' grant opportunity

State human services agencies (including the District of Columbia, Guam, Puerto Rico and the Virgin Islands) have until August 17 to apply for an Administration for Children and Families competitive grant opportunity, [State Systems Interoperability and Integration Projects](#).

How can interoperability help states? Interoperability means that two or more systems or components are able to exchange information, which leads to better technical

decisions, as well as decisions that consider social, political, and organizational factors that affect a program's performance. Technology has the power to improve customer service as well as help break down information silos among state-administered human services programs, and with other programs.

Take a look at the [interoperability initiative](#) webpage to learn more about interoperability and the grant opportunity.



Rekindling collaboration between OCSE and the Office of Family Assistance

By John Langrock
OCSE

OCSE and the Office of Family Assistance (OFA), both within the HHS Administration of Children and Families, have long partnered on various projects to improve services to families. The two agencies also have a legal connection: Families who receive Temporary Assistance for Needy Families (TANF) automatically receive child support services.

TANF cash assistance provides a safety net for very low-income parents and their families, and child support is responsible for moving custodial-parent families out of poverty. In 2008, Census data indicated that child support lifted more than 1 million people out of poverty. And a 2005 MDRC report, using national Census data from The Survey of Income and Program Participation 1996-2000, found: “Women who leave welfare are more likely to receive child support than those who stay on welfare. Among those who receive child support, leavers on average receive higher amounts than stayers, with the result that child support makes up a higher fraction of family income.”

Further, according to an Urban Institute study “[Child Support Plays an Increasingly Important Role for Poor Custodial Families](#),” conducted by Elaine Sorensen, child support payments represent on the average 10 percent of poor custodial family income. For those poor families who actually receive child support, the payments represent 40 percent of annual income. And for deeply poor custodial families, the child support payments represent 63 percent of annual income.

Overlap in families served

The two agencies find another connection in that they serve many of the same families. Most families in the child support program either receive or have received TANF. Fourteen percent of the nationwide child support caseload (15.8 million) receives current assistance, while 43 percent of the cases are former TANF recipients.

A study titled “[How has the TANF Caseload Changed over Time](#),” conducted by Pamela J. Loprest of the Urban Institute, found that the national caseload declined by 55 percent between 1997 and 2011, but specific state caseload reductions ranged from 25 to 80 percent. Contributing to this positive trend was federal policy and regulation that has



been enforced since the 1996 Personal Responsibility and Work Opportunity Reconciliation Act. This federal law was responsible for a fundamental shift in both the method and goal of federal cash assistance to the poor.

The bill added a workforce development component to welfare legislation, encouraging employment among the poor. The approach imposed work requirements on TANF recipients and demonstrated the critical need for collaboration between child support and cash assistance programs in order to empower families to achieve self-sufficiency. Consequently, the early stages of the welfare reform featured guidance promoting cooperation between local TANF and child support agencies to fulfill their common mission of family empowerment and supporting this focus on work requirements.

Reengaging through grants

In the same spirit of these initial efforts to assist custodial parents (mainly single mothers) in obtaining employment, we now have the opportunity to reengage with OFA through its FY 2011 grants designed to further assist low-income families to achieve self-sufficiency and stability. OFA awarded \$150 million for responsible fatherhood and healthy marriage grants (\$75 million to each) each year for a three-year project period beginning Oct. 1, 2011.

Leaders from OFA and OCSE are forging a partnership to once again fulfill the shared mission and commitment to engage low-income families (both custodial and nonresidential parents) in a broad array of services. OFA expects that the FY 2011 grant projects will include marriage and relationship education, with an emphasis on activities to promote job and career advancement, and services to promote responsible fatherhood, parenting and economic stability. The funding opportunity announcement specifically recommended that projects incorporate a “community-centered approach” and suggested they collaborate with local child support agencies.

OFA awarded funds to 120 grantee sites under the FY 2011 announcement and 78 sites either have signed, or are about to sign, a Memorandum of Understanding with their local child support agency.

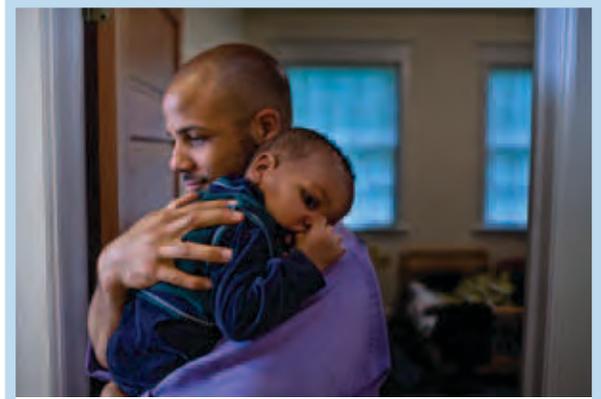
For further information on this OCSE and OFA collaboration, please contact john.langrock@acf.hhs.gov in OCSE or the program manager of the region where the OFA grantee resides.

White House honors Joseph T. Jones for fatherhood work

Last month, the White House Champions of Change program honored Joseph T. Jones, founder and president of the [Center for Urban Families](#) in Baltimore. Jones was recognized for his “tremendous work in the fields of fatherhood and low-income men and boys.” In a [blog](#) on the Champions of Change website, Jones reflects on being a father, the role of responsible fatherhood, and the work of his organization.

On the occasion of receiving the award, the *Child Support Report* asked Jones to comment:

“The Child Support and Responsible Fatherhood communities play significant roles in the lives of children. These two communities may appear, to some, to approach their work from different perspectives and in some cases even as adversaries. While providing services to low-income dads is essential, engaging the child support community is necessary to give dead-broke dads the tools to be successful in managing their child support obligations. As a Champion of Change, it is my belief that all children benefit from a father who is emotionally and financially responsible, and to assist in bringing those systems together in order to create this change.”



New White House report: Promoting Responsible Fatherhood

A new White House report summarizes the Administration’s accomplishments in “Promoting Responsible Fatherhood.” It features the child support program’s Family-Centered Initiative, including competitive grants to implement employment programs for noncustodial parents and involvement in reconnecting homeless veterans with their children. The report also announces plans to make child support waivers available under section 1115 of the Social Security Act.

DFAS website – useful military resource

As the United States winds down its military presence in Iraq and Afghanistan, child support agencies are seeing an influx of cases involving military members. The Department of Defense (DoD) offers websites for and about the military population that child support agencies may find helpful. One is the user-friendly [Defense Finance and Accounting Service](#) (DFAS) website about military pay, disposable income, and related matters for child support agencies.

A tab on the DFAS homepage for [Find Garnishment Information](#) leads to a page with a tab for Child Support and Alimony. The Garnishment page also links to [Child Support Enforcement Agency Information](#), which includes a DFAS Quick Guide and DFAS eIWO Programmer’s Guide.

DFAS provides payroll for all military (including active duty, reserve, retired and activated National Guard members), as well as DoD civilians (except the Coast Guard, under the Department of Homeland Security). It implements child support orders, remitting payments for about 200,000 child support garnishments per month.

DFAS has taken over payroll responsibility for several other federal agencies such as HHS, the Department of Veterans Affairs, the Environmental Protection Agency, the Broadcasting Board of Governors, and the Department of Energy. The VA and HHS submit their own new hire and quarterly wage reports.



Clark County, Nevada, social work project reaches parents who are homeless, disabled

By **Camina Stevenson**
*Clark County, Nevada, Office of the District Attorney
Family Support Division*

Some of the most difficult and challenging child support cases involve noncustodial parents who find themselves unable to pay monthly child support due to chronic homelessness, physical disabilities, severe mental health issues, learning disabilities, or a combination of these and other barriers.

Many parents who are homeless and disabled are also entangled in the lengthy and complex process of applying for Social Security benefits, but are repeatedly denied for various reasons, such as their inability to provide sufficient medical evidence of the severity of their disability or lack of access to medical care altogether.

Despite having the desire to comply with child support obligations, noncustodial parents struggling with these issues are often so overwhelmed by the struggle of daily life while fighting for disability benefits, they don't even know where to begin.

Hiring a Social Worker

To respond to this need for Social Security assistance and advocacy, the Clark County Office of the District Attorney, Family Support Division, employed a licensed social worker to perform essential case management services only for these cases involving child support obligors with a permanent medical disability and nowhere to turn.

The primary goals of the social worker in coordinating the project are to: 1) Obtain legitimate medical closure on those cases where the noncustodial parent is permanently disabled and will be unable to pay support for his or her minor child(ren); 2) facilitate increased SSI and SSDI approvals in appropriate cases via organizational assistance to the noncustodial parent in documenting his or her claim; 3) obtain SSDI income garnishments; and 4) establish and obtain auxiliary SSDI benefits for the noncustodial parent's child(ren) in lieu of child support in cases where the noncustodial parent is permanently disabled.

Once a case is referred, the social worker contacts the noncustodial parent to schedule an appointment and offer case management services. These may include assessments of basic needs, income and assets; referrals for temporary medical coverage, free mental health evaluation, or



Clark County Family Support Division social worker Camina Stevenson (left) with project case manager Orlean Diaz. July 12 marked the project's two-year anniversary.

resources with community partners; screenings for substance abuse or learning needs; assistance with getting copies of medical or school records to strengthen an SSA claim; identifying permanently disabled parents versus those with the ability to work; and assistance with completing the SSA disability and work history reports and filing SSA requests for reconsiderations and appeals.

Two years, 900 parents

Since the July 2010 launch of the social work project, more than 900 homeless and disabled noncustodial parents were referred for assistance to obtain food and housing resources, temporary medical coverage, and aid with pending or denied Social Security applications.

Of these referrals, 155 were guided through the process to obtain medical records to qualify for medical closure (based on federal criteria), which prevented further accrual of child support arrears for the parent medically unable to pay support. Also, some children were able to receive a SSDI auxiliary benefits, a source of support that may not have otherwise been available to them.

Noncustodial parents who are homeless and disabled and have multiple child support cases with high, outstanding balances with little to no payment history are targeted for assistance through the S.O.A.R. (SSI/SSDI Outreach, Access and Recovery) model. This effort has successfully helped

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more than 20 noncustodial parents obtain approval of Social Security benefits who may have otherwise given up.

One parent's example

One noncustodial parent, Mr. H, owed over \$100,000 in child support arrears and had never once made a child support payment over the past 11 years. His children were all emancipated, yet because he struggled with chronic homelessness after suffering from a traumatic brain injury, Mr. H had no way to support himself, no place to live, and no means of repaying his child support debt. The attorney on the case referred him to the social worker who quickly learned that Mr. H had applied for Social Security numerous times over the years, but was always denied.

After connecting him to resources for medical care and a free mental health evaluation, sufficient medical records were obtained to secure a favorable decision from Social Security and to close the child support case based on

federal criteria. Mr. H expressed immense gratitude for the assistance through the child support office. "I am shocked the child support office would help me like this. You really are the good guys!"

Staffing the project

Project staff consists of one licensed social worker, one case manager specializing in medical closures, and one part-time clerical assistant. The social work team is able to accept about 40 case referrals per month from other case managers or attorneys within the organization, which creates another avenue for these medical disability cases.

Having a licensed social worker to provide case management services on the most difficult cases means that cases will not sit, uncollectible, with no hope for the disabled child support obligor, the custodial parent, or their children.

For further information, please contact Susan Gibson at Susan.Gibson@ClarkCountyDA.com or 702-671-9265.

Media Matters

Virginia parents offered waiting rooms with a view

Nearly a year ago, the Virginia Division of Child Support Enforcement (DCSE) equipped each of its 21 child support offices and satellite offices across Virginia with a monitor for showing videos that would educate, inform and engage customers in the lobby while they wait for appointments.

Media specialist Krista Hutchins has since produced, written, recorded and edited 13 videos to air on those monitors, and other members of the communications team have designed publicity to accompany the videos. Hutchins' 13 original videos focus on strengthening families, honoring fathers, and educating customers about some frequently asked child support questions. Here are links to six of the videos:

[Strengthening Families](#) shows DCSE's involvement in the state's Strengthening Families Initiative, as it helps to reconnect noncustodial parents with their children, establish paternity, and provide helpful alternatives to incarceration for noncustodial parents.

[Paternity Quiz](#) offers a fun and interactive way to test parents' knowledge about how paternity is established.

[Giving Thanks](#) is an upbeat musical montage on the little things that are important to children.



Virginia child support director Nick Young with media specialist Krista Hutchins

[One Person Makes a Difference](#) shows small ways to make a difference in a child's life.

[Financial Quiz](#) not only stresses the importance of being financially literate, but also includes a short video about where clients could get free tax preparation throughout the state.

[What is Family?](#) highlights some of those simple things that make a family strong, secure and successful.

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In addition to the original 13 productions, the child support offices have run six other videos that encourage strengthening families and show the importance of having both parents involved in a child's life. "We have received positive feedback from our district offices about the videos," says Hutchins, who plans to continue to produce and share videos with the wider child support community.

DCSE posts the current monthly video on its [website](#). For further information, contact krista.hutchins@dss.virginia.gov or phyllis.sisk@dss.virginia.gov.



Screenshots from the Virginia videos shown in waiting rooms



Virginia Director Nick Young gets Governor's award



On July 2, Virginia Governor Bob McDonnell announced the recipients of the Governor's Public Service Awards at a ceremony at the Executive Mansion. The awards highlight state employees who have shown an exemplary degree of service and dedication to the Commonwealth of Virginia. The press release reads:

The Career Achievement Award was presented to Nathaniel "Nick" Young, Department of Social Services

Nick Young has significantly elevated Virginia's Child Support Care Enforcement Program on the national stage. He has garnered positive attention and brought millions of additional incentive dollars into the Commonwealth as a result of his outstanding program performance. Nick has worked with Virginia families to maximize economic independence, safety and stability. He also partnered with the Office of the Attorney General to stop the illegal activity of private child support collection agencies, which ultimately returned illegally diverted child support funds back to children.

Media Matters

West Virginia: *Texting 1, 2, 3*

Just over two years ago, the West Virginia Bureau of Child Support Enforcement began sending text messages or emails to notify custodial and noncustodial parents of a processed payment. As of June, 6,951 custodial parents and 823 noncustodial parents subscribe to the service.



Child Support Report



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