

Working with Incarcerated and Released Parents:

Lessons from OCSE Grants and State Programs

Resource Guide



Department of Health and Human Services
Administration for Children and Families
Office of Child Support Enforcement

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Executive Summary

Local, state and federal agencies are developing programs to assist with successful reentry for the thousands of people being released from state and federal prisons each year (more than 650,000 in 2003). The majority of inmates in state and federal prisons are parents with children under the age of 18, and many of them have formal child support obligations. Although the proportion of incarcerated noncustodial parents (NCPs) in state prisons is roughly five percent of the child support caseload at any one point in time, the cumulative impact is much higher, as demonstrated by Washington State's findings that 31 percent of its "hard to collect from" caseload has a criminal records.

There are several reasons why Child Support Enforcement Agencies (CSE) and the Federal Office of Child Support Enforcement (OCSE) are seeking effective methods of working with incarcerated and recently released parents and with reentry programs. One is the large number of parents in the child support caseload with a criminal background. Another reason is the likelihood that their children are recipients of public assistance and are vulnerable to a variety of negative outcomes. A third reason is the fact that these parents are accessible in prison settings and respond positively to outreach efforts by child support personnel. Finally, the growth in child support arrears, which exceeded \$107 billion in Fiscal Year 2005, 16 to 18 percent of which is held by incarcerated and recently released obligors, is yet another persuasive reason for agencies to direct attention to programs for incarcerated and released noncustodial parents (NCPs) and to attempt to help them better meet their family responsibilities.

This report examines the findings of ten demonstration projects funded by OCSE in nine states and jurisdictions (California, Colorado, Illinois, Massachusetts, Minnesota, Missouri, Texas, Washington and Washington, DC) that addressed issues related to incarceration and child support. The projects, conducted over a six-year period, were funded by OCSE through a number of grant cycles. They were selected to examine various issues and objectives of interest to OCSE, and do not represent a single "incarceration initiative." Some projects focused on the process of working with incarcerated parents and the barriers and opportunities for CSE outreach. Other projects were more outcome-orientated. This report presents the common threads and lessons learned from a series of discrete projects, rather than an evaluation of projects as a unified whole.

In addition to examining the ten demonstration projects funded by OCSE, this report describes some promising state and local child support agency efforts. All demonstration grant findings and state and local practices are organized in six major topic areas: 1) partnerships and collaboration; (2) identifying inmates and parolees with child support issues; (3) procedures to inform inmates about child support; (4) exploring modifications for offenders; (5) programs and procedures for working with paroled/released parents; and (6) addressing child support arrears.

To facilitate replications in other settings, we include promising project examples and contact information for project staff. We provide practical advice and suggestions on how child support agencies can amend their programs to be more effective with this population. Attached are brochures and various forms that projects have used successfully.

Below is a brief summary of the report along with promising practices developed by state and local child support agencies and implementation tips.

Partnerships and Collaboration: Pre-release and reentry programs for incarcerated and released offenders are, by necessity, collaborative efforts involving a wide range of state agencies and community-based organizations. Child support agencies find that collaboration with criminal justice agencies, such as Departments of Correction and parole offices, are critical when working with incarcerated noncustodial parents, as are partnerships with the courts.

Promising Practices and Implementation Tips

- Child support and correctional agencies benefit by exchanging information about the shared population through matching automated databases. (CO, MA, TX)
- Basing child support personnel in criminal justice facilities is an effective way to work with Department of Correction (DOC) staff and meet with individual inmates who have child support cases. (MA)
- Child support staff find that making regular presentations about child support to inmates is appreciated by facility staff and incarcerated parents. (CO, IL, MA, TX,WA)
- Child support agencies find it beneficial to train corrections personnel on child support issues and regulations, and provide them with child support

brochures and forms to distribute to inmates who are parents. (CO, IL, MA, TX, WA)

- Effective Memoranda of Understanding (MOU) between CSE and criminal justice agencies list what each agency agrees to do, such as designate staff who are responsible for coordinating the program, exchange relevant information on individuals who are in the agencies' caseloads, and arrange for child support staff to meet periodically with inmates with child support cases. (MA)
- Child support agencies that include key judicial personnel in planning and implementing programs for incarcerated and released noncustodial parents find this to be a beneficial partnership. (IL, TX)
- Judges and court masters appreciate having child support presentations at state court conferences, so that they are informed of the child support circumstances that inmates face and the growth of arrears during incarceration. (TX)
- Child support agencies have been successful in working with courts to design simplified modification requests and affidavits that are accepted as a substitute for a personal appearance at court hearings. (MA, Hennepin County, MN)

Identifying Inmates/Parolees with Child Support Issues: The most efficient method of identifying noncustodial parents in prison settings is through an electronic match of the caseloads of the child support agency and the DOC population. However, as useful as data matches may be, they usually do not include individuals incarcerated in county jails or other types of residential and community facilities, and they may yield outdated information on incarceration status and release dates.

Promising Practices and Implementation Tips

- A useful set of information pulled from an electronic match with DOC will contain the name, date of birth, and Social Security number of the inmate; inmate identification number; current facility address; date current incarceration began; and earliest projected release date. (CO, MA, TX)

- It is helpful for the child support agency to regularly receive a log of individuals incarcerated in the county facility if the facility is not equipped to conduct automated data matches. (Hennepin County, MN)
- In some states, DOC staff have agreed to include questions about children and child support obligations on intake forms or in interviews that are part of the diagnostic and classification process used with incoming inmates. (IL, MN, OR)

Procedures to Inform Inmates about Child Support: Research shows that incarcerated noncustodial parents often enter prison with current monthly obligations and arrears. Unless there is communication between a child support worker and an incarcerated noncustodial parent with an established order, the obligor may not know that his order is continuing, or that he has the option to request a modification. To alert inmates that they need to make such requests or take other steps to address their child support, a number of state and local child support agencies have developed methods of informing inmates in prison and jail settings about child support.

Promising Practices and Implementation Tips

- A video providing child support information is one of the most efficient methods of presenting child support information to people in prison or jail. It can be shown in a variety of settings, such as in the reception centers that process all incoming inmates, and in pre-release programs. (MN, NH, OR, TX, WA)
- Some jurisdictions are printing brochures with common questions and answers on child support and distributing them to case managers and intake workers at prisons and jails. A simple form for inmates to complete to request case specific information can be included. (CO, TX, WA)
- It may be possible to publish short informative articles about child support in prison newsletters and to include agency contact information. (TX)
- Child support agencies find that prisons and jails are receptive to a team of child support workers making general presentations on a regular basis, and meeting individually with inmates who request services regarding their child support cases. (CO, IL, MA, TX, WA)

- Although placing a child support worker in a corrections facility may not be feasible, another approach to promoting communication with inmates is to install a phone line within the CSE agency to accept collect phone calls from inmates. (Hennepin County, MN)

Exploring Modifications for Offenders: Incarcerated NCPs have a variety of child support case types and only a portion are eligible for a modification. Typically, the modification (or review and adjustment) process is lengthy and cumbersome (three to seven months) and responses to inmate requests are highly variable. But the results of a modification for an incarcerated or released obligor can be considerable, decreasing current support amounts up to 75 percent and substantially limiting the growth of arrears balances. Several states and local jurisdictions have developed streamlined approaches to handling modifications for incarcerated noncustodial parents.

Promising Practices and Implementation Tips

- Communication with incarcerated noncustodial parents appears to improve when the child support agency uses simplified notices and forms, and includes self-addressed, postage-paid envelopes with all communications. (Los Angeles County, CA, IL, MA, Hennepin County, MN, WA, Milwaukee County, WI)
- The modification process can be streamlined, as demonstrated by the Milwaukee CSE agency. The agency sends a form with simplified language and a postage-paid envelope to both parties, notifying them that the order can be suspended during incarceration. When the noncustodial parent signs and returns the form, the case is submitted to the court for approval. A court hearing is held only if the custodial parent objects. (Milwaukee County, WI)
- Los Angeles County has developed an expedited process for modification which uses a passive format requiring an objection by either party to stop the process. Both parents are notified at the same time of the plan to modify, and in the absence of an objection the case is entered into an expedited court calendar for automatic approval. (Los Angeles County, CA)
- Several child support agencies have an arrangement with the courts for an affidavit signed by the incarcerated noncustodial parent to substitute for his appearance during a court hearing for a modification. (MA, Hennepin County, MN)

- In many cases, modifications for orders held by incarcerated obligors have language that returns the orders to pre-incarceration levels 60 or 90 days after release, allowing the agency to resume pre-incarceration assessments without requiring the NCP to attend a hearing. (CO, OR, Milwaukee County, WI)
- Some states will reduce an order of an inmate with little or no income to a minimum level of \$20 to \$80 per month (MA, TX). A few jurisdictions permit reduction of a child support order to \$0 or establish a reserve order and reset the amount after the parent is released and working, that will accurately reflect the earning level of the inmate, and help prevent the build up of arrears. (IL, OR)

Programs and Procedures for Working with Paroled/Released

Parents: While newly released obligors typically face substantial financial pressures, including child support, released and paroled NCPs are often reluctant to work with the child support agency. Several of the demonstration projects (CA, CO, DC) tested methods of providing child support services to released offenders enrolled in a reentry program by designating child support liaisons to work with the project or placing child support workers at the program site.

Although employment is a key factor in the successful reentry of a released offender with a child support obligation, rates of employment and earnings are low among this population. Results from two OCSE grant projects (CO and TX) confirm what we would normally expect -- that parents coming out of prison who are employed and earning regular wages pay more child support than do their counterparts with no earnings. While paying less than 50 percent of what is owed, the payment rates of ex-offender/noncustodial parents are comparable to those observed for low-income NCPs in other programs that offer help with employment and child support.

Employment programs that emphasize “soft skills” appear to be of limited utility in helping released and paroled offenders become employed. More promising approaches include job training opportunities. Three of the OCSE grant projects (Imperial Valley, CA, CO, Washington, DC) offered a mix of services to paroled and released noncustodial parents using a one-stop shop/case management model. Other state and locally-initiated projects also offered one-stop and other work design programs.

Promising Practices and Implementation Tips

- Incarcerated parents respond positively to child support outreach. Outreach can be an important component of pre-release reentry programs in helping inmates make a successful transition. (IL, MA, TX)
- The one-stop shop is an effective model of service delivery for released and paroled offenders who typically have limited transportation resources. (Imperial Valley, CA, CO, Washington, DC)
- In **Baltimore, Maryland**, CSE is partnering with a one-stop career center that serves released offenders. The center is funded by the Workforce Investment Board, the Mayor's Office of Employment, and private foundations. Clients have access to job readiness and occupational training, and assistance with job search and placement. The child support worker, who is based in the center, reviews cases and arranges for paternity tests and the release of a driver's license when an obligor becomes employed.
- A transitional job program for released offenders, such as the **Center for Employment Opportunities (CEO) in New York City**, can be a highly useful partner for a child support agency. Transitional job programs provide subsidized work experiences through day labor, while requiring that clients undergo job readiness training with subsequent job search activities in the private sector. CEO works closely with the New York City child support agency to establish appropriate wage withholdings for clients.

Addressing Child Support Arrears: Noncustodial parents typically enter prison owing a substantial amount of child support arrears that increases dramatically in the absence of order modification. Even when orders are modified, most inmates do not earn enough to pay their monthly obligations. One grant project (WA) included an element of arrears adjustment for noncustodial parents in prison, and the OCSE project inspired another state (MA) to develop a flexible policy regarding settlement of arrears. In addition to helping states reduce their balances, this type of action is believed to encourage payment of current support by accurately reflecting the ability of the NCP to pay.

Promising Practices and Implementation Tips

- Routine modification activity for obligors in criminal justice settings is a way of reducing the accumulation of uncollectible arrears. (CO, IL)
- Establishing a realistic policy to adjust or settle state-owed arrearages that accrued during incarceration, as is the case in Massachusetts and Washington, is another approach to addressing arrears. (MA, WA)

Certain questions about the reentry process for offenders remain unresolved and require further study. Child support agencies want more information on the costs and benefits of allocating resources to cases involving inmates, modification practices that work, and the effectiveness of reentry programs. Nevertheless, there is sufficient evidence to indicate that by incorporating a number of specific steps into their program, agencies can construct an effective child support approach to working with this population. These steps are listed in the box below.

Building Blocks for a Successful Child Support/Incarceration Program

When creating an effective child support program to deal with incarcerated parents, the state or local CSE agency:

- Conducts periodic automated data matches with DOC and other criminal justice agencies in order to identify inmates with child support involvement and their release dates.
- Works with DOC to include questions about children and child support involvement in diagnostic, classification, and orientation programs used with incoming inmates.
- Involves top-level administrators of collaborating agencies in the planning and implementation of the program.
- Offers information or training to correctional staff at a variety of settings (*e.g.*, prisons, county jails, halfway houses, juvenile facilities, community corrections, and parole and probation offices).
- Establishes procedures for the agency to respond to queries from inmates and trains CSE staff on issues related to incarceration of NCPs.

Building Blocks for a Successful Child Support/ Incarceration Program (continued)

- Communicates with incarcerated parents using presentations, videos, printed materials, simplified forms, and postage-paid envelopes for all communications.
- Fosters judicial involvement by informing judges and court masters about the issues of child support and incarceration, and inviting them to take part in workgroups designed to study policies and procedures affecting incarcerated NCPs, including modifications.
- Collaborates with correctional staff to include child support presentations in prison-based parenting classes and pre-release programs.
- Collaborates with one-stop community-based reentry programs that provide assistance to released/paroled NCPs with employment, housing, family reintegration, and other barriers to reintegration.
- Develops procedures to respond to modification requests filed by incarcerated NCPs in a timely fashion.
- Simplifies modification request forms and designs a passive format to move the process forward, unless objected to by either parent.
- Considers incarceration to be a sufficient change in circumstances to warrant modification of the child support obligation.
- Develops a policy to settle or reduce arrears that accrued during incarceration.
- Promotes practices to assist inmates with successful reentry, such as exempting a portion of an inmate's savings account from garnishment for child support, or allowing a released obligor 60 to 90 days to find employment.

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Chapter 1 Introduction

Large numbers of people are released from state and federal prisons each year (more than 650,000 in 2003), and local, state and federal agencies are seeking strategies for their successful reentry (Harrison and Beck, 2005). The majority of inmates in state and federal prisons are parents with children under the age of 18, indicating that responsible parenting should be included in the various elements that comprise reentry programs (Mumola, 2000). Inmates coming out of prison, including parents, have serious needs for services related to education, finances, vocational training, mental health, and substance abuse treatment. Community organizations and government agencies, including child support agencies, are sponsoring a broad range of initiatives and research projects to address the barriers to successful offender reentry (Re-Entry Policy Council, 2005). For an overview and discussion of key reentry research relating to offenders and ex-offenders with family responsibilities, see the 2006 companion report entitled, “Incarceration, Reentry and Child Support Issues: National and State Research Overview,” which can be found on the website of the Federal Office of Child Support Enforcement (U.S. Department of Health and Human Services, 2006).¹

A review of reentry programs finds that some address family responsibilities through prison-based parenting classes, work programs, and faith-based projects (U.S. Department of Health and Human Services, 2006). *Long Distance Dads* is an example of a widely-used parenting-skills program designed for incarcerated fathers.² Other reentry projects focus on post-release employment training and family reintegration processes. For example, the U.S. Department of Labor is funding the Ready4Work Initiative, a three-year program designed to generate successful reentry and reduce recidivism through the provision of case management, job training and placement, soft skills development, and mentoring services to individuals. Most reentry programs emphasize collaboration among criminal justice agencies, other state agencies, and the private sector.

For several years, the Federal Office of Child Support Enforcement (OCSE) and researchers in the child support community have been exploring effective strategies to address the specific child support matters related to

¹ <http://www.acf.dhhs.gov/programs/cse/index.html>

² The majority of noncustodial parents are fathers, and the majority of incarcerated parents are male. Therefore, we will sometimes use the term “father” or male pronouns when referring to the generic incarcerated parent.

incarceration.³ The trend reflects pressure on child support administrators to improve program performance in order to qualify for a larger share of incentive payments and a realization that the incarcerated caseload affects agency performance.

Although the proportion of incarcerated noncustodial parents (NCPs) in state prisons is only about 5 percent of the child support caseload at any one point in time, the cumulative impact is much higher. Indeed, Washington State estimates that 31 percent of its “hard to collect from” caseload (having open child support cases with arrears of \$500 or more and no payment in the previous six months) has a criminal justice record (Peters, 1999). A review of the characteristics of inmates and released offenders (*e.g.*, low educational achievements, lack of job experience, history of substance abuse) suggests that those with child support obligations will often have difficulty paying monthly support and arrears. It is likely that their children are recipients of public assistance and are vulnerable to a variety of negative outcomes (Griswold et al., 2004a; Travis, 2005). Customer service interventions by child support agencies to this portion of the caseload clearly constitute “core business.”

Another reason for directing attention to programs for incarcerated and released noncustodial parents is the growth in child support arrears, which exceeded \$107 billion in Fiscal Year 2005 (Office of Child Support Enforcement, 2005). There is no national study showing the portion of these arrears held by incarcerated and released obligors, but research from several states suggests that it is substantial. For example, a 2001 study in Colorado found that roughly 18 percent of total Colorado child support arrears were owed by individuals who were incarcerated or had a criminal justice history (Thoennes and Pearson, 2001). Similarly, a 2000 data match between Massachusetts DOR/CSE and DOC found 1,270 inmates in state prisons with arrears totaling \$22 million, or 16 percent of the state’s total arrears balance (Griswold *et al.*, 2004a). Not counted in these figures are inmates with arrears in county or federal facilities.

To explore methods of effectively working with this population, OCSE funded ten Section 1115 and Special Improvement Project (SIP) demonstration grants in nine states and jurisdictions (California, Colorado, Illinois, Massachusetts, Minnesota, Missouri, Texas, Washington and Washington, DC) that address issues related to incarceration and child support. The projects, conducted over a six-year period, were funded through a number of OCSE grant cycles. They were selected to examine various issues and objectives of interest to OCSE, and do not represent a single “incarceration initiative.” Some projects

³ Our discussion concentrates on individuals who are incarcerated as a result of a criminal conviction and who also have child support obligations, rather than on noncustodial parents who are jailed or imprisoned because of non-payment of child support.

focused on the process of working with incarcerated parents and the barriers and opportunities for CSE outreach. Other projects were more outcome orientated. This report presents the common threads and lessons learned from a series of discrete projects, rather than an evaluation of projects as a unified whole.

Descriptions of the projects and references to their final reports are found in Appendix A, and an overview of the research approaches and outcomes is located in Appendix B. Appendix C contains contact information for the grantees. Of the ten projects under review (Colorado conducted two projects), all but one were designed specifically to work with incarcerated or released noncustodial parents. The California project served low-income noncustodial parents, about half of whom were released offenders. Table 1 lists the grantees responsible for conducting the projects, the names of the projects and their general goals, the dates of the projects, and the approximate number of participants whose cases are included in analyses of outcomes. Not counted are the thousands of inmates who attended a general child support presentation or a family reintegration session in Illinois, Massachusetts, Texas and Washington, but did not sign up for, or receive, more intensive project services.

Table 1. States/ Jurisdictions Conducting OCSE-Funded Projects Dealing with Incarcerated/Paroled NCPs, Goals, Dates of Projects, and Numbers Served		
Grantee / Purpose of Project	Dates	Clients
California - Imperial Valley Regional Occupational Program (IVROP) Project: Project Dads Goals: Assist NCPs to obtain training and employment, pay child support, and increase parent-child contact.	1/01/03 – 5/31/04	42
Colorado Division of Child Support Enforcement (CSE) Project: Testing a Modification Process for Incarcerated Parents Goals: Develop procedures and policies for incarcerated NCPs with monthly support obligations, including order modifications.	1999 – 2001	898
Colorado Division of Child Support Enforcement (CSE) Project: Work & Family Center Goals: Through creation of a one-stop service center, increase employment and earnings of released/paroled NCPs, modify orders to fit their earnings, and promote family contact.	1999 – 2002	350
Illinois Division of Child Support Enforcement (DCSE) Project: Father Reintegration Project Goals: Develop methods to inform inmates about child support, an expedited modification process for incarcerated NCPs, and a model of collaboration between relevant agencies.	9/30/02 – 9/30/04	190
Massachusetts Department of Revenue, Child Support Enforcement (DOR/CSE) Project: Fathers in the Criminal Justice System Goals: Develop collaborative procedures between criminal justice and CSE agencies and methods of working with incarcerated/paroled NCPs, including adjustment of current support orders.	9/30/00 – 2/28/04	1,200+

Table 1 (continued). States/ Jurisdictions Conducting OCSE-Funded Projects Dealing with Incarcerated/Paroled NCPs, Goals, Dates of Projects, and Numbers Served		
Grantee / Purpose of Project	Dates	Clients
Minnesota Child Support Enforcement Division and Hennepin County Child Support Division (HCCSD) Project: Intervention Strategies for Working with Low-Income Non-Custodial Parents in Minnesota Goals: Investigate strategies to avoid accumulation of additional arrears while an NCP is incarcerated.	3/01/01 – 7/31/03	102
Missouri Family Support Division (FSD) Project: Fathers for Life Goal: Provide opportunities, resources, and supports to promote responsible fatherhood among incarcerated fathers.	9/30/01 – 9/30/03	400+
Texas Office of Attorney General, Child Support Division (OAG/CSE) Project: Family Reintegration Project Goals: Develop strategies to increase child support payment, employment, and family reintegration among incarcerated and released NCPs through collaboration among child support, corrections, and CBOs.	9/30/02 – 2/29/05	317
Washington, DC – STRIVE DC Project: The Father Factor Program Goals: Provide fatherhood development and increase skills to make released NCPs more employable.	3/01/01 – 9/30/02	82
Washington Division of Child Support (DCS) Project: Joint Agency Collection Project Goal: Study outreach methods to assist incarcerated and released NCPs to improve their child support payment and employment rates.	3/01/01 – 7/31/03	1,472

In this report, we discuss the demonstration projects with respect to the following major topic areas:

- Development of partnerships and collaborations among the participating agencies;
- Processes to identify inmates/parolees with child support involvement;
- Procedures to inform inmates about child support;
- Development of simple processes for handling offenders’ modifications;
- Programs and procedures for working with paroled/released parents; and
- Policies and practices addressing arrears held by offenders.

The outcomes of the grant projects listed in Table 1 are discussed throughout this report under various topical headings. More information about the grant projects is provided in a chart outlining the target audience, research

objectives, evaluation data, and key outcomes of each project, located in Appendix B.

In addition to examining the demonstration projects, this report describes some promising state and local child support agency efforts. While the listing of state and local initiatives is not comprehensive, it does reflect the range of promising efforts that have been undertaken. We conclude with a discussion of program changes generated by the projects and considerations for child support agencies with regard to programs for parent-child contact, agency resources, modification practices, and the effectiveness of reentry programs. A list of the basic components for a successful child support/incarceration program is also provided.

Chapter 2 Partnerships and Collaborations

Out of necessity, pre-release and reentry programs for incarcerated and released offenders are collaborative efforts, involving a wide range of state agencies and community-based organizations. Table 2 shows the range of collaboration undertaken in the OCSE grant projects. In the following pages, we look closely at two important kinds of collaboration: collaborations developed among the child support and criminal justice agencies (*e.g.*, Departments of Correction, county jails and parole offices), and collaborations between CSE agencies and the courts. Information about other types of partnerships is found in the final reports for specific projects (see Appendix A).

Table 2. Collaborating Partners of Grantee Agencies in OCSE-Funded Projects					
CSE Grantees	Criminal justice agencies	Courts	Employment services	Other state agencies	Community based services
Colorado CSE	X				
Illinois DCSE	X	X	X		
Massachusetts DOR/CSE	X				
Minnesota DHS and HCCSD	X	X			
Missouri Family Support Division	X		X	X	X
Texas OAG/CSE	X	X	X		X
Washington CSE	X			x	
Collaborating Partners of Non-CSE Grantee Agencies in OCSE-Funded Projects					
Non-CSE Grantees	Criminal justice agencies	Courts and/or CSE	Employment services	County agencies	Community based services
California: Imperial Valley Regional Occupational Program		X	X	X	X
Washington, DC: STRIVE-DC	X	X	X	X	X

Collaboration with Correctional Agencies

In the OCSE projects, successful collaboration between child support agencies and state prisons, county jails⁴, and parole boards took several forms, including the following:

- Child support and correctional agencies exchanged information about the shared population through matching automated databases (Colorado, Massachusetts, Texas).

⁴ State prisons typically house inmates serving longer sentences than do county jails, but systems for incarceration of convicted criminals vary by state.

- Child support personnel were placed in criminal justice facilities to work with DOC staff and meet with individual inmates (Massachusetts).
- Child support staff made regular presentations about child support to inmates and parolees (Colorado, Illinois, Massachusetts, Texas, Washington).
- Corrections case managers and staff were provided with child support brochures and forms to distribute to inmates who were parents (Colorado, Illinois, Texas, Washington).
- Child support staff made arrangements for genetic testing at prisons and other criminal justice facilities (Illinois, Massachusetts, Texas).
- Child support staff conducted individual interviews with inmates regarding their child support cases (Illinois, Massachusetts, Minnesota, Texas, Washington).
- DOC and parole board staff were trained on child support procedures (Colorado, Illinois, Massachusetts, Washington).
- The state CSE and DOC agencies, in partnership with the Department of Labor and the courts, created a center to provide child support and employment services to released parents with child support involvement (CO).

In addition, many state and local child support agencies have developed collaborative efforts with their correctional agencies as one component of a broad outreach program. They include the following:

- **New York:** The child support agency trains all Department of Correction Services inmate counselors on the impact of child support on incarcerated noncustodial parents and supplies corrections facilities with printed child support information to include in the reception packet that all new inmates receive. The agency collaborated with the Department of Corrections to produce a responsible parenting video for screening in state prisons.
- **New Jersey:** The child support agency has a Memorandum of Understanding (MOU) with the Department of Corrections to conduct a Responsible Parenting Program in a corrections facility for women and in five halfway houses.

- **Illinois:** Since 1997, Illinois DCSE and the Department of Corrections have signed MOUs to allow CSE workers into state prisons to operate the *Paternity Establishment Program (PEP)*.
- **Arizona:** In Maricopa County, the CSE outreach worker goes into jails and state prisons in the area to make general child support presentations, and to meet with incarcerated noncustodial parents upon request.

Although collaborations can be established informally, agencies find there are benefits for outlining some of the structural details of the partnership in a formal agreement, or a Memorandum of Understanding (MOU). To prepare for the project *Fathers in the Criminal Justice System*, Massachusetts DOR/CSE signed Memoranda of Understanding with DOC, the state Parole Board and the Suffolk County House of Correction. Over the life of the project, staff negotiated numerous MOUs with other county and community correction facilities, and they continue to develop new agreements, although the project has ended.

Promising Practices - Memoranda of Understanding

The **Massachusetts** DOR/CSE Criminal Justice Initiative team, now a special unit of the agency, utilizes Memoranda of Understanding to develop good working relationships with administrators and staff from numerous county and state facilities and the Parole Board. These agreements are structured to formalize a system to enforce child support among inmates and parolees who have obligations, to provide parenting education to the target populations, and to exchange relevant information on individuals who are in the agencies' caseloads. The Memoranda call for each agency to designate a "point person" who will be responsible for coordinating the action plan. The agreements also spell out what information the correctional organization will convey to child support on all inmates for matching purposes. A sample MOU, drafted for a county sheriff's office, is located in Appendix D.

Collaboration with the Judiciary

Illinois and Texas collaborated with the judiciary in planning and implementing their demonstration projects. In each state, key judicial personnel were invited to serve on the Advisory Committee for the project.

In Illinois, court personnel at the Expedited Child Support Division of the Cook County Circuit Court anticipated that modification hearings involving incarcerated noncustodial parents would take longer than usual and began to schedule cases for project participants for time slots that allowed for longer

proceedings. As a result of planning and communication between the child support agency and the court, the hearings were successful, and the outcomes were regarded as satisfactory. During the project, 63 participants (roughly two-thirds of those who were eligible) requested a modification. While a few cases (13%) were still pending when the project ended, 44 percent were granted a modification, while 43 percent were closed and the request was dismissed, typically because the noncustodial parent failed to appear in court or was remanded to prison.

The *Father Reintegration Project* in Texas worked with the courts on several levels. A Title IV-D court master attended a number of the state jail presentations in Houston with the child support team in order to explain court procedures to the inmates. Additionally, the project manager presented information on incarceration and child support and the growth of arrears to Title IV-D associate judges at a regularly scheduled, annual state conference (see “Promising Practice” box below). Finally, child support personnel from Houston and El Paso worked closely with the judges and IV-D court masters who heard the cases of project participants.

Two other grant projects worked with agency attorneys to design affidavits that would be accepted by judges as substitutes for the appearance of incarcerated noncustodial parents in court hearings. The Massachusetts project and the Minnesota/Hennepin County CSE project crafted an affidavit, to be signed by the incarcerated father, which serves as his testimony in a child support hearing (see Appendix E for a copy of the Massachusetts affidavit). This procedure avoids the expense and security issues associated with bringing inmates into court or arranging for them to be present by telephone or video conferencing.

Promising Practices - Working with the Judiciary

In **Texas**, OAG/CSE personnel led a workshop on the subject of child support and incarceration during the 2004 state Judicial Conference in Austin. It was attended by 42 Title IV-D associate judges, who were given a national compilation of state Supreme Court decisions, state laws and policies, and articles reviewing past and ongoing research on the topic of incarcerated parents and child support (Center for Policy Research, July 2004). A panel, representing the Texas Department of Criminal Justice (TDCJ), the OAG/CSE, and the Family Court of Houston, discussed the issues surrounding incarcerated parents with child support obligations and compared the policies and practices of Texas OAG/CSE with those of other states.

Additionally, the OAG created an interagency workgroup that includes a IV-D associate judge to examine policies and practices for incarcerated NCPs.

Implementation Tips for Collaboration

- Successful collaborative projects among child support agencies, the courts, and criminal justice agencies require the involvement and support of top-level administrators over a long period of time. Program managers and department supervisors should also be included in planning and installing the project at each agency.
- Cross-training sessions with staff from collaborating agencies are important so that people are exposed to the missions and regulations of each participating agency regarding confidentiality, security, and accepted procedures.
- Formal agreements, such as MOUs or contracts that spell out each agency's responsibilities, will help the project run smoothly.

Chapter 3

Identifying Inmates/Parolees with Child Support Issues

The most efficient method of identifying noncustodial parents in prison settings is through an electronic match of the caseloads of the child support agency and the DOC population using common identifiers such as Social Security numbers and dates of birth. Depending upon the parameters set by the CSE programmers, the agency can identify all inmates with child support involvement, including those who need paternity and/or an order established and those with established orders. Armed with this information, the CSE agency is then able to focus its intervention with inmates on paternity and order establishment and/or order modification. Data matches that include projected release dates may be used to alert child support workers to modification actions that are needed when inmates return to society. Following are examples of the information yielded in data matches run at several OCSE demonstration sites:

- Colorado: A 2001 match of data maintained by DOC and CSE identified roughly one-fourth (26%) of inmates in state prisons with a release date of more than six months away and 28 percent of parolees as having active child support orders (Griswold, Pearson and Davis, 2001).
- Massachusetts: In 2003, data matches were run among DOR/CSE and DOC, Suffolk County House of Correction, and the Parole Board. The match identified 2,351 inmates in DOC facilities with at least one open child support case, representing 26 percent of the DOC population (Griswold *et al.*, 2004a). The Suffolk County House of Correction and Parole Board data matches found 399 inmates and 775 parolees with open cases.
- Texas: A data match run in July 2004 between the OAG and the three state jails taking part in the project identified 534 inmates with active child support cases. This number represented 13 percent of the population of the three facilities at any time in 2004. The match did not include fathers with child support cases needing paternity or support orders established; thus, the percent of the population with child support involvement was likely higher than the number pulled up from the match.

As useful as DOC and CSE data matches may be, they usually do not include individuals who are incarcerated in county jails, residential substance abuse treatment centers (RSAT), or other types of community corrections facilities. Additionally, each state DOC system varies in how quickly a released inmate is removed from the database. Thus, the match may yield outdated

information on incarceration status and release dates. Finally, when exchanging information with correctional institutions, child support agencies have learned that some inmates use aliases or false Social Security numbers or dates of birth, making identification via databases problematic.

Promising Practices – Data Matches

Massachusetts DOR/CSE conducts monthly data matches with DOC, the Parole Board, and numerous counties to identify inmates with any involvement with the child support agency. Staff estimate that within three weeks of receiving the match information, they have reviewed the inmate's case and decided on a course of action.

The **Hennepin County CSE** intake and enforcement workers in Minnesota who are assigned the cases of incarcerated NCPs receive information from the monthly match conducted by the state DCSE with DOC, and also receive a daily log of individuals incarcerated in the county facility.

Implementation Tips for Identifying Incarcerated NCPs

- A useful information listing pulled from an electronic match with DOC will contain these elements:
 - Name of inmate
 - Date of birth
 - Social Security number
 - Inmate identification number
 - Current facility address
 - Date current incarceration began
 - Earliest projected release date
- In some states, DOC staff include questions about children and child support obligations on intake forms or in interviews that are part of the diagnostic and classification process used by state prisons with incoming inmates.

Chapter 4

Procedures to Inform Inmates about Child Support

Research shows that incarcerated noncustodial parents often enter prison with current monthly obligations and arrears. An analysis of 213 incarcerated parents with court orders to pay child support in Colorado in 2001 found that they owed an average of \$269 per month for current support and arrears (Griswold, Pearson and Davis, 2001). On average, noncustodial parents in Massachusetts prisons went to prison owing \$10,543 in unpaid child support, some of which might have been accrued while they were previously incarcerated (Thoennes, 2002).

Unless a noncustodial parent entering prison with an established order notifies the child support agency of his incarceration and subsequent lack of income, there is little chance that he will learn of the option to request a modification. To alert inmates that they need to make such requests, a number of state and local child support agencies have developed methods of informing inmates about child support in prison settings. Oregon offers information about child support responsibilities to people when they first enter prison; other states (Kansas and New Jersey, for example) provide the information as inmates are preparing to reenter society. Massachusetts provides information at all stages of incarceration and release. In addition to making general presentations to groups of inmates, some agencies provide case specific information to those with orders and arrears.

The following are some of the methods of outreach that were used in the OCSE projects. Information about how to request a modification was usually part of the presentations.

Videos: One of the most efficient methods of presenting child support information to people in prison is through a video. The Washington State project developed a 10½-minute video that provides general information about child support issues, explains the importance of having a child support order that is based on the actual income of an NCP, encourages the viewer to seek employment after release, and gives directions on contacting the child support agency and the state employment agency. During the project period, the video was seen by approximately 10,000 inmates, 30 percent of whom were believed to have child support obligations (Washington State Department, 2003).

New Hampshire, Minnesota, Oregon, and Texas have also produced child support informational videos for incarcerated parents. One agency

representative who was interviewed cautioned that child support videos need to be updated periodically to reflect changes in state procedures and regulations.

Brochures and printed materials: The Texas OAG/CSE created a brochure with common questions and answers on child support and contact information for child support offices throughout the state. This brochure is reprinted in Appendix F. An initial printing of 100,000 brochures was done; the brochure is given to inmates during the intake process they undergo when entering a Texas correctional facility. Texas also publishes a monthly child support column in the state criminal justice newsletter that is circulated in state prisons and jails. The outreach coordinator reports that these columns generate hundreds of letters from inmates who want information about their child support cases. In Colorado, the state Division of Child Support Enforcement collaborated with a panel of community organizations to produce a handbook for parents in prison. The book includes information on child custody issues and child support. This publication, which includes modification request forms, has been distributed through prison libraries, parent education classes, and prison case managers (Bosley *et al.*, 2002). Washington Division of Child Support has a brochure, “Dealing with Child Support Issues When You are in Prison,” that is available online at the agency’s website and is distributed by staff when they are conducting outreach to prisons and jails.⁵ During the grant project, this brochure was sent to every inmate who corresponded with the agency.

Implementation Tips for Videos, Brochures, and Printed Materials

- If possible, use inmates or released offenders in the video who reflect the ethnic and racial composition of the prison population. The use of actors or racially unrepresentative inmates will make the video less credible. Using inmates typically requires release forms and permission from DOC.
- Arrange with DOC administrators for the video to be shown in a variety of settings: during intake orientation sessions, at regular prison facilities, and during pre-release programs.
- Check on the rules of the correctional facilities regarding materials to be distributed. Some facilities do not allow materials with staples or certain kinds of binders.

⁵ <http://www1.dshs.wa.gov/dcs/index.shtml>

Implementation Tips for Videos, Brochures, and Printed Materials (continued)

- Arrange to place the printed materials in prison libraries and provide copies to prison staff (e.g., case managers and parenting skills instructors).
- Explore publishing informative child support articles, written at a literacy and language level appropriate for less-educated inmates, in statewide prison newsletters.
- Print brief Q&A sheets and brochures to be distributed to all incoming inmates.

Live presentations: Five of the OCSE-funded grants (Colorado, Illinois, Massachusetts, Texas, and Washington) explored sending staff to make child support presentations or meet individually with inmates. Although the grant has ended, Massachusetts continues to base a CSE worker in the DOC main intake facility, which processes all incoming inmates before assigning them to a state prison facility. The worker makes presentations on child support during orientation sessions and then interviews individual inmates who self-identify or are identified through a data match with DOC as having child support involvement. Upon request, the worker also helps the parent file a *pro se* modification application. The DOR/CSE outreach team continues to visit state prisons, county jails, and other criminal justice facilities regularly, offering the same services.

The Colorado outreach effort involved teaming a child support staff person with an attorney who was knowledgeable about child support and child custody. The two spoke about these issues to groups of inmates in a number of state facilities, answered general questions, and directed inmates with specific questions to contact their own child support office. The Texas OAG/CSE office in Houston continues to send a team of child support staff to three state jail facilities every other week to give general child support information to groups of new inmates, and during alternate weeks to meet with individuals who request specific information about their cases.

Washington State's Experience with Live Presentations: The demonstration project conducted by Washington State produced unexpected outcomes with regard to the effectiveness of a child support worker meeting one-on-one with an inmate. Working with two groups, the project tested a "low-effort" outreach method of interacting with incarcerated parents through the use

of a video and distribution of child support brochures and forms, and a “high-effort” method that added in-person visits to the treatment. Both approaches were designed to inform the inmates of the option to request a modification or reduction of arrears. When appropriate, child support staff made specific recommendations for action, such as suggesting the noncustodial parent seek a modification to reduce the order level, a conference board to request that some of the arrears owed to the state be written off, or a hearing to recalculate the order level. The necessary forms were attached to the recommendations.

Of the 92 noncustodial parents who met in person with DCS staff (the high-effort group), 68 percent responded to recommendations and returned documents to request a modification or forgiveness of back child support. At the end of the project, these noncustodial parents were compared to a random sample of 60 noncustodial parents in the low-effort group who saw the video but did not meet in person with DCS staff, and who responded by sending in forms and documents. The low-effort group had better outcomes than the high-effort group who met with the child support worker.

- The low-effort group reduced their order amounts on average by 36 percent, compared to an average decrease of 23 percent for the high-effort group.
- Similarly, the low-effort group had decreased average arrears amounts of 18 percent, while the high-effort group had decreased arrears of 4 percent.
- The payment rates of released noncustodial parents followed the same pattern: the low-effort parents improved their payment rate from 18 percent to 26 percent, while the payment rate of the high-effort parents went from 16 percent to 18 percent.

Noting that the study did not provide sufficient evidence for drawing firm conclusions about the two approaches, project analysts suggested there is a need for further studies with larger groups of inmates in each treatment group, and for the studies to be conducted over a longer period of time (Washington State Department of Social and Health Services, 2003).

State and Local Outreach Efforts: Other states and county child support jurisdictions also conduct outreach by sending staff to make presentations and meet with inmates or providing child support materials to DOC staff. A sample of such activities follows:

- Wisconsin: As a way of sharing the costs of outreach, Milwaukee County and four other Wisconsin counties alternate sending teams of workers to state prisons.

- Kansas: A CSE worker gives a presentation during a pre-release reintegration program for people within one year of release in one state prison. Kansas does not recognize incarceration as justification for modification, so the worker provides information about community and employment resources, legal services, and steps for obtaining food stamps following release.
- New York: The state provides child support materials to DOC facilities for their reception packets given to incoming inmates.
- Oregon: The state child support agency initiated the practice of making child support information available to newly incarcerated inmates, as discussed below in the “Promising Practices” box.

Promising Practices – Informing Incarcerated NCPs about Child Support

To encourage newly incarcerated NCPs to address their child support obligations at the beginning of their sentences, the **Oregon** Division of Child Support combines several outreach techniques. The agency incorporated a video about child support procedures into the orientation sessions given at the Oregon Corrections Intake Center, where all incoming inmates are first sent. DCS staff also provides counselors in the Intake Center with child support program information, request for modification forms and postage-paid envelopes, and contact information to local DCS offices. This approach informs inmates of steps they can take to address their obligations while reducing the need for a continual presence of a child support worker.

Implementation Tips for Informing Inmates about Child Support

- Assign specific CSE staff to make regular presentations at correctional facilities so that a relationship can be established between CSE staff and inmates and DOC staff.
- Arrange for collect phone calls from inmates with child support cases to be accepted by the CSE agency.
- Be sure that CSE staff follow through when they tell inmates and DOC staff of the steps they plan to take.

Chapter 5

Exploring Modifications for Offenders

In this section, we examine the practices of child support agencies regarding modification (also termed “review and adjustment”) requests from incarcerated noncustodial parents, and the impact of modifications on incarcerated or released obligors. Twenty-one states find that incarceration is insufficient to justify the elimination or reduction of an existing child support obligation and that imprisonment constitutes a form of “voluntary unemployment” (Pearson, 2004). Other states view incarceration as one factor to be considered when determining whether to reduce or eliminate a support obligation. Still others say incarceration is sufficient to justify modification or elimination of an existing order.

When incarceration is recognized as a valid change in circumstances, a few states (Massachusetts and Texas, for example) may modify the order to a standard minimum amount, such as \$50 to \$80 per month. A few jurisdictions (Milwaukee County and some Colorado counties) suspend the order and block accrual of arrears. Still other states, such as Illinois and Florida, may decide to establish a \$0 order or establish a reserve order and reset the amount after the parent is released and working.

Modifications pose particular problems for incarcerated noncustodial parents and the child support agency. If the parent has questions, can he afford to telephone a child support office? How can the parent appear at a court hearing? What if the parent is released before the review is completed? The modification process tends to be cumbersome and drawn out for any noncustodial parent, regardless of whether he is incarcerated. The Minnesota/Hennepin County project found that, on average, the modification process took 219 days, or roughly seven months, from the time the request was received to the final determination. Similarly, the Massachusetts project found that a modification took, on average, 7.2 months to complete. In the Colorado demonstration project, a modification took an average of 3.1 months, with half the cases still being processed when the project ended after six months. Even though the Illinois demonstration project developed a streamlined process to handle modification requests, the average amount of time from the filing of the request to the hearing and modification was almost four months.

Several demonstration projects (Illinois, Massachusetts, Minnesota, and Washington State) worked to simplify the modification process for incarcerated noncustodial parents by creating user-friendly forms, streamlining the steps at

the child support agency, and working with the courts to expedite the process. Brief descriptions of these efforts are provided.

- Illinois: DCSE tested a streamlined process for responding to residents of pre-release work centers who requested a modification that involved multiple agencies. To speed up the process, when the NCP submitted a financial affidavit along with his modification request, the review activities (such as verifying information and calculating arrears) were put on a “fast track” by the workers, and the Attorney General handling the case worked closely with the court to file the motion and schedule a prompt hearing. One administrative hearing officer was assigned to hear all of the inmate modification requests. When the project ended, 63 requests for modification had been reviewed. Of these, 44 percent were approved, 43 percent were closed or dismissed for a variety of reasons, and 13 percent were pending.
- Massachusetts: DOR/CSE personnel go to prisons and assist inmates to complete the paperwork for a *pro se* application for modification. For offenders who will be released within a year, the agency files the application with the court but does not request a hearing until the NCP contacts the agency following release. At the hearing, the agency recommends that the order be modified to reflect the obligor’s current ability to pay support and that both the order amount and the arrears be adjusted back to the date of the modification request. For offenders with sentences that exceed 12 months, DOR/CSE schedules a court hearing immediately, with the affidavit signed by the NCP substituting for his appearance in court. During the project, 560 requests for modification were accepted for review. At the end of the project, 64 percent of those submissions were still in the review stage. Of the 203 requests which were resolved, 90 percent were awarded downward modifications from \$50 to \$80 per month.
- Minnesota: The CSE agency for Hennepin County created simplified forms, contact letters, and affidavits to inform incarcerated parents and help them with requests for modification. The agency provided postage-paid, self-addressed envelopes to noncustodial parents and dedicated a phone line to accept collect calls from them. Additionally, during the project, one enforcement staff member was assigned to serve as the primary point of contact for incarcerated parents. The grant has ended, but the project is continuing, with staff notifying incarcerated noncustodial parents they can request a modification, and enclosing simplified forms. Of the 72 requests for a modification that were submitted during the project, 50 percent were approved and 31 percent

were denied for a variety of reasons. At the end of the project, 19 percent of the requests were pending.

- Washington: DCS produced a short child support video to be shown to new inmates at the DOC reception center. The video includes information about the form used to contact the Division of Child Support (DCS) and the state Employment Security Department for additional information. After each showing of the video, DOC staff offered the contact form to all attendees. When contacted, DCS sent the noncustodial parent case-specific information, a recommendation for actions to pursue, and the forms necessary to initiate the recommendation. DCS sent recommendations to 1,476 inmates, and 36 percent responded with completed paperwork. Information regarding the total number of modifications requested or processed is not available.

Results of Modifications

An important element of some of the demonstration projects was to examine the results of a modification for the incarcerated or released obligor.

- Using a sample of inmates for analysis, Washington found that current support order amounts decreased by 27 to 75 percent for inmates who requested and received a modification. The payment rate of released inmates increased from 16 to 18 percent during the 12 months before incarceration, to a rate of 18 to 26 percent in the months following their release.
- In Illinois, after receiving a modification, noncustodial parents in the project then owed on average a monthly obligation of \$88, which included current support and arrears or delinquencies. By comparison, those in the project who requested but did not receive a modification owed an average of \$193 per month in combined current support and arrears/delinquencies. Although the average payment made in the six months following program enrollment by those who received a modification did not increase over the payments made six months prior to incarceration, it is expected that the modifications will translate into reduced levels of arrears accumulation over time.
- An analysis of child support records for Massachusetts in 2001 found that the absence of modification activity leads to dramatically higher arrears balances for incarcerated noncustodial parents. Simulations showed that if inmates retain their child support order levels and serve their full sentences, their arrears balances will rise during their incarceration by an

average of 23.5 percent in a short-term, county facility and 194 percent in a state prison.

State and Local Efforts Regarding Modification

In addition to the demonstration projects mentioned above, Oregon, Milwaukee County, and Los Angeles County have developed streamlined processes to modify the orders of incarcerated parents in order to control the growth of arrears.

- **Oregon:** The state's approach to addressing the child support issues of inmates combines Division of Child Support administrative rules with a state statute. Under an administrative rule, when an incarcerated obligor confined for at least six consecutive months with a monthly gross income of less than \$200 requests a modification, the CSE agency shall presume the obligor has zero ability to pay support and will modify the order to \$0 (Or. Admin. R. 461-200-3300). The agency may satisfy assigned arrears if the paying parent is experiencing substantial hardship (Or. Admin. R. 461-200-6120). A 1999 statute determined that 60 days after the inmate is released, the child support order automatically reverts to its pre-incarceration level (ORS 416.425[9]).
- **Milwaukee County, Wisconsin:** Upon learning that an obligor is in prison or jail for reasons other than non-payment of support or a crime against a family member, Milwaukee County CSE sends both the NCP and custodial parent (CP) a one-page form with simplified language, notifying them of the option to request the suspension of the order during incarceration (copies of the forms are found in Appendix G). In four months, the agency processed 1,150 cases of incarcerated parents. Of 910 requests for suspension, 827 were approved and 83 denied. The order returns to the pre-incarceration level 60 days after release of the obligor. A special unit of paralegal workers has been assigned to identify and work these cases. The "Promising Practices" box below has more details.
- **Los Angeles, California:** The county CSE agency created an expedited process for modifying orders of low-income obligors, including incarcerated parents. This rapid approach uses a format that requires an objection by either party to stop the process. In approximately 1½ years, 80,000 cases were reviewed, and 30,000 modified, of which 5 percent were cases of incarcerated parents. A notice of the plan to modify is sent to both parents, and the case is put on an expedited court calendar (see Appendix H for a copy of the form). If neither parent contests the notice,

the order is modified. If the custodial parent disagrees with the suggested modification, the case goes to a court hearing. Because incarcerated parents typically have no ability to pay child support while in prison, the orders are modified to \$0. This approach, which takes on average 26 days to complete, is approved by the judiciary.

Promising Practices - Modifications

Milwaukee County Child Support Enforcement uses a proactive process to minimize accrual of arrears for incarcerated obligors. The agency uses a variety of methods, including electronic data match with DOC to identify obligors who are incarcerated. Both the NCP and CP receive a form with simplified language to request a suspension of the order during incarceration (found in Appendix G). Upon return of the form by the NCP, the case is submitted to the court for approval. However, a court hearing is held if the CP objects. The form signed by the NCP substitutes for his testimony, so that he does not have to appear in court. However, if the NCP requests that he be present, arrangements are made for him to participate in the hearing by telephone. A postage-paid envelope is enclosed with all mailed forms.

Implementation Tips for Modifications for Incarcerated NCPs

- Keep in mind that a caseload of incarcerated NCPs reflects a variety of child support case types. Only a portion are eligible for a modification.
- Because of many inmates' low literacy and language skills, agencies find it useful to simplify forms for the modification process.
- Providing postage-paid envelopes with the agency's address for inmates to use increases the likelihood of the inmates responding to notices.
- Some agencies eliminate the requirement of notarized forms, after finding inmates may not be able to pay for, or access, such a service.
- An effective way to streamline the modification process is to develop a system of "passive" approval for modification by CPs and NCPs, with no response resulting in the process going forward and a hearing only required when a party raises an objection.
- Using an affidavit signed by an inmate to substitute for an appearance by him during a court hearing reduces the expense of transportation and avoids security issues.
- Some states treat incarceration as a change of circumstances, making a NCP in prison eligible for a modification.
- One method of addressing the need for modification is through statutory suspension of established orders during incarceration.

Chapter 6

Working with Paroled/Released Offenders

The extensive employment, housing, medical, and substance abuse treatment needs of released and paroled offenders have been well documented (Travis, 2005). Although employment is a key factor in the successful reentry of a released offender with a child support obligation, rates of employment and earnings are low among this population. Three of the OCSE grant projects (Colorado’s *Work and Family Center*; *Project Dads* of the Imperial Valley, California Regional Occupation Program; and *The Father Factor* of STRIVE-DC) offered a mix of services to paroled and released noncustodial parents using a one-stop shop/case management model. The Texas grant project was primarily an in-prison program, but included post-release employment services and limited access to other services.⁶ Many of the noncustodial parents who took part in the Colorado, Imperial Valley, and STRIVE-DC projects were referred by the courts, although participation was voluntary. Table 3 describes the post-release employment services offered by the California, Colorado, Texas, and STRIVE-DC projects.

Table 3. Employment Services Available to Released/Paroled Participants of OCSE-Funded Demonstration Projects	
Imperial Valley, CA	NCPs (52% were ex-offenders) were offered occupational training, job readiness assistance, job placement, and assistance with work-related tools and supplies.
Colorado	The Work and Family Center offered released offenders with child support obligations the opportunity to meet with an employment specialist who provided lists of employers with current openings.
STRIVE-DC	The project offered job readiness training and job placement services.
Texas	Houston Urban League provided employment services (assessment, job search methods, weekly “job club,” and job placement activities) to released participants. As an incentive to employers, Urban League procured ten federal bonds for employees who have criminal records. El Paso Workforce Development Center offered access to job search resources, job readiness classes and occupational training to individuals who met Welfare-to-Work requirements.

⁶ The Missouri and Washington projects each contained an employment component, but did not offer post-release services as part of the grant. The Illinois Non-custodial Parent Services Unit of the state child support agency provided assessments of employment barriers for some of the project participants, but records of this activity were not kept. Massachusetts DOR/CSE partnered with the Parole Board to make sure that the requirements of CSE were incorporated into parole supervision, but provided no post-release services. There was no employment component for the Hennepin County, Minnesota project.

Table 4 outlines the other types of services, such as counseling or child support assistance, to which released participants in these projects had access.

Imperial Valley, CA	Project staff helped participants with child support issues and modifications, court appearances, custody and visitation issues, counseling, parenting and anger management classes, the emergency food program, and assistance with transportation. GED and adult education courses were also offered.
Colorado	Participants were eligible for family reintegration services (supervised visitation, mediation, and legal assistance), child support services, individual and family counseling, Welfare-to-Work funding, and other services for low-income participants.
STRIVE-DC	The project provided referrals to educational programs, fatherhood workshops, coaching for court appearances, and assistance in communicating with child support workers and applying for a modification.
Texas	The Houston project coordinator offered participants counseling, contact with family members to explore interest in reunifying, and referrals to other service organizations. In El Paso, the project coordinator wrote letters to the courts and families in support of released NCPs, made child support presentations, and led anger management classes at the Parole Office. Child support services were provided at both sites.

Employment of Released Noncustodial Parents

It is sometimes difficult to discern the employment outcomes for released noncustodial parents when looking at data from programs that serve mixed populations. For example, *Project Dads* in Imperial Valley, California, served 42 noncustodial parents, roughly half (52%) of whom were released offenders. At the start of the program, 87 percent of the participants were unemployed. During the 17-month project, 79 percent were employed at some point, and 90 percent of those (71% of the total) were still working at the end of the project, averaging at least six months of employment. The majority of participants (83%) received occupational training and earned certificates of competency from “occupational and job related training courses” (Standiford, 2004). Although information detailing the employment status of the released offenders was not available, the numbers suggest they did well. Nevertheless, a project staff member described the job search efforts for that group as especially difficult.

With a high unemployment rate in the area, some employers were reluctant to employ ex-offenders, since they had many people to choose from when hiring.

Other projects yielded unremarkable employment outcomes. For example, only half (51%) of the released noncustodial parents who completed the STRIVE-DC program were employed when the project ended. The others were looking for work, back in prison, or enrolled in school. Just one-third (34%) of 253 released Texas jail inmates had any employer-reported earnings in the quarters following their release, while two-thirds had none. Among those with earnings, quarterly median and mean levels were low and stood at only \$695 and \$1,482, respectively. In Illinois, 78 offenders who found jobs while they were in a work release/residential program operated by the Safer Foundation earned a median and mean salary of \$960 and \$1,102 per month, respectively, with half finding work as laborers and 55 percent receiving no benefits. And only half of the 350 paroled and released offenders who came to the Colorado Work and Family Center reentry program were employed full time; they earned on average an hourly salary of \$9.

Employment and Child Support Payments

Results from two OCSE grant projects confirm clearly what common sense tells us: that parents coming out of prison who are employed and earning regular wages pay more child support than do their counterparts with no earnings. While the proportion of Texas jail inmates with child support orders who paid at least some support was an identical 43 to 45 percent in the year before they went to jail and the year following their release, the average amount of the obligation that was paid among those making at least some payment rose from 54 to 73 percent and the amount collected through wage withholding among payers increased from 48 percent to 70 percent. Similarly, two quarters before paroled and released offenders visited Colorado's Work and Family Center (WFC), 43 percent had employer-reported earnings and 60 percent paid no child support. Two quarters after they visited the WFC to obtain help in finding employment, 71 percent had employer-reported earnings and those paying no support dropped to 25 percent.

Challenges for Employment Services Programs

Employment programs which serve released offenders must work to cultivate employers willing to hire convicted felons. Financial incentives for employers include the availability of Federal bonds and Federal tax credits, both designed to lessen the risk of hiring individuals with criminal records (Re-Entry Policy Council, 2005).

Employment programs that emphasize “soft skills” appear to be of limited utility in helping released and paroled offenders become employed. Only 30 percent of the inmates referred to the Urban League in Houston and the Texas Workforce Center in El Paso contacted those agencies following their release, and only two placements were ultimately made. Overall, only 34 percent of 253 released participants in Texas showed earnings on quarterly wage reports filed by employers. In contrast, the Imperial Valley project, which provided occupational training as well as job readiness classes, showed a much higher rate of employment (79%). Although the Imperial Valley project is not completely comparable to the Texas and Colorado projects (which served only incarcerated and released obligors rather than a mix), its approach of blending concrete skills training with child support and other support services is promising.

How effective are employment programs with regard to placing released offenders? Few paroled and released offenders who find work and are interviewed credit the employment programs with helping them to find a job. Almost all employed Texas inmates interviewed after their release said that they had found their job on their own or returned to the job they held prior to their incarceration. In a similar vein, 80 percent of interviewed ex-offenders served at Colorado’s WFC said they had found their current job on their own, with only 20 percent saying that the program had helped. Employment service representatives, on the other hand, suggest that even when a placement is not made by the agency, the released offenders who receive services benefit from learning how to use a computer system, write a resume, and interview for jobs.

Child Support Services for Released/Paroled Obligors

It is understood that newly released obligors often face substantial financial pressures. While child support may be only one of numerous obligations, it may take priority over court fines and restitution, depending on state laws (Re-Entry Policy Council, 2005, pp. 251-2). Yet released and paroled noncustodial parents are often reluctant to work with the child support agency, whether the issue involves a wage withholding, a modification request, or a request to suspend an automated enforcement action. The demonstration projects in California, Colorado, and Washington, DC tested methods of providing child support services to released offenders enrolled in a reentry program.

- **Imperial Valley, California:** A county child support liaison was appointed to work with *Project Dads* staff and participants. During the Imperial Valley project, 42 percent of the 42 clients requested modifications, of which 61 percent were granted. Forty percent of the

participants had a suspended driver's license; during the project, the child support agency reinstated almost all (88%) of the licenses. By the time the project ended, 78 percent of the parents were paying child support through the system.

- **Colorado:** A child support worker was placed on site at the Work and Family Center (WFC) to work individually with paroled and released offenders. According to project records, 267 clients had at least one open child support case. The child support worker met with 66 percent of these clients, reviewed the child support database, and explained their child support situation to them. The worker also contacted technicians in other counties for 38 percent of the noncustodial parents with multiple cases, modified monthly arrears payments for 17 percent, and/or initiated wage withholding orders for half of them.
- **Washington, DC:** STRIVE-DC reported that 22 of 32 noncustodial parents who completed the program had child support involvement. As a result of STRIVE-DC helping their clients communicate with the child support agency, 16 parents (72%) requested a modification, and half of the requests were granted. Additionally, child support workers released drivers' licenses and resolved arrears issues for 17 parents upon verification of their participation in the project. At the end of the project, roughly a third of the obligors (36%) were working full time and paying child support, while in other cases the amount of arrears due was reduced or the order was dismissed.

State Efforts

Various state child support agencies have independently developed policies or are taking part in programs designed to assist released noncustodial parents in the reentry process. Three efforts are listed here.

Colorado: The *Parent Opportunity Program* (POP) of Colorado Springs, Colorado works with low-income obligors, including incarcerated and released obligors who are referred by the courts, DOC, Workforce Center, or the El Paso child support agency. The services available to POP clients include assistance with employment and education, substance abuse treatment, fatherhood education, and child support services. POP collaborates with parole officers to include attendance at a POP orientation as part of the parole plan of released noncustodial parents. As a partner of POP, Goodwill Industries offers job readiness services, transportation assistance, and clothing vouchers.

Analysis of payment patterns of 26 released obligors, with a total of 33 cases, who entered and completed POP from June 2002 to August 2004 showed promising results. The average child support payment of these participants was \$72 six months prior to enrollment, \$196 during enrollment, and \$207 six months after completing the program. This is a payment increase of 187 percent. By comparison, 45 obligors whose cases (a total of 53 cases) were closed for non-compliance with child support and who did not complete the program had average child support payments of \$22 six months prior to enrollment, \$36 during enrollment, and \$28 six months after dropping from the program. Of those who completed the program, 74 percent found employment, compared to 49 percent of those who did not complete the program.

Maryland: In July 2005, Baltimore City opened The Reentry Center, a one-stop shop career services center designed specifically for released inmates. Funded by the Workforce Investment Board, the Mayor’s Office of Employment, and private foundations, this program offers clients a mix of child support services, training, resources, and assistance with barriers. The Center is too new to have employment and child support outcomes, but the concept of addressing many of the barriers to reentry through one program seems sound. The Reentry Center is described in more detail in the “Promising Practices” box below.

Oregon: Working under the belief that returning a person to the community without any funds leads them to revert to criminal activity, the Oregon Division of Child Support Enforcement implemented a policy exempting Inmate Release Accounts from withholding or garnishment up to \$2,000 (Oregon Child Support IRP #01-02).

Promising Practices – Working with Reentry Programs

The **Maryland** Child Support Enforcement Administration is a partner of the Reentry Center, a new career center which sees more than 100 released offenders a day. The Baltimore City Housing Authority and Second-Chance Project are also partners. A full-time child support worker is housed at the Reentry Center. The intake form includes a question about child support involvement, but staff encourage all clients to contact the child support worker to determine whether they have been named in a child support case. The Center works closely with employers, and provides customized training of clients to fit specific employer needs. Clients also receive job readiness training, occupational training, and assistance in job search and placement. Child support services to clients include review of cases, paternity testing, and release of drivers’ licenses within 48 hours of the client’s employment. NCPs seeking modification of orders are referred to Legal Aid for assistance. The salary levels for ex-offenders placed through the Center range from \$7 to \$12 per hour, full-time.

Implementation Tips for Working with Reentry Programs

- Because child support is viewed as one of many barriers to successful reintegration, reentry programs welcome partnerships with local child support agencies.
- Incarcerated parents want help with child support, parenting, and employment, and respond positively to outreach in prison and jail settings. Child support outreach can be linked to pre-release reentry programs designed to help inmates make a successful transition.
- The one-stop shop is an effective model of service delivery for released and paroled offenders, who typically have limited transportation resources. Clients will be more likely to utilize various program components -- such as child support, job readiness training, employment, and counseling services -- when these services are co-located.
- Keep in mind that employment is the key to child support payment following release. Work with reentry programs that emphasize viable employment.
- A strong reentry program will work with employers, informing them of financial incentives including Federal bonds and tax credits, and addressing their concerns regarding hiring released offenders.
- In addition to providing job readiness training and job placement services, a reentry program should offer valid occupational training programs to released inmates.

Chapter 7 Addressing Child Support Arrears

It is not uncommon for noncustodial parents to enter prison owing a substantial amount of child support arrears. A recent study of 650 incarcerated parents with child support orders in Massachusetts found that the parents enter prison owing an average of \$10,543 in unpaid child support (Thoennes, 2002). If they remain in prison until their release date and their orders remain at pre-incarceration levels, they will accumulate another \$20,461 in child support debt, plus 12 percent interest (\$6,254) and 6 percent penalty charges (\$3,128).

Colorado studies confirmed the Massachusetts research. A study of 213 Colorado inmates with child support orders showed that, upon entering prison, the inmates owed an average of \$10,249 for unpaid child support (Griswold, Pearson and Davis, 2001). A study of 350 parolees showed they have average child support balances of \$16,651, suggesting a 63 percent increase in arrears balance while in prison (Pearson and Davis, 2001). Similarly, analysis of child support arrears and delinquencies of 28 Illinois DOC inmates who received a modification in 2004 showed they owed an average of \$17,975 (Griswold *et al.*, 2004b).

Arrears may accumulate for several reasons while an obligor is incarcerated. The income inmates earn from work is typically minimal, averaging from \$0.23 to \$1.15 per hour (Solomon *et al.*, 2004). Additionally, state and prison regulations may limit the amount that can be drawn from an inmate's prison account for child support. For example, Colorado passed statutes in 2000 (C.R.S. § 26-13-122.5 and § 16-18.5-106) allowing CSE to collect child support from inmates' prison bank accounts through administrative liens. However, between restitution and child support garnishments, no more than 20 percent of an inmate's account can be taken each month.

A 2001 review of child support payments garnered from prison bank accounts through Colorado's administrative lien laws shows that half of the lien payments were less than \$4 per month (Griswold, Pearson and Davis, 2001). Thus, even with modified orders, most inmates do not earn enough to pay their monthly obligation, or there is a restriction on the amount which can be garnered by CSE. This indicates that arrears will likely continue to accumulate for incarcerated parents with established orders that are modified, albeit in lesser amounts.

In the interest of limiting growth of arrears for incarcerated parents with no income, some states are developing modification procedures for this

population, as discussed in Chapter 5. The Incarcerated NCP Workgroup and the Policy Formation Group of Texas OAG/CSE have recommended that proactive steps be developed to modify child support orders of incarcerated parents. In response, OAG/CSE plans to conduct a two-year pilot project in one region to assess and reduce current support orders of obligors incarcerated in TDCJ facilities. The purpose of this project is to gauge the impact on arrears management and on collections following release.

Some child support officials believe states should use the flexibility they possess to adjust or settle uncollectible child support arrears owed to the state by inmates as well as other hard-to-serve parents. This is the approach adopted by the Massachusetts child support agency, which recently acquired discretionary authority to settle arrears accumulated during periods of unemployment or incarceration (830 CMR 119A.6.2). The policy is discussed in the “Promising Practices” box below.

Of the ten OCSE grants under discussion, the project conducted by Washington was the only one to include an element of arrears adjustment. Washington Division of Child Support (DCS) has an informal process of dispute resolution for hearing complaints and requests from parents regarding their arrears and order levels. Known as “Conference Boards,” this process is available to all noncustodial and custodial parents, including obligors with a history of incarceration. A Conference Board applicant may attend by telephone. An inmate may ask staff at the corrections facility to allow him to participate by phone.

Every incarcerated parent who requested child support information during the project was sent a “Child Support Case Status Response,” describing the current status of the individual’s cases. This form lists a number of steps the parent can take. During the project, DCS staff checked the most appropriate items for project participants. One option listed on the form is to request a Conference Board, where the obligor can argue that some of the arrears owed to the state and accumulated during incarceration should be “charged off” (see Appendix I for a copy of the form). As a result of some project participants pursuing a Conference Board while incarcerated or following release, the average arrears for noncustodial parents dropped by 27 percent to 67 percent across the low-effort and high-effort groups (Washington State Department of Social and Health Services, 2003).

Minnesota state law allows an incarcerated person to request that the court terminate interest charging on the basis that he is financially unable to pay support (Minnesota Statutes 548.091, subd. 1a[c][3]).

Promising Practices - Addressing Arrears

The OCSE grant project inspired **Massachusetts** DOR/CSE to explore ways to deal with the “hard-to-serve populations.” One result is a regulation entitled *Settlement or Equitable Adjustment of Child Support Arrearages Owed to the Commonwealth* (see Appendix J for a copy of the regulation). Effective as of January 1, 2004, this regulation extends discretionary authority to the Commissioner to adjust or settle uncollectible arrearages owed to the state. In addition to applying to incarcerated NCPs, this regulation is now extended to disabled or unemployed parents and those with children in third-party care. Among the terms or conditions of settlement that might be required are regular payments of current support and/or active participation in job search, community service, or a responsible parenthood program.

Implementation Tips for Addressing Arrears Issues of Incarcerated NCPs

- Analyze the child support cases of your caseload of incarcerated NCPs. Most obligors serving time have significant arrears balances.
- Develop routine modification activity for obligors in criminal justice settings. Research shows this has the potential to greatly reduce the generation of uncollectible arrears.
- Design and implement a policy for conducting case closures for inmates with long sentences. This can help to stem the growth of arrears for state CSE agencies.
- Develop a realistic policy to settle or reduce state-owed arrears that accrued during incarceration. Obligor with criminal justice backgrounds will have difficulty meeting policies that require a perfect performance of payment in order to write off arrears accrued during incarceration.

Chapter 8

Policy and Program Considerations

The demonstration projects funded by OCSE tackled a number of the problems child support agencies face when working with incarcerated noncustodial parents: identifying inmates with child support involvement; informing incarcerated NCPs about child support; developing simple procedures for handling modifications; and contributing to a successful reentry process. While several of the projects focused on NCPs during their incarceration, others were more engaged with the reentry process and treatment of released offenders.

A review of the research design and evaluation data utilized by the projects is found in Appendix B. In this final chapter, we describe implications of the grant projects for policies and procedures, and then briefly discuss several topics which remain under consideration and/or debate: the use of CSE resources, CSE involvement with prison-based programs for parent-child contact, modification practices, and the effectiveness of reentry programs. Finally, we present a set of building blocks for implementing an effective child support/incarceration program.

Policy and Procedure Changes

Demonstration projects, even when successful, do not always lead to institutional changes within the participating agencies. Reasons given for not continuing the processes developed during grant projects include lack of funding once the grant monies have been spent, an adverse political climate for changing state laws, and a shifting of priorities that bypass the population served by the grant. Sometimes one or two elements of a demonstration project are incorporated into ongoing agency business, as in Illinois, where a CSE worker continues to make monthly presentations at pre-release centers in Chicago. Massachusetts, on the other hand, is not only continuing to work with incarcerated NCPs, but has expanded staffing to support the effort. For some of the grantees (Massachusetts, Hennepin County, Minnesota, Texas, Washington, and Washington, DC) the project generated changes in policies or procedures, or was the springboard for new workgroups.

Massachusetts: The Massachusetts project led to several policy changes. The agency developed a regulation authorizing the child support agency to adjust or settle uncollectible arrearages held by hard-to-serve populations and owed to the state, and to impose the terms or conditions of a settlement that might be required (830 CMR 119A.6.2). The project also influenced the development and more routine use of simplified methods of establishing

paternity, including the 2003 Putative Father's Affidavit by which fathers may waive the requirement to obtain a court order for genetic testing, and the administrative authority for genetic marker tests that grant the child support agency authority to order the mother, the child, and the putative father to submit to genetic marker tests. Finally, the project led to full implementation of a case closure regulation that permits DOC/CSE to close the child support cases of noncustodial parents sentenced to life without the possibility of parole as well as those who have no chance of release during their dependents' minority. This is expected to reduce Massachusetts arrears balances.

Texas: As part of the demonstration project, a state-wide workgroup comprised of OAG/CSE and judicial personnel was established to review state child support policies and procedures for incarcerated noncustodial parents, including review and adjustment. This group has already contributed to one significant policy change. Previously, when an incarcerated parent failed to respond to a notice regarding paternity, OAG allowed a paternity order to be established by default. The new policy no longer permits default paternity orders for incarcerated alleged fathers, unless they actually refuse a genetic test.

The Texas project exposed the need for uniform and realistic policies for incarcerated NCPs. Take, for example, the issue of requesting a lower interest rate, an option project staff thought would be beneficial to participants. As of January 1, 2002, the interest rate for child support arrears dropped from 12 percent to 6 percent in Texas. The rate change is not automatic; an obligor must request the lower interest rate for it to become effective. However, the reduction requires that arrears be reduced to a judgment, creating a monthly arrears balance that must be paid in addition to the monthly support order. For incarcerated obligors with little or no monthly income, the interest rate reduction translates into higher monthly obligations and is more harmful than helpful.

Another example of the need to examine standard practices arose when some project participants requested a modification. A Texas state statute provides that "in the absence of evidence of the wage and salary income of a party, the Court shall presume that the party has wages or salary equal to the Federal minimum wage for a forty hour work week" (TFC 154.066). Although the language leaves open the option to modify an order to lower than minimum wage for noncustodial parents with no income, the practice in Texas courts is to stay with the minimum wage level. The few modifications that were granted involved cases with original order levels higher than minimum wage.

The project also revealed needed changes to the automated child support system that indicates when a noncustodial parent is incarcerated but not when he is released. Further, the match between the Texas Department of Criminal

Justice and OAG only identifies inmates with open, established child support cases and does not note those needing paternity or an order established. Armed with these project findings, the statewide workgroup is focusing on policies and procedures affecting incarcerated noncustodial parents, with the goal of promoting consistent treatment for individuals in the caseload.

Hennepin County, Minnesota: The project conducted by Hennepin County, Minnesota CSE led to changes in agency procedures that are now permanent. The agency takes a proactive approach to working with incarcerated parents in the caseload by contacting them and informing them of the option to request a modification. One worker in the county agency handles the caseload of incarcerated obligors, and she keeps a case for six months following the parent's release from prison. This approach has been expanded to the intake division, where one worker is now assigned all the cases involving an incarcerated parent. The agency also accepts collect calls from incarcerated NCPs as a way of encouraging them to work on their child support case while in prison, and uses addressed, postage-paid envelopes in all mailed communication.

Washington: When Washington State DCS concluded the demonstration project, the procedures developed for working with the incarcerated NCPs (such as informing the NCP of his various options regarding his order) were incorporated into a policy directive, explaining the rationale for working with this population and the steps to be taken when handling their cases. The directive was distributed to all DCSE workers.

Washington, DC: A respondent from STRIVE-DC noted that the OCSE project contributed to the impetus for the "Omnibus Public Safety Ex-Offender Self-Sufficiency Reform Amendment Act of 2004," passed by the District of Columbia city council in 2005. This bill makes it easier to modify the orders of incarcerated parents, and modify back to the date of entry into prison (DC ST § 23-112a). According to the interviewee, the grant project was not the basis for the bill, but "our project happened at a time when people were just beginning to realize the problems with reentry. The (project) definitely helped to open their eyes."

Use of CSE Resources

One of the continual challenges to child support agencies is finding cost-effective ways to use staff and resources. None of the OCSE grant projects under discussion conducted a cost-effectiveness analysis, so no conclusions can be drawn regarding the expense and benefits of working with incarcerated parents. Not surprisingly, some of the agencies dropped or curtailed most of the

procedures for working with this population when funding for the grants ran out. Nevertheless, administrators for two of the agencies that were awarded grants are continuing and expanding some elements of the demonstration projects, suggesting that there are benefits that justify the expenses. Massachusetts has increased the number of staff assigned to the outreach program for incarcerated parents and continues to keep an agency staff member based at the DOC reception center. Administrators from the Hennepin County, Minnesota child support agency believe that consolidating the cases of incarcerated parents into one caseload for an assigned staff member increases administrative efficiency, and have expanded this practice to the intake division.

Do in-person visits to prisons make sense, especially when agency resources are stretched? Should child support staff spend time traveling to correctional facilities in order to meet with individuals who are unemployed and typically lack resources? In Massachusetts and Texas, corrections officials expressed a clear preference for live presentations by the same staff in order to build good relationships with the inmates and staff. As one warden explained, "A video is good, but it is no substitute for a real person who knows the issues." But the Washington State project suggests that inmates respond as well or better to an instructional video as they do to meeting with a child support worker. The debate is not easily resolved, although child support staff in Washington suggest that a longer and larger study might help researchers and administrators to draw firm conclusions.

Child Support Involvement with Prison-Based Parent-Child Contact Programs

Positive parent-child contacts are believed to reinforce a noncustodial parent's interest in providing financial and emotional support to his children. Many prison and jail facilities offer parenting classes and ask the state child support agency to present information regarding child support obligations as part of the curriculum. Often, these classes encourage parents to regularly write letters and telephone their children.

Programs involving in-person, parent-child contact in prison facilities are understandably rare, for several reasons. First, the screening processes that visitors must undergo are complicated and lengthy. Prison administrators cite security issues as the basis for the strict rules and screening procedures that shape visitations. Second, parents are often incarcerated in facilities far away from where their children reside, making visitation by family members expensive and difficult. Finally, social services professionals have questions about the appropriateness of exposing children to correctional facilities (Hairston, 2001).

A review of federally funded Access and Visitation (AV) programs conducted for OCSE identified a handful of states using AV grant monies to sponsor access and visitation programs in prisons (Pearson and Price, 2002). Nebraska and Vermont each conduct a supervised visitation program at one state facility. In Pennsylvania, the Parenting Access and Visitation Enforcement program (PAVE) provides supervised parent-child activities as part of an eight-week class on parenting (*ibid.*).

Two of the OCSE-funded projects (Missouri and Texas) addressed the issue of parent-child contact when the parent is incarcerated. In Missouri, the *Fathers for Life* project addressed issues of prison visits by children as well as teaching parenting skills. Conducted at two state prison facilities, Fathers for Life had the goal of promoting “responsible fatherhood in order that fathers would assume emotional and financial responsibility of their children, both during and upon release from incarceration” (LeFebvre, 2004). The project offered a range of educational and informational programs, including *Long Distance Dads*, *Proud Parents*, *Parents’ Fair Share*, *Parents as Teachers* and *Relationship Enrichment Skills* training. In addition, *Fathers for Life* worked to improve child visiting areas at the two facilities, offered mediation services, stocked the prison libraries with printed materials about families and parenting, and used volunteer drivers to transport families for visits.

The *Family Reintegration Project* in Texas offered family reintegration and case management services to inmates, using trained case managers from community-based organizations in El Paso and Houston to coordinate the activities. In Houston, the site coordinator conducted six reintegration group sessions each week with inmates from four different facilities. During these group sessions, participants discussed the need to take personal responsibility, ways to avoid destructive behavior, and the needs of children. In all, the coordinator led 313 sessions during the project, with some men attending more than 30 sessions. On average, the 209 inmates who registered for the reintegration groups attended 8.3 times. The coordinator at the El Paso project site led 111 family reintegration sessions, using a curriculum adapted from *Long Distance Dads*, and a fatherhood curriculum designed for Latino fathers. Between 15 and 25 inmates usually attended the sessions (Griswold et al., 2005).

One of the most important services provided by the Houston coordinator to inmates was contacting their children, the other parent, and family members. She was viewed by inmates as a good intermediary, since she could attest that the NCP was attending the group sessions and trying to “turn his life around.” The coordinator recorded making close to 2,000 phone calls to family members and agencies during the course of the project. In some cases, the family had not heard from the father for several years and was anxious to communicate with

him. In other cases, there was a history of violence and abuse, and the other parent declined to reconnect.

To assess the impact of *Fathers for Life*, pre- and post-program surveys were administered to 37 inmates who participated in the program at the two treatment sites and 43 men from two comparison non-treatment sites. The program participants showed short-term improvements in understanding the importance of interacting with their children, but there were no statistically significant changes over time between the sets of inmates in the measures of childrearing behaviors and parenting attitudes (LeFebvre, 2004). No data were collected regarding post-release employment and child support payments of the participants and inmates from the comparison groups.

Although taking part in the *Texas Family Reintegration Project* did not lead to any overall change in payment behavior, released participants who paid support paid more of what they owed after release (54% to 77%). Approximately six months following their release from state jail, 26 Texas inmates who participated in the project were interviewed by telephone. Of these, 77 percent reported that project staff had helped them to contact and/or see their children. These interventions appear to have helped fathers preserve and perhaps improve their relationships with their children (Griswold et al., 2005).

Prison-based programs focusing on parenting and relationship skills are an important venue for child support outreach. But the question of whether an extensive prison-based program for promoting parent-child contact translates into improved child support payment patterns once the parent is released requires more study.

Modification Practices

Another area that calls for further research involves modification of orders of incarcerated obligors. Do judges and child support agencies agree that incarceration is a valid circumstance for modification? Can modifications be executed in a timely manner? Can noncustodial parents successfully manage the requirements for a *pro se* modification application while incarcerated? Underlying these questions is the issue of accumulation of arrears for inmates who cannot pay their current support orders.

All of the projects that worked with parents in prison were hampered by the lengthy process of modification and the highly mobile status of inmates who were frequently moved from facility to facility, or were returned to prison from a prerelease center. Two jurisdictions have developed proactive, streamlined

procedures for addressing the problem of unpaid monthly support orders of incarcerated obligors. After identifying incarcerated obligors through an electronic data match with DOC, Milwaukee County CSE uses a simple one-page form to initiate the process of temporarily suspending the order, and sends it to both the custodial parent and the noncustodial parent along with a postage-paid, addressed envelope (see Appendix G). When signed by the noncustodial parent, the form substitutes for his appearance at a court hearing. If neither party objects to the suspension, the case is filed with the court for approval. The order returns to the pre-incarceration level 60 days after the noncustodial parent is released.

Los Angeles County implemented a similar approach to modify orders of low-income noncustodial parents, including those who are incarcerated. Using a passive format, the County Department of Child Support Services sends a notice of modification to both parties and puts the case on an expedited court calendar (see Appendix H). Unless one of the parents contests the motion, the order is modified. For incarcerated parents with no monthly earnings or ability to pay support, the orders are modified to \$0. On average this process takes less than a month to complete.

Effectiveness of Reentry Programs

In general, there is much to learn about what elements comprise an effective reentry program. The Serious and Violent Offender Reentry Initiative (SVORI), funded by the U.S. Departments of Justice, Labor, Education, Housing and Urban Development, and Health and Human Services, is overseeing the conduct of reentry projects in every state. However, the programs will not be completed and evaluated for several years.

Are reintegration programs effective in encouraging parolees and released offenders to do a better job of working and paying child support? The evidence on the effectiveness of OCSE-funded programs is slim but encouraging. For example, six months after visiting the Work and Family Center, rates of employment for clients rose from 43 to 71 percent; average quarterly earnings increased from \$1,292 to \$2,923; and clients paid an average of 39 percent of what they owed in child support, compared to 17.5 percent in the six months before visiting the program (Pearson and Davis, 2001, 2003). While far from perfect, these payment rates are comparable to those observed for low-income noncustodial parents in other programs that offer help with employment and child support.

Results from the Texas project were also modestly promising. Although project participation did not lead to any overall change in payment behavior, with an identical 43 to 45 percent of participants paying at least some child

support in the year prior to their jail entry and following their release, those who paid some support paid a higher percent of what they owed following release (54% to 77%). Post-release payments were more apt than pre-jail payments to come from wage withholding (48% to 70%) (Griswold et al., 2005).

Post-release employment is often coupled with low wages and limited opportunities for wage increases. As one employment services respondent explained, “We can usually place someone in an entry-level job with ‘ok’ wages, but when that person wants wage-growth, he runs into problems. That is a much more difficult thing to achieve -- he may have low reading skills, or no math skills.”

One promising response to this problem is a one-stop shop/case management approach with multiple educational and training opportunities available to the obligor (discussed in Chapter 6). Another approach with encouraging outcomes involves a transitional job program offered to paroled and released offenders by the Center for Employment Opportunities (CEO) in New York. It provides immediate, subsidized work experiences through day labor to released offenders, and assists them with finding permanent unsubsidized employment. CEO works with approximately 1,800 paroled and released offenders per year (of which 40 percent are NCPs).

CEO staff and a child support advocate at the New York Division of Child Support Enforcement help CEO participants who are noncustodial parents navigate the child support system and obtain order modifications and wage withholding orders at appropriate levels. A job developer helps them obtain employment in the private sector to which they transition after six months. According to a representative of the New York child support agency, 80 percent of CEO participants who are obligors pay child support and 45 percent pay on a regular basis. Hence, a transitional job program with subsidized earnings that is linked to child support information and services appears to be a sound approach for working with released obligors, and should be studied in more depth.

Components of an Effective Child Support/Incarceration Program

Two fundamental points about reentry were confirmed by the OCSE projects: the impacts of incarceration and reentry upon individuals, families, and communities are far-reaching and difficult to mitigate, and no agency alone can address all of the reentry barriers experienced by released noncustodial parents. With regard to these intertwining points, the grant projects underscored the educational, substance abuse, employment and financial barriers faced by parents coming out of prison, and demonstrated why partnership among multiple entities is a vital part of any successful reentry project. When funding

these projects, OCSE called for collaborative efforts, and all of the OCSE grant projects involved multiple-agency partnerships. As shown in Table 2 on page 6, all but one of the grantees collaborated with criminal justice agencies, five collaborated with the courts, five worked with employment services agencies, and four with community-based organizations.

It seems certain that the conduct of these demonstration grants and subsequent discussions at child support conferences have increased the awareness by state and local agencies of the issues surrounding incarceration and child support. Although there is no perfect model or program to imitate when shaping procedures or policies for incarcerated noncustodial parents, there are specific steps or building blocks that together comprise an effective child support approach to working with this population. They are outlined in the “Building Blocks” box below.

Building Blocks for a Successful Child Support/Incarceration Program

When creating an effective child support program to deal with incarcerated parents, the state or local CSE agency:

- Conducts periodic automated data matches with DOC and other criminal justice agencies in order to identify inmates with child support involvement and their release dates.
- Works with DOC to include questions about children and child support involvement in diagnostic, classification, and orientation programs used with incoming inmates.
- Involves top-level administrators of collaborating agencies in the planning and implementation of the program.
- Offers information or training to correctional staff at a variety of settings (e.g., prisons, county jails, halfway houses, juvenile facilities, community corrections, and parole and probation offices).
- Establishes procedures for the agency to respond to queries from inmates and trains CSE staff on issues related to incarceration of NCPs.
- Communicates with incarcerated parents using presentations, videos, printed materials, simplified forms, and postage-paid envelopes for all communications.

Building Blocks for a Successful Child Support/ Incarceration Program (continued)

- Fosters judicial involvement by informing judges and court masters about the issues of child support and incarceration, and inviting them to take part in workgroups designed to study policies and procedures affecting incarcerated NCPs, including modifications.
- Collaborates with correctional staff to include child support presentations in prison-based parenting classes and pre-release programs.
- Collaborates with one-stop community-based reentry programs that provide assistance to released/paroled NCPs with employment, housing, family reintegration, and other barriers to reintegration.
- Develops procedures to respond to modification requests filed by incarcerated NCPs in a timely fashion.
- Simplifies modification request forms and designs a passive format to move the process forward, unless objected to by either parent.
- Considers incarceration to be a sufficient change in circumstances to warrant modification of the child support obligation.
- Develops a policy to settle or reduce arrears that accrued during incarceration.
- Promotes practices to assist inmates with successful reentry, such as exempting a portion of an inmate's savings account from garnishment for child support, or allowing a released obligor 60 to 90 days to find employment.

Specific examples of the building blocks are found throughout the preceding report. Agency contacts who are familiar with the grants and can discuss the implementation and outcomes of the projects are listed in Appendix C of this report.

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Appendix A: Description of OCSE-Funded Grants

▪ **California: Project Dads (January 2003 – May 2004)**

OCSE awarded a Special Improvement Project grant (No. 90FI0051) to the Imperial Valley Regional Occupational Program (IVROP) in California to work with low-income noncustodial parents living in Imperial County, California. IVROP is a public education service organization that provides free vocational training, career guidance, and job placement to county residents. Project Dads was a collaborative effort that linked IVROP staff with Imperial County Child Support Services, the Probation Department, the District Attorney and the county court, and various community service providers. The goals of the project included providing noncustodial parents with skills and resources needed to obtain employment and pay child support, to assist these parents in obtaining child support modifications, and to give them the skills and knowledge needed to take an active role in their children's lives. Project Dads was a small demonstration project, lasting 17 months and serving 42 NCPs, half (52%) of whom were ex-offenders (Standiford, 2004).

Final report: *Project Dads Evaluation* by Deborah Standiford, 2004. El Centro, CA: Imperial Valley Regional Occupational Program.

▪ **Colorado: Collecting Child Support from Incarcerated and Paroled Obligor (1999 - 2001); Serving Fathers who Leave Prison (1999-2002)**

OCSE awarded a Section 1115 grant (No. 90FD0033) and a grant for an unsolicited proposal (No. 90FF0027) to the Colorado Division of Child Support Enforcement (CSE) in 1999 to explore various methods of interacting with incarcerated and released noncustodial parents with child support involvement. The state CSE agency and several county child support units collaborated with corrections agencies to provide periodic information sessions on child support matters in prison facilities, conduct an electronic data match to identify their overlapping populations, and test the feasibility and time frames associated with modifying child support orders among 898 identified inmates with child support cases (Griswold, Pearson and Davis, 2001). The projects also involved creating and evaluating the Work and Family Center, a multi-agency collaboration that offered 350 paroled and released offenders with minor-aged children assistance with employment, child support issues, and family reintegration, including access to a lawyer and mental health therapist (Pearson and Davis, 2001, 2003).

Final reports: *Testing a Modification Process for Incarcerated Parents* by Esther Griswold, Jessica Pearson and Lanae Davis, 2001. Denver, CO: Center for Policy Research.

Serving Fathers who Leave Prison: Final Report on the Work and Family Center by Jessica Pearson and Lanae Davis, 2001. Denver, CO: Center for Policy Research.

▪ **Illinois: Father Reintegration Project (October 2001 – September 2004)**

OCSE awarded a Section 1115 grant (No.90FD0057) to the Illinois Division of Child Support Enforcement (DCSE). The child support agency collaborated with the state Department of Corrections to provide general and case-specific information about child support, responsible fatherhood classes, and case management services to 190 inmates with child support involvement. The inmates were housed in two Illinois Department of Corrections Adult Transition Centers (ATCs, also known as work-release programs) operated by Safer Foundation, a well-known provider of employment and reentry services to released offenders. In addition to helping ATC residents determine their child support status, project staff helped those with existing orders to apply for modifications that were processed through special arrangements developed with the Circuit Court of Cook County. ATC staff helped residents find employment.

Final report: *Father Reintegration Project: A Collaboration of Illinois Child Support Enforcement, Department of Corrections and Safer Foundation* by Esther Griswold, Jessica Pearson, Nancy Thoennes and Lanae Davis, September, 2004. Denver, CO: Center for Policy Research.

▪ **Massachusetts: Fathers in the Criminal Justice System (September 2000 – May 2004)**

OCSE awarded a Section 1115 grant (No. 90FD0049) to the Massachusetts Department of Revenue/Child Support Enforcement (DOR/CSE) to collaborate with the state Department of Corrections, Parole Board, and the Suffolk County Sheriff's Department to develop ways of communicating with and serving incarcerated and paroled noncustodial parents. The project used child support staff based in prison reception centers and facilities. In addition to providing state prison inmates, county jail inmates, and parolees with general and case-specific child support information, project staff developed and implemented a simplified process for assisting inmates to request modifications. DOR/CSE staff assisted roughly 600 inmates to request modification of their child support orders to levels between \$50 and \$80 per month. The process eliminated transporting the inmate to court to attend a judicial hearing. In addition, project staff helped inmates with a variety of other procedures, including simplified paternity establishment and genetic testing. Parole officers emphasized the importance of child support payments.

Final report: *Fathers in the Criminal Justice System* by Esther Griswold, Jessica Pearson, Nancy Thoennes and Lanae Davis, May, 2004. Denver, CO: Center for Policy Research.

▪ **Minnesota: Intervention Strategies for Working with Incarcerated and Recently Released Noncustodial Parents (July 2001 – July 2003)**

OCSE awarded a Special Improvement Project grant (No. 90FI0041) to the Hennepin County Child Support Division (HCCSD) and the Minnesota Department of Human Services in 2001. For one phase of the grant, HCCSD conducted a demonstration project to provide child support information to incarcerated NCPs, provide assistance to these parents with completing forms to request a modification, and encourage released parents to manage their support orders and make timely payments. Strategies tested for the project included assigning one Hennepin County worker to the caseload of all incarcerated NCPs, installing a phone line in the county office to receive collect calls from incarcerated NCPs, simplifying forms and affidavits used in the modification application, and training CSD staff regarding issues of incarcerated parents. About 100 NCPs were contacted, 72 of whom received services.

Final report: *Intervention Strategies for Working with Low-Income Noncustodial Parents in Minnesota* by the Minnesota Department of Human Services, Hennepin County Child Support Division, and Center for the Support of Families, Inc. , 2003. St. Paul, MN: Minnesota Department of Human Services.

▪ **Missouri: Fathers for Life (September 2001 – January 2004)**

OCSE awarded a Section 1115 grant (No. 90FD0062) to the Missouri Family Support Division to conduct a multi-faceted project for fathers scheduled for release within 18 months. The project, conducted at two medium-security facilities, was designed to promote responsible fatherhood by (1) improving access to parenting information, (2) offering parenting education programs, (3) improving visitation experiences for children and their fathers, (4) improving relationships between incarcerated fathers and the mothers of their children, and (5) increasing the capacity of incarcerated fathers to provide financial support for their children. The programs offered to the fathers included Proud Parent classes, Long Distance Dads, Parents as Teachers, relationship enrichment skills training, mediation, and employment services through Parents Fair Share when the fathers were released. Participation in the various programs ranged from 20 couples (for relationship skills training) to more than 400 NCPs attending the Parents as Teachers sessions.

Final report: *Incarcerated Fathers Collaboration Project: Fathers for Life, Final Project Report*, by Kathy LeFebvre, 2004. Jefferson City, MO: Missouri Department of Social Services, Family Support Division.

▪ **Texas: Family Reintegration Project (September 2002 – February 2005)**

OCSE awarded a Section 1115 grant (No. 90FD0073) to the Office of the Attorney General, Child Support Division (OAG/CSE) to develop methods of working with incarcerated noncustodial parents. OAG/CSE collaborated with an extensive array of criminal justice agencies and community-based organizations in El Paso and Houston to provide a variety of services to 317 inmates in four correctional facilities. Services included general and case-specific information about child support, family reintegration classes dealing with relationships and parenting, assistance with communicating with children and families, and referrals to community based agencies for employment assistance and other forms of help. Child support workers pursued relevant actions on behalf of project participants, such as reductions in the interest rate charged on unpaid child support balances. The Houston Area Urban League and the Texas Workforce Center of El Paso provided employment assistance.

Final report: *Family Reintegration Project: Increasing Collections from Paroled and Released Non-custodial Parents in Texas* by Esther Griswold, Jessica Pearson, Lanae Davis and Nancy Thoennes, 2005. Denver, CO: Center for Policy Research.

▪ **District of Columbia: The Father Factor (March 2001 – September 2002)**

OCSE awarded a Special Improvement Project grant (No. 90FI0035) to work with released offenders on probation or parole who are NCPs with child support obligations. The goals of the project included assisting the parents to find work, resolve custody issues, and pay child support on a regular basis. Twice a week for three weeks, project participants attended fatherhood workshops that covered the topics of child support, relationship skills, and the needs of children. The NCPs received employment training and assistance in seeking work. Participants also met with service providers, such as the Child Support Enforcement Division and the DC Metro Fatherhood Network. This was a small project, with 82 participants completing the program.

Final report: *The Father Factor: Narrative Report* by Christine Hart-Wright, 2002. Washington, DC: STRIVE-DC.

▪ **Washington: Child Support Joint Agency Collection Project (March 2001 – July 2003).**

OCSE awarded a Special Improvement Project grant (No. 90FI0042) to the Washington Division of CSE (DCS) to collaborate with the Department of

Corrections and the state Employment Security Department. DCS tested “high effort” and “low effort” outreach methods of interacting with incarcerated parents through the use of videos, brochures, and in-person visits. The Child Support Joint Agency Collection Project had the goals of increasing the number of inmates/parents who seek a modification of their child support order, increasing the number of parents using an employment program when released, and increasing payments of child support by released parents. The video was seen by approximately 10,000 inmates during an 18-month period, with approximately 15 percent of the viewers requesting child support information for their specific case. Child support workers recommended that the NCP seek a modification to reduce the order level, a conference board to write off some of the arrears owed to the state, or a hearing to recalculate the order level.

Final report: *State of Washington Child Support Joint Agency Collection Project: Final Grant Report* by the Washington State Department of Social and Health Services, Division of Child Support, 2003. Olympia, WA: Washington State Department of Social and Health Services.

Appendix B: Overview of Research and Outcomes of OCSE Grants

State/Project	Target Audience	Research Objectives	Evaluation Data	Key Outcomes/Findings
<p>California, Imperial County: 42 participants (52% were ex-offenders)</p>	<p>Low-income NCPs living in Imperial County referred by the court or CSE agency.</p>	<p>► Documentation of provision of services to participants: case management, employment, education, occupational training, child support, and parenting training.</p>	<p>► Records kept by project coordinator, case manager, occupational training instructor, and CSE liaison.</p>	<p>At end of project:</p> <ul style="list-style-type: none"> ► 78% of clients were employed. ► 83% received certificates of competencies. ► 78% were making child support payments, with 40% paying full amount due. ► 42% requested modifications; of these, 61% were granted.
<p>Colorado: Modifications 898 participants</p>	<p>Incarcerated NCPs with child support cases from the caseloads of four counties.</p>	<p>► Documentation of the processes to identify and work with NCPs who were eligible for a modification.</p>	<ul style="list-style-type: none"> ► Electronic match of caseloads of CSE and DOC. ► Child support data from automated system, ACSES. 	<ul style="list-style-type: none"> ► Roughly one-fourth of incarcerated parents with child support involvement were eligible for a modification. ► Almost all NCPs eligible for a modification entered prison with arrears balances (\$10,249 on average). ► Most inmates/NCPs did not earn enough in prison to pay even a modified order amount.

State/Project	Target Audience	Research Objectives	Evaluation Data	Key Outcomes/Findings
<p>Colorado: Work and Family Center 350 participants</p>	<p>Released NCPs with child support cases in Denver metropolitan area.</p>	<ul style="list-style-type: none"> ▶ Comparison of order levels, arrears, and child support payments at pre- and post-program time periods of participants. ▶ Analysis of earnings reported by employers prior to and following program participation. ▶ Documentation of services received, employment activity, and rates of recidivism. 	<ul style="list-style-type: none"> ▶ Intake forms ▶ Child support data from automated system, ACSES. ▶ Data from DOC automated system. ▶ Review of quarterly wage reports filed by employers for participants. 	<ul style="list-style-type: none"> ▶ Upon entry to project, WFC clients had an average total monthly support obligation of \$295, plus an arrears obligation of \$16,651. ▶ Even with child support services, at six months after visit to WFC, clients had an average monthly obligation of \$257 and arrears balances of \$17,183. ▶ Child support payments by NCPs increased from an average of 17% six months before visit to WFC, to 39% six months after visit. ▶ After one year, WFC clients returned to prison at lower rates (25%) than rates reported for all inmates (at least 40%).

State/Project	Target Audience	Research Objectives	Evaluation Data	Key Outcomes/Findings
<p>Illinois: 190 participants</p>	<p>Incarcerated fathers with child support involvement assigned to a work-release program in Chicago.</p>	<ul style="list-style-type: none"> ▶ Comparison of order levels, arrears and child support payments at pre- and post-program time periods of participants who received, requested but did not receive, or did not request a modification. ▶ Documentation of judicial modification process. 	<ul style="list-style-type: none"> ▶ Project intake forms. ▶ Child support data from automated database KIDS six months prior to prison entry, at project intake, and six months after project entry. ▶ Employment exit forms from work-release centers. ▶ Baseline portrait of incarcerated NCPs from 2003 extract from KIDS. 	<ul style="list-style-type: none"> ▶ Incarcerated NCPs with current orders have arrears balances on average of \$11,102. ▶ Only a portion (54%) of incarcerated NCPs with child support involvement are eligible for a modification. ▶ A modification can dramatically reduce the monthly obligation (to \$88 on average, compared to \$219 on average for non-requesters) of an incarcerated NCP and limit arrears from accruing.
<p>Massachusetts: 1,200+ participants</p>	<p>Three groups: NCPs with child support involvement who were paroled, were in the DOC classification facility, or were in the Suffolk County House of Corrections.</p>	<ul style="list-style-type: none"> ▶ Statistical comparison of child support status of inmates and parolees with open cases in 2001 and 2003 (percent establishing paternity or orders, order levels, modifications, payments). ▶ Analysis of modification process and results (number of modification requests, length of time to complete, number of downward modifications). 	<ul style="list-style-type: none"> ▶ Intake forms. ▶ Two electronic data matches from the DOR/CSE system COMETS with the data systems of the DOC, the parole board, and the Suffolk County House of Corrections, in 2001 and 2003. ▶ Modification database maintained by grant administrator. 	<ul style="list-style-type: none"> ▶ Significant increases in percentage of inmates and parolees establishing paternity and orders. ▶ Significant increases in percent of inmate orders in the \$1 to \$50 range. ▶ Significant increases in rate of order modifications among inmates. ▶ Significant increases in downward modification among DOC inmates and parolees.

State/Project	Target Audience	Research Objectives	Evaluation Data	Key Outcomes/Findings
Minnesota: Hennepin County: 102 participants	Incarcerated NCPs with child support cases in the Hennepin County CSE caseload.	<ul style="list-style-type: none"> ▶ Documentation of the number of NCPs who requested a modification, results of requests, and arrears accumulation over 14 months. 	<ul style="list-style-type: none"> ▶ NCPs' requests for modification. ▶ Child support data from automated database, PRISM. 	<ul style="list-style-type: none"> ▶ Majority of incarcerated NCPs contacted (71%) requested a modification. ▶ Modifications were awarded in 50% of requests. ▶ Arrears of participants increased by 7% to 9% during 14-month project.
Missouri: 400+ participants	Incarcerated NCPs scheduled for release within 18 months from one of two medium-security state prisons.	<ul style="list-style-type: none"> ▶ Documentation of programs and services provided, and recorded attendance and responses of inmates. ▶ Pre-/ post-program survey of treatment and comparison groups. 	<ul style="list-style-type: none"> ▶ Records kept by project staff for expenditures for materials, and attendance of classes and workshops. ▶ Pre- and post-program survey forms. 	<ul style="list-style-type: none"> ▶ No statistically significant changes occurred over time in the measures of child-rearing behaviors and parenting attitudes for participants. ▶ Treatment group reported increased ability to relate to young children.

State/Project	Target Audience	Research Objectives	Evaluation Data	Key Outcomes/Findings
<p>Texas: Two sites; 317 participants</p>	<p>Inmates with child support cases in three state jails, a residential substance abuse treatment center, and parolees in El Paso.</p>	<ul style="list-style-type: none"> ▶ Comparison of pre-incarceration child support payment history (12 months before entry into jail) with post-release payment behavior at four to six months following release, nine to 12 months, and 13 or more months. ▶ Analysis of OAG/CSE actions taken. 	<ul style="list-style-type: none"> ▶ Project intake forms. ▶ Child support data from automated database TXCSES prior to jail entry, at project intake, and post-release time points of four to six months, nine to 12 months, and 13 or more months. ▶ Review of quarterly wage reports filed by employers for participants during quarters following their release through June 30, 2004. ▶ Criminal justice status of participants from TDCJ database. ▶ Project logs of actions taken by CSE and project staff. 	<ul style="list-style-type: none"> ▶ Participants with current orders entered jail with an average arrears balance of \$21,193. ▶ Although project participation did not lead to any overall change in payment behavior, released inmates who paid support paid more of what they owed after release (54% to 77%). ▶ Post-release payments were more apt than pre-jail payments to come from wage withholding (48% to 70%). ▶ Case-specific child support actions taken for 110 participants.
<p>Washington, DC: STRIVE-DC: 82 participants</p>	<p>Unemployed NCPs in Washington, DC on probation or parole who have a child support order.</p>	<ul style="list-style-type: none"> ▶ Documentation of provision of services. ▶ Pre-/post-test to assess participants' knowledge of child support, and self-assessment of ability to manage anger, relate to community, and to parent successfully. 	<ul style="list-style-type: none"> ▶ Records of attendance to classes, workshops, and court hearings. ▶ Pre- and post-program test forms. 	<ul style="list-style-type: none"> ▶ 51% of participants employed at end of project. ▶ 20% of participants had child support review and adjustment, with half of those receiving modifications.

State/Project	Target Audience	Research Objectives	Evaluation Data	Key Outcomes/Findings
<p>Washington: 1,472 participants</p>	<p>State prison inmates with established child support orders.</p>	<p>► Comparison of actions of 525 NCPs in low-effort group (received child support information and recommendations by mail) with the actions of 92 NCPs in high-effort group (met in person with DCS staff to receive child support information and recommendations).</p> <p>► For the same groups, comparison of changes in arrears, current child support levels, and payment rates, using pre-incarceration and post-release data.</p>	<p>► Child support data from DCS automated database for 12 months prior to incarceration, and for post-release time frame (from release date to March 2003). Taken for random sample of 120 in low-effort group and all (92) of high-effort group.</p> <p>► Database containing dates of NCP responses, actions recommended by the DCS, and dates of actions taken by the DCS.</p>	<p>► Child support arrears decreased substantially (18% on average) for low-effort group, but by only 4% on average for high-effort group.</p> <p>► Current child support order amounts were reduced on average 36% for low-effort group, compared to 23% for high-effort group.</p> <p>► The payment rate of released NCPs who were in the low-effort group increased from a pre-incarceration rate of 18% to a post-release rate of 26%, while the payment rate of the high-effort group increased from 16% to 18% for the same time periods.</p>

Appendix C: Contacts for OCSE Grants

State/Project	Contact Information
California: Project Dads	Deborah Standiford, Project Coordinator Project Advantage/WIA/ Occupational Training Imperial Valley Regional Occupational Program 687 State Street El Centro, CA 92243 760-482-2637 dstandiford@ivrop.org
Colorado: Testing a Modification Process for Incarcerated Parents	Dan Welch, Grant Manager Colorado Department of Human Services, Division of Child Support Enforcement 1575 Sherman Street, 4th Floor Denver, CO 80203 303-866-4452 Dan.Welch@state.co.us
Colorado: Work & Family Center	Dan Welch, Grant Manager Colorado Department of Human Services, Division of Child Support Enforcement 1575 Sherman Street, 4th Floor Denver, CO 80203 303-866-4452 Dan.Welch@state.co.us
Illinois: Father Reintegration Project	Norris Stevenson Deputy Administrator for Field Operation Non-Custodial Parent Services Unit Illinois Department of Healthcare and Family Services 32 W. Randolph, 11th Floor Chicago, IL 60601 312-793-7984 aidd5144@idpa.state.il.us

<p>Massachusetts: Fathers in the Criminal Justice System</p>	<p>Nora Hudock, Outreach Director Department of Revenue/Child Support Enforcement Division P.O. Box 9561 Boston, MA 02114-9561 617-626-4158 HUDOCKN@dor.state.ma.us</p>
<p>Minnesota: Intervention Strategies for Working with Low- Income Non-Custodial Parents</p>	<p>Karen Axtell, Unit Supervisor Human Services and Public Health Department 110 South 4th Street Minneapolis, MN 55401-2280 612-348-3329 karen.axtell@co.hennepin.mn.us</p>
<p>Missouri: Fathers for Life</p>	<p>Kathy LeFebvre, Grants Coordinator Missouri Department of Social Services, Family Support Division 710 S. Expressway, Suite A Cape Girardeau, MO 63703 573-290-5756 Kathy.C.LeFebvre@dss.mo.gov</p>
<p>Texas: Family Reintegration Project</p>	<p>Michael Hayes Office of the Attorney General – State of Texas Office of Family Initiatives P.O. Box 12017 Mail Code 039 Austin, TX 78711-2017 512-460-6218 Michael.Hayes@cs.oag.state.tx.us</p>
<p>Washington, DC: The Father Factor Program</p>	<p>Christine Hart-Wright, Executive Director STRIVE DC, Inc. 7151 I Street Northeast Washington, DC 20002 202-484-1264 chartwright@cavtel.net</p>

Washington:
Joint Agency Collection
Project

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**Appendix D:
Massachusetts: Example of Memorandum of
Understanding Between CSE and
a County Sheriff's Office**

**COMMONWEALTH OF MASSACHUSETTS
RESPONSIBLE FATHERHOOD INITIATIVE**

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE WORCESTER COUNTY SHERIFF'S OFFICE
AND
THE DEPARTMENT OF REVENUE/CHILD SUPPORT
ENFORCEMENT DIVISION**

The purpose of this Memorandum of Understanding (MOU) between the Worcester County Sheriff's Office and the Child Support Enforcement Division of the Department of Revenue (DOR/CSE) is to establish operating policies and procedures for the implementation of a program to increase the responsible management by inmates under the supervision of the Worcester County Sheriff's Office of their child support cases by educating inmates on child support, informing them of the status of their cases, and assisting them in managing their child support cases. Responsible management of child support cases includes paying child support in full, requesting modification of child support orders when unable to pay child support in full, requesting assistance appropriately if there are problems with the child support cases, and cooperating in the establishment of paternity and child support orders.

The parties agree to the following action steps:

Worcester County Sheriff's Office

The Worcester County Sheriff's Office agrees to:

1. Designate staff responsible for coordinating the action plan outlined in this MOU;
2. Provide DOR/CSE with a data set once a month with a list of all sentenced inmates in the custody of Worcester County Sheriff's Office that includes the following information – name, Social Security Number, date of birth, inmate identification number, date of incarceration estimated release or wrap up date, and facility (and if readily available, parole eligibility date);
3. Review with DOR/CSE all inmate legal cases where a cash award, judgment, order, or settlement in the inmate's favor has occurred to determine whether the inmate has a child support obligation. DOR/CSE cannot levy an inmate account unless approved by Worcester County Sheriff's Office. Worcester County Sheriff's Office may request a

levy from DOR in cases where the inmate has a child support obligation. The DOR/CSE levy will be subordinate to any prior lien or assignment of the award to the Worcester County Sheriff's Office. Worcester County Sheriff's Office may also request levies from DOR for other types of inmate accounts or assets, at the discretion of the Worcester County Sheriff's Office;

4. Provide a contact for DOR/CSE criminal justice initiatives staff to request incarceration information on inmates who have child support cases, and;
5. Allow DOR/CSE criminal justice initiatives staff (who have completed security clearance) to meet with inmates who have child support cases as needed, with the format and size of meetings and final list of inmates to be determined by the Worcester County Sheriff's Office.

Department of Revenue/Child Support Enforcement Division

The Department of Revenue/Child Support Enforcement Division agrees to:

1. Designate staff to be responsible for coordinating the action steps outlined in this Memorandum of Understanding;
2. Match the monthly and annual lists of inmates submitted by the Worcester County Sheriff's Office with the child support enforcement system to determine any matches. Use the matched data to identify inmates' child support cases eligible for modification and cases needing paternity and/or child support order establishment and to prepare cases for modification requests, paternity and child support order establishment, and response to inmates' questions and requests for assistance with their child support cases;
3. Meet as needed with inmates who have child support cases to assist them in filing modification requests, take steps to establish paternity and child support orders, and respond to inmates' questions about and requests for assistance with their child support cases – following all security protocols of Worcester County Sheriff's Office;
4. Follow up on all requests for information or assistance on inmates' cases within one week of the request from inmates or Worcester County Sheriff's Office staff;
5. Coordinate the issuance of levies of cash awards, judgments, orders, or settlements to inmates, or of other inmate assets or accounts, as requested by and at the discretion of Worcester County Sheriff's Office personnel and provide these inmates with updated information on their child support cases, and;
6. Assist Worcester County Sheriff's Office staff's efforts to enroll inmates in appropriate parenting and on the job training programs in the community.

Confidentiality Protocol

The Department of Revenue/Child Support Enforcement Division (DOR/CSE) and Worcester County Sheriff's Office acknowledge that through their receipt of data they will acquire or have access to "personal data" and become "holders" of personal data as defined by G.L. c. 66A. As such, DOR/CSE and the Worcester County Sheriff's Office are subject to and must comply with all applicable federal and state statutes and regulations relating to confidentiality and privacy, including but not limited to, G.L. c. 66A, G.L. c. 119A, § 5A, 801 CMR 3.00 et seq., and 42 U.S.C. § 654(26).

The Worcester County Sheriff's Office shall immediately notify the Deputy Commissioner of DOR's Inspectional Services Division both orally and in writing if any personal data pertaining to child support in Worcester County Sheriff's Office's possession is improperly used or accessed. DOR/CSE shall immediately notify the Worcester County Sheriff's Office both orally and in writing if any personal data obtained by DOR/CSE from the Worcester County Sheriff's Office is improperly used or accessed. DOR/CSE and the Worcester County Sheriff's Office shall cooperate with each other to enjoin or prevent misuse of, regain possession of, and otherwise protect the Commonwealth's rights in such personal data and ensure the security of such data under its control.

DOR and the Worcester County Sheriff's Office agree and acknowledge that the information referred to above is confidential and shall only be disclosed in accordance with state and federal statutes and regulations, including but not limited to, G.L. c. 66A, G.L. c. 119A, § 5A, 801 CMR 3.00 et seq. and 42 U.S.C. § 654 (26).

Each agency shall have access at all times to any data maintained pursuant to this memorandum without the consent of the data subject.

Worcester County Sheriff's Office will provide DOR/CSE with a list of the Worcester County Sheriff's Office employees authorized to receive information from DOR regarding inmates' child support obligations and/or paternity status. DOR/CSE will provide the Worcester County Sheriff's Office with a list of the DOR/CSE employees authorized to receive the initial and monthly roster of inmates, and information about any inmate on the master roster who is transferred to a work-release program, or is released from custody. Such lists shall be promptly updated in writing by the Worcester County Sheriff's Office or DOR/CSE, as the case may be, whenever the Worcester County Sheriff's Office or DOR/CSE makes employee changes. DOR/CSE and the Worcester County Sheriff's Office agree to inform their respective employees that only those employees who are on the authorized DOR/CSE or Worcester County Sheriff's Office list may access such DOR/CSE child support information and Worcester County Sheriff's Office information and that said information is to be used only for the purposes of establishing paternity and child support obligations and modifying and enforcing child support obligations, and may be shared only with other authorized personnel for such purposes. DOR/CSE and the Worcester County

Sheriff's Office also agree that it will inform each of its employees having any involvement with such personal data of the laws and regulations relating to confidentiality, as well as the terms of this Memorandum of Understanding.

The Worcester County Sheriff's Office will ensure that any child support data obtained through this agreement will, as required by G.L. c. 66A and by G.L. c. 119A, s. 5A, remain confidential and be used only for the purposes of establishing paternity and child support obligations and modifying and enforcing child support obligations. The Worcester County Sheriff's Office is prohibited from entering into any agreement to furnish, or from otherwise disclosing or sharing, any child support data to any third party, including information with all personal identifiers removed, regardless of the purpose, without the prior written approval of DOR/CSE or a court order pursuant to G.L. c. 66A, § 2(k). Nothing in this Memorandum of Understanding prohibits the Worcester County Sheriff's Office from providing information to employers of inmates about the inmate's periodic child support obligation and any past-due amounts.

DOR/CSE shall be entitled to periodically review Worcester County Sheriff's Office's use of child support information, with reasonable prior notice. The objective of such reviews will be to reasonably determine and verify that the confidentiality of the child support data is maintained, that the Worcester County Sheriff's Office uses the information only for the purposes of establishing paternity and child support obligations and modifying and enforcing child support obligations, and that only data of individuals positively identified and for whom the Worcester County Sheriff's Office has authorization to receive such information is subject to inquiry by the Worcester County Sheriff's Office. As part of such review, representatives from DOR's Inspectional Services Division shall have the right to visit Worcester County Sheriff's Office's offices, with reasonable prior notice, for the purpose of verifying and ensuring the security and confidentiality of the child support data.

Budget

Services rendered under this MOU will be at no cost to either the Worcester County Sheriff's Office or the Department of Revenue/Child Support Enforcement Division.

Amendments

Performance of activities by the Worcester County Sheriff's Office and DOR/CSE under this MOU may be adjusted upon the mutual written consent of the Sheriff and DOR Commissioner so as to incorporate effective strategies for establishing, modifying and enforcing child support obligations. Any additions or changes to the provisions of this MOU may be made only in writing and signed by the Sheriff and the DOR Commissioner, or their designees, and shall become an attachment to this MOU.

Termination

This MOU is subject to cancellation by either party at any time upon thirty days notice to the other party. DOR/CSE may discontinue or suspend the provision of child support information immediately if any term of this MOU is violated. This MOU will commence upon execution and the term of this MOU will be from the date of execution until canceled or terminated by either party.

Worcester County Sheriff's Office

Date

Department of Revenue

Date

**Appendix E:
Massachusetts:
Modification Request Affidavit for NCP**

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT

_____, SS

DOCKET NO. _____

Massachusetts Department of Revenue)
Child Support Enforcement Division On Behalf Of)
_____, Plaintiff)
v.)
_____, Defendant)

AFFIDAVIT

1. My name is _____.
2. I am the father of: _____, date of birth ____ \ ____ \ ____
_____, date of birth ____ \ ____ \ ____
_____, date of birth ____ \ ____ \ ____
3. On _____, I was ordered to pay child support in the amount of
\$ _____ per _____.
4. On or about, _____ my income and my circumstances changed and I am unable
to make child support payments in the amount of \$ _____ per _____.
5. I am currently incarcerated at _____.
6. My expected release date is _____.
7. I currently receive \$ _____ per day as income in the facility. OR
I currently receive \$ _____ per _____ from:

_____.
8. I have no other income or assets.

Signed under the pains and penalties of perjury this _____ day of _____, _____.

Appendix F:
Texas: “Incarcerated Parents and Child Support”
Brochure

INCARCERATED
PARENTS
and CHILD
SUPPORT



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

INCARCERATED parents & child support

The Attorney General of Texas
administers the child support
program in the State of Texas.

Most of our services involve
getting financial support for
children. We also establish
paternity for children,
establish court orders
for financial and medical
support, and enforce
child support orders.

Children do better when both parents are involved in their lives. Even while you are incarcerated, you can let your children know that you care about them, want the best for them and are doing everything you can to support them.

I'm in prison and can't work.

Why doesn't my child support order change?

Your child's needs don't change or stop just because you are in prison. In fact, they are probably greater. Even if the Attorney General's Office knows you are in prison, your obligation to pay child support doesn't go away. The amount you owe will continue to add up and you will be charged interest on any unpaid support. If you have any ability to pay child support while in prison, it is in your best interest – and your child's interest – to do so. You can request a modification to your child support due to incarceration, but the judge may not approve a reduction.

**I don't have a child support case,
so I don't have anything to worry about, right?**

You may not have a child support case when you go to prison, but that doesn't mean a new case can't be established while you are incarcerated. If you are served with legal papers from the Attorney General's Office, it is important that you respond promptly in writing to the court that issued the papers and to the local child support office that is named in the papers. If you do not respond, the court may make a decision on your child support case without your involvement, including setting the amount of child support you must pay.

In your response, include all information that you want the court to consider when deciding your case. If you have been identified as the father of a child and are being sued for paternity, you may request genetic testing. The State Counsel for Offenders at the Texas Department of Criminal Justice (TDCJ) may be able to assist you in preparing your response. You also have the right to get your own attorney. The Attorney General's Office cannot advise you on any legal matters, and we cannot help you prepare a response to legal documents.

I didn't go to court or sign any child support papers.

Can I still be held responsible?

Yes. Even if you don't go to court or sign the papers, child support documents can have serious legal consequences for you and your child. This is especially true when establishing paternity.

What are the legal benefits for a father, mother and child when paternity is established?

Establishing paternity has many benefits for both children and parents. The most important benefit for children is knowing that they have a father who wants to be in their life.

Other benefits for the child include:

- Social Security/veterans benefits
- Inheritance from the father
- Access to the father's medical insurance
- Access to family medical information
- Knowing the identity of the father

Benefits for the father may include:

- His name on the child's birth certificate
- Protection of his legal right to develop a relationship with the child
- Access to his child's school and medical records
- Visitation as set by the court

Benefits for the mother may include:

- Creating a formal legal connection between father and child
- Father's name appearing on the birth certificate
- Financial and emotional support for the child

What should I do when I get out of prison?

It is important to contact the Attorney General's Office with your new address, employment information and plans to pay child support. You can:

- Arrange a payment plan on any back support you owe;
- Get help finding employment; and
- Find out what other help the Attorney General's Office may be able to give you.

We recognize that most people need a little time to get on their feet after being released from prison. The Attorney General's Office may be able to temporarily hold off on certain enforcement actions if you provide our office with evidence that you are looking for a job and providing some support to your child. You can also request a "review and adjustment" to see if you qualify for a modification of your child support, which may reduce the amount you are required to pay. Finally, if you are reuniting with the mother of your child, you may qualify for other child support relief.

ADDITIONAL QUESTIONS and answers:

Are fathers treated differently from mothers in child support matters?

No. In terms of support, custody or visitation, the law does not discriminate based upon the gender of a person.

We're together, so why do I have a child support case?

You may be together in your eyes, but in the eyes of the law, you are incarcerated and the other parent and your children are living separately from you. If the custodial parent needs assistance from the State and applies for Temporary Assistance for Needy Families (TANF or welfare), the State may proceed with a child support case whether the custodial parent requests it or not.

I have remarried and my spouse makes a very good living. Will the child support office take my child support out of my spouse's earnings? Will my spouse's income be counted when my child support amount is calculated?

No. Your new spouse does not have to pay your child support. A new spouse's income may not be used when determining the amount of child support to be paid.

How does the court decide how much child support I should pay?

Texas law sets the following general guidelines for child support payments.

- 20% for one child
- 25% for two children
- 30% for three children
- 35% for four children
- 40% for five children
- Not less than 40% for six or more children

Special rules apply if you have children in more than one household. If the court believes you are not making as much money as you should, the child support amount may be based on your earning potential.

Where can I get help with my child support or information about my child support case?

The State Counsel for Offenders at TDCJ is a good place to start. They may be able to assist you with preparation of responses to legal documents.

The Attorney General's Office can provide you with some information about your child support case. Use the form on the back of this brochure to request basic information. Mail it to:

Office of the Attorney General

P. O. Box 12017

Austin, TX 78711-2017

Phone: (800) 252-8014

Website: www.oag.state.tx.us

E-mail: child.support@oag.state.tx.us

CHILD SUPPORT DEFINITIONS:

- **Custodial parent (CP)** – The person who has primary care, custody and control of the child, also referred to as the *obligee*
- **Non-custodial parent (NCP)** – The parent who does not have primary care, custody and control of the child, also referred to as the *obligor*
- **Paternity** – Legal determination of fatherhood
- **Default judgment** – A judgment entered when a person fails to respond to a legal action or fails to appear in court
- **Arrearage** – Past due, unpaid child support owed by the non-custodial parent
- **Child support modification** – A court-ordered change to a child support order
- **Court order** – A directive from the court
- **Acknowledgment of Paternity (AOP)** – A document that both unmarried parents can voluntarily sign to establish legal paternity for their child without going to court

INQUIRY FORM FOR INCARCERATED PARENTS

Read the brochure carefully before completing this form. If you have multiple cases, use one form for each case.
(Photocopies are acceptable.)

(Please print)

YOUR NAME: _____ TDCJ#: _____

YOUR ADDRESS: _____

YOUR SOCIAL SECURITY NUMBER: _____

OTHER PARENT'S NAME: _____

PLEASE SEND ME INFORMATION ON:

FORWARDING MAIL TO CHILDREN

DNA TESTING ON _____ (child's name)

MODIFICATION OF CHILD SUPPORT

INTEREST RATE REDUCTION TO 6%

ARREARS OWED

COPY OF MY ORDER

COPY OF MY PAY RECORD

OPENING A CASE TO ESTABLISH PATERNITY

SIGNING AN ACKNOWLEDGMENT OF PATERNITY

STATUS OF MY CASE (active - deferred - closed)

MULTIPLE FAMILY GUIDELINES FOR CHILD SUPPORT

OTHER PARENT WANTING TO CLOSE THE CASE

OTHER PARENT WANTING TO FORGIVE ARREARS

SOCIAL SECURITY DISABILITY PAYING CHILD SUPPORT

ADDRESS/PHONE OF CHILD SUPPORT UNIT HANDLING CASE

OTHER:

SIGNATURE _____ DATE _____

IMPORTANT INFORMATION

What the Attorney General Cannot Do:

1. Change custody or enforce the visitation provision of your order.
2. File a "Termination of Parental Rights" petition.
3. Provide you with the address(s) of your children or the other parent.
4. Answer questions other than child support inquiries.
5. Obtain information from the court if you do not have a case with the Attorney Generals Office.
6. Transport you to the court for a hearing.
7. Lift a bench warrant.
8. Stop the interest on your arrears.
9. Give you legal advice.

What the Attorney General CAN Do While You Are Incarcerated:

1. Forward your mail to your children if your case is in active or deferred status.
2. Upon your request, review your case to see if you are eligible for child support modification.
3. Review your case and report the terms of the order to you (monthly child support payment, monthly arrears payment, total arrears owed).
4. Provide you with copies of your order and payment record.
5. Open a case to establish paternity (Required: the other parent's name and the number of children).
6. Send a lab technician to collect a sample of your DNA.
7. Help establish the biological father as the legal father by coordinating with both parents to sign an AOP (Acknowledgement of Paternity). This can be done by mail and does not require opening a child support case.

FREQUENTLY ASKED QUESTIONS:

1. **Can I have a court-appointed attorney represent me in court at a child support hearing?** A judge will appoint an attorney to represent you only if you are found to be indigent, you appear in person at the hearing, and you face incarceration as a result of the hearing.
2. **Where can I get legal advice or direction about my child support case?** Your private attorney or the Access & Visitation Hot Line, 1-866-292-4636, Monday through Friday, 1 p.m. to 5 p.m.

3. What do I do if I believe my child is being abused?

Call the Department of Family and Protective Services at 1-800-252-5400. If you do not have access to a phone, ask a third party to make the call for you.

4. What do I do about my child support case once I am released from prison?

- Contact the child support office handling your case.
- Pay child support regularly while you are looking for work.
- Request time to find employment before an enforcement action is taken, provided you report your address and job search efforts.
- Notify the child support unit as soon as you are employed so that an order or writ for withholding can be sent to your employer.
- Request referrals to parenting programs, job help resources or other community assistance.
- Make an effort to become an important part of your child's life.

CONTACT INFORMATION

BY US MAIL

Office of the Attorney General
Child Support Division
P. O. Box 12017
Austin, TX 78711-2017

ON THE INTERNET

Website: www.oag.state.tx.us
E-mail: child.support@oag.state.tx.us

BY TELEPHONE

Regional Customer Service Centers and Area Offices (all voice)

Houston/Harris County	... (713) 243-7100
Dallas/Tarrant County (972) 339-3100
San Antonio/Bexar County	(210) 841-8450
Austin/Travis County (512) 514-7000
Lubbock (806) 765-0094
McAllen (956) 682-5581
Tyler (903) 595-6900
El Paso (915) 779-2388

24 HOUR PAYMENT AND CASE STATUS INFORMATION (800) 252-8014

FOR THE DEAF AND HARD OF HEARING
(800) 572-2686 (TTY)
(512) 460-6417 (TTY)

**Appendix G:
Milwaukee: Notification for Suspension of
Child Support Order**

Court case #:

CP Name:

NCP NAME
NCP ADDRESS
CITY, STATE ZIP

While you are incarcerated, your child support order in this case continues to charge against you, whether you have any ability to pay or not. If you are interested in having your support order temporarily suspended during your incarceration, please complete this form and return it to the Child Support Office within 15 days, using the envelope provided.

We are also contacting the recipient of child support on this case. If you return this form and the recipient agrees that your order can be temporarily suspended, you will receive a copy of the order suspending your support until 60 days after your release date. If you return this form and the support recipient does not agree to suspend your support order, a court date will be set before the Family Court Commissioner. The Commissioner will decide whether or not your order should be temporarily suspended.

Please answer:

1. Check one:

I can pay my support order while I'm incarcerated; I will send payments to:
Wisconsin Support Collection Trust Fund
Box 74200
Milwaukee WI 53274-0200

I cannot pay my support order while I'm incarcerated; if so continue to #2, below.

2. I would like my support order suspended while I am incarcerated. I understand that if it is suspended, it will be automatically reinstated in full 60 days after my release. My earliest parole date is _____, my mandatory release date is _____.
3. If the recipient does not agree to temporarily suspend my support order, I am requesting that a court date be set for the court to consider modifying my support order while I am incarcerated.

Signature

Date: _____

If you have any questions, please write to:
Child Support - Prison Project
Room 101 Courthouse
901 N. 9th Street
Milwaukee WI 53233

Court Case #:
NCP Name:

CP NAME
CP ADDRESS
CITY, STATE ZIP

The person who is supposed to be paying child support to you is in prison. Some support recipients do not want child support arrears to build up against the payer during incarceration. We are contacting you to see if you want your child support order to continue to run during this time.

If you agree to temporarily suspend the child support order, you may use the enclosed form. You can also choose whether or not you want to collect, in the future, any arrears and interest that the payer owes to you at this time. NOTE: if you decide to cancel any support arrears and interest due to you, you cannot get them back at a later date.

Please understand that you are not required to change your child support order in any way unless you want to do so.

If you agree that the support order can be temporarily stopped, please sign the enclosed form and return it to the Child Support office in the envelope provided within 15 days of receiving this letter.

We are also contacting the payer about this issue. If the payer asks that the court consider temporarily suspending the support order, and you do not agree to stop the order, a hearing date will be set before the Family Court Commissioner. You will be notified of that date.

If you have any questions, please contact our office:

- by phone at (414) 278-5160,
- by fax at (414) 223-1865,
- by e-mail at milwcse@milwcnty.com, or
- in person in Room 101 of the Milwaukee County Courthouse, 901 N. 9th St., Milwaukee.

Milwaukee County Child Support Enforcement

Appendix H:
Los Angeles, CA: Incarcerated Parent's Request
for Modification of Child Support and
Information Sheet

**INCARCERATED PARENT'S REQUEST FOR MODIFICATION
OF CHILD SUPPORT AND INFORMATION SHEET**

SEND TO: _____ County Department of Child Support Services

PLEASE PRINT:

Name: _____ CDC #: _____

Institution Name and Address _____

Address and Phone Number When Released: _____

Social Security #: _____ Date of birth: _____

Date Current Incarceration Began: _____ Expected date of release: _____

Name(s) of Child(ren): _____

Other Parents Name: _____

As an inmate currently in jail or prison, I request that your office modify/change my obligation to pay child support while I am incarcerated. I am unable to pay support because I have no assets or income. I understand that my child support obligation will not be changed until the court either signs an agreement with all parties or makes an order following a hearing for modification (change) of support.

I understand that if my request for a modification (change) is granted, my current child support obligation will be reduced. I also understand that 60 days after my release from jail/prison, I must contact the Department of Child Support Services that is enforcing this case. If I fail to do so, a child support order may be made effective retroactive to the date that I first become employed.

If I participate in a residential treatment program and I am not allowed to work, I will have my counselor send a letter to the Department of Child Support Services within 10 days to confirm this restriction.

I ask for a written response regarding whether or not my request is being approved or denied.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____ Signature: _____

**Appendix I:
Washington: "Child Support Case
Status Response" Form**



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
DIVISION OF CHILD SUPPORT (DCS)
CHILD SUPPORT CASE STATUS RESPONSE

TO:

The Division of Child Support (DCS) received an inquiry from you about your child support obligation. This letter tells you about your child support cases and explains your options.

Please contact DCS about your cases as soon as you can. DCS wants to work with you to get child support for your children. DCS wants your child support obligations to fit your ability to pay. As you may know, there are many ways DCS can enforce your support obligations but we cannot help you unless you contact us. If you want your counselor, your Community Corrections Officer, or someone else talk to us on your behalf, please complete the enclosed *Authorization to Disclose Personal Information* form and return it to the DCS address listed on page 2.

DCS based your support obligations on one or more child support orders. The payment amounts required by your child support orders will stay the same until a court or administrative law judge changes the amounts. You will find more information about the number, dates, and amounts of your support orders in the enclosed *Child Support Obligation Information* form. If your support orders were not correct when entered or are not correct now, you may be able to change the amounts you must pay.

Our records show that you:

1. Should pay a total of \$ _____ per month for current child support.
2. Owe a total of \$ _____ for past-due child support.

The following details apply to your cases:

1. You have one or more administrative support orders. DCS served you notice of the orders by either certified mail or personal service.
 - a. DCS believes the support amounts stated in your orders are correct.
 - b. DCS believes the amounts stated in your orders may not fit your ability to pay.
 - (1) You may have the right to a hearing or a late hearing on the orders. If you can show good cause or a good reason for a late hearing, a judge may recalculate your support obligation.
 - (2) You may have a hearing to change or modify the amount of current monthly support to fit your ability to pay. DCS will include the other parties to your support orders in the hearing process.
2. You have one or more court orders.
 - a. DCS believes that the support amounts stated in your orders are correct.
 - b. DCS believes you should ask for a modification of your orders to fit your ability to pay. To ask for a change to your support amount, you must complete the enclosed *Washington State Child Support Schedule* and the *Request for Review of Child Support Order* and return them to the DCS address listed on page 2.

3. DCS may be able to charge off some or all of any child support debt that you owe to the Department of Social and Health Services. DCS cannot charge off any child support debt that you owe to another person. DCS has a process called a Conference Board where you can tell DCS why we should charge off your child support debt. Read the enclosed brochure that explains the Conference Board process and the reasons DCS may charge off your child support debt. To ask for a Conference Board, complete the enclosed *Request for Conference Board* form and return it to the DCS address listed below.
4. DCS closed your cases. DCS may reopen your cases in the future but will probably wait until you are released from custody and employed. DCS may reopen your cases sooner if we have another application for child support services. Even though your cases are closed, your child support debt may still increase each month.
5. If you are working, DCS can negotiate the amount you should pay each month. To give DCS a picture of your financial situation, please complete the enclosed *Statement of Resources and Expenses* form and return it to the DCS address listed below. DCS may be able to take less than 50 percent of your net wages.
6. DCS will accept any payment you make. Even small payments will help your children and reduce your child support debt. Include your social security number and account number IN _____ on all payments and correspondence. The DCS payment address is:

WASHINGTON STATE SUPPORT REGISTRY
PO BOX 45868
OLYMPIA WA 98504-5868

7. You asked DCS about a child named _____. DCS does not have a case for this child. If you want to open a case for this child, contact DCS at the address or telephone numbers listed below. Use the toll-free telephone number for long distance calls only.
8. Other:

If we enclosed forms for you to complete, please return them to the address listed below. If you have any questions, contact the Support Enforcement Officer at the address or telephone numbers listed below. Please use the toll-free telephone number for long distance calls only.

When you contact DCS, please refer to case number _____

Date

Authorized Representative
DIVISION OF CHILD SUPPORT

DIVISION OF CHILD SUPPORT

Or if calling long distance
TTY/TDD services available for the speech or hearing impaired
Visit our web site at: www.dshs.wa.gov/dcs

No person, because of race, color, national origin, creed, religion, sex, age, or disability, shall be discriminated against in employment, services, or any aspect of the program's activities. This form is available in alternative formats upon request.
--



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
DIVISION OF CHILD SUPPORT (DCS)
CHILD SUPPORT CASE STATUS RESPONSE

TO:

The Division of Child Support (DCS) received an inquiry from you about your child support obligation. This letter tells you about your child support cases and explains your options.

Please contact DCS about your cases as soon as you can. DCS wants to work with you to get child support for your children. DCS wants your child support obligations to fit your ability to pay. As you may know, there are many ways DCS can enforce your support obligations but we cannot help you unless you contact us. If you want your counselor, your Community Corrections Officer, or someone else talk to us on your behalf, please complete the enclosed *Authorization to Disclose Personal Information* form and return it to the DCS address listed on page 2.

DCS based your support obligations on one or more child support orders. The payment amounts required by your child support orders will stay the same until a court or administrative law judge changes the amounts. You will find more information about the number, dates, and amounts of your support orders in the enclosed ***Child Support Obligation Information*** form. If your support orders were not correct when entered or are not correct now, you may be able to change the amounts you must pay.

Our records show that you:

1. **Should pay a total of \$ _____ per month for current child support.**
2. **Owe a total of \$ _____ for past-due child support.**

The following details apply to your cases:

1. You have one or more administrative support orders. DCS served you notice of the orders by either certified mail or personal service.
 - a. DCS believes the support amounts stated in your orders are correct.
 - b. DCS believes the amounts stated in your orders may not fit your ability to pay.
 - (1) You may have the right to a hearing or a late hearing on the orders. If you can show good cause or a good reason for a late hearing, a judge may recalculate your support obligation.
 - (2) You may have a hearing to change or modify the amount of current monthly support to fit your ability to pay. DCS will include the other parties to your support orders in the hearing process.
2. You have one or more court orders.
 - a. DCS believes that the support amounts stated in your orders are correct.
 - b. DCS believes you should ask for a modification of your orders to fit your ability to pay. To ask for a change to your support amount, you must complete the enclosed ***Washington State Child Support Schedule*** and the ***Request for Review of Child Support Order*** and return them to the DCS address listed on page 2.

3. DCS may be able to charge off some or all of any child support debt that you owe to the Department of Social and Health Services. DCS cannot charge off any child support debt that you owe to another person. DCS has a process called a Conference Board where you can tell DCS why we should charge off your child support debt. Read the enclosed brochure that explains the Conference Board process and the reasons DCS may charge off your child support debt. To ask for a Conference Board, complete the enclosed *Request for Conference Board* form and return it to the DCS address listed below.
4. DCS closed your cases. DCS may reopen your cases in the future but will probably wait until you are released from custody and employed. DCS may reopen your cases sooner if we have another application for child support services. Even though your cases are closed, your child support debt may still increase each month.
5. If you are working, DCS can negotiate the amount you should pay each month. To give DCS a picture of your financial situation, please complete the enclosed *Statement of Resources and Expenses* form and return it to the DCS address listed below. DCS may be able to take less than 50 percent of your net wages.
6. DCS will accept any payment you make. Even small payments will help your children and reduce your child support debt. Include your social security number and account number **IN** _____ on all payments and correspondence. The DCS payment address is:

WASHINGTON STATE SUPPORT REGISTRY
 PO BOX 45868
 OLYMPIA WA 98504-5868

7. You asked DCS about a child named _____. DCS does not have a case for this child. If you want to open a case for this child, contact DCS at the address or telephone numbers listed below. Use the toll-free telephone number for long distance calls only.
8. Other:

If we enclosed forms for you to complete, please return them to the address listed below. If you have any questions, contact the Support Enforcement Officer at the address or telephone numbers listed below. Please use the toll-free telephone number for long distance calls only.

When you contact DCS, please refer to case number _____

Date

Authorized Representative
DIVISION OF CHILD SUPPORT

DIVISION OF CHILD SUPPORT

Or if calling long distance
 TTY/TDD services available for the speech or hearing impaired
 Visit our web site at: www.dshs.wa.gov/dcs

No person, because of race, color, national origin, creed, religion, sex, age, or disability, shall be discriminated against in employment, services, or any aspect of the program's activities. This form is available in alternative formats upon request.

**Appendix J:
Massachusetts:
“Settlement or Equitable Adjustment of
Child Support Arrearages” Regulation**

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830 CMR: DEPARTMENT OF REVENUE

830 CMR 119A: CHILD SUPPORT ENFORCEMENT

830 CMR 119A.6.2: Settlement or Equitable Adjustment of Child Support Arrearages Owed to the Commonwealth

(1) Statement of Purpose; Outline.

(a) Statement of Purpose. To maximize collection of child support arrearages owed to the Commonwealth, the Commissioner may accept an offer in settlement that is less than the full amount of such arrearages owed by an obligor as settlement of all or a portion of such arrearages, where there is serious doubt as to liability or collectibility of such arrearages. The Commissioner may also equitably adjust the amount of child support arrearages owed to the Commonwealth when the obligor has no present or future ability to pay the full arrearages. Any settlement or equitable adjustment shall be based upon a determination by the Commissioner that such settlement or adjustment of the assigned arrearages is in the best interests of the Commonwealth and in furtherance of the public policy of the Commonwealth that dependent children be maintained, as completely as possible, from the resources of their parents, thereby relieving or avoiding, at least in part, the burden borne by the citizens of the Commonwealth. The Commissioner's authority is wholly discretionary; no obligor has a right to a settlement or equitable adjustment under these provisions.

(b) Outline. 830 CMR 119A.6.2 is organized as follows:

- (1) Statement of Purpose; Outline
- (2) Definitions
- (3) Settlement and Equitable Adjustment of Arrearages Owed to the Commonwealth
- (4) Factors Affecting Agreement to Settle or Equitably Adjust Arrearages Owed to the Commonwealth
- (5) Procedure
- (6) Effect of Settlement Agreement

(2) Definitions. For purposes of 830 CMR 119A.6.2 the following terms have the following meanings:

Child Support Arrearages, the principal amount of child support, including medical support, which is unpaid as of the date on which it was due, whether the amount due is a fixed sum or is accruing periodically, including any amount of restitution ordered by a court or an administrative agency of competent jurisdiction. See M.G.L. c. 119A, § 6(b)(1).

Child Support Enforcement Division, the single state agency for the Commonwealth responsible for establishing parentage and establishing, modifying and enforcing

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child support orders pursuant to Title IV, Part D of the Social Security Act, 42 U.S.C. § 651 *et seq.*, and M.G.L. c. 119A. The Child Support Enforcement Division is a division contained within the Department of Revenue.

Commissioner, the Commissioner of Revenue or the Commissioner's duly authorized representative.

Obligor, an individual, or the estate of a decedent, who owes a duty of support, or who is liable under a child support obligation. See M.G.L. c. 119A, § 2.

(3) Settlement and Equitable Adjustment of Arrearages Owed to the Commonwealth.

(a) Settlement of Arrearages Owed to the Commonwealth. The Commissioner may accept an offer in settlement, including an offer payable by installments, that is less than the full amount of arrearages owed to the Commonwealth as a result of an assignment of child support rights pursuant to Title IV, Parts A and E, or Title XIX of the Social Security Act, where there is serious doubt as to liability or collectibility of such arrearages and upon a determination by the Commissioner that such settlement is in the best interests of the Commonwealth.

(b) Equitable Adjustment of Arrearages Owed to the Commonwealth. The Commissioner, in his discretion, may adjust arrearages owed to the Commonwealth as a result of an assignment of child support rights pursuant to Title IV, Parts A and E, or Title XIX of the Social Security Act when an obligor does not have the ability to pay the arrearages and principles of equity warrant such an adjustment and upon a determination by the Commissioner that such adjustment is in the best interests of the Commonwealth. In considering whether such equitable adjustment is appropriate, the Commissioner may consider the following factors:

1. the arrearages owed to the Commonwealth accrued during periods the obligor received public assistance from any federal or state needs-based program;
2. the arrearages owed to the Commonwealth accrued during periods the obligor was incapacitated, unemployed or incarcerated and the obligor may have been eligible for a modification of the child support obligation had one been pursued for these periods and the obligor presents mitigating circumstances as to why no such modification was sought;
3. the obligor is reconciled with the custodial parent or is now the custodial parent, and a dependent child resides in the obligor's household; or
4. any other factor the Commissioner deems relevant, including the obligor's payment history, communication and cooperation with the Child Support Enforcement Division and attempts to secure a modification during any periods in which arrearages to the Commonwealth accrued.

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- (c) Conditions of Settlement of Equitable Adjustment. In accepting any settlement or request for equitable adjustment of arrearages owed to the Commonwealth, the Commissioner may require the obligor to abide by certain terms and conditions, including those set forth in 830 CMR 119A.6.2(5)(b).
 - (d) Commissioner's Authority. The Commissioner's authority is wholly discretionary; no obligor has a right to a settlement or equitable adjustment under these provisions. The Commissioner may delegate the authority granted pursuant to 830 CMR 119A.6.2 and the Deputy Commissioner of the Child Support Enforcement Division shall serve as the Commissioner's designee.
- (4) Factors Affecting Agreement to Settle or Equitably Adjust Arrearages Owed to the Commonwealth.
- (a) Best Interests of the Commonwealth. The Commissioner shall consider the best interests of the Commonwealth in determining whether to settle or equitably adjust arrearages owed to the Commonwealth. The best interests of the Commonwealth are furthered by policies that promote payment of current support, promote responsible parenthood in support of a child's financial and emotional wellbeing, promote the best interests of the child, avoid the accrual of uncollectible debt that has a negative effect on the Commonwealth's child support program as measured by Title IV, Part D of the Social Security Act, and maximize receipt by the Commonwealth of federal incentives based on the performance of the child support program.
 - (b) Collectibility and Liability. Any child support arrearages owed to the Commonwealth may be settled or equitably adjusted upon a determination by the Commissioner that there is serious doubt as to either collectibility of the outstanding child support debt, or the obligor's liability. Serious doubt as to liability means the Commissioner has determined that the Child Support Enforcement Division's ability to prevail in a judicial enforcement proceeding is questionable. Serious doubt as to collectibility means the Commissioner has determined the obligor had no ability to pay the support when it first became due and had reason for not obtaining a modification; has no present ability to pay the arrearages owed to the Commonwealth; and no likely future ability to pay such arrearages.
 - (c) Fraud. The Commissioner will not settle a liability for child support arrearages owed to the Commonwealth where the Commissioner finds that the obligor has acted with intent to defraud, or has intentionally concealed assets or financial history from the Commissioner. Concealment of assets shall include the placement of assets beyond the reach of the Commissioner or the failure to disclose information relating to assets which obscures the existence of such assets, whether accompanied by act, misrepresentation, silence or suppression of the truth. The Commissioner may void any agreement to settle or equitably adjust

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arrearages owed to the Commonwealth when such agreement was entered into based upon fraudulent information.

(5) Procedure.

- (a) Submission of Offer in Settlement or Request for Equitable Adjustment. The offer in settlement or request for equitable adjustment shall include a written statement by the obligor, signed under the penalties of perjury, setting forth the reasons why the Commissioner should either settle or adjust the child support arrearages owed to the Commonwealth for less than the full amount owed. Along with the offer in settlement or request for equitable adjustment, the obligor must submit a statement of financial condition and other information as the Commissioner may require, signed by the obligor under the penalties of perjury. Failure to provide complete information in connection with an offer to settle or a request for equitable adjustment, or the furnishing of false information related to such offer or request, shall be grounds for rejection of such offer to settle or request for equitable adjustment.
- (b) Terms and Conditions. As a term or condition of a settlement or equitable adjustment, the Commissioner may require the obligor to do one or more of the following:
1. demonstrate past, present, and future inability to pay by providing financial and other records;
 2. make regular payments of current child support for a specified period; or
 3. actively seek paid employment, participate in a community service program, participate in an appropriate job readiness or job training program, or participate in a responsible parenthood program provided by a social services agency recognized by the Commissioner.

The Commissioner may, at his discretion, fashion such other equitable terms and conditions as the Commissioner finds to be in the best interests of the Commonwealth and that promote financial and emotional support of children.

- (c) Acceptance of Offer in Settlement or Request for Equitable Adjustment. An offer in settlement or request for equitable adjustment shall be considered accepted only when the Commissioner notifies the obligor in writing of its acceptance. The Commissioner's acceptance of an offer or request may be conditioned on the posting of any security that is deemed necessary for the protection of the interests of the Commonwealth. The Deputy Commissioner for the Child Support Enforcement Division as designee of the Commissioner must approve the settlement or equitable adjustment. If the settlement or equitable adjustment is fifty thousand or more dollars less than the full amount of the arrearages owed to the Commonwealth, the settlement or equitable adjustment must be approved by

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the Deputy Commissioner for the Child Support Enforcement Division and the General Counsel for the Department. The written agreement shall be signed by all parties and shall set forth the terms and conditions for the Commissioner's acceptance of the settlement or equitable adjustment and all relevant information, including the names of all parties, the amount of arrearages settled or equitably adjusted, the amount actually paid under the agreement, and any other conditions of settlement or equitable adjustment agreed to by the obligor.

(d) No Stay of Collection. The submission of an offer in settlement or request for equitable adjustment shall not operate to stay the collection of any current or past-due child support.

(6) Effect of Settlement Agreement. A settlement or equitable adjustment agreement under 830 CMR 119A.6.2 relates to the amount of arrearages owed to the Commonwealth by the obligor with respect to which the offer is submitted, and the obligor's liability for such arrearages is conclusively settled thereby. Any portion of the arrearages with respect to which the offer or request is submitted, and the collection of which is not contemplated under the agreement, will be waived by the commissioner, unless the agreement is voided as provided herein.

A settlement or equitable adjustment agreement under 830 CMR 119A.6.2 is final, and neither the obligor nor the Commissioner may reopen matters covered by the agreement, by court action or otherwise, except by reason of falsification or concealment of assets by the obligor; mutual mistake of a material fact sufficient to cause a contract to be reformed or set aside; serious doubt as to collectibility, where the agreement is based on serious doubt as to liability; or failure by an obligor to comply with the terms and conditions of a settlement or equitable adjustment agreement under 830 CMR 119A.6.2. Should an obligor fail to comply with the terms and conditions of an agreement under 830 CMR 119A.6.2, the Commissioner may void the agreement and thereafter the Child Support Enforcement Division may take any action authorized by M.G.L. c. 119A to collect the full amount of assigned arrearages owed by the obligor.

REGULATORY AUTHORITY

830 CMR 119A.6.2: M.G.L. c. 119A, § 6.